

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: 12/20/04
8. DOCKET NO: C-20044199	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: JOHNSON, HELEN L.

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY:

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES SHE CAN'T AFFORD THE HIGH PAYMENT THAT IS BEING ASKED OF HER TO PAY. SHE STATES SHE CAN PAY THE CURRENT AND A SMALL AMOUNT ON THE BACK BILL UNTIL THE BILL IS PAID.

DOCUMENT  
FOLDED

**DOCKETED**  
FEB 01 2005

ORIGINAL

RECEIVED

Pennsylvania Public Utility Commission

2004 DEC 20 AM 9:25

Formal Complaint Form

Please Print.

C-20044199

SECRETARY'S BUREAU

1. Your name, mailing address, telephone number and utility account number:

Name HELEN L. JOHNSON

Street/P.O.Box 3315 B ST Apt # 2-F

City PHILA. State PA. Zip 19134

County

Area Code/HOME Phone 215 739-1871 Area Code/WORK Phone

Utility Account Number

If the above mailing address differs from the address where the utility service is provided, list this information below.

Name

Street/P.O. Box

City State Zip

2. NAME of utility company your complaint concerns: ELECTRIC

(PECO)

3. Type of Utility (circle one):

GAS

WATER

MOTOR CARRIER

STEAM HEAT

ELECTRIC

SEWER

TELEPHONE - (LOCAL OR LONG DISTANCE)

30

4. What is your complaint? (Use additional paper if you need more space and provide copies of any relevant documentation you believe will support your complaint).

My Complaint is I can not afford the high payment that you are asking me for. I am on disability and I only get \$576 a month.

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

I would appreciate if you could lower my back payments. I can pay the current and a small amount on the back bill until the bill is paid. Thank you.

6. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Helen Johnson  
Signature

12-10-09  
Date

7. 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 \_\_\_\_\_

8. Mail to:

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

If you have additional questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

AMENDMENT

1. Are you a victim under a "Protection from Abuse" Order?

YES

NO

2. Have you contacted the utility company regarding this complaint?

YES

NO  - If No, you must contact the utility company before you can file this complaint with the Commission.

3. 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, Helen Johnson 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).

Helen Johnson  
(SIGNATURE)

1-15-05  
(DATE)

RECEIVED  
05 JAN 31 AM 10:22  
PA.P.U.C.  
SECRETARY'S BUREAU

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

DATE SERVED: FEBRUARY 2, 2005

C-20044199

PECO ENERGY COMPANY  
C/O WARD L SMITH ASSOCIATE GENERAL COUNSEL  
P O BOX 8699  
PHILADELPHIA PA 19101-8699

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by HELEN L. JOHNSON. 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.

DOCUMENT  
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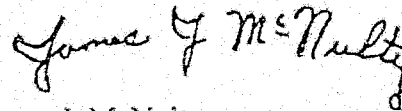
FEBRUARY 2, 2005

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

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

JH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: FEBRUARY 2, 2005

HELEN L. JOHNSON

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket  
No: C-20044199

DOCUMENT  
FOLDER

DOCKETED  
FEB 01 2005

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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,

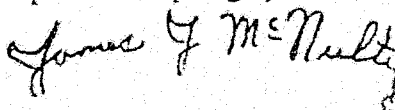
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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

ORIGINAL

Exelon<sup>SM</sup>

Legal Department

Exelon Business Services Company  
2301 Market Street / 523-1  
PO Box 8699  
Philadelphia, PA 19101-8699

Telephone 215 841 5544  
Fax 215 558 3389  
www.exeloncorp.com

Business Services  
Company

Direct Dial 215 841 6847

February 18, 2005

RECEIVED

FEB 18 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

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

RE: Helen L. Johnson v. PECO Energy Company  
Docket No. C-20044199

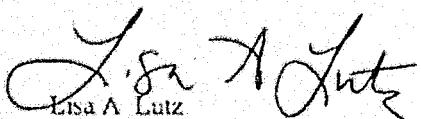
Dear Mr. McNulty:

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)

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  
FILED

LAL/zr

Enclosures

RECEIVED

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 16 2005

HELEN L. JOHNSON

PA. PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES

v.

DOCKET NO. C-20044199

PECO ENERGY COMPANY

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. Complainant receives electric services from PECO Energy.
4. Denied. PECO Energy specifically denies that Complainant is unable to pay

Complainant's electric bill and strict proof thereof is hereby demanded at time of hearing. By way of further response, PECO Energy avers that Complainant's current outstanding balance is \$953.17. The Complainant's average monthly bill is currently \$54.00, and Complainant's calculated budget payment is currently \$60.00. The Complainant is enrolled in the CAP Rate Program and receives a 50% discount on the first 500 kilowatts of electric service. Complainant has a poor payment history. Over the past twenty-two (22) months, Complainant has made only eleven (11) payments.

A decision of the Bureau of Consumer Services ("BCS") issued on or about October 21, 2004 required the Complainant to pay a \$74.00 budget payment plus \$15.00 per month toward the arrears beginning November 2004. The Complainant has not complied with the BCS decision. A copy of the BCS decision is attached as Exhibit A.

DOCKETED  
MAR 21 2005

DOCUMENT  
FOLDER

DOCKETED  
MAR 21 2005

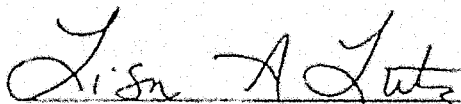
It is admitted that on July 28, 2004, the Complainant telephoned PECO Energy to establish a payment arrangement; however, this payment arrangement was not established due to no change in income and new terms were not warranted. By way of further answer, Complainant is requesting further payment arrangements that the Commission cannot establish. Section 1405(d) of the Public Utility Code provides that absent a change in income, the Commission shall not establish or order a second or subsequent payment arrangement if a customer has defaulted on a previous agreement. 66 Pa. C.S. § 1405(c); Walton v. PECO Energy Company, Pa PUC Docket Z-01593807, Initial Decision issued January 11, 2005.

PECO Energy is without sufficient knowledge to either confirm or deny the remaining statements of this Complainant. Therefore PECO Energy denies all such averments.

5. This paragraph is a request for relief and no answer is required.

**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@exelonecorp.com](mailto:Lisa.Lutz@exelonecorp.com)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HELEN L. JOHNSON

v.

PECO ENERGY COMPANY

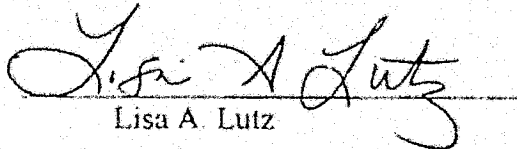
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DOCKET NO. C-20044199

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 18, 2005

  
\_\_\_\_\_  
Lisa A. Lutz

Date 2/15/05

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

Case Number: 1743760  
Customer Name: HELEN JOHNSON  
Address: 3315 B ST  
2ND FL  
PHILADELPHIA PA 19134-1603

Opened On: 8/10/04  
Utility Type: Electric Distributor  
Account Number: 232002202454  
Company Name: PECO Energy

Prior Case: Total Balance: \$1,040.69 Balance Date: 8/26/04

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

Decision Issued: Y Oral Written: W  
Investigator: KWIATKOWSKI, JOSHUA PUC Decision Issued Dt: 10/21/04 PUC Case Closed Dt: 10/21/04  
Decision Recvd Dt: 10/21/04 01:25PM

Letter Description: CAP STRAIGHT DECISION

To Restore Service Pay: \$0.00 To Continue Service Pay: \$0.00 By:  
Terms: NOVEMBER 2004  
Special Budget Amount: \$89.00 Regular Budget Amount: \$74.00 Plus Arrears Payment: \$15.00  
Final Bill Monthly Payment: \$0.00 Current Bill Monthly Payment: \$0.00  
End Of Month Payment: \$0.00

Par Description:

THE COMPANY HAS REPORTED TO THE PUC THAT THERE ARE SUPPLIER CHARGES ON YOUR ACCOUNT. THE SUPPLIER CHARGES ARE YOUR RESPONSIBILITY AND CANNOT BE INCLUDED IN THE PAYMENT ARRANGEMENT

Resolution:

SEE CS17 FOR TERMS OF PAR

*PECO Exhibit A*

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HELEN L. JOHNSON

v.

PECO ENERGY COMPANY

DOCKET NO. 20044199

CERTIFICATE OF SERVICE

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

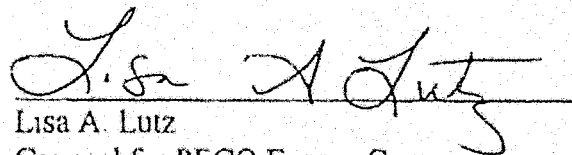
Helen L. Johnson  
Apartment 2-F  
3315 "B" Street  
Philadelphia, PA 19134

RECORDED

FEB 18 2005

PA PUBLIC UTILITY COMMISSION  
PHILADELPHIA, PA

Dated at Philadelphia, Pennsylvania, February 18, 2005



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](mailto:Lisa.Lutz@exeloncorp.com)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HELEN L. JOHNSON

v.

PECO ENERGY COMPANY

DOCKET NO. C-20044199

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.103, 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 New Matter 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.

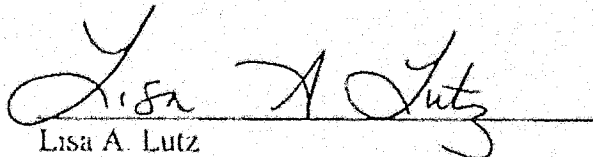
File with:

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 18, 2005



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

RECEIVED

FEB 18 2005

PA PUBLIC UTILITY COMMISSION  
600 N. MARKET STREET

RECEIVED

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 16 2005

HELEN L. JOHNSON

v.

PECO ENERGY COMPANY

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCKET NO. C-20044199

**DOCKETED**  
APR 06 2005

PECO ENERGY COMPANY'S MOTION TO DISMISS COMPLAINT

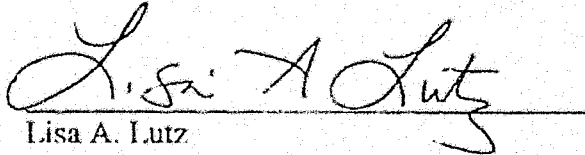
Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.103 respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

1. On or about December 10, 2004, Complainant filed a formal complaint with the Pennsylvania Public Utility Commission requesting the Commission to set or approve a payment agreement on Complainant's utility account.
2. On or about February 2, 2005, PECO Energy was served the above-mentioned formal Complaint.
3. Complainant currently participates in the residential utility discount Customer Assistance Program ("CAP") and receives a monthly discount on her utility charges.
4. In the instant matter, Complainant improperly brought this complaint before the Public Utility Commission. 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 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.

DOCUMENT  
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WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complaint because the jurisdiction for payment agreements on Complainant's outstanding utility account is not properly before this Honorable Commission.

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@exeloncorp.com

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HELEN L. JOHNSON

v.

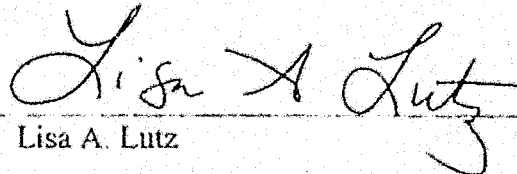
PECO ENERGY COMPANY

DOCKET NO. C-20044199

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 18, 2005

  
\_\_\_\_\_  
Lisa A. Lutz

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HELEN L. JOHNSON

v.

PECO ENERGY COMPANY

:  
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:  
:

DOCKET NO. C-20044199

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:

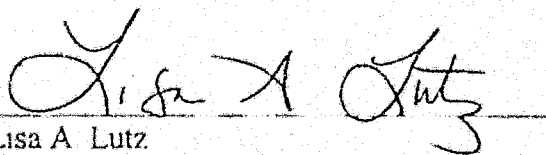
Helen L. Johnson  
3315 B Street, 2<sup>nd</sup> Floor (2-F)  
Philadelphia, PA 19134

RECEIVED

FEB 18 2005

Dated at Philadelphia, Pennsylvania, February 18, 2005

PA PUBLIC UTILITY COMMISSION  
PHILADELPHIA, PA



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