

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: 01/12/06
8. DOCKET NO: C-20065764	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: SMITH, GUY T.

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: DELAWARE

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE RECEIVED NOTICE THAT HIS UTILITY SERVICE IS BEING TERMINATED AND HE WOULD LIKE A PAYMENT AGREEMENT. HE WOULD LIKE THE PUC TO HELP HIM SET UP PAYMENT ARRANGEMENTS.

DOCUMENT
FOLDER

DOCKETED

JAN 13 2006

Must be returned by «duedate»

PENNSYLVANIA PUBLIC UTILITY COMMISSION

C-20065764

Formal Complaint Form

ORIGINAL

Please print or type.

110550

1. CUSTOMER NAME (COMPLAINANT)

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

Name Guy T. Smith

Street/P.O. Box 1115 E. 11th ST. Apt # ---

City Eddystone State PA. Zip 19022

County Delaware

Area Code/HOME Phone 484.361.1209

Area Code/WORK Phone ---

Utility Account Number 50-15-12-276558
(from your bill)

RECEIVED
2006 JAN 12 AM 9:13
PA. P.U.C.
SECRETARY'S BUREAU

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

Name Peco Energy (An Exelon Company)

Street/P.O. Box P.O. Box 13437

City Phila. State PA. Zip 19101

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Peco (An Exelon Company)

3. TYPE OF UTILITY (check one)

- | | |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> STEAM HEAT |
| <input type="checkbox"/> GAS | <input type="checkbox"/> WASTE WATER |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER
(taxi, moving company, limousine) |
| <input type="checkbox"/> TELEPHONE
(local, long distance) | |

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. I would like to have my doctor fill out a (explain) medical certification form.

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.

- Back on the 25th of October, 2005, I received a shut-off notice from Peco. Since then, I received a notice from Liheap which told me I am Eligible for (2) checks in the amount of \$412.- mailed to Peco on 12/05/05 & 11/21/05. On 12/05/05, or there abouts, I called Peco to try to set-up paying arrangements of \$65.- \$50.- toward actual bill & \$15.- towards my arrears. Their reply was no because a while ago
(Continued on those leaf papers)

12/23/05

(1)

Continued from question 4, part B.)
Page - 5 -

- I set-up paying arrangements and due to lack of funds, I could not live up to or even be able to pay my electric... the main reason is, I was only receiving \$845.-; then \$873.- per month of Social Security Disability...

Currently, I have a job which pays around \$400.- to \$500.- per week, delivering pizza for Sciarrino's Pizza in Edgestone... To contact my boss call; 616-876-8677 and ask for John Sciarrino, he will say when I started

12/23/05

(-2-)

Continued from pg. 5 - question 4. part (B.):

and roughly what I earn per week...

Finally, I would like to add one more complaint and that is; to have my Doctor fill out a medical certification form... to allow me more time to pay on my arrears that I owe Peo... When I questioned the lady on the phone she replied, "We are only allowed to give 3 medical certificates per year." I believe she meant the year 2005... So, I should be able to have my doctor fill out 3 more medical certificates for the year 2006...

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 the Public Utility Commission to help me set up paying arrangements. Litecap is paying PECO Energy \$412.- by 2/6/06. I would like to pay \$65.- per month. \$50.- towards my electric bill and \$15.- Towards any areas... Also, to be able to fill out a medical certification form to allow me more time to pay my arrears...

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.

Medical Certificate NON-Renewal
Notification Letter

Name:	GUY SMITH
Service Address:	1115 E 11TH ST EDDYSTONE PA 19022
Account Number:	50-15-12-276558

Date Prepared:	October 25, 2005
Mailing Address:	1115 E 11TH ST EDDYSTONE PA 19022
Home Phone:	484-361-1209
Work Phone:	

Problem:

As of 10-25-2005, PECO Energy Company will not accept medical certificates or requests to restore service due to a medical condition for any occupants living at this service address.

Our Response:

We have reviewed your account and our investigation indicates that we granted at least three (3) medical certificate extensions and/or restorations within the last twelve (12) months and you have not made the required payments on your account for the last three (3) months.

Therefore, PECO Energy Company will not accept medical certificates or requests to restore service due to a medical condition for twelve (12) months ending 10-25-2006.

The amount past due on your your account is \$932.19. You are responsible to pay your bill on time every month. If your account is past due, please make payment today to avoid further collection action. If you have any questions please contact us at 1-888-480-1533. If you would like to pay your bill with MasterCard, VISA, Debit Card or Check-by-phone 24 hours a day, please call 1-877-595-8806.

If you would like to know if you are eligible for payment arrangements, please call 1-888-480-1533.

To File A Complaint

If you do not agree with this letter you may file a complaint with the Public Utility Commission (PUC). You may file a complaint by calling the PUC at 1-800-782-1110 or by writing to the following address:

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

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 Guy T. Smith, 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).

Guy T. Smith (Signature) 12/23/05 (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
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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.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

Remove this copy at perforation and retain for your records.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

NOTICE OF ELIGIBILITY

Date
11/21/05

Your application for LIHEAP CASH Benefits of 11/21/05 has been approved. A payment will be sent to PECO ENERGY COMPANY.

Payment
\$112.00

GUY SMITH
1115 E 11TH ST
EDDYSTONE PA 19022

LIHEAP funds in your account with your fuel dealer and/or utility must be used by June 30 of the year after they are issued or they will be returned to the Department of Public Welfare.

ROBERT BAIR
SUPERVISOR
(610)-447-3248
DELAWARE C A O

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

Remove this copy at perforation and retain for your records.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

NOTICE OF ELIGIBILITY

Date
12/05/05

Your application for LIHEAP CRISIS Benefits of 12/05/05 has been approved. A check in the amount of \$300.00 will be mailed to PECO ENERGY COMPANY for the delivery on 11/29/2005.

Payment
\$300.00

GUY SMITH
1115 E 11TH ST
EDDYSTONE PA 19022

LIHEAP funds in your account with your fuel dealer and/or utility must be used by June 30 of the year after they are issued or they will be returned to the Department of Public Welfare.

ROBERT BAIR
SUPERVISOR
(610)-447-3248
DELAWARE C A O

C-20065764

12/20/05

PS-17

Filing A Complaint:

12/13/05

RECEIVED

2005 DEC 19 AM 11:55

- 1.) - Guy T. Smith
- 2.) - 1115 E. 11th St. ^{PA/P.U.C.} ~~SECRETARY'S BUREAU~~ PA. 19022
- 3.) - Same as above
- 4.) - Account #: 50-15-12-276558
- 5.) - Peco Energy Company, 2301 Market St. Phila, PA. 19101 (An Exelon Company)

6.) - the brief statement of my problem is; I can not, due to health reason have my electric off. the reason for non-payment is lack of work. Recently I just started a job that pays roughly \$570./wk. So, all I want to do now is work to pay Peco off and get caught up on my Peco bill. I need more time cause Likeap is paying \$412.- by the 2/6/06. leaving my balance of \$750.- I need only 3 more months!

7.) - No complaint was ever filed.

8.) - Does not apply.

9.) - 2/6/06 is my shutt off date.

10.) - All I am asking is to 2A

except more of my medical certificates so I can satisfy this amount I am in dept for.

thank-you for your time & patience,

Mary J. Smith

484.361.1209

call if you have any questions at all...

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: January 13, 2006

DOCUMENT
FOLDER

GUY T. SMITH
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: C-20065764

DOCKETED

JAN 13 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 13, 2006

C-20065764

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 GUY T. SMITH. 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 13, 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

ane

Legal Department

Telephone 215 841 5544

Fax 215 568 3389

www.exeloncorp.com

Exelon Business Services Company

2301 Market Street / S23-1

P.O. Box 8699

Philadelphia, PA 19101-8699

Business Services
Company

ORIGINAL

Direct Dial: 215.841.6841

February 1, 2006

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

RECEIVED

FEB - 1 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Guy T. Smith v. PECO Energy Company
PUC Docket No. C-20065764

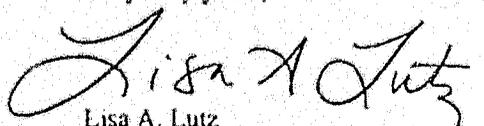
Dear Mr. McNulty:

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)
<u>X</u>	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

DOCUMENT FOLDER

LAL/zr

Enc.

Scheduling Recommendation: X Call of the Docket ___ Non-Call of the Docket

P231197

62

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB - 1 2006

RECEIVED

GUY T. SMITH

v.

PECO ENERGY COMPANY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065764

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. Admitted in part and denied. PECO Energy admits that a notice of termination

was forwarded to Complainant due to the account delinquency. PECO Energy denies that the notice was improper. PECO Energy further denies that Complainant is unable to pay his electric bill and strict proof thereof is demanded at time of hearing. PECO Energy avers that Complainant's account balance is \$1,139.61. LIHEAP cash grants, totaling \$412.00, were received and applied to Complainant's account in December, 2005. Since initiating the account in April, 2005, Complainant has made no payments for electric service.

By way of further answer, PECO Energy accepted three medical certificates, dated July 19, 2005, August 29, 2005 and October 20, 2005, on Complainant's account. During these time periods, Complainant made no payments for the utility services.

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.

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DOCKETED
FEB 10 2006

7. Admitted.

NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY

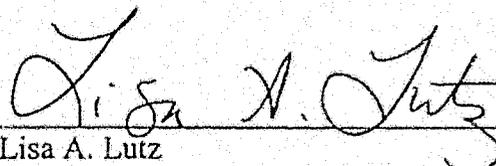
PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. In August, 2003, the Complainant is enrolled in the Customer Assistant Program ("CAP"). The Complainant was recertified in CAP in December, 2005 and receives a 25% discount on the first 500 kilowatts of electric service of each month.

2. PECO Energy avers that no further payment arrangements should be granted to Complainant. Section 1405(c) of the Public Utility Code provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint. PECO Energy further requests that your Honorable Commission enter an Interim Order directing payment of current undisputed consumption charges, pursuant to 66 Pa. Code §1410(2), and reminding Complainant that PECO Energy Company is authorized to terminate service if Complainant fails to pay pursuant to Sections 56.174(3) and 56.81(1) of the Public Utility Code.

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

DOCKETED
FEB 10 2006

**DOCUMENT
FOLDER**

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB - 1 2006

GUY T. SMITH

v.

PECO ENERGY COMPANY

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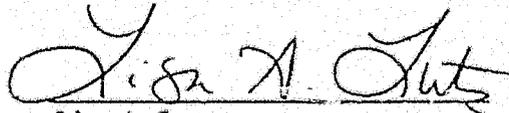
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065764

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 1, 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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GUY T. SMITH

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20065764

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FEB - 1 2006

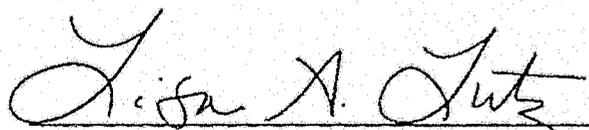
CERTIFICATE OF SERVICE

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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:

Guy Smith
1115 E. 11th Street
Eddystone, PA 19022

Dated at Philadelphia, Pennsylvania, February 1, 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 - 1 2006

GUY T. SMITH

v.

PECO ENERGY COMPANY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065764

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Dismiss of PECO Energy Company, within 10 days from service of this notice, and if you do not file a written response denying or corrected the enclosed New Matter within 20 days from service of this notice, the facts set forth by PECO Energy Company in the New Matter may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion to Dismiss and Reply to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Lisa A. Lutz, and where applicable, the Administrative Law Judge presiding over the issue.

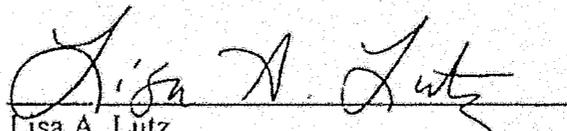
File with:

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

With a copy to:

Lisa A. Lutz, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, February 1, 2006



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6841
lisa.lutz@exeloncorp.com

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB - 1 2006

GUY T. SMITH

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

DOCKET NO. C-20065764

PECO ENERGY COMPANY

PECO ENERGY COMPANY'S MOTION TO DISMISS COMPLAINT

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.101 respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

1. On or about December 23, 2005, Complainant filed a formal complaint with the Pennsylvania Public Utility Commission requesting the Commission to set or approve a new payment agreement on Complainant's utility account.
2. On or about January 13, 2006, PECO Energy was served the above-mentioned formal Complaint.
3. Pursuant to 52 Pa. Code § 5.101(b), PECO is filing an Answer and New Matter to the Complaint contemporaneously with this Motion.
4. Complainant currently participates in the residential utility discount Customer Assistance Program ("CAP") and receives a monthly discount on her utility charges.
5. Complainant is requesting further payment arrangements that the Commission cannot establish. Section 1405(c) of the Public Utility Code provides that customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated

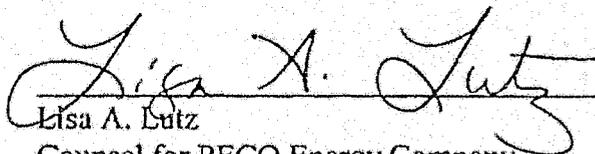
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FEB 10 2006

**DOCUMENT
FOLDER**

or approved by the Commission. 66 Pa. C.S. § 1405(c); Walton v. PECO Energy Company, Pa.
PUC Docket Z-01593807, Initial Decision issued January 11, 2005.

WHEREFORE, PECO Energy Company respectfully requests that your
Honorable Commission dismiss the Complaint. 66 Pa. C.S. § 1405(c).

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lisa A. Lutz". The signature is written in black ink and is positioned above a horizontal line.

Lisa A. Lutz

Counsel for PECO Energy Company

2301 Market Street, S23-1

P.O. Box 8699

Philadelphia, PA 19101-8699

(215) 841-6841

lisa.lutz@excloncorp.com

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB - 1 2006

GUY T. SMITH

v.

PECO ENERGY COMPANY

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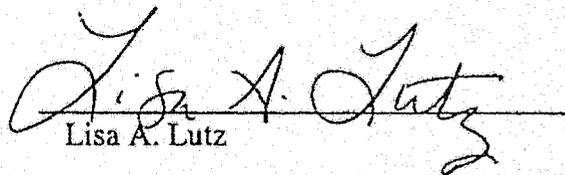
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065764

VERIFICATION

I, Lisa A. Lutz, 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.

Date: February 1, 2006


Lisa A. Lutz

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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FEB - 1 2006

GUY T. SMITH

v.

PECO ENERGY COMPANY

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

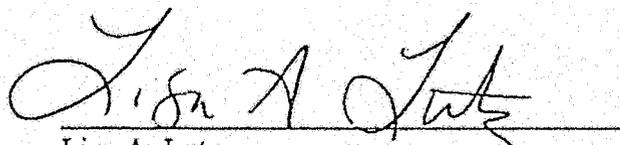
DOCKET NO. C-20065764

CERTIFICATE OF SERVICE

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

GUY T. SMITH
1115 E. 11th Street
Eddystone, PA 19022

Dated at Philadelphia, Pennsylvania, February 1, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
lisa.lutz@exeloncorp.com

Wm T. Smith

Peco Energy Company

PLEASE

2-4-06

2/4/06

2006 FEB - 6 AM 9:37

DOCUMENT FOLDER

James J. McNulty;

SECRETARY'S BUREAU

ORIGINAL

I am replying within the 10 day grace period found on your NOTICE TO PLEAD section. I fully understand and want to apologize for any inconvenience that I caused you and the Pennsylvania Public Utility Commission.

There are several reasons why I could not afford to pay my electric bills each month. The first reason is the rent I have to pay each month, it is a lot more than I thought I could handle at the time. The second reason is my drug & alcohol addiction that I finally got the help that I needed. After becoming clean & sober, my daughter came to live with me, and she was 2 months pregnant at the time. Then, 7 months later my beautiful granddaughter came to live with me.

Not realizing all the bills that I would have to pay for and my S.S.D.I. only equalling my monthly rent

Docket No. - C-20065764
Guy T. Smith

Page 2-1

Peco Energy Company

2/4/06

I, again, could not afford to pay my electric bill at all.

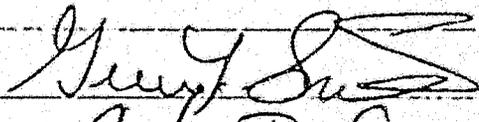
Last of all, I suffer from A.P.H.D., major depression, nerve damage in my left shoulder, 2 big cysts on each of my wrists, and 2 herniated discs on my neck, and also a rotator cuff tear in my left shoulder, causing a great deal of discomfort day in & day out. And due to my medication that I take on a daily basis, costing well over \$150. per month, only giving me a reason not an excuse, not to pay my electric bills, on time.

Recently, I received set days as a pizza delivery driver for a local pizza shop. My days are; Tuesday; Thursday; Friday & every other Sunday starting in February, 2006.

So, now on Tuesday; Thursday; Friday, & every other Sunday I will pay as much as I can on my outstanding bill of \$924.77. The only thing that I would like to request is to be able to have 3 more medical-

certificates, just in case on
March 20, 2006, I needed one more
month to become current with
my electric bill and to be paid
up to date.

Thank-You for your time &
Patience,



Guy T. Smith

Docket No. C-20065764

1115 E. 11th St.

Eddystone, PA. 19022

(Home #): 484.361.1209

call if you have any
questions or concerns
about this letter.

RECEIVED

FEB 1 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
February 7, 2006

IN REPLY PLEASE
REFER TO OUR FILE

Re: C-20065764

(SEE ATTACHED LIST)

Guy T. Smith v. PECO Energy Company

Motion Judge Assignment Notice

This is to inform you that a preliminary motion was filed on the above-captioned case. This motion is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the motion was served on you to file an answer.

If you file any pleading or document relating to this motion with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

717-783-5452

pc: SA Rumsey
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section

DOCUMENT
FOLDER

DOCKETED
FEB 10 2006