

1. REPORT DATE: 00/00/00 :
 2. BUREAU: ALJ :
 3. SECTION(S): : 4. PUBLIC MEETING DATE:
 5. APPROVED BY: : 00/00/00
 DIRECTOR: :
 SUPERVISOR: :
 6. PERSON IN CHARGE: : 7. DATE FILED: 12/17/01
 8. DOCKET NO: F-01023091 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: FREY, MATTHEW

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: CHESTER

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES PECO ENERGY DID NOT READ HIS METER FROM SEPTEMBER OF 2000 UNTIL JULY OF 2001. HE IS DISPUTING CHARGES PRIOR TO SIX MONTHS OF THE ACTUAL READING DATE. HE WANTS THE PUC TO MAKE PECO TAKE OFF HALF OF THE BILLING CHARGES FROM THE GAS USAGE READING OF JULY 2001.

DOCUMENT
 FOLDER

DOCKETED
 DEC 18 2001

FORMAL COMPLAINT FOR
Pennsylvania Public Utility Commission

BCS1023091

12-27-01

F-01023091

110550

Please Print:

1. Your Name, Mailing Address and Telephone Number.

ORIGINAL

Name Matthew Frey

Street/P.O. Box 102 N. New St. Apt.# 1

City West Chester State PA Zip 19380

County Chester Home Telephone-Area Code (610) 429-1669

Work Telephone-Area Code (610) 918-1850

2. Name of Company your complaint concerns: PECO

3. What is your complaint?

(see attached)

RECEIVED
2301 DEC 17 AM 10:26
SECRETARY'S BUREAU

(If you need more space, use additional paper and attach to this form).

(over-)

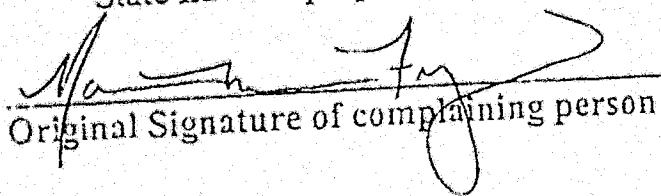
4. What do you want the Public Utility Commission to do about your complaint?

As mentioned in #3, I want the PUC to make PECO take off half of the billing charges from the gas usage reading of July 2001. The total charge was \$555.86, so I want a deduction of \$427.93 from my balance with PECO.

(If you need more space, use additional paper and attach to this form.)

5. 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.


Original Signature of complaining person

11 December 2001
Date

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Telephone Number-Area Code (_____) _____

Matthew Frey

Attachment to Formal Complaint Form for the PUC

3. PECO Energy did not read my gas meter from September of 2000 until July of 2001. In PECO's gas tariff, it clearly states in article 14.4, Estimated Usage, that "For residential Customers, an actual meter reading will be obtained at least every six months, in accordance with Commission regulations." Therefore, I am disputing any charges prior to six months of the actual reading date. This would be any charges incurred before January of 2001. Since almost all of the gas charges are from heat usage between October and March, I am disputing half of the billed charges from the actual reading done in July of 2001.

PECO now claims that they show readings in January and February of 2001, which would make my complaint invalid because all readings done would have been within six months of each other. I believe these readings are falsified for several reasons. First of all, they never showed up on my bill and, in all of my conversations with PECO, these "readings" were never mentioned until the PUC began their investigation. Also, PECO has admitted that they cannot account for how the readings took place, given that no residents have keys to the room that the gas meters are in, nor did the realtor let PECO in on those dates, nor did PECO have a key for the room before the summer of 2001. If PECO did in fact do readings on those days, isn't there a record of the representative's name who read the meters? And can't he or she be contacted regarding this situation? This needs to be investigated further.

The decision on my initial complaint is that regardless of when or how PECO read my gas meter, the fact is that I used the gas and I am responsible for paying for it. With my current income, I cannot afford to pay my current bills and still make sufficient payments on my old bill to pay it off. I will not be living at my current address much longer, and fear that I will not be able to pay this at the rate I had agreed to pay monthly before I move. I believe it is not fair business practice to charge a consumer a few dollars per month for ten months and then send him a bill for over \$850.00, with absolutely no warning whatsoever. Moreover, I have never managed a household before and I believe PECO took advantage of my silence in this matter to read the meter at their leisure. It is for exactly this reason that article 14.4 in the gas tariff exists. What other purpose does this serve than to protect consumers from suddenly owing large balances that they will not be able to pay? My situation is what this article is to protect a consumer from. Regardless of whether I used the gas or not, PECO cannot legally charge me for any gas usage prior to January of 2001. It is clearly a violation of the tariff and of my rights as a customer.

Timely

NOTIFICATION OF INTENT TO APPEAL
(Request For Formal Complaint Forms)

Notice to Customer:

If you sign and return this form you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within twenty days of this date: November 29, 2001. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments, or the utility company may pursue the termination of your service


Thank You
Pennsylvania Public Utility Commission

Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes.)

MATTHEW FREY
102 N NEW ST APT 1
WESTCHESTER PA 19380

(610) 429-1689
(Area Code) Telephone Number


Signature

Mail this completed form to:

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

FOR OFFICE USE ONLY

BCS Number 1023091 Date of mailing November 29, 2001
Company ANN L. RETTENMAIRMANAGER, REGULATORY PERFORMANCE
ENERGY COMPANY 2301 MARKET ST FIRST, S15-2PO BOX
8699PHILADELPHIA PA 19101

RECEIVED
2001 DEC - 6 AM 9:54
REVISED 11/27
PA PUC
SECRETARY'S BUREAU



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

12-27-01

IN REPLY PLEASE
REFER TO OUR FILE

DECEMBER 7, 2001

BCS1023091

MATTHEW FREY
102 N NEW ST APT 1
WEST CHESTER PA 19380

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**** Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before DECEMBER 27, 2001 to the address listed below:

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

While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.
- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.

- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

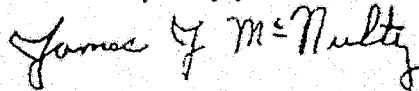
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.

YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,



James J. McNulty
Secretary

GLR

CC: PECO ENERGY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: DECEMBER 19, 2001

MATTHEW FREY
Complainant

VS.

Complaint Docket
No: F-01023091

PECO ENERGY COMPANY
Respondent

DOCUMENT
FOLDER
DOCKETED
DEC 18 2001

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 17120, an answer (original and two 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).

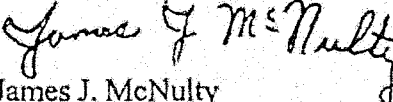
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

DATE SERVED: DECEMBER 19, 2001

F-01023091

PECO ENERGY COMPANY
C/O WARD L SMITH ASSOCIATE GENERAL COUNSEL
EXELON BUSINESS SERVICES COMPANY
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 MATTHEW FREY. 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
FOLDER

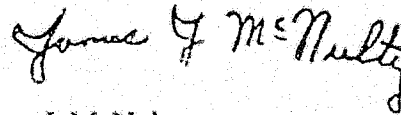
DECEMBER 19, 2001

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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name and title.

James J. McNulty
Secretary

JJH

Legal Department

Exelon Business Services Company
2301 Market Street/ S231
PO Box 8699
Philadelphia, PA 19101 8699

Telephone (215) 841-5544
Fax (215) 568-3389
www.exeloncorp.com

Business Services Company

ORIGINAL

Direct Dial 215 841 5974

January 4, 2002

DOCUMENT FOLDER

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

RE: Matthew Frey v. PECO Energy Company
Docket No. ~~Z-0123091~~

Dear Mr. McNulty:

F-01023091

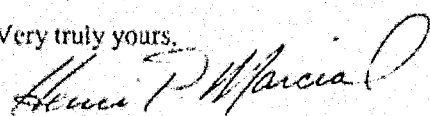
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2002 JAN 10 AM 10:15
SECRETARY'S BUREAU

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

- X Answer (original and 3 copies)
- _____ Answer and Motion (original and 3 copies)
- _____ Petition (original and 3 copies)
- _____ Answer and New Matter (original and 3 copies)
- _____ Motion (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 documents were served on the interested parties.

Very truly yours,


Henri P. Marcial
Assistant General Counsel
Exelon Business Services Company

HPM/zr

Enclosures

KCP

3

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MATTHEW FREY

v.

PECO ENERGY COMPANY

DOCKET NO. ~~Z-0123091~~

F-01023091

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2002 JAN 10 AM 10:15
SECRETARY'S BUREAU

ANSWER OF RESPONDENT PECO ENERGY COMPANY

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.61, responds to the Complaint and states:

1. Admitted
2. Admitted
3. Admitted in part. Denied in part. PECO admits that Complainant's billing for gas

DOCUMENT
FOLDER

DOCKETED
JAN 10 2002

service was estimated. PECO admits that the Complainant was rebilled for service that was underestimated prior to the actual reading obtained 3 July, 2001. The rebilled amount for previously unbilled service was \$855.86.

PECO denies improperly billing Complainant. The rebilling is appropriate. PECO is required, to the best of its ability, to bill for the services used by Complainant. Failure to bill Complainant for the underestimated usage would result in Complainant being unjustly enriched and place an unwarranted burden upon the remaining consumer base. If Complainant has used the services, then they must be paid for. Complainant inappropriately draws a false legal conclusion from PECO's Electric Service Tariff § 14.8 which references 52 Pa. Code § 56.12(4). It remains the customers responsibility to provide access to meters for billing and maintenance

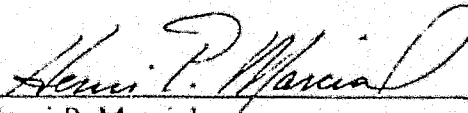
purposes. In this instance, adequate access was not provided. Regardless, the customer is not absolved of the responsibility to pay for services consumed. PECO understands that the outstanding balance was accrued over a long period of time. To minimize the immediate financial impact in such situations PECO offers payment arrangements. On 29 November, 2001 a Bureau of Consumer Services ("BCS") rendered a decision in this matter dismissing the complaint and clearly indicating the Complainant's responsibility for the outstanding balance. A copy of the decision is attached as Exhibit PECO-1.

PECO can neither confirm nor deny the remaining averments of Complainant. Therefore, PECO denies such averments.

4 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.

Respectfully submitted,



Henri P. Marcial
Assistant General Counsel
Exelon Business Services Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215/841-5974
henri.marcial@exeloncorp.com

Date: 8 January, 2002

Counsel for PECO Energy Company



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

November 29, 2001

BCS No: 1023091

MATTHEW FREY
102 N NEW ST APT 1
WESTCHESTER PA 19380

RECEIVED
2002 JAN 10 AM 10:00
SECRETARY'S OFFICE
BUREAU

The Bureau of Consumer Services (BCS) has completed its investigation into your informal complaint. The decision resulting from that investigation is attached. A copy of this decision has also been sent to your utility company. This decision is binding on all parties and unless it is appealed will become final 20 days after the date of this letter.

If you do not agree with any part of this decision, you may appeal it by filing a formal complaint. You can do this by completing the attached Request for Formal Complaint Forms. Return this form to the Public Utility Commission and the formal complaint forms will be mailed to you. If you wish to appeal, you must return this form to the Public Utility Commission by the date shown on the form. Your complaint will be assigned to an Administrative Law Judge and a hearing date will be assigned.

You do not need a lawyer to file an appeal.

You must make all of the payments required by this decision. If you do not make these payments, the utility company is permitted to terminate your utility service.

If you have any questions about the terms and conditions of this decision or about the Public Utility Commission's appeal procedures, you may call me toll free at 1-800-782-1110 or directly at 717-783-1678.

Sincerely,

Felix J. Bassi
Utility Complaint Investigator

Enclosure

ANN L. RETTENMAIR
MANAGER, REGULATORY PERFORMANCE
PECO ENERGY COMPANY
2301 MARKET ST FIRST, S15-2PO BOX 8699
PHILADELPHIA PA 19101

Exhibit
PECO - 1

6. That regardless of how the actual check read was obtained, the gas was consumed and the customer is responsible for payment of the bill. The company and customer did negotiate a payment arrangement of current bill plus \$73.00 per month until the unpaid balance is paid in full.

Based On These Findings, The Bureau of Consumer Services Concludes:

1. That there is no substantiating documentation to support the fact an actual check read was taken. The check read seems to be in line so that it would appear to support that the meter reader somehow obtained an actual check read
2. That there is some uncertainty regarding that an actual check read was taken. The tenants do not have keys to the meters, the company did not have a key to the gas meter room and the realtor did not recall giving the company access. The realtor did remember the company obtaining a key sometime in late June 2001 or early July 2001
3. That regardless of the regulatory issue involved, the customer consumed the gas and is responsible for payment
4. That the company complied with PUC regulations regarding backbilling. The company provided the customer a payment arrangement that takes as long to pay back as it took the company to bill.

Therefore It Is Decided:

- (1) That the informal complaint of MATTHEW FREY is dismissed.
- (2) That the customer is responsible for payment of the bill and should continue payments in accordance with the payment arrangement negotiated with the company.

November 29, 2001

Date

Signature

Felix J. Bassi

Utility Complaint Investigator

Bureau of Consumer Services

PA Public Utility Commission

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

MATTHEW FREY
102 N NEW ST APT 1
WESTCHESTER PA 19380

V. ANN L. RETTENMAIRMANAGER,
REGULATORY PERFORMANCEPECO
ENERGY COMPANY2301 MARKET ST
FIRST, S15-2PO BOX 8699PHILADELPHIA
PA 19101

Case Number: 1023091

Account Number: 350242588027

Decision On Informal Complaint by the Bureau of Consumer Services:

Statement of Complaint:

A summary of the customer's complaint is as follows:

Customer says the company has estimated the bills from August 2000 to August 2001. Company did read the meter in July and sent customer a bill for \$900.00. Customer is disputing part of the bill from January 2001 to July 2001. Customer found out the company is supposed to read the meter twice a year. Customer wants the PUC to investigate.

Investigation by Staff of the Bureau of Consumer Services Revealed:

- 1 That the company report shows the company obtained an initial actual reading on 8/2/01. The company then obtained an actual reading for the billing period to 8/2/00 and 9/1/00. This is in agreement customer's bill. The report also shows estimated readings for the bill period to 10/3/00, 11/2/00, 12/5/00, 1/3/01, 2/2/01, 3/5/01, 4/3/01, 5/3/01, and 6/4/01. Commencing 7/3/01 actual reads were taken for the billing period to 7/3/01, 8/1/01, 9/4/01, and 10/2/01. The 7/3/01 actual read generated a bill of \$855.86, which the customer is disputing from January 2001 to July 2001.
- 2 That the company report shows actual check readings taken on 1/5/01 and 2/20/01.
- 3 That during a telephone conversation on 11/27/01, the customer was told that the company was within regulations because the company took an actual check reading on 1/5/01. The customer stated that was not possible because his bills showed estimated reads for the period in question. The customer was asked to provide copies of bills.
- 4 That on 11/28/01, the customer provided faxed copies of his bills which do show estimated reads for the billing periods to 10/3/00, 11/2/00, 12/5/00, 1/3/01, 2/2/01, 3/5/01, 4/3/01, 5/3/01, and 6/4/01. During a telephone conversation on 11/28/01, the customer was asked whether the meter was inside or outside. The customer stated inside, not in his apartment but in a locked location that no tenant has access to. Access to the space is obtained by getting a key from the realtor. The company has a key for the electric meters but prior to 7/3/01 did not have a key to the gas meters. The realtor verified that the company did not obtain the key until sometime in June or July.
- 5 That during a conversation with the investigator and company representative on 11/28/01, the company representative could not account for how the actual check read was taken. The company representative suggested that the company had a key, that a tenant let them in, or the owner let them in. The options offered do not seem feasible since the tenant's do not have access, the company did not have the key until 7/3/01, and the realtor does not recall letting the company in.

VERIFICATION

I, Henri P. Marcial, 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 8 January, 2002


Henri P. Marcial

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MATTHEW FREY

v.

PECO ENERGY COMPANY

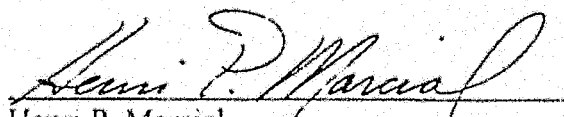
DOCKET NO. Z-0123091

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 properly addressed and postage prepaid to:

MATTHEW FREY
102 N. New Street
Apt. 1
West Chester, PA 19380

Dated at Philadelphia, Pennsylvania, 8 January, 2002.



Henri P. Marcial
Assistant General Counsel
Exelon Business Services Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215/841-5974
henri.marcial@exeloncorp.com

Counsel for PECO Energy Company

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2002 JAN 10 AM 10:16
SECRETARY'S BUREAU