



**Exelon Business Services Company**  
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2301 Market Street/S23-1  
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March 19, 2013

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

**RE: Barbara Johnson v. PECO Energy Company**  
**PUC Docket No.: C-2013-2351696**

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 |
| —        | Motion for Continuance               |
| <u>X</u> | 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

Scheduling Recommendation: Call of the docket

Non Call of the docket

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| <b>BARBARA JOHNSON</b>     | : |                                  |
| <b>Complainants</b>        | : |                                  |
| v.                         | : | <b>DOCKET NO. C-2013-2351696</b> |
|                            | : |                                  |
| <b>PECO ENERGY COMPANY</b> | : |                                  |
| <b>Respondent</b>          | : |                                  |

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**NOTICE TO PLEAD**

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 Preliminary Objection within 10 days from service of this notice, a ruling may be entered against you. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

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

With a copy to:  
Shawane L. Lee  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103

Dated at Philadelphia, PA, March 19, 2013



---

Shawane L. Lee  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103  
(215) 841-6841  
[Shawane.Lee@exeloncorp.com](mailto:Shawane.Lee@exeloncorp.com)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| <b>BARBARA JOHNSON</b>     | : |                                  |
| <b>Complainants</b>        | : |                                  |
| <b>v.</b>                  | : | <b>DOCKET NO. C-2013-2351696</b> |
|                            | : |                                  |
| <b>PECO ENERGY COMPANY</b> | : |                                  |
| <b>Respondent</b>          | : |                                  |

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**PRELIMINARY OBJECTION OF RESPONDENT,  
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(4) respectfully petitions this Honorable Commission to dismiss the instant Complaint as legally insufficient.

1. On March 8, 2013, PECO Energy was served with a formal complaint filed by Barbara Johnson (hereafter “Complainant”).

2. In the Complainant’s formal complaint, she stated the reason for her complaint as:

They are charging me for an off peak meter, without service. I did not put the meter in 50 years ago.

See the Complainant’s formal complaint, attached hereto as Exhibit “1”.

3. In the “relief” section of the Complainant’s formal complaint, he states:

Have PECO remove Off Peak meter when they install new house meter.

See the Complainant’s formal complaint, attached hereto as Exhibit “1”.

4. In her formal complaint, the Complainant disputes the \$1.75 off-peak meter charge she is incurring as a result of the eventual elimination of PECO’s discounted OP rate.

5. Additionally, she disputes the fact that in order to avoid incurring this monthly cost, she must have the meter removed by a licensed electrician at her own expense.

6. PECO Energy filed the instant Preliminary Objection.

7. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure.<sup>1</sup>

8. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible.<sup>2</sup>

9. A complaint must be able to recover under the law to survive a preliminary objection.<sup>3</sup>

10. All of the non-moving party's averments must be taken as true for the sake of deciding the preliminary objection.<sup>4</sup>

11. The court does not, however, need to accept, "unwarranted inferences from facts, argumentative allegations, or expressions of opinions."<sup>5</sup>

12. Section 703 of the Public Utility Code, 66 Pa.C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.

13. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa.Pub. Util. Comm'n, 817 A.2<sup>nd</sup> 593 (Pa.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

14. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law. Therefore, the complaint is legally insufficient and should be dismissed.

15. The Complainant disputes the \$1.75 meter charge she is incurring as a result of the phase out of PECO Energy's Off Peak rate.

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<sup>1</sup> Equitable Small Transportation Interveners v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994)

<sup>2</sup> 2006 Pa. PUC Lexis 111, \*7.

<sup>3</sup> Milliner v. Enck, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) ("preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover").

<sup>4</sup> Id. at 7-8.

<sup>5</sup> Feingold v. McNulty, 2009 Phila. Ct. Com. Pl LEXIS 167, \*3.

16. The elimination of PECO Energy's Off Peak rate was approved by the Commission as part of PECO's Default Service Program and Rate Mitigation Plan on June 9, 2009, docket number P-2008-2062739. The plan was previously approved by the Commission and is just, reasonable and lawful.

17. The \$1.75 customer charge is assessed for each Off Peak meter at a customer's property and is part of the monthly basic distribution charge to cover costs for billing, meter reading, equipment and maintenance.

18. The Commission approved the \$1.75 rate as a part of the 2010 Electric Rate Case Settlement at Docket No. R-2010-2161575.

19. As a part of the rate case settlement, PECO submitted a Proof of Revenue, demonstrating the necessity for the charge, how the company designed its rates; and how the company proposed to obtain its revenue. See Rate Case Settlement, Rate Design, attached hereto as Exhibit "2".

20. The Commission asked PECO Energy to "Explain why PECO proposes to eliminate the Rate OP pricing advantage for distribution service". With regard to the Off Peak customer charge, PECO Energy answered, in relevant part:

In order to equalize the variable distribution charges of rate OP and Rate R, any increase in Rate OP will be allocated first to the variable distribution charge. As a result of this change, the Rate OP customer charge is being reduced from \$4.65 to \$2.00 per month. A customer charge is still necessary for Rate OP because customers served under this rate schedule have a separate meter for this service.

See Rate Case Testimony, attached hereto as Exhibit "3".

21. After extensive discovery, hearings, and the filing of testimony and rebuttal testimony in this matter, the Commission ultimately approved PECO Energy's right to charge the \$1.75 under Docket Number R-2010-2161575.

22. Assuming that everything the Complainant alleges in her Complaint is true, PECO Energy is operating under the basis of a Commission approved Order and charged the \$1.75 with the specific approval of the Commission.

23. The \$1.75 charge is regulated by the Public Utility Commission ("PUC") and it is contained within PECO Energy's Electric Service Tariff ("Tariff") approved by and on file with the PUC. See Tariff Provision, attached hereto as Exhibit "4".

24. The Tariff provisions approved by the PUC are prima facie reasonable. 66 Pa. C.S.A. § 316 (1999); See also, Kossman v. Pennsylvania Public Utility Commission, 694 A.2d 1147 (Pa. Cmwlth. 1997). Moreover, tariffs that have been approved by the PUC have the full force and effect of law and are binding on both the utility and its customers. Brockway Glass Co. v. Pennsylvania Utility Commission, 437 A.2d 1067 (Pa. Cmwlth. 1981).

25. Thus, the Complainant's complaint, objecting to the \$1.75 Off Peak meter charge does not allege a violation of any order, law or tariff that can be the basis of any finding against PECO Energy.

26. Additionally, the Complainant requests that PECO Energy remove the Off Peak meter rather than the Complainant removing the meter at her own expense or having the load combined to prevent the need for the Off-Peak meter.

27. The Off Peak meter is still needed to measure usage for the appliances connected to that meter.

28. The meter must be present to properly measure the Complainant's energy usage for the old heating circuit regardless of what variable energy rate is being charged.

29. For instance, in this case, the Complainant's hot water heater appliance is connected to the Off Peak meter; therefore, the meter is separately calculating the usage for the hot water heater.

30. If the meter is removed without the Complainant rewiring to the first meter, there would be no electric service available to that circuit for her hot water heater or other hard wired 220 volt appliances.

31. As the meter is still required, PECO Energy is permitted through its approved tariff to recover costs through the \$1.75 meter charge to cover the cost for billing, meter reading, and equipment maintenance.

32. Accordingly, the Complainant's formal complaint should be dismissed as a matter of law.

**REQUEST FOR RELIEF**

WHEREFORE, for all of the reasons stated herein, PECO respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice.

Respectfully submitted,



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Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
Shawane.Lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| <b>BARBARA JOHNSON</b>     | : |                                  |
| <b>Complainants</b>        | : |                                  |
| <b>v.</b>                  | : | <b>DOCKET NO. C-2013-2351696</b> |
|                            | : |                                  |
| <b>PECO ENERGY COMPANY</b> | : |                                  |
| <b>Respondent</b>          | : |                                  |

---

**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.



Date: March 19, 2013

\_\_\_\_\_  
Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| <b>BARBARA JOHNSON</b>     | : |                                  |
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| <b>v.</b>                  | : | <b>DOCKET NO. C-2013-2351696</b> |
|                            | : |                                  |
| <b>PECO ENERGY COMPANY</b> | : |                                  |
| <b>Respondent</b>          | : |                                  |

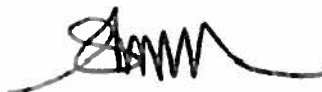
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**CERTIFICATE OF SERVICE**

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

Barbara Johnson  
4323 Linden Avenue  
Oakford, PA 19053

Dated at Philadelphia, Pennsylvania, March 19, 2013



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Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
[Shawane.Lee@exeloncorp.com](mailto:Shawane.Lee@exeloncorp.com)



Exelon Business Services Company

1000 Market Street

Philadelphia, PA 19103

215-261-1000

www.exelon.com

Direct Dial: 215 841-6841

March 19, 2013

Barbara Johnson  
4323 Linden Avenue  
Oakford, PA 19053

**RE: Barbara Johnson v. PECO Energy Company**  
**PUC Docket No.: C-2013-2351696**

Dear Ms. Johnson:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long, sweeping underline.

Shawane Lee  
Counsel for PECO Energy Company  
Enc.  
SL/lo

**EXHIBIT “1”**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

Formal Complaint Form

2013 FEB 22 AM 10:46

Please print in ink or type.

PA.P.U.C. SECRETARY'S BUREAU

1. CUSTOMER (COMPLAINANT) INFORMATION

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

Name BARBARA JOHNSON

Street/P.O. Box 4323 LUDEN AVE Apt #

City OAKFORD State PA Zip 19153

County Bucks

Daytime Telephone Number Where We Can Contact You: 215, 357 3214

E-mail Address (optional): USER 484710@Aic.com

Utility Account Number 82824 0080.5000

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)

[X] ELECTRIC

[ ] STEAM HEAT

[ ] GAS

[ ] WASTE WATER

[ ] WATER

[ ] MOTOR CARRIER

[ ] TELEPHONE (local, long distance)

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

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.

THEY ARE CHARGING ME FOR AN OFF PEAK  
METER, WITHOUT SERVICE, I DID  
NOT PUT THE METER IN 50 YEARS AGO

5. RELIEF

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

HAVE BEEN REMOVE OFF LEAK METER  
WHEN THEY INSTALL NEW <sup>HOUSE</sup> METER

I HAVE BEEN NOTIFIED METERS IN  
OAKFORD WILL BE REPLACED SHORTLY

**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 BARBARA JOHNSON, 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).

Barbara Johnson (Signature) 2-20-13 (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<br>Pennsylvania Public Utility Commission<br>P.O. Box 3265<br>Harrisburg, PA 17105-3265 | Secretary<br>Pennsylvania Public Utility Commission<br>400 North Street<br>Commonwealth Keystone Building, 2 <sup>nd</sup> Floor<br>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.**

**EXHIBIT "2"**

Docket No. R-2010-2161575

Rate Case Settlement  
Exhibit # 2

PECO Energy Company (Electric)  
Rate Year Ended December 31, 2011  
Rate Budget- Rate Change Background (R) and Off-Peak (OP)

| Line | Customer Charge                | Rate           | Present Rates | Proposed Rates | Working Capital Transferred to GMA | KEPC   | Variable Rates Encountered in Distribution |
|------|--------------------------------|----------------|---------------|----------------|------------------------------------|--------|--|
| 1    | Rate R (includes OP)           | 11,393,643     | 83.31         | 87.25          | 97,154,659                         |        |  |
| 2    | Rate RT                        | 140            | 318.48        | 318.48         | 1,000                              |        |  |
| 3    | R CAP A                        | 1,121          | 83.31         | 87.25          | 8,130                              |        |  |
| 4    | R CAP B                        | 1,286,864      | 83.31         | 87.25          | 1,068,159                          |        |  |
| 5    | R CAP C                        | 298,446        | 83.31         | 87.25          | 1,678,731                          |        |  |
| 6    | R CAP D                        | 794,683        | 83.31         | 87.25          | 5,323,321                          |        |  |
| 7    | R CAP E                        | 497,329        | 83.31         | 87.25          | 3,173,329                          |        |  |
| 8    | Rate OP                        | 14,524,591     | 79.38         | 81.75          | 163,377,797                        |        |  |
| 9    | Total Customer Charge          | 979,889        | 84.65         | 81.75          | 1,673,193                          |        |  |
| 10   |                                | 15,664,431     |               |                | 163,377,797                        |        |  |
| 11   |                                |                |               |                | 163,377,797                        |        |  |
| 12   | kWh-based rates                |                |               |                |                                    |        |  |
| 13   | Rate R                         | 5,304,105,025  | 261,667,375   | 261,667,375    | 261,667,375                        | 0.0034 | 0.0034                                     |
| 14   | > 500 kWh-Winter               | 1,983,194,765  | 94,303,346    | 94,303,346     | 118,265,629                        | 0.0034 | 0.0034                                     |
| 15   | > 500 kWh-Summer               | 1,778,046,349  | 90,476,389    | 90,476,389     | 90,444,571                         | 0.0034 | 0.0034                                     |
| 16   | Off-peak                       | 96,217         | 1,592         | 1,592          | 3,339                              | 0.0034 | 0.0034                                     |
| 17   | Peak Summer                    | 14,339         | 1,262         | 1,262          | 909                                | 0.0034 | 0.0034                                     |
| 18   | Peak Winter                    | 23,368         | 1,697         | 1,697          | 1,269                              | 0.0034 | 0.0034                                     |
| 19   |                                |                |               |                |                                    |        |  |
| 20   | Rate RT                        | 797,697        | 0.0000        | 0.0000         | 42,123                             | 0.0034 | 0.0034                                     |
| 21   | R CAP A                        | 172,349        | 0.0001        | 0.0001         | 9,616                              | 0.0034 | 0.0034                                     |
| 22   |                                |                |               |                |                                    |        |  |
| 23   | R CAP B                        | 66,712,225     | 281,728       | 281,728        | 3,028,488                          | 0.0034 | 0.0034                                     |
| 24   | Rate R                         | 2,441,034      | 72,378        | 72,378         | 135,745                            | 0.0034 | 0.0034                                     |
| 25   | Rate RT                        | 22,697,349     | 973,594       | 973,594        | 1,261,903                          | 0.0034 | 0.0034                                     |
| 26   | Additional kWh                 |                |               |                |                                    |        |  |
| 27   | Rate R                         | 112,468,388    | 1,812,005     | 1,812,005      | 6,352,126                          | 0.0034 | 0.0034                                     |
| 28   | Rate RT                        | 4,139,036      | 121,757       | 121,757        | 238,130                            | 0.0034 | 0.0034                                     |
| 29   | Additional kWh                 | 38,108,003     | 1,672,286     | 1,672,286      | 2,122,811                          | 0.0034 | 0.0034                                     |
| 30   | Rate R                         | 356,265,914    | 7,418,247     | 7,418,247      | 19,009,497                         | 0.0034 | 0.0034                                     |
| 31   | Rate RT                        | 168,134,382    | 4,942,633     | 4,942,633      | 6,823,488                          | 0.0034 | 0.0034                                     |
| 32   | Additional kWh                 |                |               |                |                                    |        |  |
| 33   | Rate R                         | 211,174,363    | 7,894,485     | 7,894,485      | 11,741,488                         | 0.0034 | 0.0034                                     |
| 34   | Rate RT                        | 67,698,813     | 3,078,281     | 3,078,281      | 3,729,609                          | 0.0034 | 0.0034                                     |
| 35   | Additional kWh                 | 10,138,448,171 | 68,882,790    | 68,882,790     | 543,522,774                        | 0.0034 | 0.0034                                     |
| 36   | Rate OP                        | 299,628,621    | 18,889,441    | 18,889,441     | 161,251,715                        | 0.0034 | 0.0034                                     |
| 37   | Total Distribution Charge      | 14,021,655,795 | 694,811,231   | 694,811,231    | 579,411,231                        | 0.0034 | 0.0034                                     |
| 38   |                                |                |               |                |                                    |        |  |
| 39   | CAP decrease- Non-distribution |                | (44,788,396)  |                |                                    |        |  |
| 40   | CAP decrease- Distribution     |                | (6,228,217)   |                |                                    |        |  |
| 41   | New Cap Discount               |                |               |                | (77,724,688)                       |        |  |

**EXHIBIT "3"**

Docket No R-2010-2161575  
PECO Statement #9

1 20. Q. Explain why PECO proposes to eliminate the Rate OP pricing advantage for  
2 distribution service.

3 A. The pricing structure of Rate OP is also a vestige of "bundled" rates that had included  
4 the cost of generation. As such, that pricing structure is not justified for the recovery  
5 of distribution charges after the transition to competitively procured generation for  
6 default service. PECO's cost-of-service for kilowatt hours distributed under Rate OP  
7 is the same as its cost-of-service for regular residential service. Therefore, PECO  
8 proposes the same variable distribution charge for this service. In order to equalize  
9 the variable distribution charges of rate OP and Rate R, any increase in Rate OP will  
10 be allocated first to the variable distribution charge. As a result of this change, the  
11 Rate OP customer charge is being reduced from \$4.65 to \$2.00 per month. A  
12 customer charge is still necessary for Rate OP because customers served under this  
13 rate schedule have a separate meter for this service.

14 21. Q. Will there be other options for Rate OP customers?

15 A. Yes. As part of its energy efficiency filing, the Company proposed a direct load  
16 control rate that can be used by Rate OP customers. Additionally, the Company, as  
17 required under Act 129, will, at a future date, be proposing time-of-use rates and/or  
18 real time pricing rates. While some of these options might not be available at January  
19 1, 2011, I would note that Rate OP customers will still be getting a significant benefit  
20 in generation pricing until January 1, 2013.

21 22. Q. Explain why PECO proposes to eliminate Rate R-T.

**EXHIBIT "4"**

**PECO Energy Company**

**RATE OF OFF-PEAK SERVICE**

**AVAILABILITY.**

In conjunction with Rates R, RT, R-H and with residence service under Rate GS, for any customer receiving service at 120/240 volts, 3 wires, or 120/208 volts, 3 wires, for the operation of 240-volt or 208-volt domestic equipment of a type approved by the Company. Any load connected for service under Rate OP may not be connected for service under any other rate during the period that service under Rate OP is interrupted. Service will be interrupted during on-peak periods as established by the Company. This rate is not available when the source of supply is service purchased from a neighboring company under a borderline-purchase agreement. Effective January 1, 2004, service under Rate OP will be restricted to service locations receiving Rate OP service or that are the subject of a Rate OP service application as of December 31, 2003. Effective January 1, 2013 (last bill issued December 31, 2012) this rate will no longer be applicable in its current form.

**SPECIAL RULES AND REGULATIONS.**

The normal control device furnished by the Company has a limited capacity. The customer shall notify the Company before connecting any load in addition to an existing water heater. If necessary, the Company will install a control device with a rating of 200 amperes to accommodate the additional 240-volt controlled load. For controlled loads larger than 200 amperes the control device shall be furnished, installed and maintained by the customer. Service may be interrupted for a total of not more than 6-1/2 hours per day during scheduled periods which may vary from customer to customer.

The Company has a program to replace seven-day clock control devices as they fail with five-day radio-control devices which provide uninterrupted service on Saturdays, Sundays and holidays.

**MONTHLY RATE TABLE.**

FIXED DISTRIBUTION SERVICE CHARGE: \$1.75 per month  
VARIABLE DISTRIBUTION SERVICE CHARGE: 6.05¢ per kWh

(f)

ENERGY SUPPLY CHARGE: Refer to the Generation Supply Adjustment Procurement Class 1

TRANSMISSION SERVICE FOR CUSTOMERS RECEIVING DEFAULT SERVICE: per the Transmission Service Charge

MINIMUM CHARGE: The minimum charge per month will be the Fixed Distribution Service Charge.

STATE TAX ADJUSTMENT CLAUSE, NUCLEAR DECOMMISSIONING COST ADJUSTMENT, PROVISION FOR THE RECOVERY OF ENERGY EFFICIENCY AND CONSERVATION PROGRAM COSTS, SMART METER COST RECOVERY SURCHARGE  
PROVISION FOR THE TAX ACCOUNTING REPAIR CREDIT AND PROVISION FOR THE RECOVERY OF CONSUMER EDUCATION PLAN COSTS APPLY TO THIS RATE.

PAYMENT TERMS. Standard.

(f) Denotes increase