

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Donald Chapman

v.

PECO Energy Company

**DOCKETED**  
JAN 05 2007

F-02093828

PREHEARING ORDER

**DOCUMENT  
FOLDER**

An Initial Hearing in this case is scheduled for Wednesday, October 25, 2006 at 1:30 p.m. in Hearing Room 2 in the Philadelphia State Office Building. This case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 1:15 p.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If the customer is not present and prepared to go forward with the case when it is called, the case will be dismissed by the Administrative Law Judge.

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

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

1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215-560-2105  
Fax: 215-560-3133

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

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

3. If the Commission's Bureau of Consumer Services (BCS) has directed the customer to make payments and those payments have not been made, the customer must be prepared to explain at the hearing why those payments have not been made.

4. The customer must pay his/her current monthly bills for utility service while waiting for a hearing on the complaint. **FAILURE TO MAKE PAYMENTS FOR CURRENT SERVICE BY THE DUE DATE EACH MONTH MAY RESULT IN THE TERMINATION OF THE CUSTOMER'S SERVICE PRIOR TO THE HEARING. FAILURE TO MAKE THESE PAYMENTS WILL RESULT IN AN ORDER REQUIRING A LUMP SUM PAYMENT EQUAL TO THE AMOUNT OF ALL MISSED PAYMENTS FOR SERVICE.**

5. If you intend to present any documents or exhibits for my consideration, you must bring four (4) copies to the hearing.

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

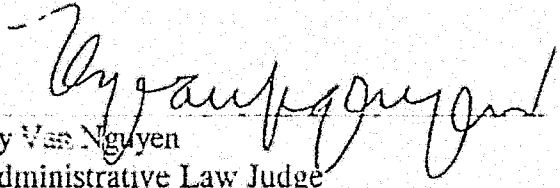
7. Under 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

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

Date: August 24, 2006

  
Ky Van Nguyen  
Administrative Law Judge

**Legal Department**

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

Telephone: 215 841 5544  
Fax: 215 568 3389  
www.exeloncorp.com

Business Services  
Company

**DOCKETED**  
AUG 10 2006

**DOCUMENT  
FOLDER**

Direct Dial 215 841 6841

August 9, 2006

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

Re: **Donald Chapman v. PECO Energy Company**  
**FUC Docket No. F-02093828**

**ORIGINAL**

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)
- 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,

*Michael Swerling*  
Michael S. Swerling  
Counsel for PECO Energy Company

**RECEIVED**

AUG 9 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
REGISTRATION BUREAU

MSS/zr

Enc.

SCHEDULING RECOMMENDATION:   X   CALL OF THE DOCKET        NON-CALL OF THE DOCKET

**DOCKETED**

AUG 10 2006

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

DONALD CHAPMAN

v.

PECO ENERGY COMPANY

DOCKET NO. F-02093828

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. Denied. PECO Energy denies that Complainant is unable to pay his electric bill

DOCUMENT  
FOLDER

RECEIVED

AUG 05 2006

PA PUBLIC UTILITY COMMISSION  
ESTABLISHED 1888

and strict proof thereof is hereby demanded at time of hearing. PECO Energy avers that Complainant's account balance is \$263.52. Complainant's calculated monthly budget bill amount is \$62.00.

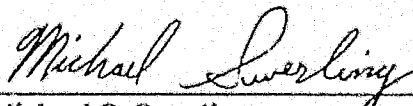
A decision of the Bureau of Consumer Services ("BCS") issued on or about June 16, 2006 set a payment agreement of a special monthly budget amount of \$92.00, beginning August, 2006. The BCS-directed monthly special budget amount of \$92.00 includes the regular monthly budget amount of \$77.00, plus the monthly arrears payment of \$15.00. A copy of the BCS decision is attached as Exhibit A.

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

6. PECO Energy is without sufficient information to confirm or deny this statement.
7. Admitted.

**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,

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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DONALD CHAPMAN

v.

PECO ENERGY COMPANY

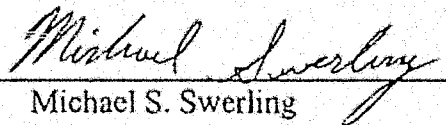
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DOCKET NO. F-02093828

VERIFICATION

I, Michael S. Swerling, 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: August 9, 2006

  
Michael S. Swerling

RECEIVED

AUG 09 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA

Date 8/1/06

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

Case Number: 2093828  
Customer Name: DONALD M CHAPMAN  
Address: 2261 NORTH 19 TH ST  
PHILADELPHIA PA 19132-0

Opened On: 6/16/06  
Utility Type: Electric Distributor  
Account Number: 240825283320  
Company Name: PECO Energy

Prior Case: Total Balance: \$347.13 Balance Date: 6/16/06

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

Decision Issued: Y Oral Written: W  
Investigator: BELLO, GINA PUC Decision Issued Dt: 6/16/06 PUC Case Closed Dt: 6/16/06

Decision Recvd Dt: 6/16/06 12:25PM

Letter Description: EGW STRAIGHT PAR/NO LPCS/BUDGET + FOR LEVEL 1 HOUSEHOLL

To Restore Service Pay: \$0.00	To Continue Service Pay: \$0.00	By:
Terms: AUGUST 2006 DUE DATE		
Special Budget Amount: \$92.00	Regular Budget Amount: \$77.00	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:

Resolution:

STRAIGHT PAR . LVL 1, WAIVE LPC'S. HH INFO \$1204 (1A). TERMS BB 77 + 15 = 92 BEGINNING AUGUST 2006 DD

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AUG 09 2006

PA. PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES

Exhibit A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DONALD CHAPMAN

v.

PECO ENERGY COMPANY

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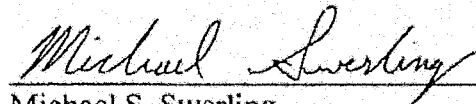
DOCKET F-02093828

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:

DONALD CHAPMAN  
2261 No. 19<sup>th</sup> Street, 3<sup>rd</sup> Rear  
Philadelphia, PA 19132

Dated at Philadelphia, Pennsylvania, August 9, 2006.



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

RECEIVED

AUG 9 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PHILADELPHIA, PA



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 18, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: F-02093828

(See attached list)

## DOCUMENT FOLDER

Donald Chapman v. PECO Energy Company

Billing dispute.

### Hearing Notice

This is to inform you that your case is scheduled for hearing at 1:30 p.m. in Hearing Room 2 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 1:15 p.m. and wait in the Hearing Room until the presiding Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

Type: Initial Hearing  
Date: Wednesday, October 25, 2006  
Time: 1:30 p.m.  
Location: Hearing Room 2  
State Office Building  
Broad & Spring Garden Streets  
Philadelphia, PA

**DOCKETED**  
SEP 22 2006

Presiding: Administrative Law Judge Ky Van Nguyen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

Attention: You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

If you intend to file exhibits, bring 4 copies with you to the hearing.

Individuals may represent themselves or be represented by an attorney. Individuals representing themselves do not need to be represented by an attorney. If you have an attorney representing you, your attorney should file a Notice of Appearance before the scheduled hearing date.

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 Nguyen  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

#502239 09/04

#502239 03/05



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
September 1, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: F-02093828

(See letter of 8-18-06)

DOCUMENT  
FOLDER

Donald Chapman v. PECO Energy Company

Billing dispute.

TIME CHANGE NOTICE

This is to inform you that the time for your hearing has been changed to from 1:30 p.m. to 9:30 a.m.

Your case is scheduled for hearing at 9:30 a.m. in Hearing Room 2 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the presiding Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

Type: Initial Hearing  
Date: Wednesday, October 25, 2006  
Time: 9:30 a.m.  
Location: Hearing Room 2  
State Office Building  
Broad & Spring Garden Streets  
Philadelphia, PA

**DOCKETED**  
OCT 20 2006

BTL

Presiding: Administrative Law Judge Ky Van Nguyen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

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pc: Judge Nguyen  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

#502239 09/04

#502239 03/05

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	F-02093828		YES	NO
Case Name:	Donald Chapman v PECO Energy Company	Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	October 25, 2006	Estimated Add'l Days:		
ALJ:	Ky Van Nguyen	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:	Oct 25, 06	
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:		

DOCUMENT FOLDER

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

Name and Telephone Number	Address	Who are you representing?						
Michael S. Swerling	2301 Market St / 523-1	PECO Energy Co						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">City</td> <td style="width: 33%; text-align: center;">State</td> <td style="width: 33%; text-align: center;">Zip</td> </tr> <tr> <td style="text-align: center;">Philadelphia</td> <td style="text-align: center;">PA</td> <td style="text-align: center;">19101</td> </tr> </table>	City	State	Zip	Philadelphia	PA	19101	
City	State	Zip						
Philadelphia	PA	19101						
Telephone: (215) 841-6841	E-mail Address: [redacted]	Fax Number: (215) 568-3389						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">City</td> <td style="width: 33%; text-align: center;">State</td> <td style="width: 33%; text-align: center;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				
City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">City</td> <td style="width: 33%; text-align: center;">State</td> <td style="width: 33%; text-align: center;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				
City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						

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

MLP

Georgette McEwan

Reporter's Signature

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