

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: 11/01/06
8. DOCKET NO: C-20067034	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: RODRIGUEZ, FRANCISCO

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: PHILADELPHIA

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES PECO STATES THE METER WAS TAMPERED & THAT HE RECEIVED BENEFITS. HE WANTS THE PUC TO DROP THE CHARGES.

DOCUMENT  
FOLDER

**DOCKETED**  
NOV 07 2006

**ORIGINAL**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

**RECEIVED**

Please print or type.

C-20067034

NOV 1 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

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

Name FRANCISCO RODRIGUEZ

Street/P.O. Box 6115 DITMAN ST. Apt # 1ST FLOOR

City PHILA. State PA. Zip 19135

County PHILA.

Area Code/HOME Phone (215) 333-0247

Area Code/WORK Phone \_\_\_\_\_

Utility Account Number 27-03-44-330054  
(from your bill)

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

3. TYPE OF UTILITY (check one)

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

53

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. *DELO STATES METER WAS TAMPERED AND I RECEIVED*  
(explain) *BENEFITS.*

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.

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 CHARGES DROPPED.*

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 FRANCISCO RODRIGUEZ, 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).

Francisco Rodriguez  
(Signature)

10/20/2004  
(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 <sup>nd</sup> 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  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: NOVEMBER 6, 2006

C-20067034

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 FRANCISCO RODRIGUEZ. 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.

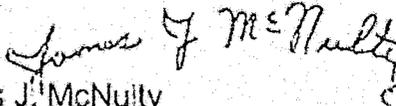
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

NOVEMBER 6, 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

jih

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: NOVEMBER 6, 2006

FRANCISCO RODRIGUEZ  
Complainant

v.

PECO ENERGY COMPANY  
Respondent

Complaint Docket  
No: C-20067034

DOCUMENT  
FOLDER

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: PECO ENERGY COMPANY

**DOCKETED**  
NOV 03 2006

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

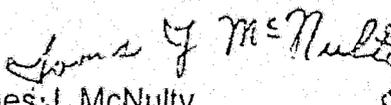
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.

  
James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

**Legal Department**

Exelon Business Services Company  
2301 Market Street/5231  
PO Box 8699  
Philadelphia, PA 19101-8699

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

Business Services  
Company

**DOCKETED**

DEC 01 2006

Direct Dial 215 841 6841

November 29, 2006

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

**ORIGINAL**

Re: Francisco Rodriguez v. PECO Energy Company  
PUC Docket No. C-20067034

Dear Mr. McNulty:

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

- X Answer (original and 3 copies)
- \_\_\_\_\_ Petition (original and 3 copies)
- \_\_\_\_\_ Preliminary Objection (original and 3 copies)
- \_\_\_\_\_ Reply to Motion/Petition (original and 3 copies)
- \_\_\_\_\_ Exceptions (original and 9 copies)
- \_\_\_\_\_ Reply Exceptions (original and 9 copies)
- \_\_\_\_\_ Brief (original and 9 copies)
- \_\_\_\_\_ Reply Brief (original and 9 copies)

**DOCUMENT  
FOLDER**

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,

*Michael S. Swerling*  
Michael S. Swerling  
Counsel for PECO Energy Company

MSS/zr

Enc

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NOV 29 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SCHEDULING RECOMMENDATION: \_\_\_\_\_ CALL OF THE DOCKET X NON-CALL OF THE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

FRANCISCO RODRIGUEZ

v.

PECO ENERGY COMPANY

DOCKET NO. C-20067034

DOCKETED

DEC 01 2006

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 in part. PECO Energy admits that due to meter

tampering, Complainant was not billed for electric usage between November 26, 2001 and July 06, 2005 in the amount of \$3,483.66. PECO Energy denies that there are incorrect charges on Complainant's bill.

By way of background, PECO Energy avers that on July 01, 2005 it conducted a random sweep including Complainant's property. Even though there was no disk rotation on Complainant's meter, electric service was operating as evidenced by a running air conditioner. After the meter was pulled, a pot-latch switch was discovered demonstrating meter tampering. The revenue protection agent proceeded to put a new meter in at the property. Pursuant to 52 Pa Code § 56.14, Complainant was back-billed for electric service used but not billed in the amount of \$3,483.66 from November 26, 2001 through July 06, 2005. PECO Energy denies the back-

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCUMENT  
FOLDER

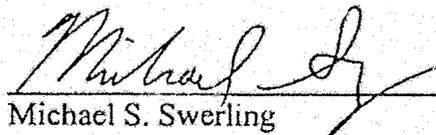
billing was improper as the Complainant benefited from the service used, but not billed.

A decision of the Bureau of Consumer Services ("BCS") issued on or about October 02, 2006 found that although Complainant may not have actually tampered with the meter, he used electricity that he did not pay for and benefited from that usage. The BCS determined that PECO Energy rightfully back-billed the Complainant. A copy of the BCS decision is attached as Exhibit A.

5. This paragraph is a request for relief and no answer is required.
6. PECO Energy is without sufficient information to confirm or deny this statement.
7. Admitted.

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

Respectfully Submitted,



---

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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FRANCISCO RODRIGUEZ

v.

PECO ENERGY COMPANY

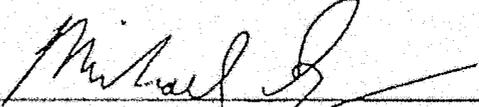
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DOCKET NO. C-20067034

VERIFICATION

I, Michael S. Swerling, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

Date: November 29, 2006

  
Michael S. Swerling

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Date 11/8/06

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

Case Number: 2026996  
Customer Name: FRANCISO RODRIGUEZ  
Address: 6115 DITMAN ST  
PHILADELPHIA PA 19135-3609

Opened On: 1/20/06  
Utility Type: Electric Distributor  
Account Number: 270344330054  
Company Name: PECO Energy

Prior Case: 2026054

Total Balance: \$3,526.82 Balance Date:

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: Y

Oral Written: W

Investigator: SEAVER, TERRY

PUC Decision  
Issued Dt:

PUC Case  
Closed Dt: 10/2/06

Decision Recvd Dt: 10/2/06 04:25PM

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:

Resolution:

INV SPOKE WITH MR RODRIGUEZ. INV EXPLAINED THAT ALTHOUGH THE CUSTOMER MAY NOT HAVE TAMPERED WITH THE METER HE IS RESPONSIBLE FOR THE UNBILLED USAGE BECAUSE HE DID RECEIVE BENEFIT FROM THE TAMPERED METER. INV ALSO INFORMED MR. RODRIGUEZ THAT PECO ENERGY RESPONDED APPROPRIATELY WITH THE BACKBILLING. REVIEWING THE BILL WITH HIM AND OFFERING A PAYMENT ARRANGEMENT ON THE BALANCE OVER THE TIME ACCRUED. MR RODRIGUEZ DOES NOT AGREE. HE IS DISPUTING THAT THE FIGURES THAT PECO USED TO CALCULATE THE PREVIOUS USAGE WERE NOT ACCURATE BECAUSE HE WAS NOT ACTUALLY RESIDING AT THE PREMISE AT THE MOST MORE THAN A COUPLE DAYS A WEEK UNTIL SHORTLY BEFORE THE METER WAS EXCHANGED. THE AVERAGE USE NUMBERS ARE INFLATED AND DO NOT REFLECT HIS USE DURING THE TIME FRAME. CUST WAS ADVISED HE WOULD HAVE TO FILE A FORMAL COMPLAINT TO ADDRESS THAT MATTER. THE INV INFORMED MR. RODRIGUEZ THAT HE WOULD SEND HIM FORMAL COMPLAINT FORMS. CLOSE.

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PA PUBLIC UTILITY COMMISSION  
STANDARD OPERATING PROCEDURE

Exhibit "A"

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FRANCISCO RODRIGUEZ

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. C-20067034

CERTIFICATE OF SERVICE

I, Michael S. Swerling, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

FRANCISCO RODRIGUEZ  
6115 Ditman Street, 1<sup>st</sup> Floor  
Philadelphia, PA 19135

Dated at Philadelphia, Pennsylvania November 29, 2006.



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

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NOV 29 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
December 4, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20067034

(SEE ATTACHED LIST)

Francisco Rodriguez v. PECO Energy Company

Meter dispute.

Telephone Hearing Notice

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

Type: Initial Telephonic Hearing  
Date: Friday, January 5, 2007  
Time: 1:00 p.m.  
Presiding: Administrative Law Judge Robert P. Meehan  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: 412.565.3550  
Fax: 412.565.5692

DOCUMENT  
FOLDER

BTL

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

**DOCKETED**  
DEC 14 2006

At the above date and time, the Presiding Officer will contact the parties as follows:

Francisco Rodriguez 215.333.0247  
Michael S. Swerling, Esquire 215.841.6841

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

*Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.*

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800 654.5988

pc: Judge Meehan  
Dawn Reitenbach  
Beth Plantz  
Docket Section  
Calendar File