

8. DOCKET NO: C-20066948

7. DATE FILED: 10/10/06
9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: ROBERTS, BRENDA

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: PHILADELPHIA

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THAT SOMEONE APPLIED FOR THE CAP RATE IN HER NAME AND DID NOT PAY THE BILL NOW THE COMPANY WANTS HER TO PAY IT.

OCT 10 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

C-20066948

1. CUSTOMER NAME (COMPLAINANT)

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

Name Brenda C. Roberts

Street/P.O. Box 211 W. Rosemary Lane Apt # F-11

City Phila State Pa. Zip 19119

County _____

Area Code/HOME Phone 215-923-8830

Area Code/WORK Phone 215-844-4282

Utility Account Number _____
(from your bill)

RECEIVED
CCT 10 11 5 22
COMMUNICATIONS DIVISION

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

Name ~~309 W.~~ Brenda C. Roberts

Street/P.O. Box 309 Washington ave

City Phila State Pa Zip 19147

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Peco Energy

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(taxi, moving company, limousine)

103...
OCT 16 2006

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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.

(explain) There is a Cap Rate billing in my name that I didn't apply for and the person responsible for that didn't pay the bill.
B. State the facts of your complaint. did not pay the bill

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.

November 2006 someone at 309 Washington ave got on the Cap Rate program. They didn't pay the bills and services were terminated in May, 2006. The services were turned back on in Rasool Cuffee's name, and the Peco company didn't send me the bill from 309 Washington ave until August 2006. Why wasn't I notified of these Cap Rate bills in May or June?

5. RELIEF

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

I want the Public Utility Commission to send me a copy of the Cap Rate application and compare my signature to the one on the application to prove that I didn't apply for that program, that there was fraud committed.

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)

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:

I Brenda C. Roberts, 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).

Brenda C. Roberts
(Signature)

10-6-06
(Date)



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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: October 16, 2006

C-20066948

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

Dear Mr. Smith:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Brenda C Roberts. 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.

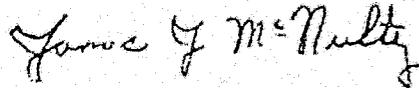
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OCT 16 2006

October 16, 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

ddi

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: October 16, 2006

Brenda C Roberts
Complainant

DOCKETED
OCT 16 2006

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No. C-20066948

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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).

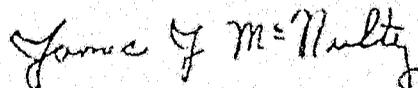
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

Exelon Business Services Company
2400 Market Street / 1225-1
P.O. Box 8669
Philadelphia PA 19106-8669

Telephone 215 841 5544
Fax 215 568 5589
www.exeloncorp.com

Business Services Company

Direct Dial: 215 841 6841

November 10, 2006

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

RECEIVED

NOV 10 2006

Re: Brenda C. Roberts v. PECO Energy Company
PUC Docket No. C-20066948

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)
- _____ Preliminary Objection (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)

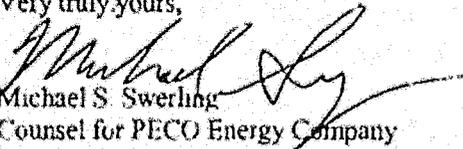
DOCUMENT FOLDER

DOCKETED

NOV 14 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
Counsel for PECO Energy Company

MSS/zr

Etc.

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BTL

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

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NOV 10 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BRENDA C ROBERTS

v.

PECO ENERGY COMPANY

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:
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:

DOCKET NO. C-20066948

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.
4. Denied. PECO Energy specifically denies that there is a CAP rate billing error in

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Complainant's name. PECO Energy avers that Complainant was enrolled in the CAP program at a former address of 309 Washington Avenue, Philadelphia and that the former address balance was properly transferred to her current account at 211 W. Rosemary Lane, Philadelphia.

As the Complaint centers on service at two different addresses, each one will be addressed separately. The first address this Answer will cover is the property located at 309 Washington Avenue, Philadelphia. By way of further answer, service was initiated in Complainant's name at 309 Washington Avenue, Philadelphia on or about May 17, 1999. Complainant was placed on CAP at that address, and was dismissed from the program on January 05, 2006. Service remained in Complainant's name until the account became delinquent and service was terminated on May 24, 2006. Ms. Roberts never asked for service to be

terminated at this address prior to the shut-off date. Service was taken out of Complainant's name when Rasool Cuffee, Complainant's son, called PECO Energy the exact same day service was terminated and requested service be turned back on and placed in his name.

The next address that this Answer will cover is the property located at 211 W. Rosemary Lane, Philadelphia. Service was initiated in Complainant's name at 211 W. Rosemary Lane on October 01, 2005. Complainant is not a CAP participant at this address (211 W. Rosemary Lane, Philadelphia). The former address balance was transferred to Complainant's current account on August 23, 2006 and the amount transferred was \$433.94.

PECO Energy specifically denies that she did not apply for CAP in her name at her former address (309 Washington Avenue, Philadelphia) and instead that another person was responsible for the bill. Each account was initiated under Complainant's name.

Complainant has stated to PECO Energy that her son lived at the former address of 309 Washington Avenue and that he is responsible for the bill. Complainant has also admitted that she set the CAP rate up for her son at the former address. Whether or not this is true, the fact remains the same that she set both accounts up in her name.

A decision of the Bureau of Consumer Services ("BCS") issued on or about September 22, 2006 dismissed the Informal Complaint and found that Complainant owes the former address balance. The BCS also found that Complainant's monthly income increased from \$600.00 a month to \$1,720.00 a month. A copy of the BCS decision is attached as Exhibit A.

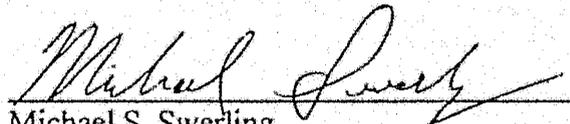
A former decision of the Bureau of Consumer Services ("BCS") issued on or about March 02, 2006 was filed by Brenda C. Roberts involving a dispute at 309 Washington Avenue, Philadelphia. The BCS found, in that instance, that the CAP rate was correctly in Ms. Robert's

name based on her income. This demonstrates that Complainant was knowingly on CAP at her former address.

5. This paragraph is a request for relief and no answer is required.
6. PECO Energy is without sufficient information to confirm or deny this statement.
7. 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
Direct Dial: 215.841.6841;
Fax: 215.568.3389
Michael.Swerling@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BRENDA C. ROBERTS

v.

PECO ENERGY COMPANY

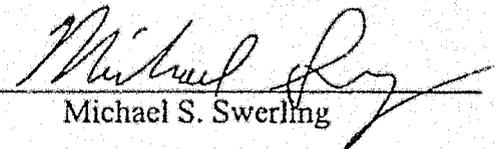
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DOCKET NO. C-20066948

VERIFICATION

I, Michael S. Swerling, hereby declare that I am counsel for 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.

Date: November 09, 2006


Michael S. Swerling

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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PA. Public Utility Commission
Bureau Of Consumer Services
Inbound Closing Report

Case Number: 2137308
Customer Name: BRENDA C ROBERTS
Address: 211 WEST ROSEMARY LANE
PHILADELPHIA PA 19119-2550

Opened On: 9/6/06
Utility Type: Electric Distributor
Account Number: 261336308083
Company Name: PECO Energy

Prior Case: 2008561

Total Balance: \$561.35

Balance Date: 9/21/06

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: N

Oral Written: W

Investigator: MEURON, PAUL

PUC Decision Issued Dt: 9/22/06

PUC Case Closed Dt: 9/22/06

Decision Recvd Dt: 9/22/06 02:25PM

Letter Description: CHAPTER 14 EGW ON DISMISS LETTER

To Restore Service Pay: \$0.00

To Continue Service Pay: \$0.00 By:

Terms:

Special Budget Amount: \$0.00

Regular Budget Amount: \$0.00 Plus Arrears Payment: \$0.00

Final Bill Monthly Payment: \$0.00

Current Bill Monthly Payment: \$0.00

End Of Month Payment: \$0.00

Par Description:

Resolution:

COMPANY REPORT RECEIVED. INCOME WENT FROM 600 TO 1720 NO CIIJUST DOES OWE THE MONEY FOR PREVIOUS ADDRESSCASE CLOSED DISMISSAL LETTER SENT

Exhibit "A"

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BRENDA C. ROBERTS

v.

PECO ENERGY COMPANY

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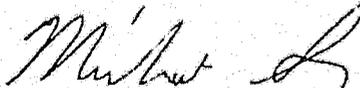
DOCKET NO. C-20066948

CERTIFICATE OF SERVICE

I, Michael S. Swerling, 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, properly addressed and postage prepaid to:

BRENDA C. ROBERTS
211 W. Rosemary Lane
Philadelphia, PA 19119

Dated at Philadelphia, Pennsylvania, November 09, 2006.



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841;
Fax: 215.568.3389
Michael.Swerling@exeloncorp.com

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
November 21, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20066948

(SEE ATTACHED LIST)

Brenda C. Roberts v. PECO Energy Company

Billing dispute.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephonic Hearing

Date: Friday, January 12, 2007

Time: 10:00 a.m.

Presiding: Administrative Law Judge Herbert Smolen
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2105
Fax: 215.560.3133

DOCUMENT
FOLDER

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

DOCKETED
DEC 4 - 2006

BTL

