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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE
Public Utility Commission

SOUTHEASTERN PENNSYLVANIA : COMPLAINT DOCKET
TRANSPORTATION AUTHORITY : No. R-850152C 008

v.

PHILADELPHIA ELECTRIC COMPANY :

COMPLAINT

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The name and address of the Complainant are:

Southeastern Pennsylvania Transportation
Authority (hereinafter "SEPTA")
130 South 9th Street
Philadelphia, Pennsylvania 19107

2. Complainant's attorneys are:

Michael L. Browne
J. Tomlinson Fort
J. Thomas Morris
REED SMITH SHAW & McCLAY
1600 Avenue of the Arts Building
Broad & Chestnut Streets
Philadelphia, Pennsylvania 19107

and

Franklin L. Kury
REED SMITH SHAW & McCLAY
300 North Second Street
P.O. Box 11844
Harrisburg, Pennsylvania 17108

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3. Respondent utility is:

Philadelphia Electric Company (hereinafter "PECO").
2301 Market Street
Philadelphia, Pennsylvania 19103

4. This Complaint is filed with respect to the rates, regulations and, in particular, the rate structure and rate design contained in Tariff-Electric -- Pa. PUC No. 26, Supplement No. 15, issued September 27, 1985 to become effective November 27, 1985.

5. SEPTA is an agency and instrumentality of the Commonwealth of Pennsylvania which, pursuant to and in furtherance of the express legislative findings and declarations of policies set forth in Sections 201 and 301 of the "Pennsylvania Urban Mass Transportation Law", 55 P.S. §600.101 et. seq., provides mass transportation services in the southeastern region of Pennsylvania.

6. SEPTA is a purchaser of a large amount of electric power from PECO, primarily power received at the high-tension (HT) rate which is used predominantly to provide energy for its transportation system in Southeastern Pennsylvania. Accordingly, SEPTA has a direct and substantial interest in the Commission's determination as to whether the proposed rates are just and reasonable.

7. In the decision and order of this Commission in PECO's immediate prior rate filing at Docket No. R-842590, PECO was directed to conduct a cost-of-service study for AMTRAK and SEPTA and to provide in its next rate filing "alternative rate designs reflecting the service characteristics of customers such as SEPTA

and AMTRAK".¹

8. In response to that directive, PECO has included studies in its current filing of its costs incurred in serving SEPTA and AMTRAK and proposes to establish rate classes EP-A and EP-S and tariffs for service to be provided to AMTRAK and SEPTA, respectively.

9. SEPTA alleges that Respondent bears the burden of proving the reasonableness and lawfulness of the proposed rates, and the information and data filed in support of Respondent's rate request are or may be insufficient to establish that the rates are just and reasonable as required by Section 1301 of the Public Utility Code, 66 Pa. C.S. §1301.

WHEREFORE, SEPTA respectfully requests that the Commission act as follows with regard to this Complaint:

- (1) entertain this Complaint;
- (2) investigate and hold all necessary hearings concerning the reasonableness and lawfulness of the proposed rates, rules and rate structure contained in Supplement No. 15 to Tariff Electric - Pa. PUC No. 26;
- (3) accord SEPTA full opportunity to cross examine witnesses, to present evidence and to offer argument at hearings regarding the proposed rates; and
- (4) grant such further relief as may be necessary and proper.

¹ Decision and Order entered January 25, 1985, at page 145, Docket No. R-842590.

Michael L. Browne

Michael L. Browne
J. Tomlinson Fort
J. Thomas Morris
REED SMITH SHAW & McCLAY
1600 Avenue of the Arts Building
Philadelphia, PA 19107

Franklin L. Kury

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300 North Second Street
P.O. Box 11844
Harrisburg, PA 17108

OF COUNSEL:

Joseph F. Keener, Jr.
Vincent J. Walsh, Jr.
Southeastern Pennsylvania
Transportation Authority
130 South Ninth Street
Philadelphia, Pennsylvania 19107

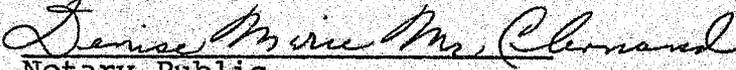
AFFIDAVIT

Mathew Trzepacz, Assistant Chief Engineer, Facilities Engineering, of the Southeastern Pennsylvania Transportation Authority, being duly sworn according to law, deposes and says that he is duly authorized to make this affidavit on behalf of the Authority; and that the facts set forth in the foregoing complaint are true and correct partly upon personal knowledge and the remainder upon information and belief.


Mathew Trzepacz

SWORN TO AND SUBSCRIBED

Before me this *22nd* day
of *November*, 1985.


Notary Public

DENISE MARIE McCLERNAND
Notary Public, Phila., Phila. Co.
My Commission Expires Nov. 17, 1986

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Complaint upon the following by first class mail, postage prepaid:

Honorable Joseph P. Matuschak
Administrative Law Judge
PA Public Utility Commission
97 East Main Street
Uniontown, PA 15401

Walter R. Hall, II, Esq.
David B. MacGregor, Esq.
Robert H. Young, Esq.
Morgan, Lewis & Bockius
2000 One Logan Square
Philadelphia, PA 19103

David M. Kleppinger, Esq.
Edward J. Riehl, Esq.
McNees, Wallace & Nurick
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Harrisburg, PA 17108

Zori G. Gerkin, Esq.
Governor's Energy Counsel
P. O. Box 8010
Harrisburg, PA 17105

Andre Dasent, Esq.
900 Bourse Building
21 South 5th Street
Philadelphia, PA 19106

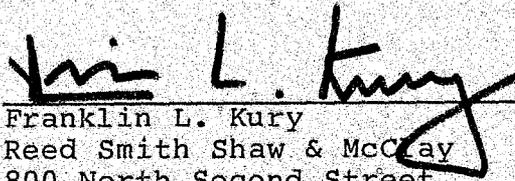
Mildred E. V. Pitts, Esq.
General Services Administration (LK)
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Philadelphia, PA 19107


Franklin L. Kury
Reed Smith Shaw & McCray
800 North Second Street
P. O. Box 11844
Harrisburg, PA 17108

DATED: November 26, 1985

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

November 27, 1985

IN REPLY PLEASE
REFER TO OUR FILE
R-850152C008

William E. Zeiter, Esquire
Morgan, Lewis & Bockius
One Logan Square
Philadelphia, PA 19103



Dear Mr. Zeiter:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Southeastern Pennsylvania Transportation Authority,
(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.

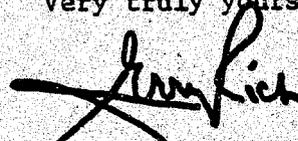
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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,


Jerry Rich
Secretary

Attachment

...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, 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.

Authority: Complaint Docket
No. R-850152C008
Philadelphia Electric Company

DOCUMENT FOLDER

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

DOCKETED
DEC-31-1985

TO: Mr. William E. Zelter

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, 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

Certified Mail
Return Receipt Requested

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.

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 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.

11/27/85
(SEAL)

Jerry Rich
Secretary

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