



**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

November 18, 2013

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

**RE: Daniel Vermeychuk v. PECO Energy Company**  
**PUC Docket No.: C-2013-2388323**

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
- X **Response to Complainant 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: Daniel Vermeychuk (via First Class Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL VERMEYCHUK	:	
	:	
v.	:	DOCKET NO. C-2013-2388323
	:	
PECO ENERGY COMPANY	:	

**RESPONDENT, PECO ENERGY COMPANY'S RESPONSE TO COMPLAINANT,  
DANIEL VERMEYCHUK'S PRELIMINARY OBJECTIONS**

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.101(f), hereby responds to the Complainant, Daniel Vermeychuk's Preliminary Objection as follows:

1. Complainant, Daniel Vermeychuk hereinafter "Complaint" is a Pennsylvania licensed attorney.
2. The Preliminary Objections filed by Complainant are procedurally incorrect and should be dismissed on that basis. Specifically, the Complainant failed to attach a Notice to Plead in conformance with 52 Pa. Code § 5.101(b).
3. Further, the Complainant failed to plead in paragraph numbers in conformance with 52 Pa. Code § 5.101(c).
4. Denied. There are no scandalous or impertinent allegations in PECO Energy's Answer to the Complainant's Formal Complaint. PECO Energy avers that all of the facts stated in the company's Answer are true and correct and can be corroborated by exhibits proving the same. PECO Energy avers that this baseless Preliminary Objection is another attempt to use the administrative process to prolong litigation. By way of further response, the Complainant owes PECO Energy an outstanding balance of \$96,208.60. The Complainant has been skillful with avoiding termination by using administrative processes and the court system to prevent paying the debt.

5. For example, on or about March 18, 2013, PECO Energy filed a Civil Complaint and Motion for Writ of Seizure against the Complainant in the Complainant in the Delaware County Court of Common Pleas at docket number 2013-003745, to collect an \$88,761.80 balance and to seize the meter at 2336 Providence Avenue, Apartment 1. On October 25, 2013, the Honorable Christine Fizzano Cannon, granted PECO Energy's Motion for Writ of Seizure, granting the company the right to seize the meter at the Complainant's service address. See Order, dated 10/25/13, attached hereto as Exhibit "1".

6. On November 6, 2013, the Complainant filed a Notice of Appeal to the Superior Court of Pennsylvania from Judge Fizzano Cannon's October 25, 2013, Order. See Notice of Appeal, attached hereto as Exhibit "2". Accordingly, once again, the Complainant is using the judicial appeal process and now the Pennsylvania Public Utility Commission process to avoid termination and paying his debt.

7. PECO Energy avers that once the company receives a favorable ruling from the Superior Court on the Complainant's appeal, the company will promptly and swiftly seize the meter and terminate service at the Complainant's service address as the \$96,208.60 unpaid debt prejudices PECO Energy's ratepayers.

8. PECO Energy requests that the Complainant's Preliminary Objections be dismissed as they are procedurally incorrect.

9. Further, PECO Energy requests the Complainant's Preliminary Objections be dismissed as the averments stated in the company's Answer are true and correct and there are no scandalous or impertinent averments therein.

WHEREFORE, PECO requests that Your Honor deny Complainant's Preliminary Objections.

Respectfully Submitted,



---

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL VERMEYCHUK

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. C-2013-2388323

**VERIFICATION**

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



---

Shawane L. Lee

Date: November 18, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL VERMEYCHUK

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. C-2013-2388323

**CERTIFICATE OF SERVICE**

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

Daniel Vermeychuk, Esquire  
P.O. Box 305  
Wallingford, PA 19086



---

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

Dated at Philadelphia, Pennsylvania, November 18, 2013.

**EXHIBIT “1”**

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

**PECO ENERGY COMPANY**

**: # 13-3745**

**v.**

**DANIEL V. VERMEYCHUK and  
DORIS VERMEYCHUK**

**ORDER**

AND NOW, this <sup>25<sup>th</sup></sup> day of October, 2013, upon consideration of the Motion of Plaintiff, PECO Energy Company ("PECO Energy") for Writ of Seizure pursuant to Pa. Rule Civ. P. 1075.1, and the hearing held thereon, it is hereby ORDERED and DECREED that PECO Energy's Motion is GRANTED. Upon the posting by PECO Energy of a bond in the amount of \$300.00, the Prothonotary is directed to issue the attached Writ of Seizure for the utility meters ("the Meters") numbered 015637046 and 105306181 that are in the possession of Defendants, Daniel V. Vermeychuk and Doris Vermeychuk, located at 2336 Providence Ave., Apt. 1, Chester, PA 19013.

It is further ORDERED and DECREED that the Meters are worth \$146.00 and PECO Energy shall post a bond in accordance with Pa. Rule Civ. P. 1075.3(b) in the amount of \$300.00, which is twice the value of the Meters.

It is further ORDERED and DECREED that the Sheriff of Delaware County shall contact counsel for PECO Energy, Khadijah Scott, Esquire at (215) 841-4761 at least five (5) days in advance of the date and time when access will be

**PECO ENERGY  
EXHIBIT 1**

attempted, so that a PECO Energy representative can remove and take possession of the Meters.

It is further ORDERED and DECREED that if the Defendants are absent from such premises or refuse access to the premises where the Meters are located, the Sheriff is authorized to permit a bonded locksmith, provided by PECO Energy Company, to break the locks so that the Sheriff or his deputy can gain access.

It is further ORDERED and DECREED that Defendants' Petition to Vacate Writ of Seizure is DENIED.

BY THE COURT:

  
CHRISTINE FIZZANO CANNON, J.

2013 OCT 26 AM 2:09

# **EXHIBIT “2”**

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
CIVIL ACTION - LAW

PECO ENERGY COMPANY

:

vs.

:

No: 2013-003745

Daniel P. Vermeychuk  
Doris E. Vermeychuk

:

SCI: 61537

**NOTICE OF APPEAL**

Notice is hereby given that the Defendant Vermeychuks Appeal to the Superior Court of Pennsylvania from an ORDER entered in this Matter on October 30, 2013 for the Plaintiff PECO Energy. These Orders have been entered in the Docket as evidenced by the Docket entry.



Daniel P. Vermeychuk Esquire  
P.O. Box 905  
Wallingford, Pa. 19086

FILED  
2013 NOV -6 AM 11:25  
OFFICE OF  
JUDICIAL SUPPORT  
DELAWARE CO. PA.

PECO ENERGY  
EXHIBIT 

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA**

**OFFICE OF JUDICIAL SUPPORT**

**RULE OF CIVIL PROCEDURE NO. 236**

**PECO ENERGY COMPANY**

**vs.**

**No. 2013-003745**

**DANIEL VERMEYCHUK**

**NOTICE IS GIVEN UNDER PENNSYLVANIA RULE OF CIVIL PROCEDURE NO. 236 THAT AN ORDER IN THE ABOVE CASE HAS BEEN ENTERED ON October 30, 2013.**

**SIGNED October 25, 2013**

**PER Christine Fizzano Cannon**

**DANIEL P VERMEYCHUK 2013-003745  
106 COPPLES LANE  
WALLINGFORD, PA 19086**

**TIME AND LEGAL LIABILITY DO NOT PERMIT THE OFFICE OF JUDICIAL SUPPORT TO GIVE DOCKET INFORMATION BY TELEPHONE.**

**NO EXCEPTIONS!**

**PUBLIC ACCESS INFORMATION: [www.co.delaware.pa.us](http://www.co.delaware.pa.us)**

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
CIVIL ACTION - LAW

PECO ENERGY COMPANY

:

vs.

:

No: 2013-003745

Daniel P. Vermeychuk  
Doris E. Vermeychuk

:

SCI: 61537

CERTIFICATE OF SERVICE

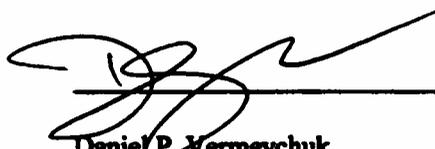
I, Daniel P. Vermeychuk the within Defendant, hereby certifies that on November 5, 2013, I served a true and Correct Copy of the within by First Class mail to the following parties:

Honorable Judge Fizzano Cannon  
Court of Common Pleas  
Thirty Second Judicial District  
Delaware County Court House  
Media, Pa. 19063

Delaware County Court Administrator  
Thirty Second Judicial District  
Delaware County Court House  
Media, Pa. 19063

Electronic Recording  
Delaware County Court House  
201 West Front Street  
Media, Pa. 19063

Khadijah Scott Esquire  
2301 Market Street S-23-1  
Philadelphia, Pa. 19013



Daniel P. Vermeychuk  
P.O. Box 305  
Wallingford, Pa. 19086



Judgment Index Search | Case Search | Departments... Services...

<< Back to previous page

**Case Information**

Date: November 6, 2013 10:01:50 AM EST

Case Filing Date	Case Number	Case Type
04/19/2013 14:53:17 PM	2013-003745	Contract-other

**Litigant(s) Information**

Case Number	Case Name	Party Role	Address	Case Filing Date
PECO ENERGY COMPANY	SCOTT, KHADLIAH	Plaintiff	2301 MARKET STREET S23-1 PHILADELPHIA PENNSYLVANIA 19103	04/19/2013 14:53:17 PM
VERMEYCHUK, DANIEL V	VERMEYCHUK, DANIEL P	Defendant	106 COPPLES LANE WALLINGFORD PENNSYLVANIA 19086	04/19/2013 14:53:17 PM
VERMEYCHUK, DORIS	VERMEYCHUK, DANIEL P	Defendant	106 COPPLES LANE WALLINGFORD PENNSYLVANIA 19086	04/19/2013 14:53:17 PM

**Docket Information**

Event	Filing Account	Event Filing Date	Event Filing Time	View Image
Complaint Filed		04/19/2013	12:46:45 AM	
Complaint Filed	SCOTT, KHADLIAH	04/19/2013	12:46:45 AM	
Receivable Created For \$257.50		04/19/2013	02:53:17 PM	
Case Initiated - Complaint	ARBITRATION DATE 1-14-14	04/19/2013	02:53:17 PM	
Receipt# 017695 generated for the amount of \$ 257.50		04/19/2013	02:57:20 PM	
Motion	MOTION FO PECO ENERGY COMPANY FOR ISSUANCE OF A WRIT OF SEIZURE	05/03/2013	11:19:11 AM	
Motion for ALTERNATE SERVICE		06/03/2013	11:12:40 AM	
Receipt# 023870 generated for the amount of \$ 25.00		06/04/2013	10:38:00 AM	
Hearing Date	ARBITRATION - NEW DATE: 07/15/2013 CTRM TBA HONORABLE JUDGE JOSEPH P. CROMIN, JR. ( PRESIDENT JUDGE) DATE: 06/10/2013	06/10/2013	03:11:50 PM	
OJS 236 Notice of Order		07/17/2013	03:58:13 PM	
OJS 236 Notice of Order	SCOTT,	07/17/2013	03:58:13 PM	

11/8/13

CNI Docket

		KHADLIAN		View Image
Hearing Date	OTHER: MISC LIST : NEW DATE: 10/21/2013 : HONORABLE JUDGE G.MICHAEL GREEN		09/23/2013 02:57:00 PM	
OJS 236 Notice of Order	236 N/S 09/26/2013		09/25/2013 02:11:00 PM	
OJS 236 Notice of Order	236 N/S 09/26/2013	SCOTT, KHADLIAN	09/25/2013 02:11:00 PM	
Petition to Vacate	PETITION TO VACATE WRIT OF SEIZURE		10/18/2013 10:35:20 AM	
OJS 236 Notice of Order		VERMEYCHUK , DANIEL P	10/22/2013 11:30:04 AM	
OJS 236 Notice of Order		SCOTT, KHADLIAN	10/22/2013 11:30:04 AM	
OJS 236 Notice of Order		SCOTT, KHADLIAN	10/28/2013 02:09:39 PM	
OJS 236 Notice of Order		VERMEYCHUK , DANIEL P	10/28/2013 02:09:39 PM	

[Click to see Judgment Details Information](#)