

CAPTION SHEET

CASE MANAGEMENT SYSTEM

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: 01/10/03
8. DOCKET NO: F-01184392 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: ZECCARDI, JOSEPH A. JR.

RESPONDENT/APPLICANT: PECO ENERGY COMPANY

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 110550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THAT HE PAID HIS BUDGET AMOUNT FOR 15 YEARS AND NOW PECO IS SAYING HE OWES \$1,400 MORE. HE WANTS THE PREVIOUS SETTLEMENT AGREEMENT OF \$300 CR LESS.

DOCUMENT
FOLDER

DOCKETED

JAN 15 2002

ORIGINAL

FORMAL COMPLAINT FORM
Pennsylvania Public Utility Commission

BCS 1184392
1/23/03

Please Print.

F-01184392
110550

1. Your Name, Mailing Address and Telephone Number.

Name Joseph A. Zeccardi Jr.

Street/P.O. Box 205 WEST AVE. Apt.# _____

City JENKINTOWN State PA. Zip 19046

County MONTG. Home Telephone-Area Code (215) 884-4248

Work Telephone-Area Code (215) 585-4687

RECEIVED
JAN 23 2003
SECRETARY'S OFFICE

2. Name of Company your complaint concerns: Peco Energy Company

3. What is your complaint?

I HAVE OWNED AND OPERATED THIS APARTMENT BUILDING WHICH IS LOCATED AT 207 WEST AVE FOR THE PAST 15 YEARS. HAVE ALWAYS BEEN ON PECO'S SUGGESTED BUDGET PROGRAM. THIS PAST BUDGET YEAR PECO CLAIMS THAT MY SETTLEMENT PAYMENT AT THE END OF THE PERIOD WAS OFF TARGET BY SOME \$1,400.00 HOW CAN THIS BE IF THE BUDGET IS SUPPOSED TO PREVENT LARGE SETTLEMENTS?

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

(-over-)

34


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

Adjust the settlement amount to
previous settlement amounts under
\$300.00

(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.

 Joseph A. Zeccardi, Jr.
Original Signature of complaining person

1-8-03
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 (_____) _____

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: December 18, 2002. 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

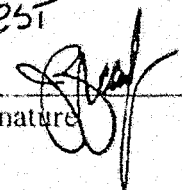
Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:

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

JOSEPH Z. ZECCARDI, JR.
205 W AVENUE
JENKINTOWN PA 19046

WEST

215-884-4248
(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: 1184392
Company: PECO ENERGY COMPANY
2301 MARKET ST
S-15-2
P. O. BOX 8099
PHILADELPHIA PA 19101-8699

Date of mailing: December 18, 2002

RECEIVED
2002 DEC 27 AM 9:08
SECRETARY'S BUREAU
REVISED 11/01

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

1/23/03

IN REPLY PLEASE
REFER TO OUR FILE

JANUARY 3, 2002

BCS 1184392

JOSEPH ZECCARDI, JR.
205 WEST AVENUE
JENKINTOWN PA 19046

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 «duedate» 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:

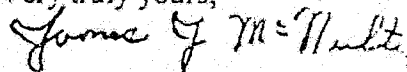
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

dbb

CC. PECO ENERGY COMPANY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JANUARY 15, 2003

JOSEPH A. ZECCARDI, JR.
Complainant

DOCUMENT
FOLDER

VS.

Complaint Docket
No: F-01184392

PECO ENERGY COMPANY
Respondent

DOCKETED
JAN 15 2002

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).

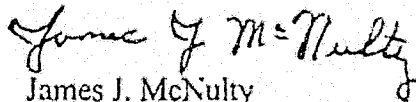
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa.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

COPY

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

DATE SERVED: JANUARY 15, 2003

F-01184392

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 JOSEPH A. ZECCARDI, JR.. 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.

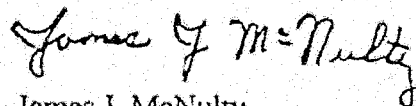
JANUARY 15, 2003

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

dbs

Legal Department

Exelon Business Services Company
2301 Market Street, S23-1
PO Box 8699
Philadelphia, PA 19101-8699

Telephone (215) 841-5544
Fax (215) 568-3359
www.exeloncorp.com

Business Services
Company

ORIGINAL

Direct Dial: 215 841 6841

February 6, 2003

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

RECEIVED

FEB 06 2003

RE: Joseph A. Zeccardi, Jr. v. PECO Energy Company
Docket No.: F-01184392

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.

<u>X</u>	Answer (original and 3 copies)
_____	Answer and Motion to Dismiss (original and 3 copies)
_____	Petition (original and 3 copies)
_____	Answer and New Matter (original and 3 copies)
_____	Motion to Dismiss (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,


Priya Sankar
Attorney
Exelon Business Services Company

PS:zr

Enclosures

DOCUMENT
FOLDER

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ORIGINAL

RECEIVED

FEB 06 2003

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JOSEPH A. ZECCARDI, JR.

v.

PECO ENERGY COMPANY

DOCKET NO. F-01184392

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 in part and denied in part. PECO Energy admits that its budget

billing program does seek to prevent large settlements. PECO Energy denies that its program is the cause of Complainant's "settlement" bill of \$1428.73 at the end of the budget billing year. By way of further response, the budget billing option is a payment plan offered to PECO Energy customers, which allows them to make equal monthly payments for eleven months and a settlement payment in the twelfth. (See PECO Energy's Electric Service Tariff, Pa. P.U.C. No. 3). The purpose of the plan is to assist customers who have increased seasonal usage by providing more consistent bills for the entire year. In the twelfth month, a settlement bill or "true up" is issued either crediting the customer for overpayment or billing the customer for underpayment. The monthly payment is estimated based on anticipated usage. The customer's usage and plan is evaluated every four months to assure that the billing is in line with the usage. During the evaluation, if it is determined that the billing is not an accurate reflection of

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DOCKETED
FEB 13 2003

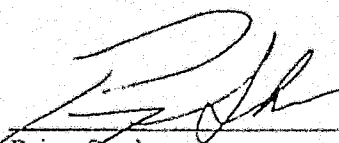
the anticipated usage and that the customer will either have overpaid by a great deal or will have underpaid by a significant amount, the budget amount will be adjusted to prevent the issuance of a large settlement bill which may create a hardship for the customer. The customer may start or stop the budget plan at any time. Furthermore, PECO Energy may review and adjust the budget plan in accordance with the customer's usage and may remove a customer from the budget plan when the account is past due for two consecutive months. Complainant's settlement amount at the end of his budget billing year of \$1428.73 is a result of Complainant's request to reduce his monthly budget billing amount despite PECO Energy's suggestion that it must be increased in addition to his account being rebilled right before the eighth budget billing month evaluation.

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 or enter an order directing payment and authorizing PECO Energy Company to terminate service if said payment is not made. If an Order directing payment is entered, PECO Energy Company requests that Complainant be required to make a lump sum payment equal to the amount of the payments missed under the Bureau of Consumer Services decision, less any payments actually made. PECO Energy further requests that, pursuant to Bernecker v. Bell Atlantic-PA., Inc., Pa. PUC Docket No. F-000231398 (1995), this Honorable Commission enter an Interim Order directing payment while the hearing in

this matter is pending and authorizing PECO Energy Company to terminate service if
Complainant fails to pay according to said interim Order.

Respectfully submitted,



Priya Sankar
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215-841-6841
priya.sankar@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH A. ZECCARDI, JR.

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. F-01184392

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 Certified mail, properly addressed and postage prepaid to:

Joseph A. Zeccardi, Jr.
205 West Avenue
Jenkintown, PA 19046

Dated at Philadelphia, Pennsylvania, February 6, 2003.



Priya Sankar
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
215-841-6841
priya.sankar@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH A. ZECCARDI, JR.

v.

PECO ENERGY COMPANY

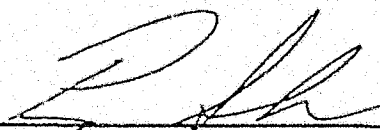
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DOCKET NO. F-01184392

VERIFICATION

I, Priya Sankar, 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 6, 2003



Priya Sankar



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

May 6, 2003

In Re: F-01184392

(SEE ATTACHED LIST)

Joseph A. Zeccardi, Jr v. PECO Energy Company

Requests payment arrangements.

Telephone Hearing Notice

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

Type: Initial telephonic hearing.
Date: Monday, July 28, 2003
Time: 10:00 a.m.
Presiding: Administrative Law Judge Cynthia W. Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

The judge will be presiding as authorized by
52 Pa. Code §56.174.

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

DOCUMENT
FOLDER

RECEIVED
MAY 12 2003

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

Joseph A. Zeccardi, Jr 215.884.4248
Priya Sankar, Esquire 215.841.5544

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

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

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

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

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

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