

**FORMAL
COMPLAINT**

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**SECRETARY'S OFFICE
Public Utility Commission**

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

UTILITY USERS COMMITTEE OF PHILADELPHIA, INC.
(An association of customers of Philadelphia Electric Co.),
and BOARD OF TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA,
(a customer of Philadelphia Electric Co.)
VS.

COMPLAINT DOCKET

Complainants,

PHILADELPHIA ELECTRIC CO.

No. R-850152C006

Respondent

1. COMPLAINING PARTY

name 1. Utility Users Committee of Philadelphia, Inc. & 2. Board of Trustees of the University of Pennsylvania
address 1818 Philadelphia National Bank Bldg. Broad & Chestnut Streets Philadelphia, PA 19107
telephone number Philadelphia, PA 19104
3451 Walnut Street Philadelphia, PA 19104
(215) 898-4644

2. ATTORNEY for complaining party

name Widoff Reager Selkowitz & Adler, PC
address 129 State Street, Harrisburg, PA 17101
telephone number (717) 234-1383

**DOCUMENT
FOLDER
DOCKETED
NOV 25 1985**

3. UTILITY company (respondent) against whom complaint is being brought

name Philadelphia Electric Company
address Philadelphia, PA
type of company (water, electric, etc.) Electric

4. In short, clear sentences state your complaint against the above-named public utility (what the utility has done, or is about to do, or has failed to do which you claim is a violation of the law, or is patently unreasonable). You may attach any documents which support your complaint.

Respondent, Philadelphia Electric Co., has filed with this Honorable Commission Supplement No. 15 to Tariff Electric--Pa. PUC No. 26, which supplement establishes increases in electric rates applicable to customers in the service territory of Respondent. Complainants are such customers or are an association of such customers of Respondent company. These proposed increases are \$670.7 Million or approximately 28.2% of Respondent company's revenues (R--850152). The ultimate increase in rates could be greater, since Respondent assumes fuel savings in excess of \$200 Million which may or may not actually occur. Such an increase is unjust, unreasonable, and unlawful in violation of the Public Utility Code, including 66 Pa. C.S. Section 1301, and is not supported by the evidence filed with said request. In part, said proposed rate increase is unreasonable in that it includes:

4. (continued)

- (1) Costs associated with generating facilities which are unreasonably high
- (2) Costs associated with plant that is not used and useful in the public service.

The rate increase is also unjust and unreasonable in that it allocates a disproportionate share of the revenue requirements of the Company to the customer classes represented by Complainants.

The rates proposed by Respondent, if approved by this Commission will result in an excessive rate of return on the Respondent's property, used and useful in the public service, in violation of the Public Utility Code, including 66 Pa. C.S. Ch. 13.

5. State how the utility's conduct adversely affects you.

The above described rate request if granted would require Complainant customers and the members of Complainant Association to pay more for electricity than is just or reasonable given the company's revenue requirements as calculated in accordance with law.

6. Describe the type of relief that you hope to obtain from the Commission.

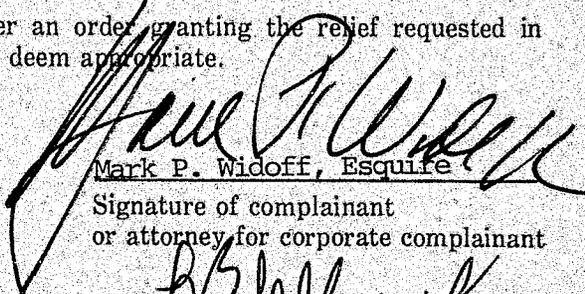
1. Suspend the effective date of Supplement No. 15 to Tariff Electric--
PA. PUC No. 26;

2. On its own motion, institute an investigation with the lawfulness
of the proposed rates;

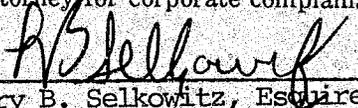
3. Thereafter, set the matter for hearing to permit Complainants to
participate in said hearing as full parties of record; and

4. At such hearings, determine the just and reasonable rates of Respondent
in accordance with the provisions of the Public Utility Code.

Wherefore, complainant requests that the Commission enter an order granting the relief requested in paragraph six and/or such other relief as the Commission may deem appropriate.


Mark P. Widoff, Esquire

Signature of complainant
or attorney for corporate complainant


Larry B. Selkowitz, Esquire

THE FACTS SET FORTH IN THE ATTACHED COMPLAINT ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

SIGNED:

Helen B. O'Bannon

HELEN B. O'BANNON
SENIOR VICE PRESIDENT
FOR THE TRUSTEES OF
THE UNIVERSITY OF PENNSYLVANIA

AS SIGNED AND SWORN IN MY PRESENCE

THIS 22nd DAY OF November, 1985.

Elvinnia M. Ragdale

ELVINNIA M. RAGDALE, NOTARY PUBLIC
PHILADELPHIA, PHILADELPHIA COUNTY
MY COMMISSION EXPIRES DEC. 31, 1988
Member, Pennsylvania Association of Notaries

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

November 26, 1985

IN REPLY PLEASE
REFER TO OUR FILE

R-850152C006

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 Utility Users Committee of Philadelphia, Inc., and Board of (the complaining party) Trustees of the Univ. of Pa. 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.

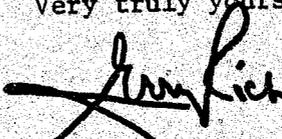
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
Utility Users Committee of Philadelphia, Inc. and Board of Trustees of the University of Pa. v. Philadelphia Electric Company
Complaint Docket No. R-850152C006

DOCUMENT FOLDER

DOCKETED
DEC-3 1965

Philadelphia Electric Company

FORMAL COMPLAINT
NOTICE TO RESPONDENTS
TO ANSWER OR SATISFY

TO: William E. Zeffer, Esquire

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.

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
11/26/85
(SEAL)

Certified Mail
Return Receipt Requested