



Exelon

Exelon Business Services Company
Legal Department
2301 Market Street/523.1
Philadelphia, PA 19103
215.568.3389 Fax
www.exeloncorp.com

Direct Dial: 215.841.6841

November 20, 2013

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

RE: Benjamin Clements v. PECO Energy Company
PUC Docket No.: C-2013-2393241 and C-2013-2392365

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
- Motion to Consolidate**
- 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: Benjamin Clements

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BENJAMIN CLEMENTS	:	
	:	
v.	:	DOCKET NO. C-2013-2393241
	:	DOCKET NO. C-2013-2392365
	:	
PECO ENERGY COMPANY	:	

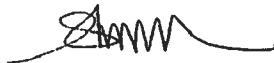
NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.102, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Consolidate of PECO Energy Company, within 20 days from service of this notice, a ruling may be entered against you. All pleadings 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, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, November 20, 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BENJAMIN CLEMENTS	:	
	:	
v.	:	DOCKET NO. C-2013-2393241
	:	DOCKET NO. C-2013-2392365
	:	
PECO ENERGY COMPANY	:	

PECO ENERGY COMPANY’S MOTION TO CONSOLIDATE

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.81(a) respectfully petitions this Honorable Commission to consolidate the matters of Benjamin Clements v. PECO Energy, the above referenced dockets because the two complaints involve similar issues of law and fact. In support of this request, PECO avers:

1. On or around November 13, 2013, PECO Energy was served by a Complaint filed by Complainant with the Pennsylvania Public Utility Commission (“PUC”) at Docket Number C-2013-2392365.

2. In the Complainant’s formal complaint, he alleged that PECO Energy is threatening to terminate his service and alleged that he had been removed from the company’s Customer Assistance Program (“CAP”). The Complainant requested a payment agreement that is affordable. A copy of the Complaint is attached as Exhibit “1”. Specifically, the Complaint stated:

I have two family members I support. I live off Social Security benefits. I had to file SS to save my home. I was removed from CAP program. I can’t afford to pay what PECO is asking. Please assist me with a payment agreement that gets me current and pay outstanding balance in a affordable way. My son suffers from seizures, autism and mental retardation. It would be a true hardship to shut off our electric.

3. In his request for relief, the Complaint requested:

Kindly, please allow us an affordable payment arrangement that gets us current by paying current bill plus outstanding balance based on income in an affordable way. We just got out of foreclosure on our home and had our mortgage modified. I apologize for being in this position with PECO. The beginning of the year was medically and financially difficult. Both family members needed medical care and disruption. Once we missed two payments it was very difficult to get current with PECO. An affordable payment arrangement would help us greatly. I thank you very much for your consideration.

See Exhibit "1".

4. Pursuant to 52 Pa. Code § 5.101(b), PECO timely filed an Answer to the Complaint on November 18, 2013. A copy is attached as Exhibit "2".

5. A Call of the Docket hearing for the formal complaint filed at Docket Number C-2013-2392365 is scheduled to place on February 4, 2013 before Administrative Law Judge Darlene Heep.

6. On or about November 19, 2013, PECO was served with another Complaint from Complainant at Docket No. C-2013-2393241, which is a carbon copy of the complaint filed at Docket No. C-2013-2392365. The Complainant again alleged that PECO Energy is threatening to terminate his service and alleged that he had been removed from the company's Customer Assistance Program ("CAP"). The Complainant requested a payment agreement that is affordable. A copy is attached as Exhibit "3". Specifically, the Complaint states:

I have two family members I support. I live off Social Security benefits. I had to file SS to save my home. I was removed from CAP program. I can't afford to pay what PECO is asking. Please assist me with a payment agreement that gets me current and pay outstanding balance in a affordable way. My son suffers from seizures, autism and mental retardation. It would be a true hardship to shut off our electric.

7. In the Complainant's request for relief he states:

Kindly, please allow us an affordable payment arrangement that gets us current by paying current bill plus outstanding balance based on income in an affordable way. We just got out of foreclosure on our home and had our mortgage modified. I apologize for being in this position with PECO. The beginning of the year was medically and financially difficult. Both family members needed medical care and disruption. Once we missed two payments it was very difficult to get current with PECO. An affordable payment arrangement would help us greatly. I thank you very much for your consideration.

See Exhibit "3".

8. PECO Energy is simultaneously filing an Answer to the Complaint along with this Motion to Consolidate.

9. PECO Energy avers that the Complaints allege the same issue "a threat to terminate electric service" and a "request for a payment arrangement."

10. These Complaints should be consolidated pursuant to 52 Pa. Code § 5.81 (a), which holds:

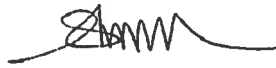
The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

11. Both Complaints cover the same customer, address, and contain common questions of law and fact such that one hearing covering both Complaints will avoid unnecessary costs or delay to the Commission. Each Complaint relates to the same issues and facts, whether the Complainant's electric service should be terminated and whether the Complainant should receive a payment agreement.

12. Accordingly, the two Complaints should be consolidated to save the time, resources and the expense of the parties and the Commission.

WHEREFORE, PECO Energy Company respectfully requests that this Honorable Commission issue an Order consolidating the complaints at docket numbers C-2013-2392365 and C-2013-2393241. Both complaints were filed by the same customer and involve requests to stop termination and for a payment arrangement.

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**

BENJAMIN CLEMENTS

v.

PECO ENERGY COMPANY

:
:
:
:
:
:

DOCKET NO. C-2013-2393241
DOCKET NO. C-2013-2392365

VERIFICATION

I, Shawane L. Lee, hereby declare that I am an attorney representing 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: November 20, 2013

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


BENJAMIN CLEMENTS	:	
	:	
v.	:	DOCKET NO. C-2013-2393241
	:	DOCKET NO. C-2013-2392365
	:	
PECO ENERGY COMPANY	:	

CERTIFICATE OF SERVICE

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

Benjamin Clements
234 Bradley Court
Holland, PA 18966

Dated at Philadelphia, Pennsylvania, November 20, 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

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 BENJAMIN CLEMENTS

Street/P.O. Box 234 BRADLEY COURT Apt # _____

City HOLLAND State PA Zip 18966

County BUCKS

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

(215) 860-2323 (home) () _____ (mobile)

E-mail Address (optional): BENCLEM@SPRYNET.COM

Utility Account Number (from your bill) 0583401108

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 N/A

Street/P.O. Box _____

City _____ State _____ 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

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 HAVE TWO FAMILY MEMBERS I SUPPORT. I LIVE OFF SOCIAL SECURITY BENEFITS. I HAD TO FILE SS TO SAVE MY HOME. I WAS REMOVED FROM CAP PROGRAM. I CAN'T AFFORD TO PAY WHAT PECO IS ASKING.

I would like a payment agreement.

PLEASE ASSIST ME WITH A PAYMENT AGREEMENT THAT SETS ME CURRENT AND PAY OUTSTANDING BALANCE IN A AFFORDABLE WAY. MY SON SUFFERED FROM SEIZURES, AUTISM & MENTAL RETARDATION. IT WOULD BE A TRUE HANDSHIP TO SHUT OFF OUR ELECTRIC

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).

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.

KINDLY, PLEASE ALLOW US AN AFFORDABLE PAYMENT ARRANGEMENT THAT GETS US CURRENT BY PAYING CURRENT BILL PLUS OUTSTANDING BALANCE BASED ON OUR INCOME IN AN AFFORDABLE WAY. WE JUST GOT OUT OF FORECLOSURE ON OUR HOME AND HAD OUR MORTGAGE MODIFIED. I APOLGIZE FOR BEING IN THIS POSITION WITH PECO. THE BEGINNING OF THE YEAR WAS MEDICALLY AND FINANCIALLY VERY DIFFICULT. BOTH FAMILY MEMBERS NEEDED MEDICAL CARE AND DISRUPTION. ONCE WE MISSED TWO PAYMENTS IT WAS VERY DIFFICULT TO GET CURRENT WITH PECO. AN AFFORDABLE PAYMENT ARRANGEMENT WOULD HELP US GREATLY. I THANK YOU VERY MUCH FOR YOUR CONSIDERATION.

Buyer

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.

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 N/A

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, BENJAMIN CLEMENTS, 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)

11-13-13
(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
---	--

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.

EXHIBIT “2”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMER INFO UTILITY & INDUSTRY FILING & RESOURCES ABOUT PUC CONTACT US

[Login to eFiling](#) | [Contact Us](#) | [Search](#)

- [My Filings](#)
- [New Filing](#)
- [Modify Account](#)
- [POR Search](#)
- [eService Directory](#)
- [Subscriptions](#)
- [Technical Assistance](#)
- [eFiling FAQs](#)
- [Log Off](#)

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 250 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-2013-2392365
Description:	Benjamin Clements - Answer
Transmission Date:	11/18/2013 10:06:51 AM
Filed On:	11/18/2013 10:06:51 AM
eFiling Confirmation Number:	1530830

Uploaded File List

File Name	Document Class	Document Type
Benjamin Clements - Answer.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
EXHIBIT 2



Exelon

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: Benjamin Clements v. PECO Energy Company
PUC Docket No.: C-2013-2392365**

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: **X Call of the Docket** Not Call of the Docket

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BENJAMIN CLEMENTS	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2013-2392365
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On November 13, 2013, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Benjamin Clements (hereafter "Complainant") in the above captioned docket. Pursuant to 52 Pa. Code § 5.61, PECO Energy 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 his formal Complaint, the Complainant alleges that PECO Energy is threatening to terminate his service. He alleges he has been removed from PECO Energy's Customer Assistance Program ("CAP") and that he is living off of Social Security Benefits. He requests a payment agreement that is affordable. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established electric service at 234 Bradley Court, Holland, PA 18966 under account number 05834-02208. See Account Activity Statement, attached hereto as Exhibit

“1”. The Complainant enrolled in PECO Energy’s Customer Assistance Program (“CAP”) on November 15, 2006 under Tier D1. He was re-enrolled in the program on October 18, 2011 and was recently removed on October 25, 2013 for failing to recertify. The Complainant’s \$2,054.40 balance is comprised of \$1,882.92 in CAP arrears.

On October 10, 2013, the Complainant filed an informal complaint at case number 003159545, requesting a payment agreement. On October 15, 2013, the BCS issued a Decision Report, dismissing the Complainant’s case as follows:

CASE DISMISSED 1405(c) CAP ARREARS IN ACCOUNT BALANCE. HOLD ON TERMINATION THROUGH 10/18/2013.

See BCS Decision Report #003159545, attached hereto as Exhibit “2”.

The Complainant currently has a balance of \$2,028.00. See Exhibit “1”. The Complainant’s account activity statement demonstrates that recently the Complainant has not paid his bill on time in full every month. The Complainant is not entitled to a PUC ordered payment agreement on his balance as the 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.

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**

BENJAMIN CLEMENTS	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2013-2392365
	:	
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: November 18, 2013



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BENJAMIN CLEMENTS	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2013-2392365
	:	
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:

Benjamin Clements
234 Bradley Court
Holland, PA 18966

Dated at Philadelphia, Pennsylvania, November 18, 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
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

Benjamin Clements
234 Bradley Court
Holland, PA 18966

RE: Benjamin Clements v. PECO Energy Company
PUC Docket No.: C-2013-2392365

Dear Mr. Clements:

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

SL/lo
Encl.

EXHIBIT "1"

*** Account Information ***

Account Number: 05834-01108
 Account Status: Active
 Requested By: BENJAMIN CLEMENTS
 Extension: 1-151 968-7696

Mail To: BENJAMIN CLEMENTS
 234 BRADLEY CT
 HOLLAND PA 18966

Current Bill: \$177.00
 Billed Prior: \$1851.00
 Balance Due: \$2028.00
 Service Address: 234 BRADLEY CT
 HOLLAND PA 18966

*** Current Account Status ***

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 10
 Rate: Electric Residential Heating Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
------	-------------	----------------	------	---------	---------------	---------------	------------	-----------------	----------	-----	-----	----

12/13/11	BUDGET BILLING	11/09/11 12/12/11			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 186.31	BB Deferred Amount: -9.69						
12/13/11	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		01/04	1815		
12/13/11	Regular Bill											
01/05/12	Payment											
01/17/12	BUDGET BILLING	12/12/11 01/16/12			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 258.37	BB Deferred Amount: 52.68						
01/17/12	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		02/08	2311		
02/09/12	Regular Bill											
02/15/12	BUDGET BILLING	01/16/12 02/14/12			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 213.77	BB Deferred Amount: 70.45						
02/15/12	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		03/08	1933		
03/07/12	Regular Bill											
03/15/12	BUDGET BILLING	02/14/12 03/14/12			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 186.40	BB Deferred Amount: 60.85						
03/15/12	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		04/09	1701		
04/09/12	Regular Bill											
04/13/12	BUDGET BILLING	03/14/12 04/12/12			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 141.75	BB Deferred Amount: 6.60						
04/13/12	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		05/07	1312		
04/13/12	Regular Bill											
05/08/12	Payment											
05/14/12	BUDGET BILLING	04/12/12 05/13/12			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 143.66	BB Deferred Amount: -45.74						
05/14/12	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		06/05	1328		
05/14/12	Regular Bill											
06/05/12	Payment											
06/13/12	BUDGET BILLING	05/13/12 06/12/12			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 163.20	BB Deferred Amount: -78.54						
06/13/12	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		07/05	1529		
06/13/12	Regular Bill											
07/06/12	Payment											
07/13/12	BUDGET BILLING	06/12/12 07/12/12			\$196.00		\$196.00					
		** Budget Bill Detail **			Actual Bill Amount: 234.69	BB Deferred Amount: -39.85						
07/13/12	DEFERRED PAYMENT AGREEMENT				\$16.66		\$212.66		08/06	1741		
07/13/12	Regular Bill											
08/07/12	Payment											

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
08/13/12	BUDGET BILLING	07/12/12 08/12/12			\$196.00							
	** Budget Bill Detail **	Actual Bill Amount:			226.01							
08/13/12	DEFERRED PAYMENT AGREEMENT				\$16.66							
08/13/12	Regular Bill						\$212.66		09/04	1684		
09/05/12	Payment											
09/12/12	BUDGET BILLING	08/12/12 09/11/12			\$196.00							
	** Budget Bill Detail **	Actual Bill Amount:			208.93							
09/12/12	DEFERRED PAYMENT AGREEMENT				\$16.66							
09/12/12	Regular Bill						\$212.66		10/04	1572		
10/09/12	Bill Out DPA due to Default				\$796.38							
10/09/12	Late Payment Charge				\$3.19							
10/11/12	BUDGET BILLING	09/11/12 10/10/12			\$196.00							
	** Budget Bill Detail **	Actual Bill Amount:			142.00							
10/11/12	Regular Bill						\$1208.23	\$1012.23	11/02	1261		
10/15/12	Payment					\$229.32						
10/15/12	Payment Agreement					\$796.38						
11/01/12	Payment					\$179.59						
11/09/12	BUDGET BILLING	10/10/12 11/08/12			\$196.00							
	** Budget Bill Detail **	Actual Bill Amount:			133.88							
11/09/12	DEFERRED PAYMENT AGREEMENT				\$16.25							
11/09/12	Regular Bill						\$215.19	\$2.94	12/04	1195		
12/04/12	Payment											
12/12/12	BUDGET BILLING	11/08/12 12/11/12			\$177.00							
	** Budget Bill Detail **	Actual Bill Amount:			203.42							
12/12/12	DEFERRED PAYMENT AGREEMENT				\$16.25							
12/12/12	Regular Bill						\$193.25		01/03	1760		
01/03/13	Payment											
01/15/13	BUDGET BILLING	12/11/12 01/14/13			\$177.00							
	** Budget Bill Detail **	Actual Bill Amount:			202.31							
01/15/13	DEFERRED PAYMENT AGREEMENT				\$16.25							
01/15/13	Regular Bill						\$193.25		02/06	2085		
02/06/13	Payment											
02/14/13	BUDGET BILLING	01/14/13 02/13/13			\$177.00							
	** Budget Bill Detail **	Actual Bill Amount:			215.11							
02/14/13	DEFERRED PAYMENT AGREEMENT				\$16.25							
02/14/13	Regular Bill						\$193.25		03/08	2184		
03/11/13	Payment											
03/15/13	BUDGET BILLING	02/13/13 03/14/13			\$177.00							
	** Budget Bill Detail **	Actual Bill Amount:			167.26							
03/15/13	DEFERRED PAYMENT AGREEMENT				\$16.25							
03/15/13	Regular Bill						\$193.25		04/08	1814		
04/08/13	Payment											
04/15/13	BUDGET BILLING	03/14/13 04/14/13			\$177.00							
	** Budget Bill Detail **	Actual Bill Amount:			165.43							
04/15/13	DEFERRED PAYMENT AGREEMENT				\$16.25							
04/15/13	Regular Bill						\$193.25		05/07	1746		
05/08/13	Payment											
05/14/13	BUDGET BILLING	04/14/13 05/13/13			\$177.00							
	** Budget Bill Detail **	Actual Bill Amount:			145.25							
05/14/13	DEFERRED PAYMENT AGREEMENT				\$16.25							
05/14/13	Regular Bill						\$193.25		06/05	1257		
06/10/13	Bill Out DPA due to Default				\$682.63							

PECO Account Activity Statement

Date: 11/15/13
Page: 3 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/11/13	Late Payment Charge	05/13/13			\$12.01							
06/13/13	BUDGET BILLING	06/12/13			\$177.00							
	** Budget Bill Detail **	Actual Bill Amount:	190.16			-59.09						
06/13/13	Regular Bill				\$14.87		\$1064.89	\$887.89	07/05	1510		
07/10/13	Late Payment Charge				\$177.00							
07/15/13	BUDGET BILLING	06/12/13	07/14/13									
	** Budget Bill Detail **	Actual Bill Amount:	236.12			0.03						
07/15/13	Regular Bill				\$177.00		\$1256.76	\$1079.76	08/06	1712		
08/13/13	BUDGET BILLING	07/14/13	08/12/13									
	** Budget Bill Detail **	Actual Bill Amount:	207.90			30.93						
08/13/13	Late Payment Charge				\$18.42							
08/13/13	Regular Bill				\$21.08		\$1452.18	\$1275.18	09/04	1520		
09/10/13	Late Payment Charge				\$177.00							
09/12/13	BUDGET BILLING	08/12/13	09/11/13									
	** Budget Bill Detail **	Actual Bill Amount:	215.94			69.87						
09/12/13	Regular Bill				\$23.74		\$1650.26	\$1473.26	10/04	1506		
10/09/13	Late Payment Charge				\$177.00							
10/11/13	BUDGET BILLING	09/11/13	10/10/13									
	** Budget Bill Detail **	Actual Bill Amount:	139.05			31.92						
10/11/13	Regular Bill				\$177.00		\$1851.00	\$1674.00	11/05	1132		
11/11/13	BUDGET BILLING	10/10/13	11/10/13									
	** Budget Bill Detail **	Actual Bill Amount:	178.81			33.73						
11/11/13	Regular Bill				\$2028.00		\$2028.00	\$1851.00	12/03	1272		

EXHIBIT "2"



November 18, 2013

BCS Decision Report

BCS Case #: 003159545 **Open Date:** 2013-10-10
Customer Name: BENJAMIN CLEMENTS
Service Address: 234 BRADLEY COURT

BCS Bill Account #: 0583401108 **Previous Case #:**
Violation Type: NO **Chapter Type:**
Decision Type: W **Section / Rule:**
Investigator Name: JASON KEAN

Decision Issued Date: 2013-10-15
Case Closed Date: 2013-10-11

Letter Description:
CAP ACCEPTANCE LETTER

Total Balance:	\$1743.87	Balance Date:	2013-10-11
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:
CASE DISMISSED 1405(C) CAP ARREARS IN ACCOUNT BALANCE. HOLD ON TERMINATION THROUGH 10/18/2013.

EXHIBIT “3”

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 BENJAMIN CLEMENTS

Street/P.O. Box 234 BRADLEY COURT Apt #

City HOLLAND State PA Zip 18966

County BUCKS

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

(215) 860-2323 (home) () (mobile)

E-mail Address (optional): BENCLEM@SPRYNET.COM

Utility Account Number (from your bill) 0583401108

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 N/A

Street/P.O. Box

City State 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

RECEIVED NOV 15 AM 10:49 PA P.U.C. SECRETARY'S BUREAU

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 HAVE TWO FAMILY MEMBERS I SUPPORT. I LIVE OFF SOCIAL SECURITY BENEFITS. I HAVE TO FILE SS TO SAVE MY HOME. I WAS REMOVED FROM CAP PROGRAM. I CAN'T AFFORD TO PAY WHAT THEY ARE ASKING.

I would like a payment agreement.

PLEASE ASSIST ME WITH A PAYMENT AGREEMENT THAT SETS ME CURRENT AND PAY OUTSTANDING BALANCE IN A AFFORDABLE WAY. MY SON SUFFER FROM SEIZURES, AUTISM & MENTAL RETARDATION. IT WOULD BE A TRUE HANDSHIP TO SHUT OFF OUR ELECTRIC (DISABLED)

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).

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.

KINDLY, PLEASE ALLOW US AN AFFORDABLE PAYMENT ARRANGEMENT THAT GETS US CURRENT BY PAYING CURRENT BILL PLUS OUTSTANDING BALANCE BASED ON OUR INCOME IN AN AFFORDABLE WAY. WE JUST GOT OUT OF FORECLOSURE ON OUR HOME AND HAD OUR MORTGAGE MODIFIED. I APOLGIZE FOR BEING IN THIS POSITION WITH PECO. THE BEGINNING OF THE YEAR WAS MEDICALLY AND FINANCIALLY VERY DIFFICULT. BOTH FAMILY MEMBERS NEEDED MEDICAL CARE AND DISRUPTION. ONE WE MISSED TWO PAYMENTS IT WAS VERY DIFFICULT TO GET CURRENT WITH PECO. AN AFFORDABLE PAYMENT ARRANGEMENT WOULD HELP US GREATLY. I THANK YOU VERY MUCH FOR YOUR CONSIDERATION.

ben@cler

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.

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 N/A

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, BENJAMIN CLEMENTS, 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)

11-13-13

(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
---	--

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.

Benjamin Clements
234 Bradley Ct
Holland, PA 18966

PHILADELPHIA PA 191

13 NOV 2013 PM 7 L



Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265

Harrisburg PA 17105-3265



PA F.U.C.
SECRETARY'S BUREAU

2013 NOV 15 AM 10:49

RECEIVED