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OF COUNSEL

GILBERT NURICK  
SAMUEL A. SCHRECKENGAUST, JR.  
JEFFERSON C. BARNHART

October 2, 1985

**RECEIVED**

OCT 2 1985

**SECRETARY'S OFFICE**  
**Public Utility Commission**

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, PA 17120

Re: Philadelphia Electric Company  
Docket No. R-850152COCL

Dear Mr. Rich:

On behalf of the Philadelphia Area Industrial Energy Users Group, we submit herewith the original and three copies of a complaint directed against Philadelphia Electric Company's Supplement No. 15 to tariff Electric--Pa. P.U.C. No. 26, issued September 27, 1985, proposed to become effective November 27, 1985.

Very truly yours,

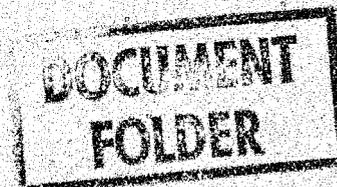
McNEES, WALLACE & NURICK

By

*David M. Kleppinger*  
David M. Kleppinger

Enclosures  
cc w/encl.:

John H. Austin, Jr., President  
Philadelphia Electric Company  
David M. Barasch, Esq.  
Office of Consumer Advocate



OCT 2 1985

SECRETARY'S OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHILADELPHIA AREA INDUSTRIAL ENERGY :  
USERS GROUP :

v. :

PHILADELPHIA ELECTRIC COMPANY :

DOCKET NO. R-850152C 001

COMPLAINT

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The name and address of Complainant are:

Philadelphia Area Industrial Energy Users Group  
c/o Lukens Steel Company  
Coatesville, PA 19320

2. The name and address of Complainant's attorneys are:

David M. Kleppinger  
Edward J. Riehl  
McNees, Wallace & Nurick  
P. O. Box 1166  
Harrisburg, PA 17108-1166  
Tel.: (717) 232-8000

3. Respondent utility is:

Philadelphia Electric Company  
2301 Market Street  
Philadelphia, PA 19103

4. This complaint is directed against the rates and rules proposed by Respondent in Supplement No. 15 to tariff Electric--Pa. P.U.C. No. 26, issued September 27, 1985, with an effective date of November 27, 1985.

**DOCKETED**  
OCT - 9 1985

**DOCUMENT  
FOLDER**

5. Philadelphia Area Industrial Energy Users Group (PAIEUG) is an ad hoc association of industrial customers of Philadelphia Electric Company, all of whom take service under Rate HT. The charges which these corporations pay for electric service will be increased, and the terms and conditions under which they receive service will be affected by the rates and rules contained in the proposed tariff against which this complaint is directed. Complainant PAIEUG members have a direct and substantial interest in the Commission's determination as to whether the proposed rates are just, reasonable and nondiscriminatory. The interests of these complainants are essentially the same and involve the same issues.

6. Complainant alleges that Respondent bears the burden of proving the reasonableness and lawfulness of the proposed rates, and that the information and data filed in support of Respondent's rate request are insufficient to establish that the rates are just, reasonable and non-discriminatory, as required by sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§ 1301 and 1304.

7. The relief sought by this complaint is that -

- (a) The Commission entertain this complaint;
- (b) The Commission institute an investigation into the reasonableness and lawfulness of the rates and rules proposed in Supplement No. 15 to tariff Electric--Pa. P.U.C. No. 26, consolidate this complaint with its investigation, and enter upon a hearing, allowing Complainant, on behalf of its members, to participate as such in the proceedings;

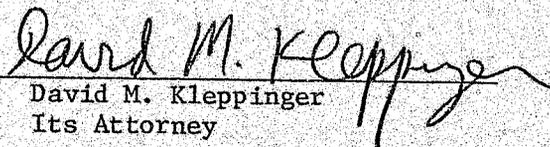
(c) Respondent be required at hearing to adduce evidence in justification of the reasonableness and lawfulness of its proposed rates, and that Complainant be accorded full opportunity to cross-examine Respondent's witnesses, to present evidence and to offer argument on behalf of its participating members.

WHEREFORE, Complainant prays that Respondent be required to answer the foregoing complaint and that, upon a final hearing, the Commission will make such order in the premises as may seem meet.

Respectfully submitted,

PHILADELPHIA AREA INDUSTRIAL  
ENERGY USERS GROUP

By

  
David M. Kleppinger  
Its Attorney

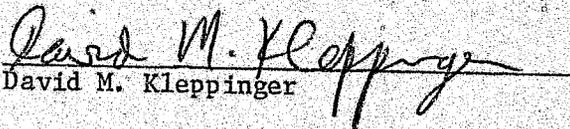
Of counsel:

McNees, Wallace & Nurick  
P. O. Box 1166  
Harrisburg, PA 17108-1166

Tel.: (717) 232-8000

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF DAUPHIN )

David M. Kleppinger, being duly sworn according to law, deposes and says that he is Counsel for the Philadelphia Area Industrial Energy Users Group, that he is authorized to and does make this affidavit for it, and that the facts set forth in the foregoing complaint are true and correct to the best of his knowledge, information and belief.

  
David M. Kleppinger

SWORN TO and subscribed  
before me this 1st day  
of October, 1985.

  
Notary Public

M. JEAN FICKES, NOTARY PUBLIC  
My Commission Expires Sept. 7, 1987  
Harrisburg, PA      Dauphin County



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

October 3, 1985

IN REPLY PLEASE  
REFER TO OUR FILE

Edward G. Bauer, Jr., Vice President  
and General Counsel  
Philadelphia Electric Co.  
2301 Market Street  
Philadelphia, Penna. 19101

R-850152C001

DOCUMENT  
FOLDER

Dear Sir:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Phila. Area Industrial Energy Users Group (the complaining party)

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 JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

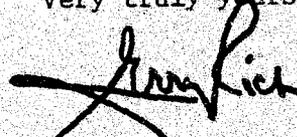
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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, Pennsylvania 17108  
(800) 692-7375

Very truly yours,

  
Terry Rach  
Secretary

**DOCUMENT**  
**FILED**

BEFORE THE PUBLIC UTILITY COMMISSION  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
Philadelphia Area Industrial Energy Users Group

Complaint Docket  
No. R-850152C001

Philadelphia Electric Co.

**DOCKETED**  
**DOCKET**  
**OCT 09 1985**

**FORMAL COMPLAINT**  
**NOTICE TO RESPONDENT**  
**TO ANSWER OR SATISFY**

**TO: Edward G. Bauer, Jr., Vice President & General Counsel**

**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. §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 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.

2. If you fail to either satisfy this complaint or to file an 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 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35. In that event, an Administrative Law Judge of 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. §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 Administrative Law Judge 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 will be dismissed by an Administrative Law Judge in accordance with Section 703(a) of the Public Utility Code, 66 Pa.C.S. §703(a), unless the Judge determines that such dismissal would be contrary to the public interest, in which event he 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, an Administrative Law Judge will, 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. §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 Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

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 this 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. §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 hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4. of the attached complaint.

*Jerry Rich*  
Secretary  
(SEAL)

Certified Mail  
Return Receipt Requested