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February 24, 2014

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

**RE: William Wilmot v. PECO Energy Company**  
**PUC Docket No.: F-2013-2382003**

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
- X **Written Main Argument**

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: William Wilmot (via First Class Mail)  
Angela T. Jones, Adm. Law Judge (via First Class Mail)



## WRITTEN MAIN ARGUMENT

PECO Energy Company (“PECO Energy”) hereby provides its Written Main Argument and response to the Complainant, William Wilmot’s (“Complainant’s”) Written Main Argument in the above-referenced matter. On or about August 27, 2013, Complainant filed a formal complaint against PECO Energy. In his formal complaint, Complainant disputed the late payment charges on his bill and requested that \$318.24 in charges dating from June 26, 2012 through February 5, 2013, be removed from his bill. PECO Energy averred in its Answer that it properly assessed the late payment charges to the Complainant’s bill pursuant to the company’s tariff and there are no associated incorrect charges. A hearing was held before Administrative Law Judge Angela T. Jones (“ALJ Jones”) on January 9, 2014.

In his Written Main Argument, Complainant argues that all of the late payment charges on his account add up to \$406.07 and that PECO Energy fabricated account activity statements submitted at the hearing at PECO Exhibit 1 and 2. Complainant argues that the company did not provide his original billing statements, which will demonstrate that the late payment charges in the account activity statement do not correlate with the late payment charges reflected in the Complainant’s billing statements. The Complainant also alleges that in one instance, PECO Energy charged him twice for a late payment charge in the amount of \$63.87 on January 25, 2013 and February 5, 2013.

Despite several hours of explanation at the hearing and the presentation of PECO Energy’s exhibits showing the breakdown of late payment charges, the Complainant still fails to understand that the late payment charges reflected on his billing statements are cumulative. For instance, in his Written Main Argument, the Complainant states that the original bill reflects \$38.44 in late payment fees for the billing statement dated June 26, 2012. See Billing Statement,

dated 6/26/12, attached hereto as Exhibit “1”. However, PECO Energy’s account activity statement says that the Complainant was billed \$12.80 in late payment charges. For this billing period, the Complainant was charged only \$12.80 – not \$38.44 as he alleges. The \$38.44 is an **accumulation** of unpaid late payment charges that is carried forward and reflected on subsequent billing statements.

For example, the bill dated July 26, 2012 states there are \$45.05 in late payment charges owed. See Billing Statement, dated 7/26/12, attached hereto as Exhibit “2”. The Complainant wrongly believes that PECO is charging him \$45.05 in late payment charges for that one month. In fact, the company is charging him only \$6.61 in late payment charges.<sup>1</sup> Because the Complainant had failed to pay his late payment charges from the previous June 26, 2012 bill, the new late payment charge of \$6.61 was added to his previous late payment charge balance of \$38.44. Accordingly, the bill reflects:

\$38.44	Late payment charge from 6/12/12 bill
\$6.61	Late payment charges assessed for 7/26/12 bill
<b><u>\$45.05</u></b>	<b>Total Accumulated Late Payment charges as of 7/26/12</b>

The \$63.87 in late payment charges the Complainant alleges was billed to him twice on January 25, 2013 and February 5, 2013, works in the same manner. The January 25, 2013 billing statement reflects there is an accumulation of unpaid late payment charges in the amount of \$63.87. See Billing Statement, dated 1/25/13, attached hereto as Exhibit “3”. The following month, the February 5, 2013, billing statement reflects that the Complainant still failed to pay his accumulated balance of late payment charges in the amount of \$63.87. See Billing Statement, dated 2/5/13, attached hereto as Exhibit “4”. However, PECO Energy did not charge the

<sup>1</sup> On June 26, 2012, the Complainant had a bill for \$956.77 due on July 18, 2012. Complainant paid \$80.00 on July 11, 2012 and he paid \$398.38 on July 12, 2012. His total remaining balance was \$478.38. PECO Energy is permitted to assess 1-1/2% for late payment charges. 1-1/2% of a balance of \$478.38 is \$7.18. However, the company only charged \$6.61, which is within its tariff.

Complainant a late payment fee on this billing statement. See PECO Energy Exhibit “2” offered into evidence. Accordingly, the Complainant still owes \$63.87 in late payment charges. See Exhibit “4”. There is no double billing here, but rather, the statement reflects that the Complainant owes the company a total of \$63.87 in late payment charges. In effect, the late fees that appear in the “Billing Summary” section of the bill statement represent the cumulative unpaid late fees charged to the account.

At the hearing, PECO Energy presented evidence that the Complainant owes a total of late payment charges from his two previous service addresses as follows:

**Account 65923-07023 – Service at 4603 GREENE ST, 1ST FL PHILADELPHIA PA 19144**

<b>Date</b>	<b>Late Payment Charge Amount</b>
07/26/11	\$2.81
08/23/11	\$3.29
09/21/11	\$2.34
11/22/11	\$5.49
04/25/12	\$6.13
05/23/12	\$12.98
05/24/12	\$6.53
06/26/12	\$12.80
07/24/12	\$6.61
08/22/12	\$4.84
<b>Total</b>	<b>\$63.82</b>

**Account 72152-10019 – Service at 1306 E DUVAL ST, 2ND FL PHILADELPHIA PA 19138**

<b>Date</b>	<b>Late Payment Charge Amount</b>	<b>Outstanding Late Payment Charges (cumulative)</b>
10/22/12	\$0.31	\$44.07 (\$43.76* + \$0.31)
11/20/12	\$6.14	\$50.21
12/18/12	\$6.59	\$56.80
01/23/13	\$7.07	\$63.87
<b>Total</b>	<b>\$20.11</b>	

\*Outstanding Late payment charges of \$43.76 from account 65923-07023 was transferred to new account 72152-10019

Pursuant to PECO Energy’s tariff, the company is permitted to assess a late payment charge of 1-1/2% per month if the Complainant fails to make timely payments. That is exactly what occurred in the Complainant’s case. The Complainant failed to pay his bills on time; and

therefore, he was correctly assessed a late payment charge not exceeding 1-1/2% each time he did not pay his bill on time and in full. PECO Energy's Commission approved tariff provides, in relevant part:

17.5 LATE FEES AND COLLECTION COSTS. If payment is made at a Company office or authorized payment agency after the due date shown on the bill, a late fee will be added to the unpaid balance until the entire bill is paid. If payment is made by mail, the late fee will be added if the payment is received by the Company more than five days after the due date shown on the bill. For Rates R, R-H, RS-2, OP, POL and GS this late fee will be 1-1/2 % per month; for all other rates the late fee will be 2% per month.

See PECO Energy Tariff Section 17.5 offered into evidence at Exhibit "8". PECO's Commission approved tariff is prima facie reasonable and has the full force and effect of law. 66 Pa.C.S. § 316; *Kossman v. PA PUC*, 694 A.2d 1147 (Pa Cmwl 1997); *Brockway Glass Co. v. PA. PUC*, 437 A.2d 1067 (Pa. Cmwl 1981).

The Complainant's case against PECO Energy should be dismissed as the Complainant cannot demonstrate that the company violated any tariff provision or law. For the reasons set forth above, PECO Energy respectfully requests Your Honor dismiss the Complainant's formal complaint in its entirety.

Respectfully submitted,



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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

**WILLIAM WILMOT**

**COMPLAINANT**

**v.**

**PECO ENERGY COMPANY,**

**RESPONDENT**

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**Docket Nos. F-2013-2382003**

**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: February 24, 2014

\_\_\_\_\_  
Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>WILLIAM WILMOT</b>	:	
	:	
<b>COMPLAINANT</b>	:	
	:	
<b>v.</b>	:	<b>Docket Nos. F-2013-2382003</b>
	:	
<b>PECO ENERGY COMPANY,</b>	:	
	:	
<b>RESPONDENT</b>	:	
	:	

**CERTIFICATE OF SERVICE**

I, Shawane L. Lee, hereby certify that I have this day served a true copy of the foregoing PECO Energy’s Main Written Argument upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**William Wilmot  
P.O. Box 44146  
Philadelphia, PA 19144**

Dated at Philadelphia, Pennsylvania, February 24, 2014.



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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

# **EXHIBIT “1”**

Name: WILLIAM J WILMOT
Account Number: 65923-07023
Phone Number: 215-849-4292
Service Address: 4603 GREENE ST, 1ST FL, PHILADELPHIA

Billing Summary

Table with 2 columns: Description and Amount. Rows include Bill Date (06/26/2012), Thank you for your payment of \$70.75, Budget bill charges from previous bill (\$84.24, \$153.00, \$449.53), Charges from previous bill (\$166.20), Late payment charge (\$38.44), Total Other Charges (\$891.41), Current Period Charges (Electric \$65.36), Total New Charges (\$65.36), Total Amount Due on 07/18/2012 (\$956.77).

General Information

Next scheduled meter reading: July 26, 2012
PECO, 2301 Market St, Philadelphia, PA 19103-1380. If you have any questions or concerns, please call 1-800-774-7040 before the due date.

- Customer Self Service - Manage Your Account 24/7
- www.peco.com/ebill - Go paperless: receive and pay your bill
- www.peco.com/service - Start, stop and transfer your service
- www.peco.com/SmartIdeas - Save energy and money
- Pay by phone with credit/debit card at 1-877-432-9384 (\$3.50 fee)

Message Center

You are on the Customer Assistance Program (CAP) Rate. You are saving money by paying a CAP rate.
New charges contain estimated total state taxes of \$4.27, including \$3.86 for State Gross Receipts Tax.

When paying in person, please bring the entire bill.

(continued on next page)

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



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

To pay by phone call 1-877-432-9384. A convenience fee will apply.

65923 0702 30000 0000

9620 1 AV 0.347 9620/009620/019716 039 01 GXE4VT 1245 06272012
WILLIAM J WILMOT
4603 GREENE ST 1ST FL
PHILADELPHIA PA 19144-6024

Account Number Payment Receipt Stamp

65923-07023

Payment Amount box

Please pay this amount by 07/18/2012 \$956.77

00000065360000016620

PECO - PAYMENT PROCESSING
PO BOX 37629
PHILADELPHIA PA 19101-0629



659230702300009567722000956779



# **EXHIBIT “2”**

Name: WILLIAM J WILMOT
Account Number: 65923-07023
Phone Number: 267-437-3607
Service Address: 4603 GREENE ST, 1ST FL, PHILADELPHIA

Billing Summary

Table with 2 columns: Description and Amount. Rows include Bill Date (07/26/2012), Thank you for your payment of \$398.39, Thank you for your payment of \$80.00, Budget bill charges from previous bill (\$208.38), Charges from previous bill (\$231.56), Late payment charge (\$45.05), Total Other Charges (\$484.99), Current Period Charges (Electric \$111.65), Total New Charges (\$111.65), Total Amount Due on 08/17/2012 (\$596.64).

General Information

Next scheduled meter reading: August 24, 2012
PECO, 2301 Market St, Philadelphia, PA 19103-1380. If you have any questions or concerns, please call 1-800-774-7040 before the due date. Si tiene alguna pregunta, favor de llamar al numero 1-800-494-4000 antes de la fecha de vencimiento.

Message Center

You are on the Customer Assistance Program (CAP) Rate. You are saving money by paying a CAP rate. New charges contain estimated total state taxes of \$7.30, including \$6.59 for State Gross Receipts Tax.

Customer Self Service - Manage Your Account 24/7

- www.peco.com/ebill - Go paperless: receive and pay your bill
- www.peco.com/service - Start, stop and transfer your service
- www.peco.com/SmartIdeas - Save energy and money
- Pay by phone with credit/debit card at 1-877-432-9384 (\$3.50 fee)

When paying in person, please bring the entire bill.

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

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

To pay by phone call 1-877-432-9384. A convenience fee will apply.

65923 0702 30000 0000

19285 1 AV 0.347 19285/019285/040037 074 01 GXE7MB 1234 07272012
WILLIAM J WILMOT
4603 GREENE ST 1ST FL
PHILADELPHIA PA 19144-6024

Account Number Payment Receipt Stamp

65923-07023

Payment Amount box

Please pay this amount by 08/17/2012 \$596.64

00000111650000023156

PECO - PAYMENT PROCESSING
PO BOX 37629
PHILADELPHIA PA 19101-0629



659230702300005966422300596640

# **EXHIBIT “3”**

Name: WILLIAM J WILMOT
Account Number: 72152-10019
Phone Number: 267-437-3607
Service Address: 1306 E DUVAL ST, 2ND FL, PHILADELPHIA

Billing Summary

Table with 2 columns: Description and Amount. Rows include Bill Date (01/25/2013), Charges from previous bill (\$106.33), Transfer service 4603 GREENE ST PHILADELPHIA (\$365.81), Late payment charge (\$63.87), and Total Other Charges (\$536.01).

Current Period Charges

Table with 2 columns: Description and Amount. Rows include Electric (\$30.09) and Total New Charges (\$30.09).

Total Amount Due on 02/19/2013 \$566.10

General Information

Next scheduled meter reading: February 25, 2013
PECO, 2301 Market St, Philadelphia, PA 19103-1380. If you have any questions or concerns, please call 1-800-774-7040 before the due date. Si tiene alguna pregunta, favor de llamar al numero 1-800-494-4000 antes de la fecha de vencimiento.

Message Center

You are on the Customer Assistance Program (CAP) Rate. You are saving money by paying a CAP rate. New charges contain estimated total state taxes of \$1.96, including \$1.78 for State Gross Receipts Tax.

Customer Self Service - Manage Your Account 24/7

- www.peco.com/ebill - Go paperless: receive and pay your bill
- www.peco.com/service - Start, stop and transfer your service
- www.peco.com/SmartIdeas - Save energy and money
- Pay by phone with credit/debit card at 1-877-432-9384 (\$3.50 fee)

When paying in person, please bring the entire bill.

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

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

To pay by phone call 1-877-432-9384. A convenience fee will apply.

72152 1001 90000 0000

6437 1 AV 0.357 6437/006437/013415 027 01 GXEQDR 124 01262013
WILLIAM J WILMOT
1306 E DUVAL ST 2ND FL
PHILADELPHIA PA 19138-1036

Account Number Payment Receipt Stamp

72152-10019

Payment Amount box

Please pay this amount by 02/19/2013 \$566.10

00000030090000010633

PECO - PAYMENT PROCESSING
PO BOX 37629
PHILADELPHIA PA 19101-0629



PECO ENERGY
EXHIBIT 3

721521001900005661030500566100



# **EXHIBIT “4”**

Name: WILLIAM J WILMOT
Account Number: 72152-10019
Phone Number: 267-437-3607
Service Address: 1306 E DUVAL ST, 2ND FL, PHILADELPHIA

Billing Summary

Table with 2 columns: Description and Amount. Rows include Bill Date (02/05/2013), Charges from previous bill (\$136.42), Transfer service 4603 GREENE ST PHILADELPHIA (\$365.81), Late payment charge (\$63.87), Total Other Charges (\$566.10).

Current Period Charges

Table with 2 columns: Description and Amount. Rows include Electric (\$6.86), Total New Charges (\$6.86).

Total Amount Due on 02/27/2013 \$572.96

General Information

Next scheduled meter reading: February 25, 2013
PECO, 2301 Market St, Philadelphia, PA 19103-1380. If you have any questions or concerns, please call 1-800-494-4000 before the due date.

Customer Self Service - Manage Your Account 24/7

- www.peco.com/ebill - Go paperless: receive and pay your bill
- www.peco.com/service - Start, stop and transfer your service
- www.peco.com/SmartIdeas - Save energy and money
- Pay by phone with credit/debit card at 1-877-432-9384 (\$3.50 fee)

Message Center

You are on the Customer Assistance Program (CAP) Rate. You are saving money by paying a CAP rate.
New charges contain estimated total state taxes of \$0.44, including \$0.40 for State Gross Receipts Tax.

\*\*\* Final Bill \*\*\*

When paying in person, please bring the entire bill.

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

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

To pay by phone call 1-877-432-9384.
A convenience fee will apply.

72152 1001 90000 0000

10541 1 AV 0.357 10541/010541/021355 039 01 GXERFG 12 02062013
WILLIAM J WILMOT
PO BOX 44416
PHILADELPHIA PA 19144-7416

Account Number Payment Receipt Stamp

72152-10019

Payment Amount box

Please pay this amount by 02/27/2013 \$572.96

00000006860000013642

PECO - PAYMENT PROCESSING
PO BOX 37629
PHILADELPHIA PA 19101-0629



PECO ENERGY
EXHIBIT 4

721521001900005729630580572967