

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
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: 01/25/06
8. DOCKET NO: C-20065804 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: CLUNE, DANIEL DBA SUBWAY DREXEL HILL

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: DELAWARE

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES WRONGFUL TERMINATION OF SERVICE. HE WOULD LIKE THE PUC TO HAVE LOSSES REIMBURSED.

**DOCUMENT
FOLDER**

DOCKETED
JAN 25 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED
2005 JAN 25 Ail 9:29
SECRETARY'S BUREAU

Please print or type. C 2006 5804

1. CUSTOMER NAME (COMPLAINANT)

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

Name Daniel Clune DBA Subway of Drexel Hill

Street/P.O. Box 4907 Township Line Rd Apt #

City Drexel Hill State PA Zip 19026

County Delaware

Area Code/HOME Phone (610) (215) 208-5153

Area Code/WORK Phone (610) 789-1830

Utility Account Number (from your bill) 501226954037, 501226236578

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

Name

Street/P.O. Box

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO Energy Company

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

ORIGINAL

6

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) wrongful termination of electric service causing product loss, loss of business, and loss of payroll.

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.

On 6/16/05 a representative from PECO turned off the electric at my Subway restaurant at 9:30 a.m. I was notified by my employee. I telephoned PECO and they told me several attempts were made to reach me and the termination was due to non payment. After some investigation I found I was never contacted and I even had a copy of the cancelled check with PECO's stamp on it. The representative from PECO realized the mistake and said they would correct the problem. My electric was off for over 24 hours. I've been in contact with Tim Brown from PECO's Claims office, for the last 2 months he will not return my calls.

5. RELIEF

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

I would like this case to be reopened, and all of the information to be reviewed. After I am found not at fault, I would like to be reimbursed for my losses. This incident occurred during a promotion, and damaged a lot of inventory, as well as good will lost during the promotion, lost revenues, etc. 5

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. *I have spoken with Tim Pappas from claims, but he will no longer respond (for the last 2 months)*

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:

Daniel Clune 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).

[Signature]
(Signature)

11/29/05
(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 _____

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
--	--

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.

Jan. Chuck Beck

PHONE 913-240-1100
0132401100
4400078315

198 E-CMS

PAID WITH CHECK
PAY TO THE ORDER OF
2800-552688

↖
Paco Energy Company Stamp

Feb-
JAH-
Jack Frost

never
This was
I found it when I
of the check:
I found it when I
marked by - I found it when I
account # marked to me - I found it when I
communicated the digital image they processed
researched the 5 months they fine with
for the my payments just fine with
same #

THIS IS WATERMARKED PAPER. DO NOT ACCEPT WITHOUT VERIFYING WATERMARK. HOLD TO LIGHT TO VERIFY WATERMARK. PLEASE POST THIS PAYMENT FOR OUR MUTUAL CUSTOMER.

Account: 594205230578 \$562.48

7912300 0000005024
January 31, 2005

Please Direct Any Questions
To: PAYMENT PROCESSING CENTER
(800) 215-2308

50-12-26-238578

Pay FIVE HUNDRED SIXTY TWO AND 46/100 DOLLARS \$562.48

To: PECO ENERGY
PO BOX 13439
PHILADELPHIA, PA 19162-0437

VOID AFTER 60 DAYS
Signature On File
This check has been authorized
by your depositor

⑆005024⑆ ⑆036076⑆50⑆ 6200656324⑆ ⑆0000056246⑆

Feb. ~~1944~~ Jack Beck

430085B035

022005 022005 2304 000 7
02180023079

581226230579
PAY 0001 BACK
2800170564

7
Pos Eng Compas Stamp

NOT POSTED IN THE UNITED STATES
X
POST OFFICE

Mark Jack Frost
account #

dr

THIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK
PLEASE FORGIVE THIS PAYMENT FOR OUR MUTUAL CUSTOMER

Account: 501225230578 \$838.07

Subway of Orsdel Hill
Orsdel Hill, PA 19062

Please Direct Any Questions
To: PAYMENT PROCESSING CENTER
(610) 833-2208

CITIZENS BANK

7819000 00000005056
March 26, 2005

Pay: EIGHT HUNDRED THIRTY EIGHT AND 07/100 DOLLARS \$ 838.07

To The Order Of: PECO ENERGY
PO BOX 13439
PHILADELPHIA, PA 19162-0437

VOID AFTER 180 DAYS
SIGNATURE ON FILE
THIS CHECK HAS BEEN AUTHORIZED
BY YOUR DEPOSITOR

⑆005056⑆ ⑆036076⑆501⑆ 6 2006 56324⑈ ⑆0000083607⑆

Mark Check Back



A
Paw Tney Longy Starp

Aprils check Front

act # never changed, and they
problem pressing it before.

✓

had no.

THIS WATERMARKED PAPER DOES NOT ACCEPT WITHOUT AVOIDING WATERMARK. HOLD TO LIGHT TO VIEW WATERMARK. PLEASE PRINT THIS PAYMENT FOR OUR MUTUAL CUSTOMER.

Account: 501225230578

\$1,211.03

SUBWAY OF DREXEL HILL
4807 TOWNSHIP LINE RD
DREXEL HILL, PA 19028

Please Direct Any Questions
To: PAYMENT PROCESSING CENTER
ROOM 293-1306

7815200

0000005074

April 22, 2005

CITIZENS BANK

Pay ONE THOUSAND TWO HUNDRED ELEVEN AND 03/100

DOLLARS

\$1,211.03

To THE
Order OF
PECC ENERGY
PO BOX 13439
PHILADELPHIA, PA 19162 0437

VOID AFTER 180 DAYS
Signature On File
This check has been authorized
by your depositor

⑆005074⑆ 6036076450⑆ 62006563240⑆

⑆0000121103⑆

April
Jack Beck

1100340484
01503128

040200C 142218 2374 62
501226220578

2760493128
PAY TO THE ORDER OF
CASH

cashod by Penn Energy Corp's Stamp

Mys Jack Back

4400579542

061000 112531 2371 00

011200120

2700339844



Per line stopped. My service was terminated on June 16th

X
ENCLOSURE HERE

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JANUARY 25, 2006

DANIEL CLUNE DBA SUBWAY DREXEL
HILL

Complainant

v.

Complaint Docket
No: C-20065804

PECO ENERGY COMPANY
Respondent

DOCUMENT
FOLDER

DOCKETED
JAN 25 2006

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).

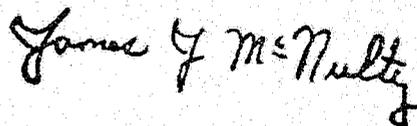
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa.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



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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: JANUARY 25, 2006

C-20065804

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 DANIEL CLUNE DBA SUBWAY DREXEL HILL. 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.

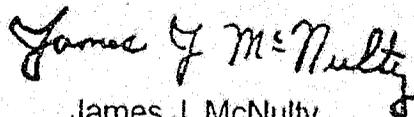
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

JANUARY 25, 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

Legal Department

Telephone 215.841.5544
www.exelon.orp.com

Business Services
Company

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

ORIGINAL

Direct Dial: 215.841.6841

February 15, 2006

RECEIVED

FEB 15 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Re: Daniel Clune d/b/a Subway Drexel Hill v. PECO Energy Company
PUC Docket No. C-20065804

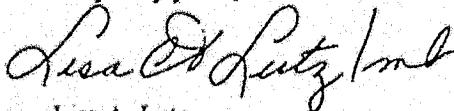
Dear Mr. McNulty:

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

<u>X</u>	Answer (original and 3 copies)
_____	Petition (original and 3 copies)
_____	Answer and Motion (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)

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,



Lisa A. Lutz
Counsel for PECO Energy Company

LAL/zr

Enc.

DOCUMENT FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

FEB 15 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DANIEL CLUNE,
DBA SUBWAY DREXEL HILL

v.

PECO ENERGY COMPANY

DOCKET NO. C-20065804

DOCUMENT
FOLDER

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 avers it also provides gas service to Complainant's

property.

4. Admitted in part and denied in part. PECO Energy admits Complainant's electric service was terminated for an account delinquency; PECO Energy denies the termination was improper. PECO Energy further denies that notice of the termination was not delivered prior to the service termination. On June 2, 2005, the 72-hour notice of termination was delivered to the commercial property for the past due balance of \$790.97, effective on or after June 6, 2005. Complainant's service at 4907 Township Line Road in Drexel Hill was terminated on June 16, 2005 for an account delinquency. PECO Energy avers that the service was restored on June 17, 2005. It is admitted that a payment of \$755.65 was made by Complainant, but due to an account

DOCKETED
FEB 16 2006

number on the check that did not match the delinquent account, and further due to Complainant's multiple accounts, the payment was not posted to the delinquent account prior to the termination.

The Bureau of Consumer Services ("BCS") issued a decision on August 19, 2005, and found that on June 2, 2005, the 72-hour termination notice was left at the property for the past due balance of \$790.97. The service was terminated on June 16, 2005, for the delinquent amount and the service was restored upon payment of the past due balance. A copy of the decision is attached and marked as Exhibit A.

5. This paragraph is a request for relief and no answer is required. By way of further response, the Pennsylvania Public Utility Commission is not authorized to award damages.

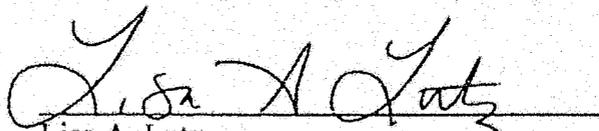
Elkin v. Bell Tel. Co., 491 Pa. 123, 420 A.2d 371 (1980).

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

7. Admitted in part and denied in part. PECO admits Complainant contacted and processed a requested claim; PECO Energy denies it has not responded to Complainant's calls.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



Lisa A. Lutz
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
Lisa.Lutz@exeloncorp.com

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 15 2006

DANIEL CLUNE,
DBA SUBWAY DREXEL HILL

v.

PECO ENERGY COMPANY

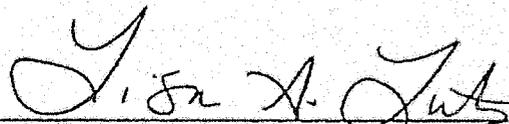
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065804

VERIFICATION

I, Lisa A. Lutz, 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: February 15, 2006



Lisa A. Lutz
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
Lisa.Lutz@exeloncorp.com

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 15 2006

DANIEL CLUNE,
DBA SUBWAY DREXEL HILL

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

DOCKET NO. C-20065804

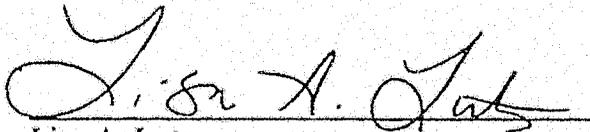
PECO ENERGY COMPANY

CERTIFICATE OF SERVICE

I, Lisa A. Lutz, 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:

Daniel Clune d/b/a Subway Drexel Hill
4907 Township Line Road
Drexel Hill, PA 19026

Dated at Philadelphia, Pennsylvania, February 15 2006.



Lisa A. Lutz
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
Lisa.Lutz@exeloncorp.com

Date: 1/30/06

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

Case Number: 1923516
Customer Name: DS CLUNE CORP
Address: 4909 TOWNSHIP LINE RD
DREXEL HILL PA 19026-5017

Opened On: 6/16/05
Utility Type: Electric Distributor
Account Number: 501226230578
Company Name: PECO Energy

Prior Case: Total Balance: \$601.13 Balance Date:

Compliance Violation(Alleged, Actual, No): NO Chap 56/64/Other: Section/Rule:

Decision Issued: N Oral Written: 0
Investigator: RIDGE, TERRY PUC Decision Issued Dt: PUC Case Closed Dt: 8/19/05

Decision Recvd Dt: 8/19/05 02:25PM

Letter Description:

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:

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FEB 15 2006

PA PUBLIC UTILITY COMMISSION
REGULATORY BUREAU

Resolution:

6/2/05 72 HOUR TERM NOTICE LEFT AT PROPERTY FOR PAST DUE BAL OF \$790.97CUST SERVICE TERMINATED 6/16/05 FOR PAST DUE BAL OF \$790.97CUST PAID RESTORATION AND SERVICE RESTORED

Exhibit A