



Exelon Business Services Company
Legal Department
2301 Market Street/S23-1
Philadelphia, PA 19103
215 568 3389 Fax
www.exeloncorp.com

Direct Dial: 215.841.6841

August 14, 2013

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

RE: Darlene Bachman v. PECO Energy Company
PUC Docket No.: C-2013-2374354

Dear Ms. Chiavetta:

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

-	Answer
-	Answer & New Matter
-	Motion Objecting to Continuance Request
<u>X</u>	Motion for Judgment on the Pleadings
-	Motion to Admit Exhibits
-	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: Darlene Bachman (via first class mail)
Christopher P. Pell, Adm. Law Judge (via first class mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARLENE BACHMAN

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2013-2374354

NOTICE TO PLEAD

To: Darlene Bachman

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 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, Shawane Lee, 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:

Shawane L. Lee, Esquire
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated: August 14, 2013



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19101-8699
Tel. (215) 841-6841
Fax. (215) 568-3389
shawane.lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARLENE BACHMAN

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2013-2374354

MOTION FOR JUDGMENT ON THE PLEADINGS

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.102, respectfully requests 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 June 13, 2013, Complainant filed a Formal Complaint against Respondent, PECO, requesting 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 June, 2013.

3. On July 22, 2013, 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. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) in 2007 and was last recertified on March 7, 2012. New Matter ¶4.

5. PECO also averred that Complainant is an active CAP customer. New Matter ¶6.

6. PECO further averred that the entire balance on Complainant's account is comprised of CAP arrears. New Matter ¶7.

7. As the entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶¶8-10.

8. To date, over 23 days have passed since PECO filed its New Matter.

9. PECO has not been served with a response to its New Matter, and therefore it requests that the facts stated therein be deemed admitted. 52 Pa.Code §5.63(b) (providing that facts in new matter may be deemed admitted if there is no reply).

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

11. 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.

12. 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).

13. 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).

14. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant was enrolled in CAP, (b) the entire past due balance is CAP arrears, (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 a payment agreement for an account holder whose past due balance consists of CAP arrears. Therefore, the Commission cannot grant the sole relief Complainant seeks.

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,



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARLENE BACHMAN

v.

PECO ENERGY COMPANY

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:
:

DOCKET NO. C-2013-2374354

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing 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

Darlene Bachman
122 Worrilow Street
Linwood, PA 19061



Shawane L. Lee

DATED: August 14, 2013



Exelon Business Services Company
Legal Department
2301 Market Street, 5200
Philadelphia, PA 19103
215 268-3226 Fax
www.exeloncorp.com

Direct Dial: 215 841-6841

August 14, 2013

Darlene Bachman
122 Worrihow Street
Linwood, PA 19061

RE: Darlene Bachman v. PECO Energy Company
PUC Docket No.: C-2013-2374354

Dear Ms. Bachman:

Enclosed please find a copy of Motion for Judgment on the Pleadings. You are hereby notified that, if you do not file a written response denying or correcting the enclosed 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, Shawane Lee and where applicable, the Administrative Law Judge presiding over the issue

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 horizontal flourish extending to the right.

Shawane Lee
Counsel for PECO Energy Company

SL/lo
Encl.

EXHIBIT “1”

untimely

BCS: 3051033
PECO ENERGY COMPANY
Must be returned by June 24, 2013

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 DARLENE BACHMAN

Street/P.O. Box 122 WOKRILLOW ST Apt # ---

City LINWOOD State PA Zip 19064

County DELAWARE

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

None (home)

2610-848029
610 2031789 (mobile) (203) 1789
(my house number)
Pdtunda - Here 10-12
2006

E-mail Address (optional): None!

Utility Account Number (from your bill) 8328521015

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 _____

Street/P.O. Box _____

City _____ State _____ Zip _____

RECEIVED
13 JUL 15 AM 10:29
P.N.F.U.'S BUREAU
SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Water - 01645062020

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 (elec. and gas) ENERGY

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

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. ALL STAGE 3 CLEARS - ON OXYGEN 24 HRS A DAY
WATER ALREADY TURNED OFF

Other (explain).

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.

I HAVE MULTIPLE SCLEROSIS AND AM ON OXYGEN 24 HRS
IF THEY TURN MY ELECTRIC I WILL
DIE WITH NO OXYGEN, THE PUC, ERIC

TRUETT AT P.U.C. DID NOT CARE.

HE REFUSED ME HELP!

MY DOCTOR - DR. LEE CAN VERIFY THAT
(OR APPOINTMENT) I NEED OXYGEN 24 HRS.
NURSE 610-485-1176

HIS NUMBER IS 610-485-1176

WATER ALREADY TURNED OFF!!!

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.

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

PECO ENERGY -

8157019

CHESTER WATER AUTHORITY -

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 it.

Verification:

I, DARLENE BACHMAN, 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).

Darlene Bachman
(Signature of Complainant)

June, 20, 2013
(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.

Ms. Darlene Bachman
122 Wornow St
Linwood PA 19081-4127

PHILADELPHIA, PA 190

12 JUL 2013 PM 5:21



Pennsylvania Secretary
Penn Public Utility Commission
P.O. Box 3265

Harrisburg, PA. 17105-3265

17105325565



EXHIBIT “2”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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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.

If your filing exceeds 200 pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120 . 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-2013-2374354
Description:	Darlene Bachman - Answer and New Matter of PECO Energy Company
Transmission Date:	7/22/2013 9:17:22 AM
Filed On:	7/22/2013 9:17:22 AM
eFiling Confirmation Number:	1521092

Uploaded File List

File Name	Document Class	Document Type
Darlene Bachman - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
EXHIBIT



Exelon Business Services Company
Legal Department
2301 Market Street/S231
Philadelphia, PA 19102
215 566-3399 Fax
www.exeloncorp.com

Direct Dial 215 841 6841

July 22, 2013

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

RE: Darlene Bachman v. PECO Energy Company
PUC Docket No.: C-2013-2374354

Dear Ms. Chiavetta:

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

- Answer
- Answer & New Matter
- Motion Objecting to Continuance Request
- Motion for Judgment on the Pleadings
- Motion to Admit Exhibits
- 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 Not Call of the Docket

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DARLENE BACHMAN
Complainant

v.

PECO ENERGY COMPANY
Respondent

DOCKET NO. C-2013-2374354

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 NEW MATTER of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to NEW MATTER, 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:
Rosemarie Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

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

Dated at Philadelphia, PA, July 22, 2013



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARLENE BACHMAN	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2013-2374354
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT
PECO ENERGY COMPANY

On July 18, 2013, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Darlene Bachman (hereafter "Complainant") in the above captioned docket.

Pursuant to 52 Pa. Code § 5.61, PECO responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint. In her formal Complaint, the Complainant alleges that PECO Energy is threatening to terminate her service and requests a payment agreement. The Complainant states that she has multiple sclerosis and requires oxygen 24 hours a day. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant has electric service at 122 WorriLOW Street, Lindwood, PA under account number 83285-21015. See Account Activity Statement, attached hereto as Exhibit "1".

The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on

October 15, 2007 under Tier D. The account was removed from the program on November 24, 2009 and re-enrolled in CAP on March 9, 2010. The Complainant was last re-certified on March 7, 2012 under Tier D1. Her next re-certification is due on March 7, 2014. On September 28, 2011, PECO Energy forgave a \$716.24 balance on the Complainant's account and she was placed on a 60 month payment agreement for her remaining \$1,000.00 balance. Under the agreement, the Complainant was to pay \$16.66 per month. The agreement defaulted on November 21, 1011.

On April 2, 2013, a 10 day notice was sent to terminated service for a past due balance of \$1,792.09. On April 10, 2013, the Delaware County Crisis Grant department approved a Crisis Grant and a stay of termination of was processed. On April 10, 2013, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003081833, requesting a payment agreement on her \$1,970.49 balance. The BCS issued a Decision Report, dismissing the case pursuant to 66 Pa. C.S. §1405(c). On June 4, 2013, the PUC sent correspondence to the Complainant advising they had received her request to appeal the BCS decision. See Letter, dated 6/4/13, attached hereto as Exhibit "3". On July 12, 2013, the PUC sent correspondence to the Complainant, advising her that she did not file a Formal Complaint within the time period given. See Letter, dated 7/12/13, attached hereto as Exhibit "4".

The Complainant currently has a balance of \$1,905.12 balance. See Exhibit "1". The Complainant's account activity statements demonstrate that the Complainant does not make regular payments. The Complainant is not entitled to a PUC ordered payment agreement on her balance as the entire balance is comprised of CAP arrears. 66 Pa.C.S. § 1405(c) provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment

agreements negotiated or approved by the commission.” Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.

5. Denied.

6. Admitted

7. Admitted.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. 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.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is required.

NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY

PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. The Complainant has an active account with PECO Energy for service at 122 WorriLOW Street, Linwood, PA under account number 83285-21015. See Exhibit “1”.
2. The Complainant was enrolled in PECO Energy’s Customer Assistance Program (“CAP”) on October 15, 2007 under Tier D.
3. The account was removed from the program on November 24, 2009 and re-enrolled in CAP on March 9, 2010.
4. The Complainant was last re-certified on March 7, 2012 under Tier D1.
5. Her next re-certification is due on March 7, 2014.
6. The Complainant is an active CAP customer.

7. The entire balance on Complainant's account is comprised of CAP arrears.
8. The Complainant is not entitled to a PUC ordered payment agreement on this balance as it is comprised of CAP arrears.
9. 66 Pa.C.S. § 1405(c) provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."
10. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement on her balance.
11. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa. C.S. §1405(c).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

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**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARLENE BACHMAN
Complainant

v.

PECO ENERGY COMPANY
Respondent

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:
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DOCKET NO. C-2013-2374354

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: July 22, 2013

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARLENE BACHMAN
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2013-2374354

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:

Darlene Bachman
122 Worriow Street
Linwood, PA 19061

Dated at Philadelphia, Pennsylvania, July 22, 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

Direct Dial: 215 841-6841

July 22, 2013

Darlene Bachman
122 Worriow Street
Linwood, PA 19061

RE: Darlene Bachman v. PECO Energy Company
PUC Docket No.: C-2013-2374354

Dear Ms. Bachman:

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".

Shawane Lee
Counsel for PECO Energy Company

SL/lo
Encl.

EXHIBIT "1"

*** Account Information ***

Account Number: #3285-1015
Account Status: Active
Requested By: DARLENE BACEMAN
DARLENE BACEMAN
6101990-9372 Extension:

Mail To:
DARLENE BACEMAN
122 HORRILLOW ST
LINWOOD PA 19061

Current Bill:
Billed Prior: \$1794.47
Balance Due: \$1905.12
Service Address:
122 HORRILLOW ST
LINWOOD PA 19061

*** Current Account Status ***

Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Meter Bill Grp: 18
Rate: CAP Optn D1 Gas Residential Heating Svc
CAP Opt D1 Electric Residential Service

DATE	CHANGE TYPE	BILLING PERIOD	READ	METER #	CHANGE AMOUNT	CREDIT AMOUNT	SUBTOTAL BILL	BALANCE FORWARD	DUE DATE	NUM	COF	AM
04/26/11	GAS SERVICE	03/27/11 04/25/11	5255	015643703	\$66.51		\$2715.08	\$2627.23	05/18	274	71	
04/26/11	ELECTRIC SERVICE	03/27/11 04/25/11	60131	105339855	\$19.34							
04/26/11	Late Payment Charge				\$34.13							
05/23/11	Regular Bill					\$1000.00						
05/23/11	Late Payment Charge				\$22.34							
05/23/11	GAS SERVICE	04/25/11 05/24/11	5288	015643703	\$36.68							
05/23/11	ELECTRIC SERVICE	04/25/11 05/24/11	60546	105339855	\$27.88							
05/23/11	Regular Bill					\$1801.98						
06/24/11	Payment Agreement				\$27.31							
06/24/11	GAS SERVICE	05/24/11 06/23/11	5309	015643703	\$59.88							
06/24/11	ELECTRIC SERVICE	05/24/11 06/23/11	61314	105339855	\$163.82							
06/24/11	DEFERRED PAYMENT AGREEMENT					\$1801.98						
06/24/11	Regular Bill											
07/25/11	Bill Out DPA due to Default				\$1639.16							
07/25/11	Late Payment Charge				\$3.77							
07/26/11	GAS SERVICE	06/23/11 07/25/11	5328	015643703	\$25.79							
07/26/11	ELECTRIC SERVICE	06/23/11 07/25/11	62063	105339855	\$59.07							
07/27/11	Regular Bill					\$200.00						
08/03/11	Payment					\$197.50						
08/16/11	Payment Agreement					\$1580.30						
08/24/11	GAS SERVICE	07/25/11 08/23/11	5346	015643703	\$25.00							
08/24/11	ELECTRIC SERVICE	07/25/11 08/23/11	62736	105339855	\$45.65							
08/24/11	DEFERRED PAYMENT AGREEMENT					\$1580.30						
08/24/11	Regular Bill											
09/20/11	Bill Out DPA due to Default				\$1422.27							
09/20/11	Late Payment Charge				\$3.43							
09/23/11	GAS SERVICE	08/23/11 09/22/11	5366	015643703	\$27.00							
09/23/11	ELECTRIC SERVICE	08/23/11 09/22/11	63180	105339855	\$34.86							
09/28/11	Payment Agreement					\$1000.00						
09/28/11	Transfer					\$716.24						
10/24/11	GAS SERVICE	09/22/11 10/23/11	5409	015643703	\$45.90							
10/24/11	ELECTRIC SERVICE	09/22/11 10/23/11	63844	105339855	\$37.30							
10/24/11	DEFERRED PAYMENT AGREEMENT					\$99.86						
10/24/11	Regular Bill											
11/21/11	Bill Out DPA due to Default				\$903.34							
11/22/11	GAS SERVICE	10/23/11 11/21/11	5503	015643703	\$87.54							
11/22/11	ELECTRIC SERVICE	10/23/11 11/21/11	64202	105339855	\$24.62							
11/22/11	Late Payment Charge				\$14.40							
11/22/11	Regular Bill					\$1209.76						
12/27/11	Late Payment Charge				\$16.08							
12/27/11	GAS SERVICE	11/21/11 12/26/11	5630	015643703	\$110.02							
12/27/11	ELECTRIC SERVICE	11/21/11 12/26/11	64587	105339855	\$26.29							
12/27/11	Regular Bill					\$1362.15						
01/24/12	Late Payment Charge				\$18.12							
01/27/12	GAS SERVICE	12/26/11 01/26/12	5780	015643703	\$148.26							
01/27/12	Late Payment Charge				\$148.12							
01/27/12	GAS SERVICE	12/26/11 01/26/12	64886	105339855	\$20.27							
01/27/12	ELECTRIC SERVICE					\$1225.84						



PCSD Account Activity Statement

Date: 04/12/13
Page: 2 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DOB DATE	MIN	OCY	BY
01/27/12	Regular Bill	01/26/12	02/26/12	5908	015643703		\$120.64			299	160	
02/27/12	ELECTRIC SERVICE	01/26/12	02/26/12	65304	105339855		\$27.28					
02/27/12	Regular Bill	02/26/12	03/26/12	5984	015643703		\$20.64			418	128	
03/27/12	ELECTRIC SERVICE	02/26/12	03/26/12	65638	105339855		\$22.33					
03/27/12	Late Payment Charge						\$22.86					
03/29/12	Regular Bill	03/28/12	04/28/12	6065	015643703		\$19.23			334	76	
04/19/12	LINEAP Payment						\$205.00					
04/24/12	Late Payment Charge						\$300.00					
04/25/12	ELECTRIC SERVICE	03/26/12	04/24/12	6035	015643703		\$17.66					
04/25/12	ELECTRIC SERVICE	03/26/12	04/24/12	65886	105339855		\$54.49					
05/04/12	Payment Agreement						\$17.39					
05/24/12	ELECTRIC SERVICE	04/24/12	05/23/12	6065	015643703		\$36.36			268	51	
05/24/12	DEFERRED PAYMENT AGREEMENT	04/24/12	05/23/12	66169	105339855		\$19.23					
05/24/12	Regular Bill						\$39.53					
06/20/12	Bill Out DPA due to Default						\$1383.59			279	30	
06/20/12	Late Payment Charge						\$1.43					
06/25/12	ELECTRIC SERVICE	05/23/12	06/24/12	6084	015643703		\$26.95					
06/25/12	ELECTRIC SERVICE	05/23/12	06/24/12	66664	105339855		\$30.04					
06/25/12	Regular Bill						\$20.43			444	19	
07/25/12	Late Payment Charge	06/24/12	07/24/12	6099	015643703		\$25.00					
07/25/12	ELECTRIC SERVICE	06/24/12	07/24/12	66979	105339855		\$23.06					
08/10/12	Payment						\$300.00					
08/10/12	Payment Agreement						\$1170.62					
08/10/12	LINEAP Payment						\$135.00					
08/23/12	ELECTRIC SERVICE	07/24/12	08/22/12	6115	015643703		\$25.00					
08/23/12	ELECTRIC SERVICE	07/24/12	08/22/12	67434	105339855		\$28.77					
08/23/12	DEFERRED PAYMENT AGREEMENT						\$35.47					
09/19/12	Bill Out DPA due to Default						\$1135.15			455	16	
09/19/12	Late Payment Charge						\$1.34					
09/24/12	ELECTRIC SERVICE	08/22/12	09/23/12	6134	015643703		\$26.97					
09/24/12	ELECTRIC SERVICE	08/22/12	09/23/12	67892	105339855		\$28.94					
09/24/12	Regular Bill						\$95.91			458	19	
10/23/12	Payment						\$1225.73					
10/23/12	GAS SERVICE	09/23/12	10/22/12	6156	015643703		\$29.51					
10/23/12	ELECTRIC SERVICE	09/23/12	10/22/12	68501	105339855		\$41.98					
10/23/12	Late Payment Charge						\$16.38					
11/08/12	Payment						\$100.00					
11/20/12	Late Payment Charge						\$15.95					
11/21/12	ELECTRIC SERVICE	10/22/12	11/20/12	6235	015643703		\$78.00					
11/21/12	ELECTRIC SERVICE	10/22/12	11/20/12	69143	105339855		\$44.10					
11/21/12	Regular Bill						\$1331.65			662	79	
12/26/12	ELECTRIC SERVICE	11/20/12	12/25/12	6379	015643703		\$135.28					
12/26/12	ELECTRIC SERVICE	11/20/12	12/25/12	69781	105339855		\$43.84					
12/26/12	Late Payment Charge						\$17.78					
01/04/13	LINEAP Payment						\$187.00					
01/28/13	GAS SERVICE	12/25/12	01/27/13	6550	015643703		\$157.76					
01/28/13	ELECTRIC SERVICE	12/25/12	01/27/13	70695	105339855		\$79.68					
02/26/13	GAS SERVICE	01/27/13	02/25/13	6701	015643703		\$1540.55			638	144	
							\$1598.99			914	171	

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	MIN	COY	BY
02/26/13	ELECTRIC SERVICE	01/27/13 02/25/13	1429	105339855	952.91		\$1792.09	\$1598.99	03/20	734	151	
02/26/13	Regular Bill											
03/27/13	GAS SERVICE	02/25/13 03/26/13	6931	015643703	\$123.40		\$1970.49	\$1792.09	04/10	748	130	
03/27/13	ELECTRIC SERVICE	02/25/13 03/26/13	72177	105339855	555.00							
03/27/13	Regular Bill											
04/25/13	GAS SERVICE	03/26/13 04/24/13	6898	015643703	868.66		\$2099.14	\$1970.49	05/17	759	67	
04/25/13	ELECTRIC SERVICE	03/26/13 04/24/13	72936	105339855	559.99							
04/25/13	Regular Bill											
05/08/13	LINEAP Payment					\$400.00						
05/08/13	Payment Agreement					\$1699.14						
05/24/13	GAS SERVICE	04/24/13 05/23/13	6930	015643703	\$38.18		\$182.53		06/10	741	32	
05/24/13	ELECTRIC SERVICE	04/24/13 05/23/13	72677	105339855	\$57.15							
05/24/13	DEFERRED PAYMENT AGREEMENT				\$47.20							
05/24/13	Regular Bill											
06/24/13	Bill Out DPA due to Default											
06/25/13	GAS SERVICE	05/23/13 06/24/13	6957	015643703	\$1699.14		\$1905.12	\$1819.38	07/17	740	27	
06/25/13	ELECTRIC SERVICE	05/23/13 06/24/13	74817	105339855	\$33.97							
06/25/13	Late Payment Charge				\$51.77							
06/25/13	Regular Bill				\$24.91							

EXHIBIT "2"



July 22, 2013

BCS Decision Report

BCS Case #: 003081833 **Open Date:** 2013-04-10
Customer Name: DARLENE BACHMAN
Service Address: 122 WORRILOW STREET

BCS Bill Account #: 8328521015 **Previous Case #:**
Violation Type: NO **Chapter Type:**
Decision Type: W **Section / Rule:**
Investigator Name: ERIC TUTTLE

Decision Issued Date: 2013-05-24
Case Closed Date: 2013-05-22

Letter Description:
BLANK LETTER - DECISION

Total Balance:	\$1970.49	Balance Date:	2013-04-16
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Terms:			

PAR Description:

Resolution Description:
ENROLLED IN CAP ON 10/15/2007-TIER D, REMOVED 11/24/2009. CUSTOMER REENROLLED IN CAP ON 3/9/2010- TIER D, AND IS CURRENTLY IN CAP. CUSTOMER RECEIVED CAP ARREARAGE FORGIVENESS ON 9/28/2011. REMAINING CAP ARREARS WERE BILLED IN A 60 MONTH AGREEMENT, CAP PLUS \$16.66. AGREEMENT DEFAULTED. CUSTOMER USED 3 MED CERTS ON THE PAST DUE BALANCE; 7/13/2012, 9/28/2012, 11/16/2012. BALANCE ON 7/13/2012 WAS 1537.13. CUSTOMER HAS PAID \$777.91 SINCE 7/13/2012. CUSTOMER IS NOT ELIGIBLE FOR ANOTHER MEDICAL CERTIFICATE PER 56.114(2). CUSTOMER IS CAP CUSTOMER, NO PUC AGREEMENT ESTABLISHED. CUSTOMER. CUSTOMER MUST CONTACT COMPANY TO DISCUSS WHAT PAYMENT IS REQUIRED TO KEEP SERVICE ON. CASE DISMISSED. LETTER SENT TO THE CUSTOMER.

EXHIBIT “3”



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

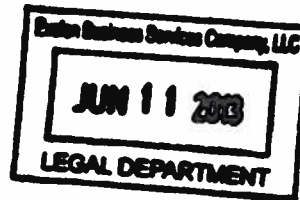
IN REPLY PLEASE
REFER TO OUR FILE

June 4, 2013

BCS: 3081833

DARLENE BACHMAN
122 WORRILOW STREET
LINWOOD PA 19061

83285-21015



Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

** Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.

Return the form to us on or before June 24, 2013 to the address listed below.

Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return this formal complaint form to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' Informal Decision;
- We also send the company a copy of your completed formal complaint form. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.

- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.
- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint form. If you know of certain dates when you will not be available for a hearing, let us know when you file your formal complaint. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

**Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265**

YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.

YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-692-7380.

Very truly yours,



**Rosemary Chiavetta
Secretary**

nvt

cc: PECO ENERGY COMPANY

EXHIBIT "4"



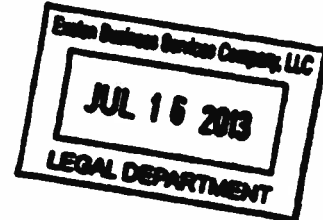
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

July 12, 2013

BCS 3081833

DARLENE BACHMAN
122 WORRILOW STREET
LINWOOD PA 19061
83285-21015



Dear Sir/Madam:

This letter is to inform you that because you did not file a Formal Complaint with the Commission in the time period given to you, the Informal Decision of the Bureau of Consumer Services is now final. This means you must continue to make payments to the utility company as stated in the Bureau of Consumer Services' Informal Decision. This also means that the company now has the right to terminate your utility service under the Commission's rules and regulations if you do not make the payments according to the Informal Decision.

Although you still have the right to file a Formal Complaint with the Commission, filing a Formal Complaint will not change the terms of the Informal Decision you received from the Bureau of Consumer Services.

Sincerely,

Rosemary Chivetta
Secretary

nvl

cc: PECO ENERGY

PECO ENERGY
EXHIBIT 4