

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Maria E. Harmon

v.

PECO Energy Company

C-20077768

DOCUMENT
FOLDER

PREHEARING ORDER

DOCKETED
AUG 7 2007

On June 27, 2007, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An **Initial Hearing** in this case is scheduled for **Tuesday, August 21, 2007 at 9:30 a.m. in an available hearing room on the 13th floor of the Philadelphia State Office Building.** Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On May 8, 2007, the Complainant filed a formal complaint against PECO Energy Company ("PECO" or the Respondent) alleging, among other things: that she was accepted in the CAP program; that she paid \$119.00 a month; that the IRS began to garnish the wages from her part-time job; that she has severe asthma and must use a nebulizer; that she received a termination notice; and that the Respondent would not give her another payment arrangement. The Complainant offered to pay \$50.00 a month until she can address her \$10,000 IRS tax bill and she can get a full time job.

BA

On June 15, 2007, the Respondent filed an Answer. The Respondent admitted that the Complainant was enrolled in the Customer Assistance Program on November 29, 2005. The Respondent stated that the Complainant's budget bill was \$124.00 in October 2006 and was reduced to \$119.00 a month in November 2006. The Respondent denied that the Complainant paid about \$119.00 a month. The Respondent averred that, since August 2006, the Complainant made four payments on the account in the following months: October 2006; December 2006; January 2007; and June 2007. The Respondent denied that the Complainant is entitled to a payment arrangement from the Commission since she is a CAP customer. Pursuant to Section 1405(c) of the Public Utility Code, the Commission is without jurisdiction to award payment arrangements to customer assistance customers.

The parties are hereby directed to comply with the following requirements:

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code § 1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Changes are granted only in rare situations where good cause exists.

2. **The Commission's policy promotes settlements. 52 Pa. Code § 5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case.** Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. § 332(a).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. § 1401 *et seq.* This law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

6. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code § 5.409.

7. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less; and
- (b) a copy of any applicable Bureau of Consumer Services (BCS) decisions.

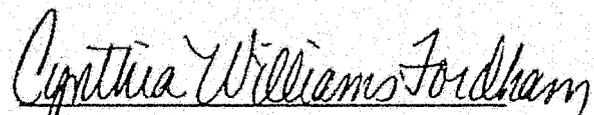
8. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

9. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it. The written subpoena application must be submitted to the presiding officer, the Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code § 5.421 (a, b). The subpoena application can be found on the Commission's website at www.puc.pa.state.us.

10. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

11. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: August 1, 2007


Cynthia Williams Fordham
Administrative Law Judge

Legal Department

Exelon Business Services Company
2301 Market Street/5231
PO Box 8099
Philadelphia, PA 19101 8699

Telephone 215 841 4000
Fax 215 568 3389
www.exeloncorp.com

Business Services
Company

Direct Dial: 215-841-6841
August 15, 2007

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

ORIGINAL

Re: **Maria E. Harmon v. PECO Energy Company**
Docket Number: C-20077768

**DOCUMENT
FOLDER**

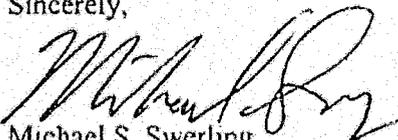
Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), PECO Energy Company certifies that the parties in the above referenced complaint have reached an accord.

By copy of this letter, I am alerting the Complainant of its right to object to the closing of this matter in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,


Michael S. Swerling
Counsel for PECO Energy Company

cc Mr. Nathaniel C. Nichols, Esq.
Administrative Law Judge Cynthia W. Fordham
PUC Scheduling

RECEIVED

AUG 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BTL

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARIA E. HARMON

COMPLAINANT

v.

PECO ENERGY COMPANY

RESPONDENT

DOCKET NO. C-20077768

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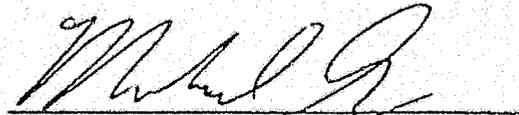
ORIGINAL

CERTIFICATE OF SATISFACTION

I, Michael S. Swerling, Esquire, representing PECO Energy Company ("PECO") in this matter, hereby certify that the issues raised in the Formal Complaint filed by Complainant with the Pennsylvania Public Utility Commission and docketed at Complaint Docket No. C-20077768 has been satisfied.

This Certificate of Satisfaction is provided pursuant to 52 Pa. Code §5.24(b). Unless Complainant files an objection to this Certificate within ten (10) days of its filing, the Formal Complaint shall be withdrawn and the Commission's file closed.

DOCKETED
AUG 17 2007



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com

Date: August 15, 2007

RECEIVED

AUG 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARIA E. HARMON

COMPLAINANT

v.

PECO ENERGY COMPANY

RESPONDENT

DOCKET NO. C-20077768

CERTIFICATE OF SERVICE

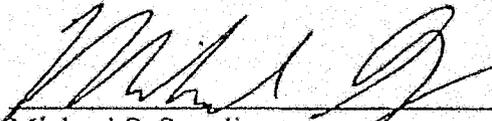
I, Michael S. Swerling, hereby certify that I have this day served a true and correct copy of the foregoing document upon the interested parties and in the manner indicated below.

Service by first class mail:
Mr. Nathaniel C. Nichols, Esq.
Pennsylvania Civil Law Clinic
P.O. Box 7474
Wilmington, DE 19803

RECEIVED

AUG 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com

Dated: August 15, 2007

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: August 16, 2007
SUBJECT: Maria E. Harmon v. PECO Energy Company
C-20077768
TO: Wanda Zeiders
Docket Management
FROM: Stacy Nolan, ALJ Support Staff
Office of Administrative Law Judge

DOCUMENT
FOLDER

On August 15, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Cynthia W. Fordham
Beth Plantz
Case File

DOCKETED
SEP 06 2007

BTL

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20077768		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Maria E. Harmon v. PECO Energy	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Company		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date	August 21, 2007	RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
RECEIVED		REMARKS: <i>Certificate of satisfaction filed, hearing cancelled</i>		
SEP 17 2007				
PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU				

DOCUMENT FOLDER

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	BTL
Telephone:	E-mail Address:	Fax Number:

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

Reporter's Signature

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



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

IN REPLY PLEASE
REFER TO OUR FILE

September 28, 2007

C-20077768

MARIA E. HARMON
706 CALCON HOOK ROAD 1ST FLOOR
SHARON HILL PA 19079-1714

MARIA E. HARMON
v.
PECO ENERGY COMPANY

DOCKETED
OCT - 2 2007

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty
Secretary

cc: All parties of Record

nvl

BTL

**DOCUMENT
FOLDER**