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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE  
Public Utility Commission

NATIONAL RAILROAD PASSENGER CORPORATION : COMPLAINT DOCKET  
CORPORATION : No. R-850152C 007

v.

PHILADELPHIA ELECTRIC COMPANY :

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COMPLAINT

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The name and address of the Complainant are:

National Railroad Passenger Corporation  
(hereinafter "AMTRAK")  
1617 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103

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

**DOCKETED**

**DEC - 31985**

**DOCUMENT  
FOLDER**

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. AMTRAK is operated as a for-profit corporation organized by Act of Congress for the purpose of operating railroad passenger trains throughout the United States of America.

6. AMTRAK is a purchaser of large amounts of electric power from PECO, primarily power received at the high-tension (HT) rate. Accordingly, AMTRAK 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 the Southeastern Pennsylvania Transportation Authority ("SEPTA") and to provide in its next rate filing "alternative rate designs reflecting the service characteristics of customers such as SEPTA and AMTRAK".<sup>1</sup>

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

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. AMTRAK 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, AMTRAK 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; and
- (3) accord AMTRAK 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.

*Michael L. Browne*

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

*Franklin L. Kury*

---

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

OF COUNSEL:

Frederick C. Ohly, Esquire  
National Railroad Passenger Corporation  
400 North Capital Street, N.W.  
Washington, D.C. 20001

Harold K. Cohen, Esquire  
National Railroad Passenger Corporation  
1617 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103



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  
100 Pine Street  
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

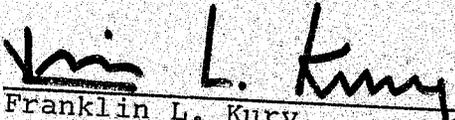
Mildred E. V. Pitts, Esq.  
General Services Administration (LK)  
Room 4002  
18th and F Streets, N.W.  
Washington, D.C. 20405

Marlene R. Chestnut, Esq.  
Assistant Counsel  
Veronica A. Smith, Esq.  
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PA Public Utility Commission  
North Office Bldg., Rm. G19  
Harrisburg, PA 17120

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Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Janet Parrish, Esq.  
Community Legal Service  
Energy Project  
3638 North Broad Street  
Philadelphia, PA 19140

Kathryn Lewis, Esq.  
City of Philadelphia  
1500 Municipal Serv. Bldg.  
15th & JFK Boulevard  
Philadelphia, PA 19107

  
Franklin L. Kury  
Reed Smith Shaw & McClay  
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-850152C007

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 National Railroad Passenger Corporation (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.

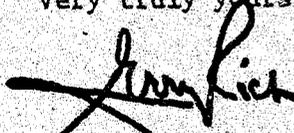
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Attachment

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
National Railroad Passenger Corporation

Complaint Docket  
No. R-850152C007

Philadelphia Electric Company

DOCUMENT  
FOLDER

FORMAL COMPLAINT  
NOTICE TO RESPONDENT  
TO ANSWER OR SATISFY

DOCKETED

DEC - 3 1985

Mr. William E. Zeiter

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.

Return Envelope Enclosed  
Certified Mail

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)

*Janey Rich*  
Secretary

Certified Mail  
Return Receipt Requested  
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