



Exelon Business Services Company
Legal Department

2301 Market Street/S23-1
Philadelphia, PA 19103

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Direct Dial: 215.841.6841

March 24, 2014

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

RE: Eddie Muhammad v. PECO Energy Company
PUC Docket No.: F-2013-2398910

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>	<u>Motion for Judgment on the Pleadings</u>
—	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

Scheduling Recommendation: Call of the Docket

Not Call of the Docket

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EDDIE MUHAMMAD

v.

PECO ENERGY COMPANY

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:
:
:

DOCKET NO. F-2013-2398910

NOTICE TO PLEAD

To: Eddie Muhammad

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.

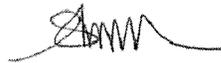
File with:

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: March 24, 2014



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**

EDDIE MUHAMMAD

v.

PECO ENERGY COMPANY

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:
:
:

DOCKET NO. F-2013-2398910

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 or about December 23, 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 December 31, 2013.

3. On January 9, 2014, 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. On February 27, 2014, the Complainant filed a response to PECO Energy's New Matter, requesting as relief that the Commission "resolve the matter with a payment agreement." See Complainant's Response to New Matter, attached hereto as Exhibit "3".

5. By order dated February 27, 2014, by Administrative Law Judge Darlene D. Heep, PECO Energy was instructed to file an Answer to the Complainant's Amended Complaint.

6. On March 4, 2014, PECO Energy filed an Answer to the Complainant's Amended Complaint, New Matter and Notice to Plead. A copy of PECO Energy's Answer to the Amended Complainant, is attached hereto as Exhibit "4".

7. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on August 15, 2005. New Matter ¶1.

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

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

10. 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 ¶¶7-8.

11. To date, 20 days have passed since PECO filed its New Matter.

12. 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).

13. 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."

14. 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.

15. 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).

16. 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).

17. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is 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.

18. 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**

EDDIE MUHAMMAD

v.

PECO ENERGY COMPANY

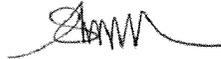
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DOCKET NO. F-2013-2398910

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 Mail
Eddie Muhammad
1123 Bethlehem Pike, Apt. B
Flourtown, PA 19031



Shawane L. Lee

DATED: March 24, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Tuesday, December 31, 2013 10:01 AM
To: Lee, Shawane L.:(BSC)
Cc: O'Neill, Leslie:(BSC)
Subject: PA PUC eServe Notice

Importance: High

Dear Shawane L Lee,

A(n) **Formal Complaint Form** has been served in this proceeding. This document is docketed as **F-2013-2398910**. You may view this document at **Formal Complaint Form**

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

timely

BCS: 3151929
PECO ENERGY

Must be returned by DECEMBER 31, 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.

RECEIVED
2013 DEC 23 AM 11:03
PA. P.U.C.
SECRETARY'S BUREAU

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 Eddie Muhammad

Street/P.O. Box 423 Bethlehem Pk Apt # B

City Flourtown State Pa. Zip 19031

County Montgomery

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

N/A (home) 215 740-9630 (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 2054301608

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 _____

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 ENERGY Company

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 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.

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.

On 8/2/13 I submitted a medical certification Form for a 30 day extension on a \$220.00 Bill.
On 8/26/13 I called Peco and the medical department extended the medical Cert. another 30 days (per my request) and they told me the \$220.00 and a new bill \$250.00 would be due at the end of the extension \$470.00 Total. On 9/19/13 I called Peco to make sure I needed to pay \$470.00, But I was told I had to pay \$590.00.
I would like the PUC to resolve this matter with a payment arrangement.

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 _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

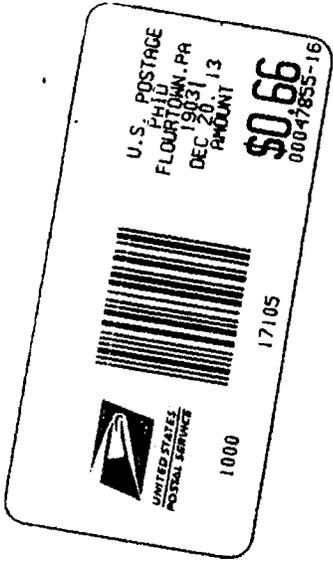
E-mail Address (if known) _____

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.

Muhammad, Eddie
123 B Bethlehem Pk
Flourtown PA 19031



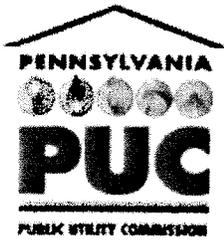
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
2013 DEC 23 AM 11:03
PA P.U.C.
SECRETARY'S BUREAU

171053265



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 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:	F-2013-2398910
Description:	Eddie Muhammad - Answer and New Matter of PECO Energy Company
Transmission Date:	1/9/2014 2:31:55 PM
Filed On:	1/9/2014 2:31:55 PM
eFiling Confirmation Number:	1534658

Uploaded File List

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

PECO ENERGY
EXHIBIT **2**



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

January 9, 2014

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

RE: Eddie Muhammad v. PECO Energy Company
PUC Docket No.: F-2013-2398910

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

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EDDIE MUHAMMAD	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2013-2398910
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On December 31, 2013, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Eddie Muhammad (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 his formal complaint, the Complainant requests a payment agreement.

PECO Energy's records reveal that the Complainant established an account for electric service on April 9, 2005, at 1123 Bethlehem Pike, Apartment B, Flourtown, PA 19031 under account number 20543-01608. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") under

Tier E on August 15, 2005. He was re-certified on June 20, 2011. The Complainant re-certified again on June 20, 2013. The Complainant remains actively enrolled in the CAP program. See Exhibit “2”.

On March 20, 2006, the company forgave \$370.91 of the Complainant’s balance as a part of PECO Energy’s Pre-Program Arrears program. See Exhibit “2”. The company forgave an additional \$241.45 on November 1, 2011, which reduced the Complainant’s balance to \$1,000.00. See Exhibit “1”. The Complainant was set up on a payment agreement to pay \$1,000.00 in monthly installments of \$16.66 for 60 months. The agreement last defaulted on September 17, 2012. In addition to the defaulted payment agreement issued on November 1, 2011, the Complainant has been issued at least four company payment agreements that have not been kept.

The Complainant’s current balance is \$2,944.03. The entire balance is comprised of CAP arrears. See Exhibit “1”. Accordingly, the Complainant is not entitled to a PUC ordered payment agreement as his 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.” The Complainant’s account activity statement demonstrates that he misses monthly payments and does not pay the entire billed amount by the due date.

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 was enrolled in the Customer Assistance Program ("CAP") under Tier E on August 15, 2005. See Exhibit "2".
2. He was re-certified on June 20, 2011. See Exhibit "2".
3. The Complainant re-certified on June 20, 2013. See Exhibit "2".
4. On March 20, 2006, the company forgave \$370.91 of the Complainant's balance as a part of PECO Energy's Pre-Program Arrears program. See Exhibit "2".
5. The company forgave an additional \$241.45 on November 1, 2011, which reduced the Complainant's balance to \$1,000.00.
6. The Complainant remains actively enrolled in the CAP program.
7. The Complainant's entire balance is comprised of CAP arrears.
8. The Complainant is not entitled to a PUC ordered payment agreement as his balance contains CAP arrears.

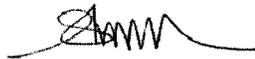
9. Additionally, the Complainant's poor payment history does not demonstrate good faith. The Complainant does not pay the entire bill owed by the due date and misses payments. See Exhibit "1".

10. 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."

11. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement on his balance.

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

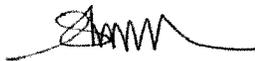
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EDDIE MUHAMMAD	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2013-2398910
	:	
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: January 9, 2014



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EDDIE MUHAMMAD	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2013-2398910
	:	
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:

Eddie Muhammad
1123 Bethlehem Pike, Apt. B
Flourtown, PA 19031

Dated at Philadelphia, Pennsylvania, January 9, 2014.



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

January 9, 2014

Eddie Muhammad
1123 Bethlehem Pike, Apt. B
Flourtown, PA 19031

RE: Eddie Muhammad v. PECO Energy Company
PUC Docket No.: F-2013-2398910

Dear Mr. Muhammad:

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", written over a horizontal line.

Shawane Lee
Counsel for PECO Energy Company

SL/lo
Encl.

EXHIBIT “1”

CUAR038

PECO Account Activity Statement

Date: 01/03/14
Page: 1 of 4

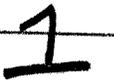
*** Account Information ***

Account Number: 20543-01608
Account Status: Active
Mail To: EDDIE MUHAMMAD
APT B
1123 BETHLEHEM PIKE
FLORRTOWN PA 19031

*** Current Account Status ***

Current Bill: \$198.00
Billed Prior: \$2746.03
Balance Due: \$2944.03
Service Address: 1123 BETHLEHEM PI
APT B
FLORRTOWN PA 19031
Rate: CAP Opt E Electric Residential Heating Svc

DATE	CHANGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/21/10	Payment											
06/22/10	ELECTRIC SERVICE	05/20/10 06/21/10	34293	107049748	\$91.24	\$135.00						
06/22/10	DEFERRED PAYMENT AGREEMENT				\$67.83		\$159.07		07/14	1310		
07/19/10	Regular Bill				\$678.29							
07/20/10	Bill Out DPA due to Default				\$11.66							
07/22/10	Late Payment Charge				\$156.13							
07/22/10	ELECTRIC SERVICE	06/21/10 07/21/10	35673	107049748			\$1005.15	\$849.02	08/13	1380		
07/28/10	Regular Bill											
07/28/10	Payment											
07/28/10	Payment Agreement (reinstated)											
08/13/10	Payment				\$610.46							
08/18/10	Late Payment Charge				\$1.02							
08/19/10	LIHEAP Payment						\$100.00					
08/20/10	ELECTRIC SERVICE	07/21/10 08/19/10	36710	107049748	\$105.29	\$100.00						
08/20/10	DEFERRED PAYMENT AGREEMENT				\$67.83		\$141.83		09/13	1037		
09/14/10	Payment											
09/21/10	ELECTRIC SERVICE	08/19/10 09/20/10	37585	107049748	\$81.29	\$142.00						
09/21/10	DEFERRED PAYMENT AGREEMENT				\$67.83		\$148.95		10/13	875		
09/21/10	Regular Bill				\$474.80							
10/18/10	Bill Out DPA due to Default				\$8.55							
10/19/10	Late Payment Charge				\$58.78							
10/20/10	ELECTRIC SERVICE	09/20/10 10/19/10	38400	107049748			\$691.08	\$620.86	11/12	815		
10/20/10	Regular Bill											
10/21/10	Payment											
11/03/10	Payment Agreement						\$149.00					
11/18/10	ELECTRIC SERVICE	10/19/10 11/17/10	39700	107049748	\$542.08							
11/18/10	DEFERRED PAYMENT AGREEMENT				\$90.63		\$158.39		12/10	1300		
11/18/10	Regular Bill				\$67.76							
12/15/10	Bill Out DPA due to Default				\$474.32							
12/15/10	Late Payment Charge				\$2.38							
12/21/10	ELECTRIC SERVICE	11/17/10 12/20/10	42191	107049748	\$158.79		\$803.88	\$635.09	01/12	2491		
01/19/11	Late Payment Charge				\$11.69							
01/26/11	ELECTRIC SERVICE	12/20/10 12/31/10	43097	107049748	\$59.96		\$1072.48	\$815.57	02/17	2929		
01/26/11	ELECTRIC SERVICE	12/31/10 01/24/11	45120	107049748	\$196.95							
01/26/11	Regular Bill				\$15.54							
02/22/11	Late Payment Charge				\$211.65							
02/23/11	ELECTRIC SERVICE	01/24/11 02/22/11	47263	107049748			\$1299.67	\$1088.02	03/17	2143		
02/23/11	Regular Bill											
03/10/11	LIHEAP Payment				\$156.01							
03/24/11	ELECTRIC SERVICE	02/22/11 03/23/11	48812	107049748			\$1055.68	\$899.67	04/15	1549		
04/22/11	Regular Bill				\$135.69							
04/22/11	ELECTRIC SERVICE	03/23/11 04/21/11	50138	107049748			\$1191.37	\$1055.68	05/16	1326		
04/26/11	LIHEAP Payment											
04/28/11	Payment Agreement											
05/23/11	ELECTRIC SERVICE	04/21/11 05/22/11	50964	107049748	\$88.66	\$400.00						
05/23/11	DEFERRED PAYMENT AGREEMENT				\$32.97	\$791.37	\$121.63		06/14	826		
05/23/11	Regular Bill											



DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/20/11	Bill Out DPA due to Default				\$758.40							
06/21/11	Late Payment Charge				\$12.79							
06/22/11	ELECTRIC SERVICE	05/22/11 06/21/11		107049748	\$150.25		\$1043.07	\$892.82	07/14	1236		
07/19/11	Regular Bill				\$15.04							
07/22/11	Late Payment Charge				\$258.12							
07/22/11	ELECTRIC SERVICE	06/21/11 07/21/11		107049748	\$692.46		\$1316.23	\$1058.11	08/15	1471		
07/29/11	Regular Bill				\$692.46							
08/01/11	Payment Agreement											
08/22/11	ELECTRIC SERVICE	07/21/11 08/21/11		107049748	\$249.01		\$350.61					
08/22/11	DEFERRED PAYMENT AGREEMENT				\$32.97							
08/22/11	Regular Bill											
08/25/11	LIHRAP Payment											
09/19/11	Bill Out DPA due to Default				\$659.49		\$100.00					
09/20/11	Late Payment Charge				\$1.82							
09/21/11	ELECTRIC SERVICE	08/21/11 09/20/11		56001 107049748	\$160.14		\$555.14	\$273.16	09/13	1419		
09/21/11	Regular Bill											
09/26/11	Payment Agreement											
10/18/11	Late Payment Charge				\$156.97		\$154.00					
10/20/11	ELECTRIC SERVICE	09/20/11 10/19/11		56798 107049748	\$1.91		\$1241.45	\$1124.50	11/14	797		
10/20/11	Regular Bill				\$116.95							
11/01/11	Payment Agreement (NEW)				\$1000.00							
11/18/11	Transfer (CAP IPAF)											
11/18/11	BUDGET BILLING	10/19/11 11/17/11			\$170.00	\$241.45						
11/18/11	DEFERRED PAYMENT AGREEMENT											
11/18/11	Regular Bill				\$16.66							
12/16/11	Payment											
12/21/11	BUDGET BILLING	11/17/11 12/20/11			\$170.00	\$187.00						
12/21/11	DEFERRED PAYMENT AGREEMENT											
12/21/11	Regular Bill				\$16.66		\$186.66		12/12	1210		
12/30/11	LIHRAP Payment											
01/17/12	Payment											
01/25/12	BUDGET BILLING	12/20/11 01/24/12			\$170.00	\$26.00						
01/25/12	DEFERRED PAYMENT AGREEMENT											
01/25/12	Regular Bill				\$16.66		\$186.32		01/12	1721		
02/21/12	Bill Out DPA due to Default				\$950.02							
02/23/12	Payment											
02/23/12	Payment Agreement											
02/23/12	BUDGET BILLING	01/24/12 02/22/12			\$170.00	\$950.00						
02/23/12	Regular Bill											
03/15/12	Payment											
03/23/12	BUDGET BILLING	02/22/12 03/22/12			\$170.00	\$100.00						
03/23/12	DEFERRED PAYMENT AGREEMENT											
03/23/12	Regular Bill				\$16.67		\$256.67		03/16	1802		
03/26/12	Payment											
04/20/12	Payment											
04/23/12	BUDGET BILLING	03/22/12 04/22/12			\$203.00	\$50.00						
04/23/12	DEFERRED PAYMENT AGREEMENT											
04/23/12	Regular Bill				\$16.67		\$350.34		05/15	1074		
04/25/12	Payment											
04/25/12	Payment Agreement				\$916.66		\$148.00					

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/17/13	Payment											
05/22/13	BUDGET BILLING	04/22/13	05/21/13		\$218.00	\$50.00						
	** Budget Bill Detail **	Actual Bill Amount:			121.08							
05/22/13	DEFERRED PAYMENT AGREEMENT				\$49.75							
06/18/13	Regular Bill				\$1741.25		\$217.75		06/13	851		
06/18/13	Bill Out DPA due to Default				\$3.27							
06/21/13	Late Payment Charge	05/21/13	06/20/13		\$218.00							
	** Budget Bill Detail **	Actual Bill Amount:			163.08							
06/21/13	Regular Bill				\$1741.25		\$2180.27		07/15	1090		
06/28/13	Payment				\$3.27							
06/28/13	Payment Agreement				\$218.00			\$1962.27				
07/23/13	Late Payment Charge	06/20/13	07/22/13		\$218.00							
	** Budget Bill Detail **	Actual Bill Amount:			313.21							
07/23/13	DEFERRED PAYMENT AGREEMENT				\$49.75							
08/19/13	Regular Bill				\$1691.50		\$492.04		08/14	2083		
08/19/13	Bill Out DPA due to Default				\$32.28			\$224.29				
08/20/13	Late Payment Charge	07/22/13	08/20/13		\$218.00							
	** Budget Bill Detail **	Actual Bill Amount:			143.47							
08/21/13	Regular Bill				\$32.95		\$2433.82		09/12	928		
09/05/13	LITHEAP Payment				\$218.00			\$2215.82				
09/17/13	Late Payment Charge	08/20/13	09/19/13		\$218.00							
	** Budget Bill Detail **	Actual Bill Amount:			172.72							
09/20/13	BUDGET BILLING				\$218.00		\$2484.77		10/15	1073		
10/21/13	Regular Bill				\$218.00			\$2256.77				
10/21/13	BUDGET BILLING				\$218.00							
	** Budget Bill Detail **	Actual Bill Amount:			118.60							
10/21/13	Regular Bill				\$198.00		\$2702.77		11/12	826		
11/19/13	BUDGET BILLING				\$1.26			\$2484.77				
	** Budget Bill Detail **	Actual Bill Amount:			167.07							
11/19/13	Late Payment Charge	10/20/13	11/18/13		\$198.00							
12/02/13	Regular Bill				\$198.00		\$2902.03		12/11	1185		
12/02/13	Payment				\$156.00			\$2704.03				
12/20/13	BUDGET BILLING				\$198.00							
	** Budget Bill Detail **	Actual Bill Amount:			286.61							
12/20/13	Regular Bill				\$198.00		\$2944.03		01/13	2008		
	** Budget Bill Detail **	Actual Bill Amount:			-4.63			\$2746.03				

** All Billed Readings are Actual Readings **

EXHIBIT “2”

CAP RATE HISTORY

CUSTOMER: EDDIE MUHAMMAD

ADDRESS: 1123 BETHLEHEM PK, APT B FLOURTOWN, PA

Service initiated- April 5, 2005

View CAP History for Account 20543-01608

Account Edit Help

Activity Date	CAP Activity	CAP Rate
07/05/13	Re-Certification completed	CAP Opt E Electric Residential Heating Svi
06/05/13	Re-Certification Letter Sent	
05/21/13	Re-Certification Letter Sent	
06/20/11	Re-Certification completed	CAP Opt E Electric Residential Heating Svc
06/07/11	Re-Certification Letter Sent	
12/31/10	CAP Rate Change	CAP Opt D1 Electric Residential Heating Sv
07/07/09	Re-Certification completed	zCAP Opt D Electric Residential Heating Sv
07/01/09	Re-Certification Letter Sent	
07/31/07	Re-Certification completed	zCAP Opt D Electric Residential Heating Sv
07/16/07	Re-Certification Letter Sent	
08/15/05	Enrolled	zCAP Opt D Electric Residential Heating Sv
08/15/05	Extracted	zCAP Opt D Electric Residential Heating Sv
08/15/05	Ready for Enrollment	zCAP Opt D Electric Residential Heating Sv
08/15/05	Created	zCAP Opt D Electric Residential Heating Sv

**Enrolled based on \$621.00 mthly (SSI)/ 1 person

- 3/20/06 – Received CAPRATE forgiveness of \$370.91
- 6/08/11—Last recertification based on \$1011.00 mthly (SSI)/1 person
- 11/1/11- Received additional CAP RATE forgiveness of \$241.45

EXHIBIT “3”

O'Neill, Leslie:(BSC)

From: Heep, Darlene [dheep@pa.gov]
Sent: Thursday, February 27, 2014 9:25 AM
To: O'Neill, Leslie:(BSC)
Cc: Lee, Shawane L.:(BSC)
Subject: Eddie Muhammad - F-2013-2398910 - Motion for Judgment on the Pleadings
Attachments: NMMuhammad-2398910.pdf

A Response to the New Matter was filed on January 23, 2014.



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To Whom it May Concern: F-2013-2398910

JAN 23 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

In response to Peco's New Matter, What Peco didn't include is how this started, they also didn't include the fact that the first medical certification was given to me by PECO at the Philadelphia main office located at 2300 Market St. (this is what they told me to do I didn't ask for it.) 8-2-13 At the time my bill was \$220.00, On 8-26-13 I called Peco because I couldn't borrow the money for the bill at that time the medical Department gave me an extension of the medical cert. for another 30 days, I was told that at the end of the extension I would have to pay the \$220.00 plus \$250.00 for the new bill (\$470.00 Total).

I then called Peco on 9-19-13 to confirm the \$470.00 payment, however I was told I had to pay \$590.00, I had someone to lend me \$470.00



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not \$590.00, that's when I contacted the P.U.C.
All I want to do is resolve this matter.
I am respectfully requesting that the
commission resolve this with a payment arrangement

Thanking you in Advance

Adde Muhamad

Muhammad
1123 B Bethlehem Pk
Flourtown, PA 19031

RECEIVED
2014 JAN 23 AM 10:38
PA PUBLIC
SECRETARY'S BUREAU



PHILADELPHIA PA 190
JAN 21 2014 PM 8 L

EMANCIPATION
PROCLAMATION
ABRAHAM LINCOLN
1863
PENNSYLVANIA

Secretary, Pennsylvania Public Utility
Commonwealth Keystone Building
400 North Street
2nd floor
Harrisburg, PA 17120

17120020202

EXHIBIT “4”



PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PRINT

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:	F-2013-2398910
Description:	Eddie Muhammad - Answer and New Matter of PECO Energy to Amended Complaint
Transmission Date:	3/4/2014 8:42:33 AM
Filed On:	3/4/2014 8:42:33 AM
eFiling Confirmation Number:	1538801

Uploaded File List

File Name	Document Class	Document Type
Eddie Muhammad - Answer and New Matter to Amended Complaint.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
EXHIBIT **4**



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

March 4, 2014

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

RE: Eddie Muhammad v. PECO Energy Company
PUC Docket No.: F-2013-2398910

Dear Ms. Chiavetta:

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

- Answer
- X **Answer & New Matter to Amended Complaint**
- 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

Scheduling Recommendation: Call of the Docket

Not Call of the Docket

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EDDIE MUHAMMAD	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2013-2398910
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On January 23, 2013, PECO Energy Company ("PECO Energy") was served with an amended formal complaint filed by Eddie Muhammad (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 his amended formal complaint, the Complainant states that PECO Energy gave him a medical certification that he did not ask for. The Complainant alleges that the medical certification gave him an extension to pay his balance and that he was told he would be required to pay \$470.00 at the end of the extension. The Complainant alleges that he was then told that he had to pay \$590.00. The Complainant requests a payment agreement.

PECO Energy's records reveal that the Complainant established an account for electric service on April 9, 2005, at 1123 Bethlehem Pike, Apartment B, Flourtown, PA 19031 under account number 20543-01608. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier E on August 15, 2005. He was re-certified on June 20, 2011. The Complainant re-certified again on June 20, 2013. The Complainant remains actively enrolled in the CAP program. See Exhibit "2". The Complainant's entire balance is comprised of CAP arrears.

On March 20, 2006, the company forgave \$370.91 of the Complainant's balance as a part of PECO Energy's Pre-Program Arrears program. See Exhibit "2". The company forgave an additional \$241.45 on November 1, 2011, which reduced the Complainant's balance to \$1,000.00. See Exhibit "1". The Complainant was set up on a payment agreement to pay \$1,000.00 in monthly installments of \$16.66 for 60 months. The agreement last defaulted on September 17, 2012. In addition to the defaulted payment agreement issued on November 1, 2011, the Complainant has been issued at least four company payment agreements that have not been kept. The last company payment agreement was issued on February 25, 2013 in resolution of the formal complaint filed a docket number C-2013-2332996. Under this agreement, the Complainant had a bill due on June 13, 2013 in the amount of \$217.75 that was not paid. Accordingly, the agreement defaulted on June 18, 2013. On June 28, 2013, a \$218.00 payment posted to the account and the payment agreement was reinstated in the amount of \$1,741.25. The agreement defaulted again on August 19, 2013.

On August 21, 2013, the Complainant submitted a medical certificate, which gave him a 30 day collection hold on the account. PECO Energy advised him that at the end of the extension he would need to pay \$492.04 plus \$32.38 in late payment fees totaling \$524.42. The

Complainant made no payments from June through December 2013. Eventually, a LIHEAP payment posted in the amount of \$200.00 on September 5, 2013. PECO Energy avers that the company did not give the Complainant a medical certificate that he did not ask for. In order to obtain a medical certificate, the customer must have their personal physician complete a medical certificate form certifying there is a medical condition in the household. PECO Energy cannot unilaterally issue a medical certificate on a customer's account because the company would not be privy to the Complainant's physician or medical information.

The Complainant's current balance is \$3,224.16. The entire balance is comprised of CAP arrears. See Exhibit "1". Accordingly, the Complainant is not entitled to a PUC ordered payment agreement as his 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." The Complainant's account activity statement demonstrates that he misses monthly payments and does not pay the entire billed amount by the due date.

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.

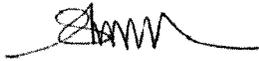
NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY

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

1. The Complainant was enrolled in the Customer Assistance Program ("CAP") under Tier E on August 15, 2005. See Exhibit "2".
2. He was re-certified on June 20, 2011. See Exhibit "2".
3. The Complainant re-certified on June 20, 2013. See Exhibit "2".
4. On March 20, 2006, the company forgave \$370.91 of the Complainant's balance as a part of PECO Energy's Pre-Program Arrears program. See Exhibit "2".
5. The company forgave an additional \$241.45 on November 1, 2011, which reduced the Complainant's balance to \$1,000.00.
6. The Complainant remains actively enrolled in the CAP program.
7. The Complainant's entire balance is comprised of CAP arrears.
8. The Complainant is not entitled to a PUC ordered payment agreement as his balance contains CAP arrears.
9. Additionally, the Complainant's poor payment history does not demonstrate good faith. The Complainant does not pay the entire bill owed by the due date and misses payments. See Exhibit "1".
10. 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."
11. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement on his balance.

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**

EDDIE MUHAMMAD
Complainant

v.

PECO ENERGY COMPANY
Respondent

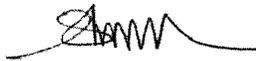
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DOCKET NO. F-2013-2398910

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: March 4, 2014



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

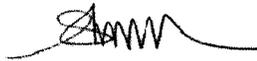
EDDIE MUHAMMAD	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2013-2398910
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Eddie Muhammad
1123 Bethlehem Pike, Apt. B
Flourtown, PA 19031

Dated at Philadelphia, Pennsylvania, March 4, 2014.



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
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Exelon Business Services Company
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Philadelphia, PA 19103
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Direct Dial: 215 841-6841

March 4, 2014

Eddie Muhammad
1123 Bethlehem Pike, Apt. B
Flourtown, PA 19031

RE: Eddie Muhammad v. PECO Energy Company
PUC Docket No.: F-2013-2398910

Dear Mr. Muhammad:

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 stylized flourish at the end.

Shawane Lee
Counsel for PECO Energy Company

SL/lo
Encl.

EXHIBIT “1”

*** Account Information ***

Account Number: 20543-01608
 Account Status: Active

Mail To:
 EDDIE MUHAMMAD
 APT B
 1123 BETHLEHEM PIKE
 FLOORTOWN PA 19031

Current Bill: \$198.00
 Billed Prior: \$3026.15
 Account bal: \$3492.87
 Service Address: 1123 BETHLEHEM PI
 APT B FLOORTOWN PA 19031

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 (includes \$268.71 deferred budget bal)
 Rate: CAP Opt E Electric Residential Heating Svc

*** Current Account Status ***

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DOE DATE	KWH	CCF	KW
06/22/10	Payment	05/20/10 06/21/10	34293	107049748	\$91.24	\$135.00	\$159.07	\$849.02	07/14	1310		
06/22/10	ELECTRIC SERVICE				\$67.83							
06/22/10	DEFERRED PAYMENT AGREEMENT											
07/19/10	Regular Bill				\$678.29							
07/20/10	Bill Out DPA due to Default				\$11.66							
07/20/10	Late Payment Charge				\$156.13							
07/22/10	ELECTRIC SERVICE	06/21/10 07/21/10	35673	107049748	\$1005.15		\$849.02		08/13	1380		
07/28/10	Regular Bill				\$610.46							
07/28/10	Payment				\$227.00							
08/13/10	Payment Agreement (reinstated)				\$100.00							
08/18/10	Late Payment Charge				\$1.02							
08/19/10	LIREAP Payment											
08/20/10	ELECTRIC SERVICE	07/21/10 08/19/10	36710	107049748	\$105.29		\$141.83		09/13	1037		
08/20/10	DEFERRED PAYMENT AGREEMENT				\$67.83							
09/14/10	Regular Bill				\$81.29							
09/21/10	ELECTRIC SERVICE	08/19/10 09/20/10	37585	107049748	\$474.80		\$148.95		10/13	875		
09/21/10	DEFERRED PAYMENT AGREEMENT				\$67.83							
10/18/10	Regular Bill				\$8.55							
10/19/10	Bill Out DPA due to Default				\$58.78							
10/20/10	Late Payment Charge											
10/20/10	ELECTRIC SERVICE	09/20/10 10/19/10	38400	107049748	\$691.08		\$620.86		11/12	815		
10/22/10	Regular Bill				\$542.08							
11/03/10	Payment				\$90.63							
11/18/10	ELECTRIC SERVICE	10/19/10 11/17/10	39700	107049748	\$67.76		\$158.39		12/10	1300		
11/18/10	DEFERRED PAYMENT AGREEMENT				\$474.32							
12/15/10	Regular Bill				\$2.38							
12/15/10	Bill Out DPA due to Default				\$168.79							
12/21/10	Late Payment Charge											
12/21/10	ELECTRIC SERVICE	11/17/10 12/20/10	42191	107049748	\$803.88		\$635.09		01/12	2491		
01/19/11	Regular Bill				\$11.69							
01/26/11	Late Payment Charge				\$59.96							
01/26/11	ELECTRIC SERVICE	12/20/10 12/31/10	43097	107049748	\$196.95		\$1072.48		02/17	2929		
01/26/11	ELECTRIC SERVICE	12/31/10 01/24/11	45120	107049748	\$15.54							
02/22/11	Regular Bill				\$211.65							
02/23/11	Late Payment Charge											
02/23/11	ELECTRIC SERVICE	01/24/11 02/22/11	47263	107049748	\$1299.67		\$1088.02		03/17	2143		
03/10/11	Regular Bill				\$156.01							
03/24/11	LIREAP Payment											
03/24/11	ELECTRIC SERVICE	02/22/11 03/23/11	48812	107049748	\$1055.68		\$899.67		04/15	1549		
03/24/11	ELECTRIC SERVICE				\$135.69							
04/22/11	Regular Bill											
04/26/11	LIREAP Payment											
04/26/11	ELECTRIC SERVICE	03/23/11 04/21/11	50138	107049748	\$400.00		\$1191.37		05/16	1326		
04/28/11	Payment Agreement				\$88.66							
05/23/11	ELECTRIC SERVICE	04/21/11 05/22/11	50964	107049748	\$791.37		\$121.63		06/14	826		
05/23/11	DEFERRED PAYMENT AGREEMENT				\$32.97							

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/20/11	Bill Out DPA due to Default											
06/21/11	Late Payment Charge	05/22/11 06/21/11			\$758.40		\$1043.07	\$892.82	07/14	1236		
06/22/11	ELECTRIC SERVICE				\$12.79							
06/22/11	Regular Bill				\$150.25							
07/19/11	Late Payment Charge	06/21/11 07/21/11			\$15.04		\$1316.23	\$1058.11	08/15	1471		
07/22/11	ELECTRIC SERVICE				\$258.12							
07/22/11	Regular Bill				\$692.46							
08/01/11	Payment Agreement											
08/22/11	ELECTRIC SERVICE	07/21/11 08/21/11			\$249.01		\$555.14	\$273.16	09/13	1419		
08/22/11	DEFERRED PAYMENT AGREEMENT				\$32.97							
08/22/11	Regular Bill											
09/19/11	LIHEAP Payment											
09/20/11	Bill Out DPA due to Default	08/21/11 09/20/11			\$659.49		\$1276.59	\$1116.45	10/13	911		
09/21/11	Late Payment Charge				\$1.82							
09/21/11	ELECTRIC SERVICE				\$160.14							
09/21/11	Regular Bill											
09/26/11	Payment Agreement											
10/18/11	Late Payment Charge	09/20/11 10/19/11			\$156.97		\$1241.45	\$1124.50	11/14	797		
10/20/11	ELECTRIC SERVICE				\$1.91							
10/20/11	Regular Bill				\$116.95							
11/01/11	Payment Agreement (NEW)											
11/01/11	Transfer (CAP IPAF)				\$1000.00							
11/18/11	BUDGET BILLING	10/19/11 11/17/11					\$241.45					
11/18/11	DEFERRED PAYMENT AGREEMENT				\$170.00							
11/18/11	Regular Bill				\$16.66		\$186.66		12/12	1210		
12/16/11	Payment											
12/21/11	BUDGET BILLING	11/17/11 12/20/11					\$187.00					
12/21/11	DEFERRED PAYMENT AGREEMENT				\$170.00							
12/21/11	Regular Bill				\$16.66		\$186.32		01/12	1721		
12/30/11	LIHEAP Payment											
01/17/12	Payment											
01/25/12	BUDGET BILLING	12/20/11 01/24/12					\$26.00					
01/25/12	DEFERRED PAYMENT AGREEMENT				\$170.00							
01/25/12	Regular Bill				\$16.66		\$185.98		02/16	2386		
02/21/12	Bill Out DPA due to Default											
02/23/12	Payment				\$950.02							
02/23/12	Payment Agreement											
02/23/12	BUDGET BILLING	01/24/12 02/22/12					\$950.00					
02/23/12	Regular Bill				\$170.00		\$170.00		03/16	1802		
03/15/12	Payment											
03/23/12	BUDGET BILLING	02/22/12 03/22/12					\$100.00					
03/23/12	DEFERRED PAYMENT AGREEMENT				\$170.00							
03/23/12	Regular Bill				\$16.67		\$256.67		04/16	1250		
03/26/12	Payment											
04/20/12	Payment				\$76.00		\$70.00					
04/23/12	BUDGET BILLING	03/22/12 04/22/12					\$50.00					
04/23/12	DEFERRED PAYMENT AGREEMENT				\$203.00							
04/23/12	Regular Bill				\$16.67		\$350.34		05/15	1074		
04/23/12	Bill Out DPA due to Default											
04/25/12	Payment				\$950.00							
04/25/12	Payment Agreement				\$916.66		\$148.00					

** Budget Bill Detail ** Actual Bill Amount: 230.48

** Budget Bill Detail ** Actual Bill Amount: 299.39

** Budget Bill Detail ** Actual Bill Amount: 209.58

** Budget Bill Detail ** Actual Bill Amount: 157.32

** Budget Bill Detail ** Actual Bill Amount: 217.80

** Budget Bill Detail ** Actual Bill Amount: 155.36

** Budget Bill Detail ** Actual Bill Amount: 145.84

** Budget Bill Detail ** Actual Bill Amount: 156.00

PECO Account Activity Statement

Date: 03/04/14
Page: 4 of 4

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KV
05/17/13	Payment											
05/22/13	BUDGET BILLING	04/22/13 05/21/13			\$218.00	\$50.00						
	** Budget Bill Detail **				BB Deferred Amount: 121.08	BB Deferred Amount: 116.61						
05/22/13	DEFERRED PAYMENT AGREEMENT				\$49.75							
06/18/13	Regular Bill				\$1741.25		\$217.75		06/13	851		
06/18/13	Bill Out DPA due to Default				\$3.27							
06/21/13	Late Payment Charge	05/21/13 06/20/13			\$218.00							
	** Budget Bill Detail **				BB Deferred Amount: 61.69							
06/21/13	BUDGET BILLING				\$218.00							
06/21/13	Regular Bill				\$1741.25		\$2180.27	\$1962.27	07/15	1090		
06/28/13	Payment				\$3.27							
06/28/13	Payment Agreement				\$218.00							
07/22/13	Late Payment Charge	06/20/13 07/22/13			\$49.75							
	** Budget Bill Detail **				BB Deferred Amount: 156.90							
07/23/13	BUDGET BILLING				\$218.00							
07/23/13	DEFERRED PAYMENT AGREEMENT				\$49.75							
07/23/13	Regular Bill				\$1691.50		\$492.04	\$224.29	08/14	2083		
08/19/13	Bill Out DPA due to Default				\$32.28							
08/20/13	Late Payment Charge	07/22/13 08/20/13			\$218.00							
	** Budget Bill Detail **				BB Deferred Amount: 82.37							
08/21/13	BUDGET BILLING				\$218.00							
08/21/13	Regular Bill				\$32.95		\$2433.82	\$2215.82	09/12	928		
09/05/13	LIHEAP Payment	08/20/13 09/19/13			\$218.00							
09/17/13	Late Payment Charge				\$218.00							
09/20/13	BUDGET BILLING				\$218.00							
	** Budget Bill Detail **				BB Deferred Amount: 37.09							
09/20/13	Regular Bill	09/19/13 10/20/13			\$218.00		\$2484.77	\$2266.77	10/15	1073		
10/21/13	BUDGET BILLING				\$218.00							
	** Budget Bill Detail **				BB Deferred Amount: -62.31							
10/21/13	Regular Bill	10/20/13 11/18/13			\$198.00		\$2702.77	\$2484.77	11/12	826		
11/19/13	BUDGET BILLING				\$1.26							
	** Budget Bill Detail **				BB Deferred Amount: -93.24							
11/19/13	Late Payment Charge	11/18/13 12/19/13			\$198.00		\$2902.03	\$2704.03	12/11	1185		
12/20/13	BUDGET BILLING				\$3.13							
	** Budget Bill Detail **				BB Deferred Amount: -4.63							
12/20/13	Regular Bill	12/19/13 01/23/14			\$198.00		\$2944.03	\$2746.03	01/13	2008		
01/21/14	Late Payment Charge				\$198.00							
01/24/14	BUDGET BILLING				\$198.00							
	** Budget Bill Detail **				BB Deferred Amount: 137.47							
01/24/14	Regular Bill	01/23/14			\$198.00		\$3145.16	\$2947.16	02/18	2420		
01/30/14	Transfer				\$198.00							
02/24/14	BUDGET BILLING				\$198.00							
	** Budget Bill Detail **				BB Deferred Amount: 268.71							
02/24/14	Regular Bill	01/23/14 02/23/14			\$198.00		\$3224.16	\$3026.16	03/18	2341		

** All Billed Readings are Actual Readings **

EXHIBIT “2”

CAP RATE HISTORY

CUSTOMER: EDDIE MUHAMMAD

ADDRESS: 1123 BETHLEHEM PK, APT B FLOURTOWN, PA

Service initiated- April 5, 2005

View CAP History for Account 20543-01608		
Account Edit Help		
Activity Date	CAP Activity	CAP Rate
07/05/13	Re-Certification completed	CAP Opt E Electric Residential Heating Svc
06/05/13	Re-Certification Letter Sent	
05/21/13	Re-Certification Letter Sent	
06/20/11	Re-Certification completed	CAP Opt E Electric Residential Heating Svc
06/07/11	Re-Certification Letter Sent	
12/31/10	CAP Rate Change	CAP Opt D1 Electric Residential Heating Svc
07/07/09	Re-Certification completed	zCAP Opt D Electric Residential Heating Svc
07/01/09	Re-Certification Letter Sent	
07/31/07	Re-Certification completed	zCAP Opt D Electric Residential Heating Svc
07/16/07	Re-Certification Letter Sent	
08/15/05	Enrolled	zCAP Opt D Electric Residential Heating Svc
08/15/05	Extracted	zCAP Opt D Electric Residential Heating Svc
08/15/05	Ready for Enrollment	zCAP Opt D Electric Residential Heating Svc
08/15/05	Created	zCAP Opt D Electric Residential Heating Svc

**Enrolled based on \$621.00 mthly (SSI)/ 1 person

- 3/20/06 – Received CAPRATE forgiveness of \$370.91
- 6/08/11—Last recertification based on \$1011.00 mthly (SSI)/1 person
- 11/1/11- Received additional CAP RATE forgiveness of \$241.45