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March 13, 2013

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

RE: Sporty Smith and Betty Ricks v. PECO Energy Company
PUC Docket No.: C-2012-2321440

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the following documents in the matter referenced above.

—	Answer
-	Answer & New Matter
—	Motion
—	Motion for Judgment on the Pleadings
<u>_X_</u>	Motion for Further Hearing
—	Preliminary Objection
—	Exceptions
-	Reply Exceptions
—	Main Brief
—	Reply Petition

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,

Shawane Lee
Counsel for PECO Energy Company
SL/lo

cc: Eranda Vero, ALJ (*via email only*)
Sporty Smith and Betty Ricks (*via email & regular mail*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SPORTY SMITH
BETTY RICKS

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2012-2321440

MOTION OF PECO ENERGY COMPANY FOR A FURTHER HEARING

PECO Energy Company ("PECO Energy"), hereby requests a further hearing of the March 12, 2013 Initial Hearing and states the following:

1. An in person hearing in this matter was conducted before Administrative Law Judge Eranda Vero ("ALJ Vero") on Tuesday, March 12, 2013 at 10:00 a.m.
2. During the hearing, ALJ Vero and the parties agreed on the scope, substance and time period of the claims the Complainants were to bring against PECO Energy.
3. ALJ Vero and the parties agreed that the claims were limited to allegations of incorrect billing and an alleged faulty meter at the Complainants' residence from the time period January 2011 through present.
4. ALJ Vero and the parties also agreed that the Complainant, Betty Ricks' claim as to whether she should be enrolled in PECO Energy's Customer Assistance Program ("CAP") would be heard.
5. During the Complainant, Sporty Smith's testimony, Mr. Smith testified regarding fluctuations or variations in the rate noted on Betty Ricks' billing statements.
6. Mr. Ricks alleged, inter alia, that these rate fluctuations demonstrate that PECO Energy is incorrectly billing Betty Ricks for electric service.

7. Because the nature and substance of the Complainants' claims was not identified and agreed upon until the date of the hearing, PECO Energy could not properly defend against the Complainants' claims of rate fluctuations on the billing statements.

8. Accordingly, ALJ Vero ordered on the record that there would be a further hearing of this matter where additional exhibits could be entered into the record.

9. ALJ Vero also determined that PECO Energy conduct meter testing along with a third party electrician licensed in the Commonwealth of Pennsylvania, qualified to do meter testing, of the Complainants' choice.

10. ALJ Vero determined that the results of the meter testing and any witness testimony from this testing would be presented at the further hearing.

11. On March 13, 2013 at 7:09 a.m., counsel for PECO Energy, Shawane Lee received email correspondence from Sporty Smith from the email address [be4realentertainment \[be4realentertainment@gmail.com\]](mailto:be4realentertainment@be4realentertainment@gmail.com).

12. Mr. Smith's email states the following:

The complainants are objecting to the meter testing and a hearing further down the line. It would be unfair to either party as a meter testing now would not prove if a meter was defective in 2011 or 12 or last week for that matter only that its defective now, and if its not now it wont not prove that it wasn't defective prior. Also to bring in the other exhibits would be unfair. Although you say the time periods were unclear, it is very clear that the time pd had to be after the previous hearing date and the respondents clearly showed in the hearing yesterday that they had information from before during and after the hearing and were prepared to defend against the claims set forth. We request that the hearing continue immediately and no other exhibit be allowed to be introduced other than what was on yesterdays hearing with the exception of the Judges late filing in the interest of fairness for all parties. This will include further witnesses.

See Email Correspondence, attached hereto as Exhibit "1".

13. PECO Energy requests that a further hearing be conducted to introduce the following evidence:

a) Betty Ricks' Billing Statements from January 1, 2011 through present;

- b) PECO Energy's Tariff showing the rates in 2011, 2012 and 2013;
 - c) Testimony of Rates Engineer, Scott Neumann as to the rates and/or any
14. PECO Energy submits that the additional exhibits and testimony is required in order to properly defend this matter.
15. PECO Energy has no objection to Mr. Smith's denial of meter testing at the premises.

WHEREFORE, PECO Energy respectfully requests a further hearing of the March 12, 2013 hearing.

Respectfully Submitted,



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
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DOCKET NO. C-2012-2321440

VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.



Shawane L. Lee

Date: March 13, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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BETTY RICKS

v.

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DOCKET NO. C-2012-2321440

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Motion in the above matter upon all interested parties by mailing and emailing a copy, properly addressed and postage prepaid to:

Sporty Smith
Betty Ricks
1206 Mount Vernon Street
Philadelphia, PA 19123



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

Dated at Philadelphia, Pennsylvania, March 13, 2013.

EXHIBIT “1”

Lee, Shawane L.:(BSC)

From: be4realentertainment [be4realentertainment@gmail.com]

Sent: Wednesday, March 13, 2013 7:08 AM

To: Vero, Eranda

Cc: Lee, Shawane L.:(BSC)

Subject: Re: FW: Sporty Smith & Betty Ricks v. PECO Energy Company, C-2012-2321440

The complainants are objecting to the meter testing and a hearing further down the line. It would be unfair to either party as a meter testing now would not prove if a meter was defective in 2011 or 12 or last week for that matter only that its defective now, and if its not now it wont not prove that it wasn't defective prior. Also to bring in the other exhibits would be unfair. Although you say the time periods were unclear, it is very clear that the time pd had to be after the previous hearing date and the respondents clearly showed in the hearing yesterday that they had information from before during and after the hearing and were prepared to defend against the claims set forth.

We request that the hearing continue immediately and no other exhibit be allowed to be introduced other than what was on yesterdays hearing with the exception of the Judges late filing in the interest of fairness for all parties. This will include further witnesses.

On Fri, Mar 8, 2013 at 11:46 AM, Vero, Eranda <evero@pa.gov> wrote:

To the Parties,

Today I issued an Order denying The Complainants' request for continuance of the March 12, 2013 hearing. The Order also instructs the parties that PECO's Motion for dismissal of the incorrect billing and faulty meter will be held in abeyance until the Complainants have had the opportunity to articulate their claims at the March 12, 2013 hearing.

I have attached a copy of the Order to this e-mail for your review. You should be receiving a hard copy of the Order by mail shortly.

The parties are reminded that this case is scheduled to be heard in an available hearing room on the 4th floor at 801 Market Street on Tuesday, March 12, 2013, at 10:00 a.m. (The entrance is on 8th Street). The hearing is a formal legal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure. 52 Pa. Code §§1.1, et seq. A party may lose this case, if they do not take part in this hearing and present evidence on the issues raised. 52 Pa. Code §5.245.

The opportunity to have a further hearing and/or submit late-filed exhibits will be made available to the parties if I deem it necessary to obtain a correct and complete record of this proceeding.

Finally, the parties should be prepared to state their respective positions and present supporting arguments with regard to the Complainants' request for disqualification of the presiding officer at the March 12, 2013 hearing.

Have a pleasant day!

Eranda Vero
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

From: Govan, Maureen
Sent: Friday, March 08, 2013 11:41 AM
To: Vero, Eranda
Subject: