

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Lisa Herbst

v.

PECO Energy Company

:  
:  
**DOCKETED**  
AUG 16 2007

C-20077827

PREHEARING ORDER

DOCUMENT  
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On July 11, 2007, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An **Initial Hearing** in this case is scheduled for **Tuesday, August 21, 2007, at 1:30 p.m. in an available hearing room on the 13<sup>th</sup> floor of the Philadelphia State Office Building.** Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 1:15 p.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

RJP

On May 25, 2007, the Complainant filed a formal complaint against PECO Energy Company ("PECO" or the Respondent) alleging, among other things: that she has several payment arrangements from the Respondent and a payment arrangement from the Commission; that she does not know which payment arrangement to follow; that she questioned how the Commission concluded that her budget was \$303.00 a month and that she could pay \$255.00 on the arrearage each month; and that her wages and her husband's wages vary from week to week.

On June 28, 2007, the Respondent filed an Answer. The Respondent denied that the Complainant is unable to pay her gas and electric bill. The Respondent referred to the Bureau of Consumer Services decision, dated April 13, 2007, which required the Complainant to pay a budget of \$303.00 plus \$255.00 a month on the arrearage for a total of \$558.00. The Respondent denied that the decision is incorrect, improper or misleading. The Respondent stated that the Complainant's balance is \$3,947.22.

The parties are hereby directed to comply with the following requirements:

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code § 1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

**Changes are granted only in rare situations where good cause exists.**

2. **The Commission's policy promotes settlements. 52 Pa. Code § 5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case.** Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. § 332(a).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. § 1401 *et seq.* This law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code § 5.409.

8. During the hearing, the Complainant must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following:

- (a) income from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)
- (d) unemployment compensation benefits;
- (e) workers' compensation benefits;
- (f) alimony;
- (g) support;

- (h) public assistance, and
- (i) any other source(s) of income.

9. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less; and
- (b) a copy of any applicable Bureau of Consumer Services (BCS) decisions.

10. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it. The written subpoena application must be submitted to the presiding officer, the Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code § 5.421 (a, b). The subpoena application can be found on the Commission's website at [www.puc.pa.state.us](http://www.puc.pa.state.us).

12. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: August 9, 2007

*Cynthia Williams Fordham*  
Cynthia Williams Fordham  
Administrative Law Judge

**Legal Department**

Exelon Business Services Company  
2301 Market Street/5231  
PO Box 8699  
Philadelphia, PA 19101-8699

Telephone 215-841-4000  
Fax 215-568-3389  
www.exeloncorp.com

Business Services  
Company

Direct Dial: 215-841-6841  
August 17, 2007

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

**ORIGINAL**

Re: **Lisa Herbst v. PECO Energy Company**  
**Docket Number: C-20077827**

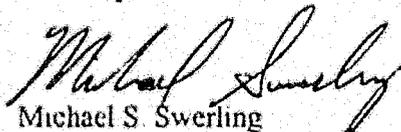
Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), PECO Energy Company certifies that the parties in the above referenced complaint have reached an accord.

By copy of this letter, I am alerting the Complainant of its right to object to the closing of this matter in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you

Sincerely,

  
Michael S. Swerling  
Counsel for PECO Energy Company

cc Ms. Lisa Herbst  
Administrative Law Judge Cynthia W. Fordham  
PUC Scheduling

**BTL**

**DOCUMENT  
FOLDER**

**RECEIVED**  
AUG 17 2007  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



**ORIGINAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LISA HERBST

COMPLAINANT

v.

PECO ENERGY COMPANY

RESPONDENT

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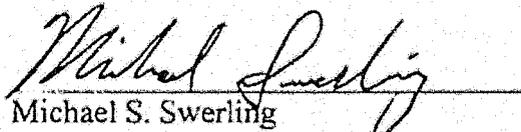
DOCKET NO. C-20077827

**CERTIFICATE OF SATISFACTION**

I, Michael S. Swerling, Esquire, representing PECO Energy Company ("PECO") in this matter, hereby certify that the issues raised in the Formal Complaint filed by Complainant with the Pennsylvania Public Utility Commission and docketed at Complaint Docket No. C-20077827 has been satisfied.

This Certificate of Satisfaction is provided pursuant to 52 Pa. Code §5.24(b). Unless Complainant files an objection to this Certificate within ten (10) days of its filing, the Formal Complaint shall be withdrawn and the Commission's file closed.

**DOCUMENT  
FOLDER**



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

Date: August 17, 2007

**RECEIVED**

AUG 17 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**DOCKETED**  
AUG 22 2007





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 21, 2007

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20077827

(SEE LETTER DATED 7/11/07)

Lisa Herbst v. PECO Energy Company

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial Hearing  
Date: Tuesday, August 21, 2007  
Time: 1:30 p.m.  
Presiding: Administrative Law Judge Cynthia W. Fordham

Please mark your records accordingly.

pc: Judge Fordham  
Stacy Nolan, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

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DOCKETED  
AUG 23 2007

BTL

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: August 21, 2007  
SUBJECT: Lisa Herbst v. PECO Energy Company  
C-20077827  
TO: Wanda Zeiders  
Docket Management  
FROM: Stacy Nolan, ALJ Support Staff  
Office of Administrative Law Judge

DOCUMENT  
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On August 17, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Cynthia W. Fordham  
Beth Plantz  
Case File

**DOCKETED**  
SEP 06 2007

BTL

# OALJ Hearing Report

Please check Those Blocks Which Apply

Docket No.:	C-22077827		YES	NO
Case Name:	Lisa Herbst v. PECO Energy Company	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	August 21, 2007	Estimated Add'l Days:		
ALJ	Cynthia W. Fordham	RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
Reporting Firm:	Commonwealth Reporting	Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<i>Certificate of satisfaction filed, hearing cancelled.</i>	

DOCUMENT FOLDER

RECEIVED

SEP 17 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:

BT

Check this box if additional parties or attendees appear on back of form.

\_\_\_\_\_  
Reporter's Signature

*Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.*



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

IN REPLY PLEASE  
REFER TO OUR FILE

September 28, 2007

C-20077827

LISA HERBST  
250 WASHINGTON STREET  
ROYERSFORD PA 19468

LISA HERBST  
v.  
PECO ENERGY COMPANY

**DOCKETED**  
OCT - 2 2007

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty  
Secretary

cc: All parties of Record

nvl

BTL

**DOCUMENT  
FOLDER**