

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: 08/23/04
8. DOCKET NO: F-01482857	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TAYLOR, DONALD & PATTY

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY:

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THEY ARE BEING ACCUSED OF METER TAMPERING BY PECC, WHICH THEY STRONGLY DENY. PECO ESTIMATES A BILL OVER \$5,000. THEY WANT PECO & THE PUC TO THOROUGHLY INVESTIGATE THIS MATTER AND DEMONSTRATE WHY THEY ARE RESPONSIBLE TO PAY THIS EXTRAORDINARY BILL.

DOCUMENT  
FOLDER

**DOCKETED**  
AUG 26 2004

ORIGINAL

BCS1482857  
Due Back 9/1/04

Pennsylvania Public Utility Commission

Formal Complaint Form

Please Print. F-01482857

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

Name DONALD + PATTY TAYLOR

Street/P.O.Box 4907 PARKSIDE AVE Apt # \_\_\_\_\_

City PHILADELPHIA State PA. Zip 19131

Area Code/HOME Phone 215-473-8055 Area Code/WORK Phone 215-686-3542

Utility Account Number 25-18-16-317530

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 \_\_\_\_\_

SECRETARIAT BUREAU  
2004 AUG 23 PM 2:01

2. Name of utility company your complaint concerns: PECO

3. Type of Utility (circle one):

GAS WATER MOTOR CARRIER

STEAM HEAT ELECTRIC SEWER

TELEPHONE - (LOCAL OR LONG DISTANCE)

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).

WE ARE BEING ACCUSED OF METER TAMPERING BY PECO WHICH WE STRONGLY DENY. PECO ESTIMATES A BILL OVER

\$ 5,000.00

53



*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: August 4, 2004. 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.)

PAT STEWART - TAYLOR  
4907 PARKSIDE AVE  
PHILADELPHIA PA 19131

215 473-8055  
(Area Code) Telephone Number

*Donald Taylor*  
Signature


Mail this completed form to:

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

<b>FOR OFFICE USE ONLY</b>		Date of mailing:	August 4, 2004
BCS Number:	1482857		
Company:	PECO ENERGY		
	2301 MARKET ST FIRST S12-3		
	P O BOX 8699		
	PHILADELPHIA PA 19101		

RECEIVED  
2004 AUG 13 11:13  
SECRETARY'S BUREAU  
REVISED 11/92

*26*



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

due back 9/2/04

IN REPLY PLEASE  
REFER TO OUR FILE

August 13, 2004

BCS1482857

PAT STEWART-TAYLOR  
4907 PARKSIDE AVE  
PHILADELPHIA PA 19131

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 September 2, 2004 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:

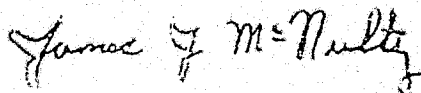
Office of Administrative Law Judge  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**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

ddh

CC. PECO ENERGY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: AUGUST 27, 2004

DONALD & PATTY TAYLOR

Complainant

VS.

PECO ENERGY COMPANY

Respondent

Complaint Docket

No: F-01482857

DOCUMENT  
FOLDER

DOCKETED  
AUG 26 2004

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PECO ENERGY COMPANY

TAKE NOTICE:

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

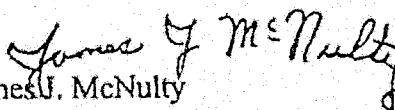
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as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

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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

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

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

  
James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

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

DATE SERVED: AUGUST 27, 2004

F-01482857

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

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DONALD & PATTY TAYLOR. 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.

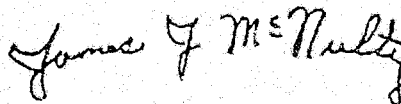
AUGUST 27, 2004

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

JH

Legal Department

Telephone 215.841.5544  
www.exeloncorp.com

Business Services  
Company

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

# ORIGINAL

Direct Dial: 215.841.5974

Fax: 215.568.3389

September 16, 2004

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

## RECEIVED

SEP 16 2004

Re: **Donald & Patty Taylor v. PECO Energy Company**  
Docket No. F-01482857

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

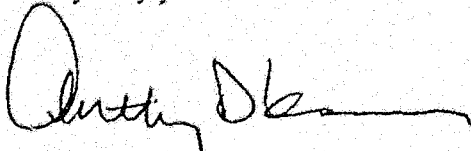
Dear Mr. McNulty:

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

- X   Answer (original and 3 copies)
- Answer and Motion (original and 3 copies)
- Petition (original and 3 copies)
- Answer and New Matter (original and 3 copies)
- Amended Motion (original and 3 copies)
- Exceptions (original and 9 copies)
- Reply Exceptions (original and 9 copies)
- Motion (original and 9 copies)
- Reply Motion (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,



Anthony D. Kanagy  
Counsel for PECO Energy Company

DOCUMENT  
FOLDER

Enclosures  
cc. All Parties

RJK

55

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DONALD & PATTY TAYLOR

v.

PECO ENERGY COMPANY

DOCKET NO. F-01482857

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. On January 11, 2002 a PECO representative

went to Complainants' property to change their electric meter to an automatic meter reader. At the property, the PECO representative found evidence of meter tampering, including a missing seal, an open meter ring, and jumpers wired in the meter board. The PECO representative removed the jumpers and set a new meter. The Complainants' electric usage substantially increased immediately after the tampering was found and corrected. PECO subsequently back-billed Complainant for four-years based upon estimates of Complainants' usage calculated after the tampering was corrected. The amount of the back-billing is \$5,411.30.

A decision of the Bureau of Consumer Services ("BCS") issued on or about August 4, 2004 and found that PECO discovered meter tampering at the Complainants' property and that PECO properly back-billed Complainant for estimated usage. A copy of the BCS decision is attached as Exhibit A.

RECEIVED

SEP 16 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCUMENT  
FOLDER

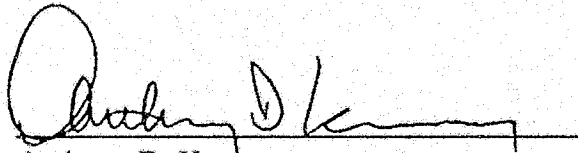
DOCKETED  
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PECO does not allege that Complainants tampered with their meter themselves.  
However, the Complainants benefited from and are responsible for paying for the service.

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.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony D. Kanagy", is written over a horizontal line.

Anthony D. Kanagy  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
Direct Dial: 215.841.5974  
Fax: 215.568.3389  
anthony.kanagy@exeloncorp.com

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DONALD & PATTY TAYLOR

v.

PECO ENERGY COMPANY

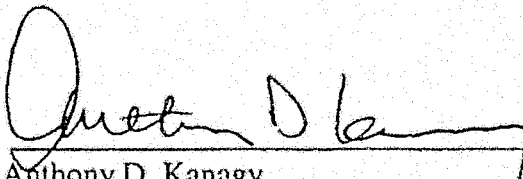
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DOCKET NO. F-01482857

VERIFICATION

I, Anthony D. Kanagy, 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: September 16, 2004

  
Anthony D. Kanagy

Date: 9/7/04

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

Case Number: 1482857  
Customer Name: PAT STEWART-TAYLOR  
Address: 4907 PARKSIDE AVE  
PHILADELPHIA PA 19131-0

Opened On: 9/9/03  
Utility Type: Electric Distributor  
Account Number: 251816317530  
Company Name: PECO Energy

Prior Case: Total Balance: \$5,816.91 Balance Date:  
Compliance Violation(Alleged, Actual, No): NO Chap 56/64/Other: Section/Rule:  
Decision Issued: Y Oral Written: W  
Investigator: BASSI, FELIX PUC Decision issued Dt: PUC Case Closed Dt: 8/4/04  
Decision Recvd Dt: 8/4/04 02:25PM

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:

BASED ON THESE FINDINGS, THE BUREAU OF CONSUMER SERVICES CONCLUDES: 1) THAT METER TAMPERING WAS DISCOVERED AND EXISTED AT THE RATEPAYER'S PROPERTY 2) THAT THE COMPANY DID NOT ACCUSE THE RATEPAYER OF METER TAMPERING. 3) THAT THERE IS NO EVIDENCE THAT THE RATEPAYER ORDERED OR PERFORMED THE METER TAMPERING 4) THAT THE RATEPAYER BENEFITED FROM THE TAMPERED METER 5) THAT THE USAGE FROM 3/27/98 TO 8/26/03 SHOWS SIGNIFICANT INCREASES IN USAGE. THIS WOULD BE EXPECTED IF A METER WAS RUNNING 50% SLOW, WHICH THE COMPANY BELIEVES IT WAS RUNNING. 6) THAT THE RATEPAYER IS RESPONSIBLE FOR THE REVISED BILLING BECAUSE EVIDENCE OF METER TAMPERING WAS DISCOVERED ON 1/11/02 AND HE BENEFITED FROM THE SERVICE. 7) THAT THE COMPANY IS AUTHORIZED TO BACK BILL FOR FOUR YEARS BECAUSE THERE IS NO WAY OF DETERMINING ON WHAT DATE THE METER WAS TAMPERED. 8) THAT THE RATEPAYER IS RESPONSIBLE FOR THE BACK BILLING OF \$5,411.30. THE CUSTOMER'S ACCOUNT BALANCE IS \$5,816.91. THE CUSTOMER DECLINED THE OFFER OF A PAYMENT ARRANGEMENT. THEREFORE IT IS DECIDED: (1) THAT THE INFORMAL COMPLAINT OF PAT STEWART-TAYLOR IS DISMISSED (2) THAT THE RATEPAYER IS RESPONSIBLE FOR THE REVISED BILLING OF \$5,411.30 RESULTING FROM THE TAMPERED METER. (3) THAT THE RATEPAYER IS RESPONSIBLE FOR THE TOTAL ACCOUNT BALANCE OF \$5,816.91.

Exhibit "A"

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DONALD & PATTY TAYLOR

v.

PECO ENERGY COMPANY

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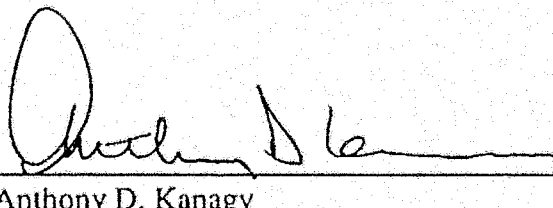
DOCKET NO. F-01482857

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, properly addressed and postage prepaid to:

Donald & Patty Taylor  
4907 Parkside Ave.  
Philadelphia PA 19131

Dated at Philadelphia, Pennsylvania, September 16, 2004



Anthony D. Kanagy  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
Direct Dial: 215.841.5974  
Fax: 215.568.3389  
anthony.kanagy@exeloncorp.com