



Direct Dial: 215.841.6841

April 16, 2013

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

**RE: Amare M. Habtemeskel v. PECO Energy Company
PUC Docket No.: C-2013-2356810**

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
- 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**

AMARE M HABTEMESKEL	:	
Complainant	:	
v.	:	DOCKET NO. C-2013-2356810
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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, April 16, 2013



Shawane L. Lee
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
(215) 841-6481
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AMARE M HABTEMESKEL	:	
Complainant	:	
v.	:	DOCKET NO. C-2013-2356810
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(3) respectfully petitions this Honorable Commission to order Complainant to amend his Complaint to provide more specificity.

1. On April 9, 2013, PECO Energy was served with a formal complaint filed by Amare M. Habtemeskel (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.

2. The Complaint does not conform to the requirements of 52 Pa.Code §5.22 (a)(5), which provides:

5.22. Content of formal complaint.

a. A formal complaint must set forth the following:

...
(5) A clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation.

3. A formal complaint must set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has

jurisdiction to administer, or any regulation or order of the commission.” 66 Pa.C.S. §701; 52 Pa.Code §5.22

4. A complaint should contain information specific enough to allow the respondent to understand the allegations against it, in order to conduct a meaningful investigation of the allegations and to prepare a coherent response.

5. In the instant matter, Complainant did not provide any facts or assertions to support his complaint. The entire Complaint is comprised of a check next to the box in Paragraph 4 labeled “Incorrect charges are on my bill.”

6. The Complainant additionally attached copies of two electric bills dated January 23, 2013 and January 29, 2013.

7. However, there are no facts stated in Section 4(B) of the Complaint, regarding the bills.

8. The Complainant does not provide an explanation as to what specific charge(s) on the billing statement are incorrect and why he believes the charge(s) are incorrect.

9. In the Requested Relief in Section 5, the Complainant states he wants a “correcte(sic) bill.”

10. The Complaint does not provide sufficient information to permit the Company to provide a meaningful response, or address the Complainant’s concerns as the Company is not aware of what specific charge is incorrect or why it is incorrect.

11. PECO Energy conducted an independent investigation to determine the specific billing issues the Complainant is alleging; however, there is insufficient information for the company to respond to the Complaint.

12. Due to these infirmities in the Complaint, it is difficult to craft a targeted Answer.

13. Accordingly, PECO Energy preliminarily objects to the Complaint pursuant to 52 Pa. Code § 5.101(3).

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission order Complainant to amend his Complaint to provide more specificity.

Respectfully submitted,



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**

AMARE M HABTEMESKEL	:	
Complainant	:	
v.	:	DOCKET NO. C-2013-2356810
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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: April 16, 2013



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AMARE M HABTEMESKEL	:	
Complainant	:	
v.	:	DOCKET NO. C-2013-2356810
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Amare M. Habtemeskel
P.O. Box 30971
Philadelphia, PA 19104

Dated at Philadelphia, Pennsylvania, April 16, 2013



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



Exelon Business Services Company

1000 Market Street

Philadelphia, PA 19104

215.261.1000

www.exelon.com

Direct Dial: 215 841-6841

April 16, 2013

Amare M. Habtemeskel
P.O. Box 30971
Philadelphia, PA 19104

**RE: Amare M. Habtemeskel v. PECO Energy Company
PUC Docket No.: C-2013-2356810**

Dear Mr. Habtemeskel:

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 stylized flourish at the end.

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

EXHIBIT “1”

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

Name AMARE M. HABTEMESKEL

Street/P.O. Box 30971 Apt # _____

City PHILADELPHIA State PA Zip 19104

County Phila.

Telephone Number(s) Where We Can Contact You During the Day:

(215) 726-1345 (home) . . . (267) 456-7309 (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 47131-30029

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

Name PECO AN EXELON COMPANY

Street/P.O. Box MARKET 23rd ST

City Phila. State PA Zip _____

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO

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3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
 GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
 WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
 STEAM HEAT

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).

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Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

An correcte bill

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Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection from Abuse

Has a court granted a "Protection from Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this 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 problem involving billing, 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

If your answer to the above question is "yes," attach a copy of the current Protection for Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

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c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

I Don't understand what they say

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept

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SECRETARY'S BUREAU

Verification:

I _____, 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).



(Signature of Complainant)

03-13-13

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Filing

You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/eFiling/default.aspx>.

If you do not electronically file your Formal Complaint, mail the completed form (along with any attachments) 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 nd Floor Harrisburg, Pennsylvania 17120
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Note: Formal Complaints sent by fax or e-mail 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 Formal Complaint for your records.

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Name: **AMARE M HABTEMESKEL**

Account Number: **47132-30938**

Meter Information								
Read Date	Meter Number	Load Type	Reading Type	Meter Reading Previous	Meter Reading Present	Difference	Multiply X	Usage
01/22	10720274	General Service	Total kWh	32225 Actual	32986 Actual	761	1	761

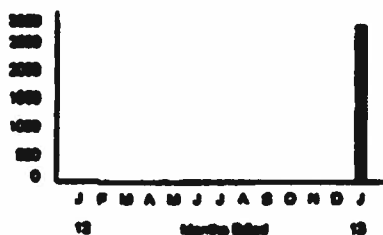
Total kWh Used **2,761**

Electric Residential Heating Service - Current Period Detail

Service 12/21/2012 to 01/22/2013 - 32 days

Customer charge								\$7.17
Generation Charge				2,761 kWh	X	30.07680		211.40
AE Energy Portfolio Standard				2,761 kWh	X	0.00070		1.93
Transmission Charge				2,761 kWh	X	0.00880		24.31
Distribution Charge				2,761 kWh	X	0.04230		117.34
State Tax Adjustment								-0.28
Total Current Charges								\$364.18

12-Month Usage (Total kWh)



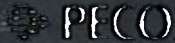
Your Usage Profile

Period	Usage	Avg Daily Usage	Days	Avg Daily Temp
Current Month	2,761	86.3	32	38
Last Month	0	0.0	0	0
Last Year	0	0.0	0	0

Avg kWh per Month	2,761
Total Annual kWh Usage	2,761

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DO NOT MAIL THIS PORTION WITH YOUR PAYMENT



Electricity and Gas Service in Pennsylvania, Delaware and New Jersey. For more information, visit our website at www.pECO.com or call 1-877-433-6364.

Name: AMARE M HABTEMESKEL
Account Number: 47132-38838
Phone Number: 215-728-1345
Service Address: 6221 WOODLAND AV, 2ND FL,
PHILADELPHIA

Billing Summary

Bill Date	01/23/2013
Connection charge - standard	\$8.00
Total Other Charges	\$8.00
Current Period Charges	
Electric	\$364.18
Total New Charges	\$364.18
Total Amount Due on 02/28/2013	\$376.18

General Information

Next scheduled meter reading: February 21, 2013
PECO, 2301 Market St, Philadelphia, PA 19103-1380. If you have any questions or concerns, please call 1-800-484-4888 before the due date. Si tiene alguna pregunta, favor de llamar al numero 1-800-484-4888 antes de la fecha de vencimiento.

Message Center

New charges include estimated total state taxes of \$23.61, including \$21.49 for State Green Receipts Tax.
Your electric price to compare is \$0.0889 per kWh.

- Customer Self Service - Manage Your Account 24/7**
- **View your account** - Go anywhere, receive and pay your bill
 - **Start, stop and transfer your service**
 - **Save energy and money**
 - **Pay by phone with credit/debit card at 1-877-433-6364 (\$3.00 fee)**

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When paying in person, please bring the entire bill. (continued on next page)

Return only this portion with your check made payable to PECO. Please write your account number on your check.



- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
- Check here to pledge a donation to MCAF and complete form on reverse side.

To pay by phone call 1-877-433-6364. A convenience fee will apply.

47132 3003 80000 0000

10788 1 AV 0347
AMARE M HABTEMESKEL
6221 WOODLAND AVE 2ND FL
PHILADELPHIA PA 19142-2005

Account Number 47132-38838 Payment Receipt Stamp

Payment Amount

Please pay this amount by 02/28/2013 \$376.18

00000364180000000000

PECO - PAYMENT PROCESSING
PO BOX 3789
PHILADELPHIA PA 19101-0829

471323003800003701830560370186



Information and Payment Instructions: This is the amount you must pay to PECO. It is not a receipt. If you have any questions, call 1-877-432-6384.

Name: AMARE M HABTEMESKEL
Account Number: 47132-30033
Phone Number: 215-728-1345
Service Address: 6221 WOODLAND AV, 2ND FL, PHILADELPHIA

Billing Summary

Table with 2 columns: Description and Amount. Rows include Bill Date (01/29/2013), Connection charge, Charges from previous bill, Total Other Charges, Current Period Charges (Electric), Total New Charges, and Total Amount Due on 03/01/2013.

General Information

Next scheduled meter reading: February 21, 2013
PECO, 2301 Market St, Philadelphia, PA 19103-1300. If you have any questions or concerns, please call 1-877-432-6384 before the due date.

Message Center

New charges contain estimated total state taxes of \$7.08, including \$6.27 for State Gross Receipts Tax. Your electric price to compare is \$0.0989 per kWh. ... Final Bill ...

- Customer Self Service - Manage Your Account 24/7
- Go paperless: receive and pay your bill
- Start, stop and transfer your service
- Save energy and money
- Pay by phone with credit/debit card at 1-877-432-6384 (\$3.50 fee)

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When paying in person, please bring the entire bill.

(continued on next page)

Return only this portion with your check made payable to PECO. Please write your account number on your check.



- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
Check here to pledge a donation to NEAP and complete form on reverse side.

To pay by phone call 1-877-432-6384. A convenience fee will apply.

47132 3003 80000 0000

13433 1 AT 0.381
AMARE M HABTEMESKEL
6221 WOODLAND AVE 2ND FL
PHILADELPHIA PA 19142-3003

Account Number 47132-30033 Payment Receipt Stamp

Payment Amount box

Please pay this amount by 03/01/2013 \$478.16

PECO - PAYMENT PROCESSING
PO BOX 3789
PHILADELPHIA PA 19101-0829

00000107960000036418

471323003800004781630600478168



Electricity is not a commodity. It is a utility service. It is not a commodity. It is a utility service. It is not a commodity. It is a utility service.

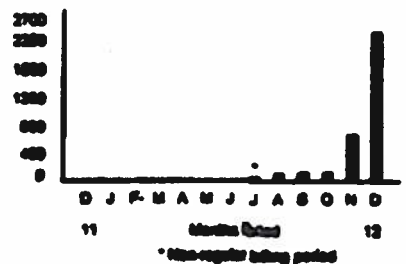
Name: AMARE M HASTEMESKEL
Account Number: 47133-30820

Meter Information								
Read Date	Meter Number	Lead Type	Reading Type	Meter Reading		Difference	Multiplier	
				Previous	Present		X	
12/18	107282374	General Service	Tot kWh	27034 Actual	30233 Actual	2379	1	
Total kWh Used			2,379					

Electric Residential Heating Svc CAP OptD1 - Current Period Detail Service 11/18/2012 to 12/18/2012 - 33 days

Customer charge				\$7.17
Generation Charges	600 kWh	X	\$0.08800	\$7.38
Generation Charges	1,779 kWh	X	\$0.07220	128.44
AE Energy Portfolio Standard	2,379 kWh	X	\$0.00070	1.67
Transmission Charges	2,379 kWh	X	\$0.00900	22.04
Distribution Charges	2,379 kWh	X	\$0.04000	95.89
State Tax Adjustment				-0.05
CAP Adjustment				3-34.41
Total Current Charges				\$279.81

13-Month Usage (Total kWh)



Your Usage Profile

Period	Usage	Avg Daily Usage	Days	Avg Daily Temp
Current Month	2,379	72.6	33	46
Last Month	700	23.0	30	55
Last Year	0	0.0	0	0
Avg kWh per Month				689
Total Annual kWh Usage				3,088

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