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PA PUBLIC UTILITY COMMISSION
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2013 JAN 24 AM 10:47

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOAN K. SMITH,
Complainant,
vs.
PECO ENERGY COMPANY,
Respondent

DOCKET NO. C-2012-2331672

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RESPONSE OF COMPLAINANT

JOAN K. SMITH

PA PUBLIC UTILITY COMMISSION
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On November 12, 2012, Joan K. Smith (hereafter "Complainant") received an Answer and New Matter pleading prepared by PECO Energy Company ("PECO Energy") to the formal complaint filed by Complainant in above captioned docket. Complainant hereby responds to PECO Energy's statements made in denied aspects of the complaint:

4. PECO Energy alleges that Complainant does not pay her monthly bill on time and alleges a lack of good faith payments. The Complainant denies this. In fact, from the date of the current agreement which began in December, 2011, through April 19, 2012, Complainant paid regular bills plus the \$351.42 per month toward arrears on or before due dates, totaling 1651.82 See Exhibit 1. Between April 30, 2012, when Complainant became unemployed, and January 3, 2012 Complainant was late on payments due to lack of and /or diminished income, but did pay as much as possible, a total of \$1,730.60 toward regular bills and arrears. Of this full yearly total of \$3,772.51 paid between January 2012 and January 2013, \$768.45 went toward regular bills and \$3,004.06 went toward arrears and fees. The arrears amount has been reduced from \$12,668.42 to \$9,507.94 over the period of 12 months, demonstrating considerable good faith, especially in light of Complainant being unemployed for 6 of those months. Complainant has also been actively in touch with PECO Energy beginning with

1 unemployment notice, a further demonstration of good faith; beginning immediately upon
2 Complainant learning that she would be unemployed as of April 30, 2012, Complainant
3 reached out by telephone and in writing to PECO Energy to advise them she would most
4 likely have no source of income beginning April 30, and requesting an adjustment in
5 the agreement based on that fact. See Exhibit 2

6
7 Complainant denies PECO's allegation that she has not demonstrated a
8 significant change in income. Between April 30, 2012 and September 3, 2012,
9 Complainant had no source of income; beginning in September (with initial claim date
10 of 8/19/12), Complainant received a favorable decision from the State of New Jersey
11 allowing her to collect Unemployment Insurance, in the amount of \$2200 gross per
12 month, which is considerably less than her monthly income between January, 2012 and
13 April 30, 2012. See Exhibit 3. PECO acknowledges receiving an application for Customer
14 Assistance Program ("CAP"), which included proof of current income, which amounts to
15 \$2200 per month in gross payments from unemployment compensation.

16
17 Complainant has expressed to PECO willingness to continue payments toward
18 arrears in an amount that reflects a reasonable percentage of current income.
19 Complainant's current income from unemployment compensation, as stated above, is less
20 than \$2,200 per month after federal and local tax withholding, so PECO Energy's demand
21 of \$351.42 per month over regular bills is impossible for Complainant to meet, in that
22 this payment amount, combined with rent, regular utilities, and medical expenses
23 related to chronic conditions, would leave Complainant with a **deficit** of \$106 per
24 month even before factoring for necessities of life such as food, transportation,
25 insurance, and other essential expenses. See Exhibit 4.

26
27 5. Denied. Complainant did demonstrate a significant decrease in income
28 beginning 4/30/12, which is the date on which Complainant requested a new payment
29 agreement. PECO Energy has acknowledged receiving proof of decreased income via
30 Complainant's CAP Application.

peco payments
EXHIBIT 1

puc case # 3006585
JOAN K. SMITH v. PECO

PAYMENTS 1/17/12-1/2/13

1/17/2012	445.42
1/25/2012	407.42
2/16/2012	400.98
3/16/2012	398
4/19/2012	<u>390.09</u>
subtotal	2041.91

[period of no income, but notifications to PECO, began 4/30/12]

7/26/2012	500
8/1/2012	292
8/16/2012	173.6
10/10/2012	200
10/22/2012	200
12/3/2012	300
1/2/2013	<u>65</u>
subtotal	1730.6
TOTAL PAID	3772.51

amount of total toward current bills:	768.45
amount of total toward arrears	3004.05

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EXHIBIT 2

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1309 N. Lawrence Street, #5
Philadelphia, PA 19122

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April 30, 2012

PECO Energy
Finance Department
2301 Market Street
Philadelphia, PA 19101

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RE: Account number 49301-18044

Please be advised that as of 4/30/12 I am unemployed with no source of income (I am not eligible for unemployment benefits since my work has been contract-based). I am currently in a repayment plan of \$351/month with PECO that was calculated (apparently) on a rate of approximately 15% my gross earnings. Although I'm actively seeking work, so far I've not even secured any interviews yet, so it seems unlikely the situation will change for at least the next several weeks.

I will advise PECO immediately when this situation has changed – hopefully soon -- but at present I have no means for paying the \$351 installment on 5/19/12. If my electricity is cut off I will lose the ability to conduct my job search (a phone and computer connection are necessary for this, and both require electricity), thus it would eliminate PECO's opportunity to reestablish a payment plan and continue to collect this debt; it is obviously in PECO's best interest to not interfere with my job search efforts.

I would appreciate acknowledgment of this communication, and some means to negotiate a deferral of the payment plan (i.e. the \$351 I pay over and above the current electric bill) until I'm able to secure employment again, and without negative ramifications on my credit. As you will note, I have been current on this payment plan since it was established in the fall of 2011, and I believe this should be taken into account in good faith that I will do everything possible to begin these payments again to settle this debt.

Thank you,

Joan K. Smith
267-712-9277

(b)

New Jersey Internet Application for Claiming Bi-Weekly Unemployment Insurance Benefits

Your claim for unemployment insurance benefits has been accepted. Your benefit payment is being processed.

Your confirmation number is 12347152671271. Please save or print this confirmation page as receipt of claiming unemployment insurance benefits.

Soc. Sec. No.:	470-88-7654	Date of Unemployment Claim:	08/19/2012
Program Code:	010	Local Office:	971

Updated Claim Information

Gross Amount of Payment:	\$1,222	Payment for week(s) ending:	12/01/2012
			12/08/2012
Earnings:	\$0	Claim Balance after Payment:	\$6,110
Pension:	\$0		
Refund:	\$0	Tax Withheld so far this year:	\$976
Garnishment:	\$0		
Tax Withheld:	\$122	Date of Payment:	12/12/2012
		Special Message:	
Net Amount of Payment:	\$1,100		

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EXHIBIT 4

Joan K. Smith

Fixed monthly expenses as of 1/1/13

Rent	1600 (unable to break lease until 6/30/13)
Phone	82
Electric (average amount)	60
Gas (PGW, average amount)	45
Prescriptions & medical co-pays (average)	120
Internet service	48
PECO proposed payment toward arrears	351.63 **
TOTAL EXPENSES MONTHLY	2306.63
Balance for food, transportation, other	-106

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 5.14

Shawane Lee
PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

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Rosemary Chiavetta
Commonwealth of Pennsylvania
Public Utilities Commission
400 North Street, 2nd floor
Harrisburg, PA 17120

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Dated this 31st day of January 2013.


Joan K. Smith



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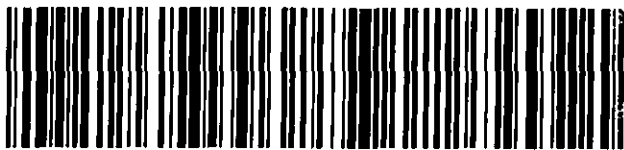
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