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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION SEP 30 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JOAN K. SMITH,

Complainant,

vs.

PECO ENERGY COMPANY,

Respondent

DOCKET NO. C-2012-2331672

EXCEPTION FILING

JOAN K. SMITH

SUMMARY

On February 11, 2013, an initial hearing on the formal Complaint in above captioned docket filed by Joan K. Smith ("Complainant") against PECO Energy Company ("PECO" or "Respondent") was held. Following the proceeding, all parties were to have been served the Initial Decision of Administrative Law Judge Marta Guhl.

The Complainant was still awaiting this Initial Decision on September 26, 2013 when she received a 10-day cutoff notice from PECO, with a scheduled shut-off date of September 4, 2013. Complainant called PECO and was informed that a Final Order had been rendered against her and that PECO would not extend any payment terms on past due bill. As of this date, Complainant had still not received any copies of communication on an Initial Decision or Final Order on this proceeding.

Complainant subsequently contacted the PUC Bureau of Consumer Services to inquire about Decision, who confirmed a Final Order had been issued on July 5, 2013. Complainant was

referred to the PUC legal area, who, upon investigation, admitted that Complainant's copy of Initial Decision and Final Order had been inadvertently mailed to the wrong address. Consequently, the Final Order entered on July 5, 2013 was rescinded and both parties were re-served the Initial Decision.

On September 11, 2013, Complainant received by mail a copy of the Initial Decision and notice that Exceptions were due on or before September 30, 2013.

EXCEPTIONS

CHANGE IN INCOME

On page 7 of Initial Decision it is stated that Complainant had not suffered a change of income between a Commission-issued payment arrangement, BCS Case Number 002372564 issued 9/24/08 and date of proceeding.

However, as basis for this determination, the Initial Decision used a comparison of the Complainant's gross income at date of proceeding of \$611 per week (defined in Findings of Fact 16, page 4, as approximately \$2,647 per month) to a figure from 2008 that indicates a net income of \$2123 per month (Findings of Fact 5, page 3, which does not note that this figure is net, not gross, income). Complainant hereby states that an accurate comparison of income would be the gross amount of income at time of 2008 filing, which was \$34,752.25 annually, or approximately \$2,896 per month. See Exhibit 1.

Using a gross income as percentage of 2008 poverty rate to

gross income as percentage of 2012 poverty rate as a comparison, Complainants income did significantly decrease. Complainant's gross annual income at time of the Commission-issued payment agreement in 2008, \$34,752.25, was over 300% of the Federal poverty level (approximately 330% of defined poverty level of \$10,400). Complainant's approximate annual income at date of proceeding, \$31,772.00 was between 250% and 300% of Federal poverty level (approximately 275% of defined Federal poverty level of \$11,490).

Furthermore, as of July 6, 2013, Complainant's gross income decreased again, by 22%, from \$611 to \$475 per week in New Jersey Emergency Unemployment Compensation, as ordered by federal "Sequestration." \$475 per week is approximately \$24,700, which falls between 200% and 250% of the Federal poverty level, thus as of 7/6/2013 she became a Level 2 customer. See Exhibit 2.

As of September 26, 2013, Complainant's Emergency Unemployment Compensation was depleted. Complainant is seeking, but has not yet obtained, employment.

Complainant did not provide this evidence of 2008 income at the proceeding because she was basing her argument on a comparison to her gross income at the time of the most recent, PECO-issued payment agreement dated 10/17/11 of \$55,355.50 per year (Findings of Fact 18, page 4). She based this on her understanding of a "Payment Agreement," as defined in 66 Pa. C.S. §1403 as:

An agreement whereby a customer who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments.

Dated this September 30, 2013

Joan K. Smith
1309 N. Lawrence Street, #5
Philadelphia, PA 19122

A handwritten signature in black ink, appearing to be 'JKS', written over a horizontal line.

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party). Served via E-Serve at <http://www.puc.state.pa.us/efiling/default.aspx>

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

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Secretary
Pa. Public Utility Commission
400 North Street
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120

Dated this 30th day of September, 2013

Joan K. Smith



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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT 1

		a Employee's social security number 470-88-7654		OMB No. 1545-0008		
b Employer identification number (EIN) 01-0638903		1 Wages, tips, other compensation 34752.25		2 Federal income tax withheld 1885.86		
c Employer's name, address, and ZIP code INLIQUID COM INCORPORATED 1400 N AMERICAN ST STE 314 PHILADELPHIA PA 19122		3 Social security wages 34752.25		4 Social security tax withheld 2154.66		
		5 Medicare wages and tips 34752.25		6 Medicare tax withheld 503.81		
		7 Social security tips		8 Allocated tips		
d Control number 0025-A292		9 Advance EIC payment		10 Dependent care benefits		
e Employee's first name and initial Last name JOAN K SMITH 2302 COLLINS STREET APT A PHILADELPHIA PA 19125		11 Nonqualified plans		12a		
		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b		
		14 Other		12c		
				12d		
f Employee's address and ZIP code						
15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name
PA	91373090	34752.25	1066.86	34752.25	372.76	PA PHILA

Form **W-2** Wage and Tax Statement
Copy 1 For State, City, or Local Tax Department

2008

Department of the Treasury - Internal Revenue Service

NOTICE TO CLAIMANT OF BENEFIT DETERMINATION

Name JOAN K SMITH		Social Security No XXX-XX-7654	PC 10	Date of Claim 08/19/2012	Date of Mailing 07/11/2013
Previous Weekly Benefit Amount \$ 611.00	New Weekly Benefit Amount \$ 475.00	Previous Partial Benefit Rate \$ 733.00	New Partial Benefit Rate \$ 570.00	Remaining Balance \$ 7330.00	

NOTICE OF REDUCTION IN EMERGENCY UNEMPLOYMENT COMPENSATION

The federal Budget Control Act of 2011 (Public Law 112-25) passed by the U.S. Congress and otherwise known as "Sequestration", reduces the amount of federal Emergency Unemployment Compensation (EUC) benefits by 22.2%.

The tables above show the calculation of your New Weekly Benefit Rate, New Partial Benefit Rate and Remaining Balance, which will be in effect from the week ending July 6, 2013 to the end of September 2013. (Amounts shown are rounded down to the nearest dollar.)

The federal reduction of your EUC benefits is mandatory and cannot be appealed.

If you believe that there has been an error in calculating the reduction of your benefits (in other words, you believe the reduction to your benefits is other than 22.2%), you may contact the Division of Unemployment Insurance for a review of that calculation by sending a written request to:

New Jersey Division of Unemployment Insurance
P.O. Box 480
Trenton, NJ 08625-0480

If you still believe an error has been made after the Division reviews the calculation, an additional avenue of appeal will be provided to you.

For further information on the mandatory reduction in EUC benefits, please visit the Unemployment Insurance website at the New Jersey Department of Labor and Workforce Development: http://wd.dol.state.nj.us/labor/ui/ui_index.html.

Additionally, please visit our Jobs4Jersey website at www.jobs4jersey.com to aid you in seeking employment. This site will help guide you to some of New Jersey's best online tools for finding work and connecting to the many programs established to assist workers and job seekers.

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SECRETARY'S BUREAU

SMITH
1309 N. LAURENCE ^{MS}
PHILA PA 19122

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THIS MAIL HAS BEEN OPENED
BY THE POST OFFICE
AT HARRISBURG PA 17107

SECRETARY
PA PUBLIC UTILITY COMMISSION
400 NORTH STREET
COMMONWEALTH KEYSTONE BLDG.
2ND FL.
HARRISBURG PA 17120

1712080079

