

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 06/00/00 :
2. BUREAU: ALJ :
3. SECTION(S): :
5. APPROVED BY: : 4. PUBLIC MEETING DATE:
DIRECTOR: : 00/00/00
SUPERVISOR: :
6. PERSON IN CHARGE: : 7. DATE FILED: 09/11/06
8. DOCKET NO: C-20066851 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: MCAULEY, MARIA & MILDRED

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 122300

ALLEGATION OR SUBJECT

COMPLAINANT STATES INCORRECT CHARGES ON BILL. THEY WOULD LIKE THE PUC TO HAVE THE EXCESSIVE ESTIMATED CHARGES TAKEN OFF OF BILL.

**DOCUMENT
FOLDER**

DOCKETED
SEP 28 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

Please print or type.

C-20066851

SEP 11 2006

1. CUSTOMER NAME (COMPLAINANT)

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Your name, mailing address, county, telephone number, utility account number and service address:

Name Maria T. McAuley - Mildred McAuley

Street/P.O. Box 901 Chestnut St. Apt #

City Ryersford State PA Zip 19468

County Montgomery County

Area Code/HOME Phone 610-792-3419

Area Code/~~WORK~~ Alternate Phone 610-792-0727

Utility Account Number 400 907184073
(from your bill)

ORIGINAL

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name Mildred McAuley (Resident user: Maria T. McAuley)

Street/P.O. Box 418 MAIN St.

City Ryersford State PA Zip 19468

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

108

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other. See copies of enclosed correspondence AND (explain) current cover letter.

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

1- I complain that it took 12 Mos. from initial complaint to obtain a response from the PUC and then the PUC - Randy Milligan - bases his response on partial info submitted and has the PAUL to put a 10 day limit on my response time after taking full 12 Mos. to even acknowledge my initial complaint !!
on 4/06/RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Rectify the amount due to PECO for 04/05 Gas usage to an amount reasonable in correlation to user's past usage; having the meter tested, as suggested by Randy Milligan - U.C.I., PUC - may have corrected the issue at the time of occurrence, If I had been AWARE of an issue! Since bills reflected an estimated

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES

(includes appeals of BCS determinations)

via telephone 206
also correspondence

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: 'User/Resident': / 'Acct. Holder':
I Maria J. McAuley / Mildred McAuley, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Maria J. McAuley Mildred McAuley
(Signature)

8/10/2006
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name not applicable at this time

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

Maria T. McAuley/Mildred McAuley
901 Chestnut Street
Royersford, PA 19468
610.792.3419/610.792.0727

VIA US POSTAL SERVICE - DELIVERY CONFIRMATION

September 10, 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Secretary
PO Box 3265
Harrisburg, PA 17105-3265

RE: PECO Account Number 400907184073 - McAuley, Mildred;
418 Main Street, Royersford, PA 19468; Formal Complaint
Dispute of Total Gas Usage for 2004-2005 Season

Dear Secretary:

Enclosed for PUC review and action are completed formal complaint forms forwarded by Mr. Randy Milligan, Utility Complaint Investigator, PUC Bureau of Investigative Services, in regard to the above referenced PECO account - gas usage.

After being advised in Mr. Milligan's August 8, 2006 letter the \$354.00 account deposit has previously been applied to this account, I find the amount PECO is attempting to charge for usage is even greater than originally thought. With \$191.12 having been paid toward the account over the 04/05 season, the \$354.00 deposit paid and a balance of \$1102.11 still due, the total PECO is charging for this season is \$1647.23!! This is more than double the previous year's usage according to Mr. Milligan's own quoted figures (June 21, 2006 correspondence) without taking into account less gas appliance usage during this timeframe.

I look forward to a prompt reply and a thorough investigation into the actual facts encompassing my dispute - previous years' utilization and the absence of a major gas appliance for the disputed season - the clothes dryer & with 4 young children (2 w/ diagnosed enuresis) the dryer was, and still is (electric since '04/'05') to my dismay!, in perpetual operation. PECO simply cannot provide justification for such an outrageous increase. PECO's own employee's weatherized the premises a season or two prior to the 2004/2005 winter season!

I take exception to representatives of PECO, as well as Mr. Milligan of the PA PUC, continually referencing 'estimated readings' procedures with the persistent implication I lack comprehension of this process and its bearing on the outcome of actual readings and persistently expressing the assumption that I am unable to grasp the effect varying weather conditions have on utility consumption. Not only am I an intelligent consumer capable of understanding both of these 'common sense' facts, to further impress upon you my knowledge of the industry, please take into consideration I was employed in the legal department - my position having focused on regulatory/FERC - of a local RTO. My God-given intellectual capacity, legal and utility industry education, combined with the familiarity that occurs when working in a specified industry more than justify being dealt with in an intelligent and respectful manner. I would expect all consumers, regardless of education, career training and experience, to be responded to in such a manner, though my experience during this dispute has to date, unfortunately, been in direct contrast to this expectation.

Mr. Milligan mentions it is possible to have a meter tested to see if it is moving too fast, though he states for 418 Main Street this is a moot point. I agree - a moot point - due to the steady 'estimated readings' provided by PECO. How is the consumer to be aware of such inflated readings, possibly signaling a malfunctioning meter, when they are perpetually given figures by the provider which indicate no such malfunction?! By the time the rate payer receives the actual amount being charged, it is too late to go back and test the meter for the previous 4 mos.! PECO's actions prohibited this consumer from being aware of incorrect and staggering usage being billed. As previously forwarded, I researched not only the prior year's usage but entire usage back to 1995. All year's figures are compatible, except the disputed 2004 - 2005 season.

PLEASE MAKE NOTE IN YOUR INVESTIGATION THAT PECO CONTINUALLY STATED ON BILLINGS THAT -'WE HAVE BEEN UNABLE TO READ YOUR METER; YOU MUST CALL TO SCHEDULE A METER READING!' This I did on several occasions, advising PECO the meter is on the exterior of the home with no blockage preventing actual readings. Obviously, PECO took no such action.

I also take exception, not only to zero communication from PECO after I replied to their initial response to this complaint - in violation of PA statutes, but also to the initial response time of the PA PUC in regard to this informal complaint (over one year from initial complaint). In addition to the more than tardy PUC investigation and response, Mr. Milligan's investigation was less than thorough.

Mr. Milligan's letter dated 06.21.2006 makes clear his investigation did not encompass the relevant data included in additional correspondence forwarded by me after the initial, informal complaint. Your representative then takes the step of dismissing my informal complaint if he does not here from me within a matter of days, after no acknowledgement, response or action of any type by the PA PUC for over one year's time from the date the informal complaint was made; not to mention several follow-up communications garnering the same inaction!

In my written response (verbal communication was twice attempted by Mildred McAuley, via telephone voice mail, which he does not acknowledge) to Mr. Milligan, I apologized for my delay and explained it was due to chronic disability and requested he make a full investigation of the facts. Mr. Milligan refused to do so, stating the case was closed, while enclosing the forms to file a formal complaint. Hence, this formal complaint being submitted.

Please be thorough in investigating this formal complaint. I apologize for the tone of frustration which may come across in this communication, but to date, I am extremely disillusioned with a process that should be quite simple, and certainly less time consuming, considering the facts. Maybe the person in receipt of this formal complaint and cover letter will alter my current conception, impressed upon me through no choice on my part.

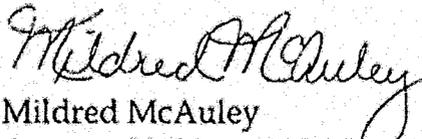
For communication purposes, please use the above listed address, as my disability often renders me unable to accept telephone calls. Thank you for your effort and time placed into this matter. I look forward to a resolution that is satisfactory, consisting of common sense based on the data at hand.

SIGNATURE PAGE TO FOLLOW

Sincerely,



Maria T. McAuley
Previous Resident / Consumer - 418 Main St., Royersford, PA 19468



Mildred McAuley
Account Holder - 418 Main Street, Royersford, PA 19468

/mtm

Enclosures

cc: PECO Energy
Customer Service Center
2301 Market Street, PO Box 8699
Philadelphia, PA 19101

file



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: SEPTEMBER 29, 2006

C-20066851

PECO ENERGY COMPANY
C/O WARD L SMITH
ASSOCIATE GENERAL COUNSEL
PO BOX 8699
PHILADELPHIA PA 19101-8699

DOCUMENT
FOLDER

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by MARIA & MILDRED MCAULEY. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

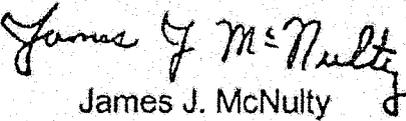
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

SEPTEMBER 29, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,


James J. McNulty
Secretary

SS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: SEPTEMBER 29, 2006

MARIA & MILDRED MCAULEY
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: C-20066851

DOCUMENT
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

DOCKETED

SEP 28 2006

TO: PECO ENERGY COMPANY

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

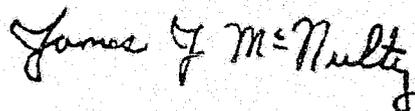
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

Legal Department

Telephone 215 841 5544

Business Services
Company

Exelon Business Services Company

Fax 215 568 3389

2301 Market Street / 523-1

www.exeloncorp.com

PO Box 8699

Philadelphia, PA 19101 8699

ORIGINAL

Direct Dial. 215 841 6841

October 25, 2006

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RECEIVED

OCT 25 2006

Re: Maria & Mildred Mcauley v. PECO Energy Company
PUC Docket No. C-200666851

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

- X Answer (original and 3 copies)
- Petition (original and 3 copies)
- Motion to Dismiss (original and 3 copies)
- Reply to Motion/Petition (original and 3 copies)
- Exceptions (original and 9 copies)
- Reply Exceptions (original and 9 copies)
- Brief (original and 9 copies)
- Reply Brief (original and 9 copies)

DOCUMENT FOLDER

DOCKETED

OCT 27 2006

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties

Very truly yours,

Michael S Swerling /msb
Michael S Swerling
Counsel for PECO Energy Company

BTL

MSS/zt

Enc.

SCHEDULING RECOMMENDATION: CALL OF THE DOCKET X NON-CALL OF THE DOCKET

RECEIVED

OCT 25 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

MARIA & MILDRED MCAULEY :

v. :

DOCKET NO. C-20066851

PECO ENERGY COMPANY :

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code §5.61, responds to the Complaint and states:

- 1. Admitted.
- 2. Admitted.
- 3. Admitted. PECO Energy further admits that it also provides electric service to the

Complainant's address.

4. Denied. PECO Energy specifically denies that there are service, reliability, or quality problems with Complainant's natural gas service. PECO Energy denies that it continuously estimated Complainant's bill so Complainant would be unaware of overcharging on the account. PECO Energy avers that the natural gas service to Complainant's property was measured and transmitted by estimated readings during part of the 2004-2005 season. The Complainant was billed on estimated gas readings from September 14, 2004 through February 11, 2005.

PECO Energy further denies that there are incorrect charges on Complainant's bill. PECO Energy specifically denies that it overcharged Complainant's gas usage during the 2004-2005 season. PECO Energy avers that once an actual reading was obtained on March 15, 2005 from Complainant's meter, it became apparent that Complainant was grossly under-billed

for the 2004-2005 season. This conclusion was supported by the decision of the Bureau of Consumer Services ("BCS") issued on or about July 03, 2006. In that decision, the BCS found that "the estimated bills for the months of November 2004 through February 2005 were highly underestimated." The BCS agreed that the meter was accurate based on the facts that the gas meter was read and verified on March 24, 2005 and again on March 28, 2005. These meter readings were in-line with the readings obtained on (March 15, 2005), the date from which the back-billing was based and this demonstrates that the readings are now accurate. Once the error in billing was discovered, PECO Energy back-billed the Complainant for the difference owed in usage. This position is supported by the BCS who found that when error in back-billing was discovered, PECO Energy back-billed for the period between November 2004 and February 2005.

PECO Energy denies that Complainant's prior year's usage was lower than the estimated period of usage between 2004 and 2005. The BCS explained that Complainant's average bill for this period was \$42.47 as compared to the average bill for the same months in the prior year being \$199.47.

PECO Energy further denies that it "did not comply with PA Statute in regard to consumer's Complaints."

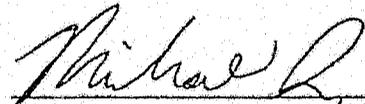
This paragraph is a request for relief and no answer is required.

5. PECO Energy is without sufficient information to confirm or deny this statement.
6. Admitted.

WHEREFORE, PECO Energy Company respectfully requests that your

Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARIA & MILDRED MCAULEY

v.

PECO ENERGY COMPANY

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:
:
:

DOCKET NO. C-20066851

VERIFICATION

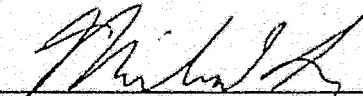
I, Michael S. Swerling, hereby declare that I am an attorney representing PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

RECEIVED

OCT 25 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Date: October 23, 2006



Michael S. Swerling

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARIA & MILDRED MCAULEY

v.

PECO ENERGY COMPANY

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:
:
:
:

DOCKET NO. C-20066851

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy thereof Certified mail, properly addressed and postage prepaid to:

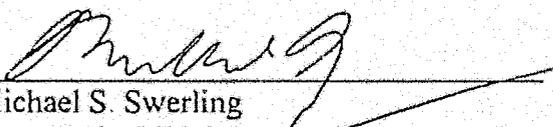
MARIA & MILDRED MCAULEY
901 Chestnut Street
Royersford, PA 19468

RECEIVED

OCT 25 2006

Dated at Philadelphia, Pennsylvania, October 23, 2006.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU


Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com