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1938-1965

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609-795-7871

November 27, 1985

RECEIVED

NOV 27 1985

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

Attention: Jerry Rich, Secretary

Re: Sears, Roebuck and Co., Inc., et al  
v. Philadelphia Electric Company  
PUC Docket No. R-850152 C009

SECRETARY  
Public Utility Commission

Dear Mr. Rich:

Kindly be advised that this office represents Sears, Roebuck and Co., Inc., John Wanamaker, Phila., J. C. Penney Company, Inc., Gimbel Brothers, Inc., Marshalls Inc. and Pennsylvania Business Utility Users Group at the above captioned docket number.

On behalf of our clients, we are enclosing herein an original and two copies of the Complaint Against Proposed Rate Increase together with PS Form 3817, dated November 27, 1985.

Kindly acknowledge receipt of the enclosures by signing the copy of this letter and returning it to the attention of the undersigned in the envelope provided.

Very truly yours,

*Alan R. Squires*  
ALAN R. SQUIRES

ARS:dmh  
Enclosures

cc: Robert A. DiFilippo, Esquire  
Walter R. Hall, II, Esquire

DOCUMENT  
FOLDER

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEARS, ROEBUCK AND CO.,  
JOHN WANAMAKER, PHILADELPHIA,  
J. C. PENNEY COMPANY, INC.,  
GIMBEL BROTHERS, INC.,  
MARSHALLS INC.,  
INDIVIDUALLY AND AS MEMBERS  
AND REPRESENTATIVES OF THE  
PENNSYLVANIA BUSINESS UTILITY USERS GROUP

v.

PHILADELPHIA ELECTRIC COMPANY

: PUC DOCKET NO.

: R-850152 C009

: RECEIVED

: NOV 27 1985

: SECRETARY'S OFFICE  
: Public Utility Commission

COMPLAINT AGAINST PROPOSED RATE INCREASE

1. The names, addresses and telephone numbers of  
Complainants are:

Sears, Roebuck and Co.,  
John Wanamaker, Philadelphia,  
J. C. Penney Company, Inc.,  
Gimbel Brothers, Inc.,  
Marshalls Inc., and  
Pennsylvania Business Utility Users Group

c/o Robert A. DiFilippo, Esquire  
555 East Lancaster Avenue  
St. Davids, PA 19087  
215-293-2356.

2. The names, addresses and telephone numbers of  
Complainants attorneys are:

Alan R. Squires, Esquire  
Greenstein, Gorelick, Price, Silverman & Laveson  
900 Two Penn Center Plaza  
Philadelphia, PA 19102  
215-564-3880

Robert A. DiFilippo, Esquire  
555 East Lancaster Avenue  
St. Davids, PA 19087  
215-293-2356

DOCUMENT  
FOLDER

DOCKETED  
DEC-31985

3. Respondent, Philadelphia Electric Company is a Pennsylvania Corporation with its principal place of business at 2301 Market Street, Philadelphia, PA.

4. On or about September 27, 1985, Respondent filed with the Pennsylvania Public Utility Commission a request for a general rate increase to their tariffs and charges approximating nearly 30% throughout most of its service territory in the approximate amount of 671 million dollars.

5. Corporate Complainants are each customers of Philadelphia Electric Company and have joined together with other similarly situated customers in an unincorporated association known as the Pennsylvania Business Utility Users Group for the purpose of opposing Respondent's request.

6. Complainants submit that the proposed rates are excessive and discriminatory, and that Respondent has failed to show that said rates are just and reasonable and in conformity with the regulations or orders of the Commission, all in violation of the Pennsylvania Public Utility Code, 66 PA C.S.A. §1301 et seq.

7. As a result of the foregoing, Complainants will be adversely affected by the rates and charges sought to be charged and collected by Respondent.

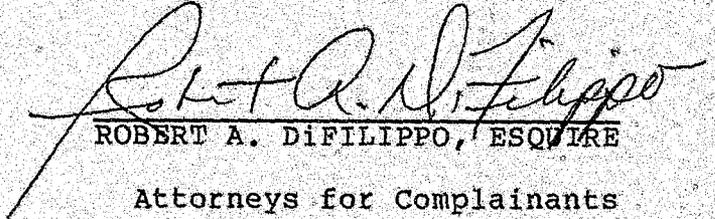
WHEREFORE, Complainants respectfully request Your Honorable Commission to deny Respondent's request for the proposed rate increase, order an immediate investigation into the proposed rates and charges of Respondent, permit Complainants to fully participate in any hearing scheduled by the Commission in this

proceeding and such other action as Your Honorable Commission may deem appropriate under the circumstances.

Respectfully submitted,



ALAN R. SQUIRES, ESQUIRE  
GREENSTEIN, GORELICK, PRICE,  
SILVERMAN & LAVESON



ROBERT A. DIFILIPPO, ESQUIRE

Attorneys for Complainants

DATED: November 25, 1985



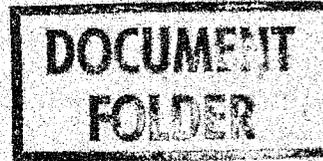


COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

December 2, 1985

IN REPLY PLEASE  
REFER TO OUR FILE  
R-850152C009

William E. Zeiter, Esq.  
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 Sears, Roebuck and Co., Inc., et al. (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.

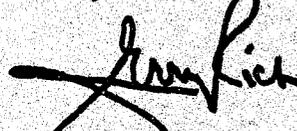
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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 Rich  
Secretary

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sears, Roebuck and Co., Inc., et al.

Complaint Docket #  
No. R-850152C009

Philadelphia Electric Co.

**DOCKETED**  
**DEC-6 1985**

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

TO: Mr. William E. Zelter

**DOCUMENT  
FILED**

**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

Corrected  
Return Receipt Requested  
12/11/85

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.

12/02/85  
(SEAL)

*Jerry Rich*  
Secretary

Certified Mail  
Return Receipt Requested  
JEP:ahn