

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

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Direct Dial: (717) 255-7365  
Email: mag@stevenslee.com  
Direct Fax: (610) 988-0852

July 6, 2011

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**Re: Maxine Gooden v. PECO Energy Company**  
**Docket No. C-2010-2203014**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PECO is an original of its Amended Motion for Judgment on the Pleadings filed in the above-referenced docket. This document has been e-filed at the Pennsylvania Public Utility Commission's website. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,  
STEVENS & LEE

  
Michael A. Gruin

Encl.

cc: Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MAXINE GOODEN**

v.

**PECO ENERGY COMPANY**

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:  
:  
:  
:

**DOCKET NO. C-2010-2203014**

**NOTICE TO PLEAD**

*To: Maxine Gooden*

Pursuant to 52 Pa. Code §§5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Amended Motion for Judgment on the Pleadings within 20 days from service of this notice, the facts set forth by PECO Energy Company may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Michael Gruin, and where applicable, the Administrative Law Judge presiding over the issue.

Failure to respond to this Motion could result in the dismissal of your case.

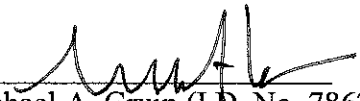
File with:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

With a copy to:

Michael A. Gruin  
Stevens & Lee  
17 N. 2<sup>nd</sup> St, 16<sup>th</sup> Floor  
Harrisburg, PA 17101

Dated: July 6, 2011

  
\_\_\_\_\_  
Michael A. Gruin (I.D. No. 78625)  
17 N. 2nd St., 16th Floor  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR PECO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MAXINE GOODEN**

v.

**PECO ENERGY COMPANY**

:  
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**DOCKET NO. C-2010-2203014**

**AMENDED MOTION FOR JUDGMENT ON THE PLEADINGS**

PECO hereby files this Amended Motion for Judgment on the Pleadings, to correct a misstatement of fact that was included in its original Motion for Judgment on the Pleadings filed on February 2, 2011 in this matter. As set forth below, the correction does not change PECO Energy Company's ("PECO") request, pursuant to 52 Pa. Code §5.102, that your Honorable Commission dismiss the instant complaint inasmuch as Complainant requests a payment arrangement. No factual dispute has been raised in the pleadings. Pursuant to 66 Pa.C.S. §1405(c), Complainant is ineligible for a Commission-ordered payment agreement, and thus Complainant fails to state a claim upon which relief can be granted. Therefore, PECO is entitled to judgment as a matter of law.

1. On September 27, 2010, Complainant filed a Formal Complaint against Respondent, PECO. The sole relief sought by the Complainant in this case is a request to receive a Commission-ordered payment agreement. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

2. PECO was served with the Formal Complaint on October 7, 2010.

3. On October 27, 2010, PECO filed an Answer, New Matter and Notice to Plead.

A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2.

4. In its New Matter, PECO averred that Complainant has been enrolled in the Customer Assistance Program (CAP), tier C, since April 28, 2009 and that \$4,663.38 of the \$8,140.96 past due balance is CAP arrears. New Matter ¶¶15-16.

5. PECO also averred in its New Matter that Complainant consistently fails to pay for gas and electric service from PECO and that since January 2010, she has made only two payments: \$28.76 in January 2010 and \$160 in September 2010. New Matter ¶17.

6. As Complainant is enrolled in CAP, PECO averred that, as a result, she is not entitled to a Commission-ordered payment agreement. New Matter ¶18.

7. On November 8, 2011, the Commission received a letter from the Complainant associated with the instant docket, presumably in response to PECO's New Matter. The letter does not deny any of the allegations in PECO's New Matter, and instead simply reiterates the statements made by the Complainant in the Complaint. A copy of the Complainant's November 8, 2011 letter is attached hereto as Exhibit 3<sup>1</sup>.

8. In its New Matter, PECO has averred that the Complainant is enrolled in CAP and that the Complainant's unpaid balance consists, in part, of CAP arrears. The Complainant did not deny these assertions in her November 8, 2011 letter to the Commission. Therefore, the fact that Complainant is enrolled in CAP and that her balance consists in part of CAP arrears is not in dispute.

9. Under 66 Pa.C.S. §1405(c), the Commission is precluded from establishing a payment agreement for customers participating in CAP. Section 1405(c) states as follows:

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<sup>1</sup> PECO's original Motion for Judgment on the Pleadings averred that the Complainant did not file a reply to PECO's New Matter. PECO subsequently learned of the Complainant's November 8, 2010 letter, and as such is filing this Amended Motion to correct the misstatement of fact regarding the Complainant's response to New Matter.

“Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission.”

10. The Commission’s regulations at 52 Pa. Code §5.102(a) permits any party to move for summary judgment or judgment on the pleadings after the pleadings are closed, but within such time as to not delay a hearing. Under 52 Pa. Code §5.102(d)(1), the presiding officer will grant the motion if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law.

11. The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

12. The provision at 52 Pa. Code §5.102(c) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d. 557 (Pa. Cmwlth. 1989).

13. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, (b) the majority of her past due balance is CAP arrears, and (c) the sole relief Complainant seeks is a Commission-ordered payment agreement.

- b. Under 66 Pa.C.S. §1405(c), the Commission is prohibited from ordering another payment agreement for account holders who are enrolled in CAP.

Therefore, the Commission cannot grant the sole relief Complainant seeks.

14. The Commission is granted discretion to “dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.” 66 Pa.C.S.A. § 703(b). A hearing is necessary only to resolve disputed questions of fact, and when the question presented is one of law, the Commission need not hold a hearing. *Lehigh Valley Power Comm’n v. Pa. Public Utility Comm’n*, 128 Pa.Cmwlth. 259, 563 A.2d 548 (1989), *Edan Transportation Corp. v. Pa. Public Utility Comm’n*, 154 Pa.Cmwlth. 21, 623 A.2d 6 (1993). This case does not involve disputed questions of fact. The question presented is one of law only. Inasmuch as the Commission is without the power to grant the only relief requested by the complainant, a hearing in this case is not necessary. A hearing would be a fruitless exercise.

15. Because no factual dispute exists and the Complaint fails to state a claim for which relief can be granted, PECO is entitled to judgment as a matter of law.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice, as it relates to a request for a prohibited payment agreement on CAP arrears, and the Complaint therefore fails to state a claim upon which relief can be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Gruin", is written over a horizontal line.

Michael A. Gruin (I.D. No. 78625)  
Stevens & Lee  
17 N. 2nd St., 16th Floor  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852

Tishekia Williams  
PECO Energy Company  
2301 Market Street, S23-1  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
tishekia.williams@exeloncorp.com

COUNSEL FOR PECO

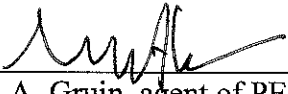
Dated: July 6, 2011

Commonwealth of Pennsylvania :  
County of Dauphin :

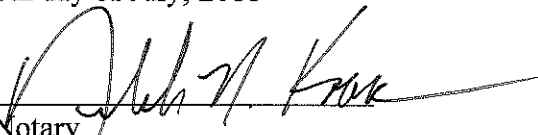
SS

**AFFIDAVIT**

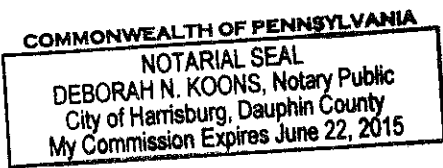
I, Michael A. Gruin, being duly sworn according to law, depose and say I am agent of PECO Energy Company and have been authorized to make this affidavit on its behalf and that the facts above set forth are true and correct to the best of my knowledge, information and belief, and PECO Energy Company expects to be able to prove the same at any hearing hereof.

  
\_\_\_\_\_  
Michael A. Gruin, agent of PECO Energy  
Company

Sworn and subscribed before me this  
6th day of July, 2011

  
\_\_\_\_\_  
Notary

My Commission Expires:



# Exhibit 1

**Zaketa, Anita D:(BSC)**

---

**From:** eFile@state.pa.us  
**Sent:** Thursday, October 07, 2010 12:02 PM  
**To:** Smith, Ward L.:(BSC)  
**Cc:** Zaketa, Anita D:(BSC)  
**Subject:** PA PUC eServe Notice  
**Importance:** High

Dear WARD L SMITH,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2010-2203014**.

You may view this document at

**GOODEN - FORMAL COMPLAINT - PECO ENERGY COMPANY-ELECTRIC**

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,  
Public Utility Commission  
Commonwealth of Pennsylvania

*\* Please do not respond to this automatically generated email.*

due: 10-27  
faget 10-25  
dist 10-23

PAR

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print in ink or type.

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name MAVINE Gooden

Street/P.O. Box 118 Powelton Ave Apt # \_\_\_\_\_

City Lansdowne State P.A Zip 19050

County Delaware

Daytime Telephone Number Where We Can Contact You: (484) 461-4482

E-mail Address (optional): \_\_\_\_\_

Utility Account Number 43265-29064  
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(e.g., taxi, moving company, limousine)

TELEPHONE  
(local, long distance)

RECEIVED  
2010 OCT -4 AM 9:56  
PA P.U.C.  
SECRETARY'S BUREAU

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

I AM in a financial Hard ship with my bill and I am unable to pay the money for me to get on a payment plan. The significant about they are requiring \$800.00 my income per month is 496.00 from public assistant. I am out of my job since 12/7/09 because I got injury in my back I have disc herniation I am not receiving any workers comp I waiting to go to court I am below poverty level and I have 3 children I am caring for also my daughter has Asthma<sup>6</sup>

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

I am asking how ~~can~~ <sup>can</sup> I get on a payment plan because I cannot afford to pay \$2800.00, I am trying to pay on my current bill according to my income, I am really asking for some help & am disabled at this point I cannot work, I am struggling with my monthly expense.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer **in this matter** you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (If Known) \_\_\_\_\_

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Maxine Gooden, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Maxine Gooden  
(Signature)

9/27/10  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
---	--

Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your complaint for your records.**

Maxine Crocker  
118 Pausletan Ave  
Hartshorne P.A  
19050

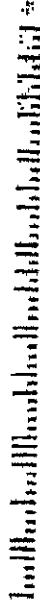


Pennsylvania Public Utility Commission

P.O. Box 3265

Hartshorne P.A 17105-3265

171053265



# **Exhibit 2**

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

17 North Second Street  
16th Floor  
Harrisburg, PA 17101  
(717) 234-1090 Fax (717) 234-1099  
www.stevenslee.com

Direct Dial: (717) 255-7365  
Email: mag@stevenslee.com  
Direct Fax: (610) 988-0852

October 27, 2010

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**Re: Maxine Gooden v. PECO Energy Company**  
**Docket No. C-2010-2203014**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PECO is an original of its Answer and New Matter to the above-referenced Complaint. This document has been e-filed at the Pennsylvania Public Utility Commission's website. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE

  
Michael A. Gruin

Encl.

cc: Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION



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- [Log Off](#)

### eFiling Successfully Transmitted



Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

**The PUC is temporarily requiring all eFilers to submit one paper copy of all documents that are filed electronically. This paper copy should be submitted to the Secretary's Bureau within 3 business days of submitting the electronic filing online. Please print a copy of this page and attach it to the paper copy of your filing as the first page.**

eFiling Confirmation	
Docket Number:	C-2010-2203014
Description:	
Transmission Date:	10/27/2010 2:19:16 PM
Filed On:	10/27/2010 2:19:16 PM
eFiling Confirmation Number:	1453913

### Uploaded File List

File Name	Document Class	Document Type
PECO Answer and New Matter Gooden Complaint.pdf	Communication	Answer to Formal Complaint

You can view a record of any previous eFiling, including the one you just made, by clicking the [My Filings](#) link in the left menu.

If a paper copy is required in accordance with the eFiling Regulations, please print this page and include it with your paper filing.



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MAXINE GOODEN	:	
Complainant	:	
	:	
v.	:	Docket No. C-2010-2203014
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**NOTICE TO PLEAD**

---


**To: *Maxine Gooden***

You are hereby notified to file a written response to the attached Answer and New Matter of PECO within twenty (20) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed New Matter within twenty (20) days of service, the facts set forth by PECO may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

You must also serve a copy of your response on the undersigned counsel for PECO. Failure to respond to this Answer and New Matter could result in the dismissal of your case.

STEVENS & LEE

  
Michael A. Gruin (I.D. No. 78625)  
17 N. 2nd St., 16th Floor  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR  
PECO ENERGY COMPANY

DATE: October 27, 2010

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MAXINE GOODEN	:	
Complainant	:	
	:	
v.	:	Docket No. C-2010-2203014
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

---

**ANSWER TO COMPLAINT AND NEW MATTER  
OF PECO ENERGY COMPANY**

---

On October 7, 2010, PECO Energy Company ("PECO") was served with a formal Complaint from Maxine Gooden ("Complainant"), in the above captioned Docket Number. Pursuant to 52 Pa Code § 5.61, PECO hereby responds to the Complaint of the Complainant as follows:

**ANSWER**

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. PECO denies that the Complainant is entitled to a payment arrangement from the Commission. To the extent the allegations contained in Paragraph 4 constitute conclusions of law or ultimate fact to which no responsive pleading is required, they are as such deemed denied.

5. Paragraph 5 is a Request for Relief and no answer is required. To the extent the allegations contained in Paragraph 5 require an answer, such allegations are denied.

6. Denied. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.

7. Admitted.

**NEW MATTER**

8. PECO incorporates by reference responses contained in Paragraphs 1 through 7 above as though fully set forth at length.

9. PECO is represented in this matter by:

Michael A. Gruin  
Stevens & Lee  
17 North Second Street  
16th Floor  
Harrisburg, PA 17101  
Telephone: 717-255-7365  
Facsimile: 610-988-0852  
mag@stevenslee.com

Tishekia Williams  
PECO Energy Company  
2301 Market Street, S23-1  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
tishekia.williams@exeloncorp.com

10. On or about August 11, 2010, after proper notice, PECO terminated electric and gas service to Complainant due to an unpaid balance of

\$8,140.96. Complainant has a history of account delinquency and missed payments on the account.

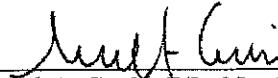
11. After termination occurred, the Complainant contacted PECO regarding restoration of service. PECO informed the Complainant that restoration would be initiated upon payment of \$339.47 towards the unpaid balance, plus a \$155 reconnection fee, and an agreement to pay the unpaid balance pursuant to a payment arrangement.
12. On August 12, 2010, Complainant provided PECO with a medical certification.
13. Upon receipt of the medical certification, PECO restored service to Complainant on August 12, 2010.
14. Complainant also filed an Informal Complaint with the Bureau of Consumer Services on August 11, 2010 at Case # 002725193. The BCS dismissed the case after the medical certification was provided and service was restored.
15. Complainant has been enrolled in PECO's Customer Assistance Program ("CAP"), Tier C since April 28, 2009.
16. Unpaid CAP arrears comprise \$4,663.38 of the \$8,140.96 outstanding balance due on the Complainant's account.
17. Complainant consistently fails to make payment for electric and gas service received from PECO. Since January 1, 2010, Complainant has made only two payments for electric and gas service: \$28.76 on January 26, 2010 and \$160 on September 20, 2010.

18. Because Complainant is a CAP customer and the majority of unpaid balance is comprised of unpaid CAP arrears, the Commission is precluded as a matter of law from ordering a payment arrangement for the Complainant.

**REQUEST FOR RELIEF**

WHEREFORE, for all of the reasons stated herein, PECO respectfully requests that the Complaint be dismissed with prejudice.

Respectfully submitted,



---

Michael A. Gruin (I.D. No. 78625)  
17 North Second Street, 16th Floor  
Harrisburg, PA 17101  
Telephone: 717-255-7365  
Facsimile: 610-988-0852  
mag@stevenslee.com

Tishekia Williams  
PECO Energy Company  
2301 Market Street, S23-1  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
tishekia.williams@exeloncorp.com

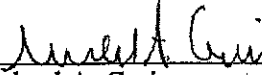
Counsel for PECO Energy Company

Dated: October 27, 2010

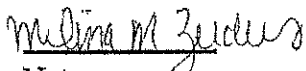
Commonwealth of Pennsylvania :  
: SS  
County of Dauphin :

**AFFIDAVIT**

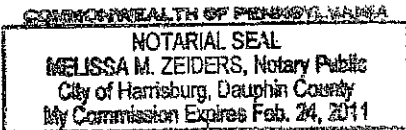
I, Michael A. Gruin, being duly sworn according to law, depose and say I am agent of PECO Energy Company and have been authorized to make this affidavit on its behalf and that the facts above set forth are true and correct to the best of my knowledge, information and belief, and PECO Energy Company expects to be able to prove the same at any hearing hereof.

  
\_\_\_\_\_  
Michael A. Gruin, agent of PECO Energy Company

Sworn and subscribed before me this  
27th day of October, 2010



Notary  
My Commission Expires:





## **Exhibit 3**

Docket No. C 2010-2203014

118 Powelton Ave  
Lansdowne, P.A.  
19050

RECEIVED

2010 NOV -8 AM 10:23

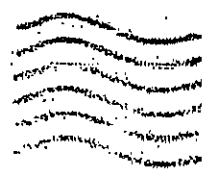
PA P.U.C.  
SECRETARY'S BUREAU

I Maxine Jordan is writing this letter to ~~admit~~ <sup>admit</sup> that I ~~have~~ <sup>owe</sup> a del with pco but I have been trying to speak to some one who could help me get on a budget payment plan because of my financial situation I cannot afford the required deposit of \$2800.00 because right now I am living beyond poverty level at \$96.00 per month no other income I am asking for some help to try resolve my situation. I am not even in the situation to work because of my herniated disc in my low back. I am really asking for some assistent that ~~can~~ <sup>I</sup> am can afford at my income level.

Thank You  
Sincerely  
M. Jordan

MAYINE Gooden  
118 Powelton Ave  
Lansdowne P.A  
19050

PHILADELPHIA PA 191



PA P.U.C. SECRETARY'S BUREAU

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PA P.U.C.  
SECRETARY'S BUREAU

Rosemary Chiavetta Se  
Pennsylvania Public Utility Co  
Commonwealth Key Stone Building  
400 North Street Second Floor  
Harrisburg, P. A 17120

1712060211



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MAXINE GOODEN**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2010-2203014**

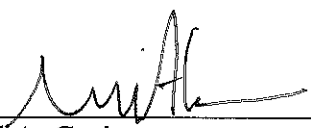
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Amended Motion for Judgment on the Pleadings upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA First Class U.S. Mail

Maxine Gooden  
118 Powelton Ave.  
Lansdowne, PA 19050

Administrative Law Judge Angela Jones  
Pennsylvania Public Utility Commission  
801 Market Street  
Philadelphia PA 19107

  
\_\_\_\_\_  
Michael A. Gruin

DATED: July 6, 2011