

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cynthia Goble

v.

PECO Energy Company

DOCUMENT
FOLDER

DOCKETED
JAN 10 2007

F-02058616

PREHEARING ORDER #2

2006 OCT -2 PM 2:11
SECRET

On July 21, 2006, 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 **Wednesday, November 15, 2006 at 1:30 p.m. in an available hearing room on the 13th floor of the Philadelphia State Office Building.** (This hearing was rescheduled from August 30, 2006.) 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.

On June 1, 2006, the Complainant filed a formal complaint against PECO Energy Company ("PECO" or the Respondent) alleging the following, among other things: that she is unable to pay the outstanding balance in full; that she will pay \$95.00 a month; and that she will pay an additional amount when she receives her income tax refund.

On June 27, 2006, the Respondent filed an Answer. The Respondent denied that the Complainant is unable to pay her bills. The Respondent stated that the Complainant's

account balance is \$1,116.58. The Complainant's average monthly bill is \$148.00. The Respondent referred to the Bureau of Consumer Services decision, dated April 26, 2006, which instructed the Complainant to pay \$195.00 a month which includes a budget of \$148.00 plus \$47.00 on the outstanding balance beginning in June 2006.

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 new 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 the most recent Bureau of Consumer Services (BCS) decision.

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).

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: September 28, 2006

Cynthia Williams Fordham
Cynthia Williams Fordham
Administrative Law Judge

P. Meuron

Goble, Cynthia

Cynthia S. Goble
P.O. Box 92
Haverford, PA 19041

Pennsylvania PUC

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

OCT 24 2006
Consumer Services
CAC Division

Attention: Service Termination Mediation Unit

Re: Cynthia S. Goble
P.O. Box 92
Haverford, PA 19041-0092

Unit 11
100 W Montgomery Avenue
Ardmore, PA 19003

atc#50-03-13-718511
PECO Energy Company

2006 OCT 19 PM 2:41
COMMUNICATIONS SECTION
HARRISBURG, PA

DOCUMENT
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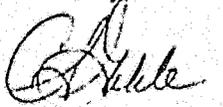
Dear Sir:

Please be advised that the undersigned is in receipt of a notice for an increase in my monthly budget payment to \$243.00 *from 148*

The undersigned disputes this amount. The place of residence is used each day but no one is there during the day for at least 5 days per week. Cold air and heat are provided by a heat pump and an upgraded thermostat is used to regulate both heat and air.

Thank you for your consideration.

Sincerely,



Cynthia S. Goble

Enclosure PECO Energy Co notice

RJP

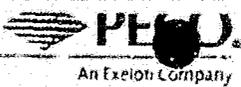
F 02058616

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OCT 24 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

10/19/2006 *PECO FAX 215-341-6208*



PECO ENERGY COMPANY
INFORMATIONAL NOTICE ONLY
NO PAYMENT DUE

CYNTHIA S GOBLE
PO BOX 92
HAVERFORD PA 19041-0092

ACCOUNT NUMBER
50-03-13-718511

RE- 100 W MONTGOMERY AV APT 11

Dear Customer,

We check your budget account several times during the budget year to make sure your total budget payments will match the total charges for the energy you use. Our most recent check shows that your budget payments will not cover the charges for your actual use.

Because of this we are increasing your monthly budget payment to \$243.00. Your next bill will be for the new amount.

Please direct written correspondence to: PECO Energy Company
P.O. Box 13778
Philadelphia, PA 19101

Contact: Accounts Receivable Department.

To talk to us about this notice, please call us at 1-800-494-4000 or visit our office listed on the back side of this notice.

See other side for more information.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: November 16, 2006

SUBJECT: F-002058616
Cynthia Goble v. PECO Energy Company

TO: Wanda Zeiders
Docket Management

FROM: Dawn M. Reitenbach, ALJ Support Staff
Office of Administrative Law Judge

On November 15, 2006, 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.

The Initial Hearing scheduled for November 15, 2006 has been cancelled.

Attachment

pc: ALJ Cynthia W. Fordham
Beth Plantz
Case File

DOCUMENT
FOLDER

DOCKETED
NOV 22 2006

Legal Department

Exelon Business Services Company
2301 Market Street / 523-1
PO Box 8899
Philadelphia, PA 19101-8899

Telephone 215 841 5544
Fax 215 568 3389
www.exeloncorp.com

Business Services
Company

Direct Dial: 215-841-6841
November 15, 2006

ORIGINAL

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

Re: **Cynthia Goble v. PECO Energy Company**
Docket Number: **F-02058616**

2006 NOV 17 PM 1:17
SECRETARY'S BUREAU

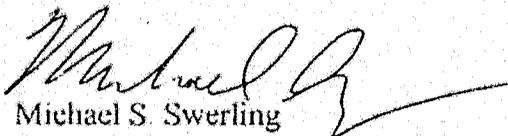
Dear Secretary McNulty:

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

**DOCUMENT
FOLDER**

cc: Jeffrey S. Pearson /Ms. Cynthia Goble
Administrative Law Judge Cynthia W. Fordham
PUC Scheduling

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P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CYNTHIA GOBLE

COMPLAINANT

v.

PECO ENERGY COMPANY

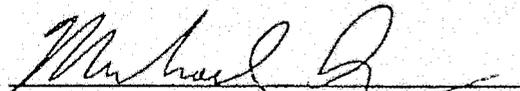
RESPONDENT

DOCKET NO. F-02058616

CERTIFICATE OF SATISFACTION

I, Michael S. Swerling, Esquire, representing PECO Energy Company ("PECO Energy") 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 Number F-02058616 have 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.


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: November 15, 2006

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P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CYNTHIA GOBLE
COMPLAINANT

v.

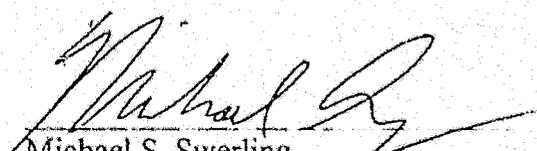
PECO ENERGY COMPANY
RESPONDENT

DOCKET NO. F-02058616

CERTIFICATE OF SERVICE

I, Michael S. Swerling, hereby certify that I have this day served a true and correct copy of the foregoing document upon the interested parties and in the manner indicated below.

Service by first class mail:
Jeffrey S. Pearson & Associates, PC
Jeffrey S. Pearson
1800 John F. Kennedy Boulevard
Suite 300 - #19
Philadelphia, PA 19103
Counsel for Cynthia Goble


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

Dated October 13, 2006



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHILADELPHIA STATE OFFICE BUILDING
1400 SPRING GARDEN STREET
PHILADELPHIA, PENNSYLVANIA 19130

PLEASE DOCKET

November 15, 2006

IN REPLY PLEASE
REFER TO OUR FILE

Jeffry S. Pearson, Esquire
Jeffry S. Pearson & Associates, P.C.
1800 John F. Kennedy Boulevard
Philadelphia, PA 19103

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FOLDER

RECEIVED

NOV 21 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Cynthia Goble v. PECO Energy Company
Docket Number F-02058616

Dear Mr. Pearson:

I saw your request for a continuance in the above referenced matter at 10:00 a.m. today.

This case was originally scheduled to be held on August 30, 2006. A continuance was granted because the Complainant had a medical appointment. The hearing was rescheduled to today by hearing notice dated September 21, 2006. I sent a second prehearing order to the parties on September 28, 2006.

I have not received a notice of appearance from you. Since this is the Complainant's second request for a continuance and the request was made less than five hours before the scheduled hearing, the request is denied.

The Complainant can still appear without counsel.

Sincerely,

Cynthia Williams Fordham

CYNTHIA WILLIAMS FORDHAM
Administrative Law Judge

cc: Document Section
Cynthia Goble
Michael S. Swerling, Esquire

OALJ Hearing Report

Please check those blocks which apply

Docket No.	F-02058616		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Cynthia Goble v. PECO Energy Company	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	November 15, 2006			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<i>Certificate of satisfaction filed after the hearing.</i>	

RECEIVED

DEC - 1 2006

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU EARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address			Who are you representing?
Michael S. Sweeting	2301 Market St 523-1			PECO Energy Co.
	City	State	Zip	
	Philadelphia	PA	19101	
Telephone: (215) 841-6841	E-mail Address:			Fax Number: (215) 548-3389
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:

DOCUMENT
CORRIDOR

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

[Handwritten Signature]

Reporter's Signature

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