

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY:
DIRECTOR:
SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20065823
- 4. PUBLIC MEETING DATE:
00/00/00
- 7. DATE FILED: 02/01/06
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: MANDATO, VINCE & SUE

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THEIR GAS BILL WAS RAISED ALMOST 46% PER CUBIC FOOT. THEY WOULD LIKE THE PUC TO CONTROL THE ABUSIVE PRICE HIKES.

DOCUMENT
FOLDER

DOCKETED

FEB 1 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION RECEIVED

Formal Complaint Form

C-200605823

2006 JAN 32 AM 9:14
P.A.U.C.
SECRETARY'S BUREAU

Please print or type.

110550

1. CUSTOMER NAME (COMPLAINANT)

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

Name VINCE & SUE MANDATO

Street/P.O. Box 2247 WARNER ROAD Apt # —

City LANSDALE State PA Zip 19446

County MONTGOMERY

Area Code/HOME Phone 610-584-3268

Area Code/WORK Phone _____

Utility Account Number 40-17-71-086022
(from your bill)

ORIGINAL

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 _____

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2006 FEB -1 AM 9:40
P.A.U.C.
SECRETARY'S BUREAU

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)

19

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)

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.

I Am VERY UPSET WITH MY GAS BILL BEING RAISED ALMOST 46% PER CUBIC FOOT! LAST YEAR AT THIS TIME IT WAS \$1.14 PER C.F. NOW IT'S \$1.65 PER C.F.! THIS IS HIGHWAY ROBBERY AND SHOULD BE DECREASED TREMENDOUSLY! EVERYBODY IS TAKING FULL ADVANTAGE OF THE NEW ORLEANS DISASTERS TO THE POINT OF ABUSE OF THE AMERICAN PUBLIC.

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 APPRECIATE YOU DOING YOUR JOB AND CONTROLLING THESE ABUSING PRICE HIKES. YOU SHOULD NEVER HAVE APPROVED THESE RIDICULOUS INCREASES! YOU NEED TO GET THESE CHARGES BACK TO A REASONABLE RATE!

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 Vincent Mandat / Susan Mandat, 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).

Vincent Mandat / Susan Mandat 1/30/06
(Signature) (Date)

9. LEGAL REPRESENTATION (IF ANY) *N/A*

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.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: February 1, 2006

DOCUMENT
FOLDER

VINCE & SUE MANDATO
Complainant

v.

PECO ENERGY COMPANY
Respondent

Complaint Docket
No: C-20065823

DOCKETED

FEB 1 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: February 1, 2006

C-20065823

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 VINCE & SUE MANDATO . 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.

February 1, 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
www.exeloncorp.com

Business Services
Company

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

ORIGINAL

Direct Dial: 215.841.6841

February 22, 2006

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

RECEIVED

FEB 22 2006

Re: Vince & Sue Mandato v. PECO Energy Company
PUC Docket No. E-20065823

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

C-20065823

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)
- _____ Answer and Motion (original and 3 copies)
- X 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)

DOCUMENT FOLDER

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.

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 22 2006

VINCE & SUE MANDATO

v.

PECO ENERGY COMPANY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065823

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. Complainants also receive electric service from PECO Energy

DOCKETED
FEB 27 2006

**DOCUMENT
FOLDER**

Company.

4. Denied. PECO Energy denies that its gas rate increase was improper as the increase is due to increases to PECO Energy in the cost of buying gas on behalf of customers from wholesale suppliers.

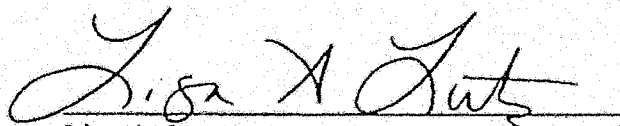
By way of further answer, all of the PECO's rates have been approved by and are regulated by the Public Utility Commission and/or the Federal Energy Regulatory Commission. The charges are regulated by the Public Utility Commission ("PUC"); and they are contained within PECO Energy's Gas Service Tariff, Pa. P.U.C. No. 2 approved by and on file with the PUC. The Tariff provisions approved by the PUC are prima facie reasonable. 66 Pa. C.S.A. § 316 (1999); See also, Kossman v. Pennsylvania Public Utility Commission, 694 A.2d 1147 (Pa. Cmwlth. 1997). Moreover, tariffs that have been approved by the PUC have the full force and

effect of law and are binding on both the utility and its customers. Brockway Glass Co. v. Pennsylvania Utility Commission, 437 A.2d 1067 (Pa. Cmwlth. 1981).

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,



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

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 22 2006

VINCE & SUE MANDATO

v.

PECO ENERGY COMPANY

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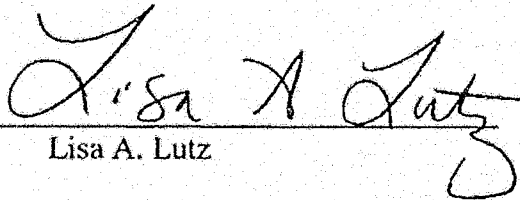
PA PUBLIC UTILITY COMMISSION
CERT. MAIL'D BUREAU

DOCKET NO. C-20065823

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 22, 2006



Lisa A. Lutz

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 22 2006

VINCE & SUE MANDATO

v.

PECO ENERGY COMPANY

PENNSYLVANIA PUBLIC UTILITY COMMISSION
REGULATORY BUREAU

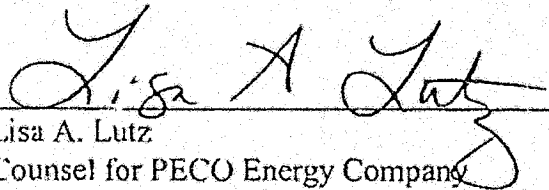
DOCKET NO. C-20065823

CERTIFICATE OF SERVICE

I 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 thereof Certified mail, properly addressed and postage prepaid to:

Vince & Sue Mandato
2247 Warner Road
Lansdale, PA 19446

Dated at Philadelphia, Pennsylvania, February 22, 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

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FFD 2 2 2006

VINCE & SUE MANDATO

v.

PECO ENERGY COMPANY

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PA. PUBLIC UTILITY COMMISSION
PUBLIC UTILITIES BUREAU

DOCKET NO. C-20065823

NOTICE TO PLEAD

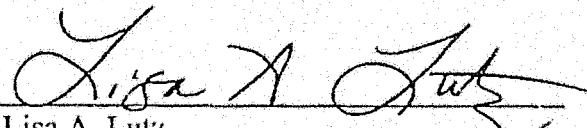
Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Dismiss of PECO Energy Company, within 10 days from service of this notice, the facts set forth by PECO Energy Company in the Motion to Dismiss may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion to Dismiss, 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 22, 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

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 22 2006

VINCE & SUE MANDATO

v.

PECO ENERGY COMPANY

PA PUBLIC UTILITY COMMISSION
SECURITY DIV'S BUREAU

DOCKET NO. C-20065823

DOCKETED
FEB 27 2006

**DOCUMENT
FOLDER**

PECO ENERGY COMPANY'S MOTION TO DISMISS COMPLAINT

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

1. On or about January 30, 2006, Complainants filed a formal complaint with the Pennsylvania Public Utility Commission requesting certain relief and in opposition of the recent gas rate increase.

2. On or about February 1, 2006, PECO Energy was served the above-mentioned formal Complaint.

3. PECO Energy will file its Answer to the Complaint simultaneously with this Motion to Dismiss.

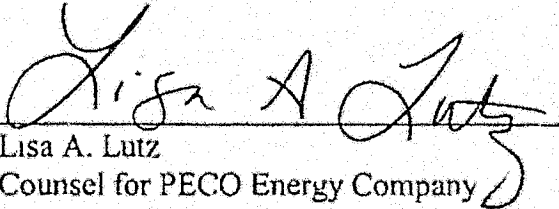
4. PECO's rates have been approved by and are regulated by the Public Utility Commission and/or the Federal Energy Regulatory Commission. The charges are regulated by the Public Utility Commission ("PUC") and they are contained within PECO Energy's Electric Service Tariff, Pa. P.U.C. No. 3, and Gas Service Tariff, Pa. P.U.C. No. 2 ("Gas Tariff") approved by and on file with the PUC. The Tariff provisions approved by the PUC are prima facie reasonable. 66 Pa. C.S.A. § 316 (1999); See also, Kossman v. Pennsylvania Public Utility

Commission, 694 A.2d 1147 (Pa. Cmwlth. 1997). Moreover, tariffs that have been approved by the PUC have the full force and effect of law and are binding on both the utility and its customers. Brockway Glass Co. v. Pennsylvania Utility Commission, 437 A.2d 1067 (Pa. Cmwlth. 1981).

5. The instant Complaint fails to set forth any violation by PECO Energy of either the Public Utility Code, the regulations of the PUC or PECO Energy's Gas Service Tariff as required by 52 Pa. Code §5.22(a)(4) and accordingly, must be dismissed. West Penn Power Co. v. Pa. Public Utility Commission, 84 Pa. Cmwlth. Ct. 157, 478 A.2d 947 (1984).

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
(215) 841-6841
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VINCE & SUE MANDATO

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PECO ENERGY COMPANY

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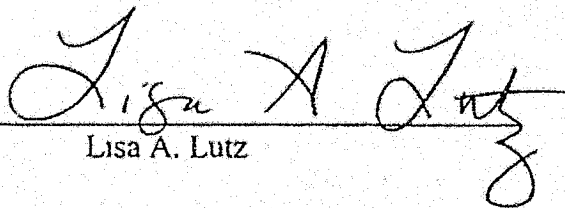
PA. PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065823

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 22, 2006



Lisa A. Lutz

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 22 2006

VINCE & SUE MANDATO

v.

PECO ENERGY COMPANY

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

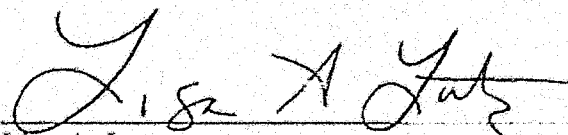
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CERTIFICATE OF SERVICE

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

VINCE & SUE MANDATO
2247 Warner Road
Lansdale, PA 19446

Dated at Philadelphia, Pennsylvania, February 22, 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



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 2, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20065823

(See attached list)

Vince and Sue Mandato 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) 783-5453

pc: Special Agent Amanda N. Rumsey
Susan Licon
Beth Plantz
Docket Section
Calendar File

DOCUMENT
FOLDER

DOCKETED
MAR 07 2006