



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

April 1, 2014

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

RE: Mexico on the Square v. PECO Energy Company
PUC Docket No.: C-2014-2408664

Dear Ms. Chiavetta:

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

—	Answer
—	Answer & New Matter
—	Motion For 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**

MEXICO ON THE SQUARE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2408664
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

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 of PECO Energy Company within 10 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Motion for Judgment on the 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:
Rosemarie 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, April 1, 2014



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEXICO ON THE SQUARE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2408664
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**RESPONDENT, PECO ENERGY COMPANY'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

I. PROCEDURAL HISTORY:

1. On or about February 21, 2014, Complainant, Mexico on the Square filed a Formal Complaint with the Pennsylvania Public Utility Commission (“PUC”).
2. On March 6, 2014, PECO Energy was served the above-mentioned Formal Complaint. A copy of Complainant’s Formal Complaint is attached hereto as (Exhibit 1).
3. On March 12, 2014, PECO Energy filed an Answer & New Matter to the Formal Complaint. A copy of PECO Energy’s Answer & New Matter is attached hereto as (Exhibit 2).
4. Pursuant to 52 Pa. Code § 5.63, Complainant had twenty days from the filing date of PECO’s New Matter on March 12, 2014, to respond.

5. To date, over twenty (20) days have passed since PECO filed its New Matter on March 12, 2014. As Complainant has failed to timely respond to the New Matter, PECO is filing this Motion seeking Judgment on the Pleadings.

II. RELEVANT FACTS:

6. In its Complaint, the Complainant alleges that it operates a business (Mexico on the Square) at 1511 Pine Street, Philadelphia, PA.

7. The Complainant alleges that it has an account with PECO Energy for electric service under account number 96252-39017.

8. The Complainant requests that the Public Utility Commission (“PUC”) have PECO Energy issue Mexico on the Square a payment agreement.

III. LEGAL ARGUMENT

A. Standard of Review

9. 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.

10. 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.

11. 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).

12. 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. Cmwlt. 1989).

B. The Complainant's Complaint should be dismissed because Mexico on the Square is a commercial customer; and the Complainant is required to be represented by counsel.

13. The Complainant, Mexico on the Square is a commercial customer operating a restaurant at the service address at issue. See Mexico on the Square website, attached hereto as (Exhibit 3).

14. Mexico on the Square was incorporated in the Commonwealth of Pennsylvania on January 19, 2010. See Pennsylvania Department of State Corporation Search, attached hereto as (Exhibit 4).

15. The principal address listed for Mexico on the Square with the Pennsylvania Department of State is the service address – 1511 Pine Street, Philadelphia, PA. See (Exhibit 4).

16. As a commercial customer and corporation, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.

17. The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney

in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

18. On March 12, 2014, PECO Energy filed an Answer with New Matter to the Complainant's Complaint. See (Exhibit 2).

19. Once PECO Energy filed the Answer with New Matter the current PUC matter became adversarial. See 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc.

20. To date, the Complainant Corporation has not had counsel enter an appearance for this matter.

21. Accordingly, PECO Energy requests that the Commission dismiss the Complainant's Complaint for failure to be represented by counsel.

The Complainant's portion of the Complaint, requesting a payment agreement should be dismissed because it is a commercial customer and the PUC cannot issue payment agreements to commercial customers.

22. In the Formal Complaint, the Complainant is requesting that the PUC order PECO Energy to provide Complainant with a payment agreement. See (Exhibit 1).

23. The Complainant checks the box that states "I would like a payment agreement." See (Exhibit 1).

24. It is well-established law that commercial customers are not entitled to the payment agreement provisions codified under of 66 Pa.C.S §1405 and 52 Pa. Code.Chp 56.

25. While the Commission is authorized under the Public Utility Code to establish payment arrangements that provide for the eventual payment of a residential customer's entire outstanding balance, Mill v. Pa. Public Utility Commission, 67 Pa. Commonwealth Ct.

597, 602, n. 4, 447 A.2d. 1100 (1982), neither the Commission's regulations nor the Public Utility Code establishes a similar right for a commercial or industrial customer.

26. In this case, the Complainant is a corporation and commercial customer, requesting a payment agreement on an outstanding balance.

27. The Complainant's request for a payment agreement should be dismissed as the Complainant is a commercial customer and the PUC has no jurisdiction to order PECO Energy to give the Complainant a payment agreement.

28. PECO Energy avers that this Honorable Commission should decline to offer the Complainant a payment agreement, and dismiss that portion of the Complainant's Complaint.

IV. CONCLUSION

29. PECO Energy 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).

30. The Complainant has had no attorney enter an appearance; and therefore, the Complaint should be dismissed.

31. The Complainant's request for a payment agreement should be dismissed as a matter of law.

32. 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 Complainant's Complaint because Complainant is not legally entitled to the relief requested.

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**

MEXICO ON THE SQUARE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2408664
	:	
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: April 1, 2014

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEXICO ON THE SQUARE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2408664
	:	
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:

Mexico on the Square
Attention: Kyong Sun Cho
1511 Pine Street
Philadelphia, PA 19102

Dated at Philadelphia, Pennsylvania, April 1, 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
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215 568 3389 Fax
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Direct Dial: 215 841-6841

April 1, 2014

Mexico on the Square
Attention: Kyong Sun Cho
1511 Pine Street
Philadelphia, PA 19102

RE: Mexico on the Square v. PECO Energy Company
PUC Docket No.: C-2014-2408664

Dear Mr. Cho:

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”

Zaketa, Anita D.:(BSC)

From: Lee, Shawane L.:(BSC)
Sent: Thursday, March 06, 2014 8:46 AM
To: Zaketa, Anita D.:(BSC)
Subject: FW: PA PUC eServe Notice

Importance: High

From: eServe@pa.gov [mailto:eServe@pa.gov]
Sent: Thursday, March 06, 2014 8:40 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** has been served in this proceeding. This document is docketed as **C-2014-2408664**. You may view this document at

Formal Complaint

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.*

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 Kyong SUN CHO (Mexico on the Square)

Street/P.O. Box 1511 PINE ST Apt # _____

City Philadelphia State PA Zip 19102

County U.S.A

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

(215) 732-1907 (home) _____

E-mail Address (optional): SOONIE54.7114 CHO 484 369 1163

Utility Account Number (from your bill) 96252-39017

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 SAME NAME

Street/P.O. Box SAME ADDRESS

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) Kyong SUN CHO
MEXICO on the SQUARE
1511 PINE Phila PA
19102

RECEIVED
2014 FEB 22 AM 1:31
PA. PUBLIC UTILITIES
SECRETARY'S BUREAU

RECEIVED
2014 FEB 14 AM 11:46
PA. PUBLIC UTILITIES
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 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).

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 _____ *No Lawyer* _____
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 am K-HONG SHAW CHO (Kas'ialy) 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] 1/21/2014
(Signature of Complainant) (Date)

[Signature]
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
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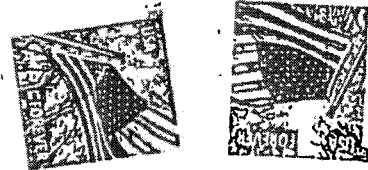
Note: Formal Complaints sent by fax or e-mail will not be accepted.

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.

Ktong SUN CHO
1511 PINE ST
Philadelphia PA

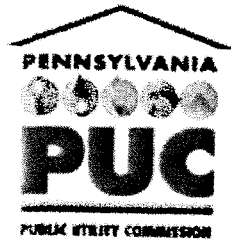
RECEIVED
2014 FEB 22 AM 1:02
PA.P.U.C.
SECRETARY'S BUREAU



to
SECRETARY
PENNSYLVANIA PUBLIC
UTILITY COMMISSION
PO BOX 3265
HARRISBURG PA

17105-3265

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:	C-2014-2408664
Description:	Mexico on the Square - Answer and New Matter of PECO Energy Company
Transmission Date:	3/12/2014 10:33:51 AM
Filed On:	3/12/2014 10:33:51 AM
eFiling Confirmation Number:	1539653

Uploaded File List

File Name	Document Class	Document Type
Mexico on the Square - 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

March 12, 2014

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

RE: Mexico on the Square v. PECO Energy Company
PUC Docket No.: C-2014-2408664

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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

X Not Call of the Docket

**BEFORE THE
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MEXICO ON THE SQUARE
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
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DOCKET NO. C-2014-2408664

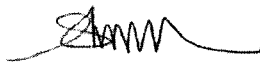
NOTICE TO PLEAD

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File with:
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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, March 12, 2014



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEXICO ON THE SQUARE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2408664
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER & NEW MATTER OF RESPONDENT
PECO ENERGY COMPANY

PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.61, responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint. In its Complaint, the Complainant, Mexico on the Square requests a payment agreement. PECO Energy avers that the Complainant is not entitled to a payment agreement because it is a commercial account.

Preliminarily, PECO Energy avers that the Complainant is a commercial customer operating a business at the premises. The Complainant has a fictitious name registered with the Pennsylvania Department of State Bureau of Corporations. See Complainant’s corporate fictitious name registration with the Pennsylvania Department of State, attached hereto as

Exhibit “1”. As a commercial customer, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.¹

Mexico on the Square has an account for service at 1511 Pine Street, Philadelphia, PA 19102 under account number 96252-39017. See Account Activity Statement, attached hereto as Exhibit “2”. On November 18, 2013, PECO Energy granted the Complainant a payment agreement on a balance of \$1,725.32. Under the agreement, the Complainant was to pay monthly installments of \$441.06. The agreement was not kept.

On January 3, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services at Complaint #003181658 requesting a payment agreement. The BCS issued a decision on January 13, 2014, dismissing the Complaint. See BCS Decision Report #003181658, attached hereto as Exhibit “3”.

The Complainant’s current balance is \$2,275.14. See Exhibit “2”. PECO Energy avers that the Complainant’s complaint should be dismissed. The Complainant requests that the PUC order PECO Energy to give the Complainant a payment agreement on the balance. It is well-established law that commercial customers are not entitled to the payment agreement provisions codified under of 66 Pa.C.S §1405 and 52 Pa. Code.Chp 56. While the Commission is authorized under the Public Utility Code to establish payment arrangements that provide for the eventual payment of a residential customer’s entire outstanding balance, Mill v. Pa. Public Utility Commission, 67 Pa. Commonwealth Ct. 597, 602, n. 4, 447 A.2d. 1100 (1982), neither the Commission’s regulations nor the Public Utility Code establishes a

¹ The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975). Accordingly, PECO request that the Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter.

similar right for a commercial or industrial customer. Therefore, Complainant's request for payment terms should be dismissed.

This paragraph is a request for relief and no answer is required.

5. Admitted.

6. 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, pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. The Complainant is a commercial customer operating a business at the address at issue. See Pennsylvania Department of State Corporate Search, attached hereto as Exhibit "1".

2. It is well-established law that commercial customers are not entitled to the payment agreement provisions codified under of 66 Pa.C.S §1405 and 52 Pa. Code.Chp 56. While the Commission is authorized under the Public Utility Code to establish payment arrangements that provide for the eventual payment of a residential customer's entire outstanding balance, Mill v. Pa. Public Utility Commission, 67 Pa. Commonwealth

Ct. 597, 602, n. 4, 447 A.2d. 1100 (1982), neither the Commission's regulations nor the Public Utility Code establishes a similar right for a commercial or industrial customer.


3. Therefore, the Complainant's request for payment terms should be dismissed.

4. Likewise, as a commercial customer, the Complainant is required to be represented by counsel in adversarial proceedings before the Commission. The proceedings become adversarial at the time when respondent files its Answer.

5. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter. Additionally, the complaint should be dismissed because Complainant is not legally entitled to relief requested.

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**

MEXICO ON THE SQUARE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2408664
	:	
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: March 12, 2014

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

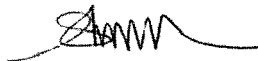
MEXICO ON THE SQUARE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2408664
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Mexico on the Square
Attention: Kyong Sun Cho
1511 Pine Street
Philadelphia, PA 19102

Dated at Philadelphia, Pennsylvania, March 12, 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

March 12, 2014

Mexico on the Square
Attention: Kyong Sun Cho
1511 Pine Street
Philadelphia, PA 19102

RE: Mexico on the Square v. PECO Energy Company
PUC Docket No.: C-2014-2408664

Dear Mr./Ms. Cho:

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.

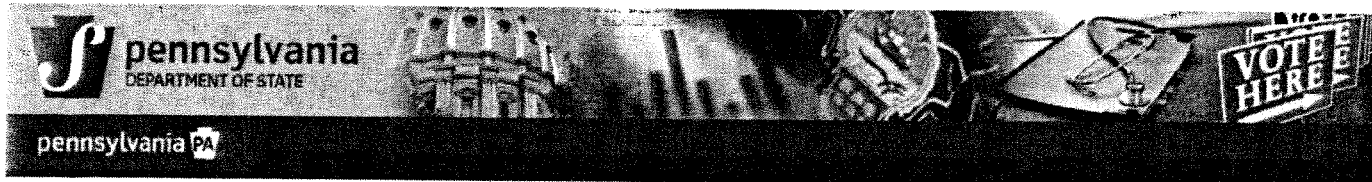
Very truly yours,

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”



Corporations

[Online Services](#) | [Corporations](#) | [Forms](#) | [Contact Corporations](#) | [Business Services](#)

- Search
- By Business Name
- By Business Entity ID
- Verify
- Verify Certification
- Online Orders
- Register for Online Orders
- Order Good Standing
- Order Certified Documents
- Order Business List
- My Images
- Search for Images

Business Entity Filing History

Date: 3/12/2014 (Select the link above to view the Business Entity's Filing History)

Business Name History

Name	Name Type
MEXICO ON THE SQUARE RESTAURANT	Current Name

Fictitious Names - Domestic - Information

Entity Number:	3929466
Status:	Active
Entity Creation Date:	1/19/2010
State of Business.:	PA
Principal Place of Business:	1511 Pine Street Philadelphia PA 19102
Mailing Address:	No Address

Owner Information

Owner(s) for: MEXICO ON THE SQUARE RESTAURANT

Owners

Name:	Cho, Kyong Sun
Mailing Address:	3714 Bonsall Ave Drexel Hill PA 19026
Name:	Espinosa, Fernando
Mailing Address:	8263 Eden Ln Pennsauken NJ 08110

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PECO ENERGY
EXHIBIT 1

EXHIBIT “2”

CGAR038

PECO Account Activity Statement

Date: 03/10/14

*** Account Information ***

*** Current Account Status ***

Account Number: 94253-39017
Account Status: Active
Requested By: MEXICO ON THE SQUARE
(215)732-1907 Extension:

Mail To: MEXICO ON THE SQUARE
1511 PINE ST
1ST FL
PHILADELPHIA PA 19102

Current Bill: \$480.23
Billed Prior: \$1794.91
Balance Due: \$2275.14
Service Address: 1511 PINE ST
1ST FL
PHILADELPHIA PA 19102

Credit Amount: \$0.00
Deposit Requested: \$985.00
Deposit On-Hand: \$985.00
Meter Bill Gp: 02
Rate: Supplier Electric Commercial Serv 0-100KW

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
03/14/12	Payment					\$300.00						
04/03/12	Late Payment Charge	03/04/12 04/02/12	31710	079442638	\$17.48		\$1474.07	\$1210.14	04/26	2197		6
04/04/12	ELECTRIC SERVICE				\$66.42							
04/04/12	ELE-Verde Energy USA				\$197.51							
04/04/12	Regular Bill				\$21.44							
05/01/12	Late Payment Charge	04/02/12 05/01/12	33955	079442638	\$66.78		\$1764.12	\$1495.51	05/25	2245		6
05/03/12	ELECTRIC SERVICE				\$201.83							
05/03/12	Regular Bill				\$25.47							
05/30/12	Late Payment Charge	05/01/12 06/01/12	36997	079442638	\$71.74							
06/05/12	ELECTRIC SERVICE				\$273.48							
06/05/12	ELE-Verde Energy USA				\$2.93		\$2134.81	\$1789.59	06/27	3042		5
07/02/12	Deposit Interest				\$2134.81							
07/03/12	Payment Agreement				\$1067.40							
07/03/12	INSTALLMENT PAYMENT AGREEMENT				\$93.35							
07/05/12	ELECTRIC SERVICE	06/01/12 06/29/12	40348	079442638	\$301.25		\$1459.07		07/27	3351		9
07/05/12	ELE-Verde Energy USA				\$5.84							
07/18/12	Regular Bill				\$1070.00							
08/01/12	Late Payment Charge	06/29/12 07/30/12	44945	079442638	\$102.22							
08/03/12	ELECTRIC SERVICE				\$413.27							
08/03/12	ELE-Verde Energy USA				\$545.75							
08/03/12	INSTALLMENT PAYMENT AGREEMENT				\$390.00		\$1456.15	\$394.91	08/27	4597		9
08/24/12	Regular Bill				\$97.64							
09/04/12	ELECTRIC SERVICE	07/30/12 08/30/12	49220	079442638	\$384.32							
09/04/12	ELE-Verde Energy USA				\$545.74							
09/04/12	INSTALLMENT PAYMENT AGREEMENT				\$15.68							
09/04/12	Late Payment Charge				\$1054.76		\$2109.53	\$1081.83	09/26	4275		8
09/13/12	Regular Bill				\$2109.53							
09/13/12	Payment Agreement				\$1054.76							
09/25/12	INSTALLMENT PAYMENT AGREEMENT				\$500.00							
09/25/12	Payment	08/30/12 10/01/12	52259	079442638	\$84.57							
10/04/12	ELECTRIC SERVICE				\$261.95							
10/04/12	ELE-NRG Retail Solutions				\$539.28							
10/04/12	INSTALLMENT PAYMENT AGREEMENT				\$21.37		\$1440.56		10/26	3039		8
10/31/12	Regular Bill				\$21.37							
11/01/12	Late Payment Charge	10/01/12 10/27/12	55035	079442638	\$70.26							
11/01/12	ELECTRIC SERVICE				\$239.28							
11/01/12	ELE-NRG Retail Solutions				\$539.28							
11/01/12	INSTALLMENT PAYMENT AGREEMENT				\$13.87							
11/01/12	Late Payment Charge				\$400.00		\$1803.25	\$954.43	11/26	2776		5
11/19/12	Regular Bill				\$400.00							
11/19/12	Payment				\$1403.25							
12/03/12	Payment Agreement	10/27/12 11/29/12	58165	079442638	\$79.36							
12/03/12	ELECTRIC SERVICE				\$269.79							
12/03/12	ELE-NRG Retail Solutions				\$701.63							
12/03/12	INSTALLMENT PAYMENT AGREEMENT											

CUAR038

PECO Account Activity Statement

Date: 03/10/14

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
12/03/12	Regular Bill											
01/04/13	ELECTRIC SERVICE	11/29/12 01/02/13	61415	079442638	\$86.50		\$1050.78		12/26	3130		7
01/04/13	ELE-NRG Retail Solutions				\$280.14							
01/04/13	INSTALLMENT PAYMENT AGREEMENT				\$358.73							
01/04/13	Regular Bill											
02/05/13	ELECTRIC SERVICE	01/02/13 02/03/13	64664	079442638	\$83.63		\$1776.15		01/28	3250		8
02/05/13	ELE-NRG Retail Solutions				\$271.43							
02/05/13	INSTALLMENT PAYMENT AGREEMENT				\$358.72							
02/14/13	Regular Bill											
02/14/13	Payment Agreement					\$2489.93	\$2489.93	\$1776.15	02/27	3149		8
02/14/13	INSTALLMENT PAYMENT AGREEMENT				\$1244.96							
03/05/13	Payment					\$400.00						
03/06/13	ELECTRIC SERVICE	02/03/13 03/04/13	67178	079442638	\$81.85							
03/06/13	ELE-NRG Retail Solutions				\$225.31							
03/06/13	INSTALLMENT PAYMENT AGREEMENT				\$323.00							
03/06/13	Regular Bill											
04/02/13	Late Payment Charge				\$19.54		\$1475.12		03/28	2614		8
04/05/13	Payment					\$700.00						
04/05/13	ELECTRIC SERVICE	03/04/13 04/02/13	69868	079442638	\$82.85							
04/05/13	ELE-NRG Retail Solutions				\$231.87							
04/05/13	INSTALLMENT PAYMENT AGREEMENT				\$323.00							
04/16/13	Returned Electronic Check				\$700.00		\$1432.38		04/29	2690		8
04/16/13	RETURNED CHECK NSF CHARGE				\$20.00							
04/25/13	Payment					\$500.00						
04/30/13	Payment					\$350.00						
05/06/13	ELECTRIC SERVICE	04/02/13 05/01/13	72750	079442638	\$71.43							
05/06/13	ELE-NRG Retail Solutions				\$248.41							
05/06/13	INSTALLMENT PAYMENT AGREEMENT				\$323.00							
05/06/13	Late Payment Charge				\$9.35		\$1326.57		05/28	2882		6
05/13/13	Regular Bill											
06/04/13	Late Payment Charge					\$658.00						
06/05/13	ELECTRIC SERVICE	05/01/13 06/02/13	76304	079442638	\$9.75							
06/05/13	ELE-NRG Retail Solutions				\$58.84							
06/05/13	INSTALLMENT PAYMENT AGREEMENT				\$306.34							
06/05/13	Regular Bill				\$323.00							
06/12/13	Payment					\$670.00						
07/02/13	Deposit Interest					\$1.33						
07/02/13	Late Payment Charge				\$10.25							
07/05/13	ELECTRIC SERVICE	06/02/13 07/01/13	79260	079442638	\$59.74							
07/05/13	ELE-NRG Retail Solutions				\$254.80							
07/05/13	Regular Bill				\$57.69		\$1019.96		07/29	2956		8
08/06/13	ELECTRIC SERVICE	07/01/13 08/01/13	83237	079442638	\$542.80							
08/06/13	ELE-NRG Retail Solutions				\$54.90							
09/04/13	ELECTRIC SERVICE	08/01/13 08/29/13	85861	079442638	\$317.97		\$1420.45		08/28	3977		8
09/04/13	ELE-NRG Retail Solutions				\$5.67							
09/04/13	Regular Bill				\$11.27		\$1798.99		09/26	2624		7
10/03/13	ELECTRIC SERVICE	08/29/13 09/27/13	88463	079442638	\$50.66							
10/03/13	ELE-NRG Retail Solutions				\$315.30							
10/03/13	Regular Bill											
10/08/13	Payment					\$150.00	\$2176.22		10/25	2602		6
10/10/13	Payment					\$200.00						
10/30/13	Late Payment Charge											
11/04/13	ELECTRIC SERVICE	09/27/13 10/29/13	90940	079442638	\$11.61							
11/04/13	Regular Bill				\$37.49		\$1875.32		11/26	2477		4
11/14/13	Payment					\$150.00						
11/18/13	Payment Agreement					\$1725.32						

CUAR038

PECO Account Activity Statement

Date: 03/10/14

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
11/18/13	INSTALLMENT PAYMENT AGREEMENT				\$362.66							
12/03/13	Payment					\$300.00						
12/04/13	ELECTRIC SERVICE	10/29/13 12/01/13	92988	079442638	\$39.21							
12/04/13	ELE-NRG Retail Solutions				\$434.91							
12/04/13	INSTALLMENT PAYMENT AGREEMENT				\$441.06							
12/04/13	Regular Bill						\$1477.94		12/26	2048		4
12/09/13	Payment					\$200.00						
12/31/13	Late Payment Charge				\$18.98							
01/08/14	ELECTRIC SERVICE	12/01/13 01/02/14	94760	079442638	\$57.03							
01/08/14	INSTALLMENT PAYMENT AGREEMENT				\$441.06							
01/08/14	Regular Bill						\$1794.91	\$1296.82	01/30	1772		5
02/04/14	Late Payment Charge				\$26.36							
02/10/14	ELECTRIC SERVICE	01/02/14 02/04/14	96457	079442638	\$52.23							
02/10/14	ELE-NRG Retail Solutions				\$401.64							
02/10/14	Regular Bill						\$2275.14	\$1821.27	03/04	1697		4

EXHIBIT "3"

EXHIBIT “3”

Mexico On The Square



(215) 732-1907 | 1511 Pine St., Philadelphia, PA 19102

Mexican Delivery in Philadelphia

[Menu](#) [Order Online](#) [Location](#) [About](#)

Mexico On The Square



Come in or take out any of our delicious authentic Mexican dishes. We use the freshest ingredients to create wonderful flavors to satisfy every appetite. Try our carnitas sopes: deep fried pork, garnished with refried beans, oxaca cheese, lettuce, pico de gallo and sour cream. Our burritos, tortas and picaditas include choices of sausage, steak, fried or roast pork and shredded chicken. We also have burgers, cheese steaks, hoagies and sandwiches. Of course you may want to try one of our famous al pastor tacos or


[VIEW MENU & ORDER](#)


3

Like 26

Restaurant Takeout

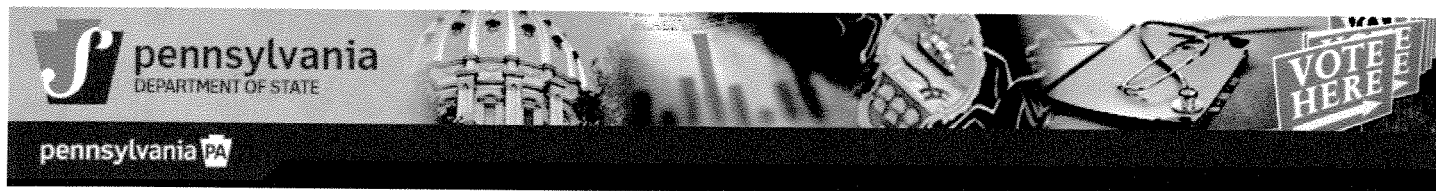
Philadelphia Food Delivery
Mexican Delivery



25,000 Restaurants. Free Online Ordering.
Discover who else delivers to you. 

powered by: Eat24 - Food Delivery

EXHIBIT “4”



Corporations

[Online Services](#) | [Corporations](#) | [Forms](#) | [Contact Corporations](#) | [Business Services](#)

- Search
- By Business Name
- By Business Entity ID
- Verify
- Verify Certification
- Online Orders
- Register for Online Orders
- Order Good Standing
- Order Certified Documents
- Order Business List
- My Images
- Search for Images

Business Entity Filing History

Date: 3/31/2014 (Select the link above to view the Business Entity's Filing History)

Business Name History

Name	Name Type
MEXICO ON THE SQUARE RESTAURANT	Current Name

Fictitious Names - Domestic - Information

Entity Number:	3929466
Status:	Active
Entity Creation Date:	1/19/2010
State of Business.:	PA
Principal Place of Business:	1511 Pine Street Philadelphia PA 19102
Mailing Address:	No Address

Owner Information

Owner(s) for:	MEXICO ON THE SQUARE RESTAURANT
----------------------	---------------------------------

Owners

Name:	Cho, Kyong Sun
Mailing Address:	3714 Bonsall Ave Drexel Hill PA 19026
Name:	Espinosa, Fernando
Mailing Address:	8263 Eden Ln Pennsauken NJ 08110

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PECO ENERGY
EXHIBIT 4