



Exelon®

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Exelon Business Services Company
Legal Department

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Philadelphia, PA 19103

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April 7, 2014

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

RE: Heather Hoffman v. PECO Energy Company
PUC Docket No.: C-2014-2408481

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
- X **Motion for Judgment on the Pleadings**
- Motion to Admit Exhibits
- Motion to Consolidate
- Preliminary Objection
- Exceptions
- Reply Exceptions
- Main Brief
- Reply Petition

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,

Shawane Lee
Counsel for PECO Energy Company
SL/lo

cc: Heather Hoffman (via First Class Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEATHER HOFFMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2408481
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

To: Heather Hoffman

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: April 7, 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**

HEATHER HOFFMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2408481
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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. Other than the Complainant's allegations disputing her eligibility for another additional medical certificate, 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 with respect to the Complainant's request for a payment agreement.

1. On or about March 3, 2014, Complainant filed a Formal Complaint against Respondent, PECO, requesting to receive a Commission-ordered payment agreement and disputing her right to additional medical certificates. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.
2. PECO was served with the Formal Complaint on March 5, 2014.
3. On March 17, 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. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on April 30, 2012. New Matter ¶1.

5. PECO also averred that Complainant is an active CAP customer. New Matter ¶2.
6. PECO further averred that the entire balance on Complainant's account is comprised of CAP arrears. New Matter ¶4.
7. 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 ¶¶5-6.
8. To date, 20 days have passed since PECO filed its New Matter.
9. 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).
10. 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."
11. 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.
12. 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).

13. 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).

14. 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 Complainant seeks 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 payment agreement relief Complainant seeks.

15. To the extent the Complainant's formal complaint requests a payment agreement, PECO is entitled to judgment as a matter of law on that portion of the Complainant's complaint.

16. The only remaining factual issue is whether the Complainant is entitled to additional medical certifications.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complainant's request for a payment agreement, as it relates to a request for a prohibited payment agreement on CAP arrears, and the Complaint in this regard, 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**

HEATHER HOFFMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2408481
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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
Heather Hoffman
246 Fleetwood Street
Coatesville, PA 19320



Shawane L. Lee

DATED: April 7, 2014

EXHIBIT “1”

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

Name Heather Hoffmann

Street/P.O. Box 246 Fleetwood St Apt #

City Coatesville State Pa Zip 19320

County Chester

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

(484) 786 8764 (home) (484) 680 0650 (mobile)

E-mail Address (optional): hheatherinc@yahoo.com

Utility Account Number (from your bill) 3173189 BCS #

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 Account # 01423-56036

RECEIVED 2014 MAR -3 AM 11:00 PA. P.U.C. SECRETARY'S BUREAU

PECO 01423-56036

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
- GAS
- WATER
- STEAM HEAT
- WASTEWATER/SEWER
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- MOTOR CARRIER (e.g. taxi, moving company, limousine)

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.

*★ pending
may be chips left
\$12500
monthly*

*in after surgery at home Dr. Apt today
Rt. Lung
Module. Cancer*

making out or in cancer

- I would like a payment agreement.

I am due one due to extended illness.

- 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).

*Denied in 6/13 Legal Valid
Dr. Signed and Faxed
Medical Certification*

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.

Please allow a Medical Necessity exception for the next 6 months.

I have a Rt. anterior lung module that is up for biopsy. Due to toxic water exposure from age 9 to 22 I am high risk, for cancer. I need my Rights given for next medical Cert. and the denial of rights sanctioned somewhat. Please only deduct 2000.⁰⁰ instead of fining Peco and give us a Grant perhaps and then monthly payments of \$125.00. My Dr's don't lie for me nor do I commit fraud.

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 (PFA)

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

I have a Custody Order that Judge Platt deemed a Safety Order.

If your answer to the above question is "yes," attach a copy of the current Protection From 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

Pro Se

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.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at lawclinichb@mail.widener.edu.

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

If you are already 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.

Verification:

I Heather Hoffmann, 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).

Heather Hoffmann (Signature of Complainant) 2/26/14 (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Filing

You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

If you do not electronically file your Formal Complaint, mail the completed form (along with any attachments) to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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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.

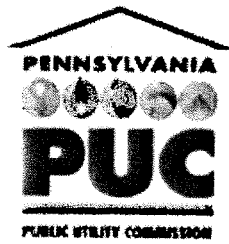
RECEIVED
MAR - 11 AM 11:11
PA. P.U.C.
SECRETARY'S BUREAU

Heather Hoffmar
246 Fleetwood St.
Coatesville Pa 19320



Secretary
PA Public Utility Commission
P.O. 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-2014-2408481
Description:	Heather Hoffman - Answer of PECO Energy Company
Transmission Date:	3/17/2014 2:14:13 PM
Filed On:	3/17/2014 2:14:13 PM
eFiling Confirmation Number:	1540259

Uploaded File List

File Name	Document Class	Document Type
Heather Hoffman - Answer.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 17, 2014

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

**RE: Heather Hoffman v. PECO Energy Company
PUC Docket No.: C-2014-2408481**

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: **Call of the Docket**

Not Call of the Docket

PENNSYLVANIA PUBLIC UTILITY COMMISSION

HEATHER HOFFMAN :
Complainants :
v. : DOCKET NO. C-2014-2408481
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 NEW MATTER of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to NEW MATTER, 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, March 17, 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**

HEATHER HOFFMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2408481
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On March 5, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Heather Hoffman (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 her formal Complaint, Complainant alleges that she has a medical condition and was denied a medical certificate. The Complainant requests that the PUC deduct \$2000.00 from her balance in lieu of fining PECO Energy. The Complainant also requests a payment agreement with monthly payments of \$125.00. PECO Energy denies the medical certification allegations and requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established an account with PECO Energy for service at 246 Fleetwood Street, Coatesville, PA 19320 under account number 01423-56036. See Account Activity Statement, attached hereto as Exhibit "1". She was originally enrolled in PECO Energy's Customer Assistance Program ("CAP") on April 30, 2012 under Tier E1. The Complainant is actively enrolled in the CAP program and her next recertification date is on April 30, 2014. See CAP History, attached hereto as Exhibit "2".

On June 25, 2013, PECO Energy denied a medical certificate because the Complainant's physician license number on the certificate was incomplete. On July 8, 2013, PECO Energy received a valid medical certificate and an extension was issued on the Complainant's account until August 7, 2013. On August 8, 2013, the company faxed another medical certificate to the Complainant's physician at her request. To date, PECO Energy has not received a completed medical certificate.

On November 18, 2013, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003173189, requesting a payment agreement on her \$4,731.26 balance and disputing PECO Energy's alleged denial of her medical certificate. See Case Details Report #003173189, attached hereto as Exhibit "3". On February 14, 2014, the BCS dismissed her case pursuant to 66 Pa. C.S. §1405(c) as her entire balance contained CAP arrears. See BCS Decision Report #003173189, attached hereto as Exhibit "4". The BCS also mentioned that there was no record of the Complainant calling the company prior to filing the case with the PUC.

The Complainant's current balance is \$5,695.25. See Exhibit "1". The account activity statement demonstrates that the Complainant does not pay the account in full on time each month. See Exhibit "1". In addition to the Complainant's lack of good faith, her entire balance

is comprised of CAP arrears. See Exhibit "1". The Complainant is not entitled to a PUC ordered payment agreement on her balance as it is comprised of CAP arrears. 66 Pa.C.S. § 1405(c) provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission." Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant another payment agreement.

5. Denied.

6. Admitted

7. Admitted.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is required.

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 originally enrolled in PECO Energy's Customer Assistance Program ("CAP") on April 30, 2012 under Tier E1.

2. The Complainant remains actively enrolled in the CAP program.

3. Her next recertification is due on April 30, 2014.

4. The Complainant currently has a \$5,695.25 balance comprised entirely of CAP arrears. See Exhibit "1".
5. The Complainant is not entitled to a PUC ordered payment agreement on this balance as it contains CAP arrears.
6. Additionally, the Complainant's poor payment history does not demonstrate good faith.
7. The Complainant's account activity statement demonstrates that she does not pay her bill in full on time each month. See Exhibit "1".
8. 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."
9. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant another payment agreement on that portion of her balance.
10. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa. C.S. §1405(c).

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**

HEATHER HOFFMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2408481
	:	
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 17, 2014



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEATHER HOFFMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2408481
	:	
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:

Heather Hoffman
246 Fleetwood Street
Coatesville, PA 19320

Dated at Philadelphia, Pennsylvania, March 17, 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

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Philadelphia, PA 19103

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Direct Dial: 215 841-6841

March 17, 2014

Heather Hoffman
246 Fleetwood Street
Coatesville, PA 19320

RE: Heather Hoffman v. PECO Energy Company
PUC Docket No.: C-2014-2408481

Dear Ms. Hoffman:

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: 01423-56036
 Account Status: Active
 Requested By: HEATHER HOFFMAN
 (717)201-7752 Extension:
 Mail To: HEATHER HOFFMAN
 246 FLEETWOOD ST
 COATESVILLE PA 19320

*** Current Account Status ***

Current Bill: \$484.00
 Billed Prior: \$5211.25
 Balance Due: \$5695.25
 Service Address: 246 FLEETWOOD ST
 COATESVILLE PA 19320
 Credit Amount: \$0.00
 Deposit Requested: \$41.18
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 06
 Rate: CAP Opt E1 Electric Residential Service
 Electric Off-Peak Service

PECO ENERGY EXHIBIT 4

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
11/15/11	CANCELED DEPOSIT				\$247.50							
12/07/11	ELECTRIC SERVICE	11/20/11 12/06/11	22595	105566359	\$20.74							
12/07/11	ELECTRIC SERVICE	11/21/11 12/06/11	33925	105566354	\$77.45							
12/07/11	CONNECTION CHARGE - STANDARD				\$6.00							
12/07/11	Regular Bill						\$351.69		12/29	648		
01/04/12	Late Payment Charge				\$1.47							
01/10/12	ELECTRIC SERVICE	12/06/11 01/09/12	23250	105566359	\$83.94							
01/10/12	ELECTRIC SERVICE	12/06/11 01/09/12	35995	105566354	\$336.68							
01/10/12	CANCELED DEPOSIT				\$123.75							
01/10/12	Regular Bill						\$897.53	\$353.16	02/01	2725		
02/03/12	Payment					\$145.00						
02/07/12	Late Payment Charge				\$6.31							
02/09/12	ELECTRIC SERVICE	01/09/12 02/08/12	23774	105566359	\$67.49							
02/09/12	ELECTRIC SERVICE	01/09/12 02/08/12	37598	105566354	\$262.35							
02/09/12	CANCELED DEPOSIT				\$123.75							
02/09/12	Regular Bill						\$1212.43	\$758.84	03/02	2127		
03/02/12	Payment					\$100.00						
03/09/12	ELECTRIC SERVICE	02/08/12 03/08/12	24274	105566359	\$64.48							
03/09/12	ELECTRIC SERVICE	02/08/12 03/08/12	39201	105566354	\$262.35							
03/09/12	DEPOSIT											
03/09/12	Regular Bill						\$1439.26	\$1112.43	04/02	2103		
04/03/12	Payment					\$100.00						
04/09/12	ELECTRIC SERVICE	03/08/12 04/08/12	24790	105566359	\$66.90							
04/09/12	ELECTRIC SERVICE	03/08/12 04/08/12	40043	105566354	\$142.36							
04/09/12	DEPOSIT											
04/09/12	Late Payment Charge				\$13.19							
04/09/12	Regular Bill						\$1561.71	\$1352.45	05/01	1358		
04/30/12	Transfer To PPA					\$1107.52						
05/08/12	PPA Forgiven					\$92.29						
05/08/12	ELECTRIC SERVICE	04/08/12 05/07/12	25174	105566359	\$50.24							
05/08/12	ELECTRIC SERVICE	04/08/12 05/07/12	40861	105566354	\$108.39							
05/08/12	Pre-Program Arrears				\$92.29							
05/08/12	Regular Bill						\$158.63		05/30	1202		
06/01/12	Payment					\$159.00						
06/06/12	PPA Forgiven					\$92.29						
06/06/12	Pre-Program Arrears				\$92.29							
06/07/12	DEPOSIT				\$120.84							
06/07/12	BUDGET BILLING	05/07/12 06/06/12			\$193.00							
	** Budget Bill Detail **	Actual Bill Amount: 179.02				BB Deferred Amount: -13.98						
06/07/12	Regular Bill						\$313.47		06/29	1339		
07/05/12	Payment					\$193.00						
07/09/12	CANCELED DEPOSIT				\$298.35							
07/09/12	BUDGET BILLING	06/06/12 07/08/12			\$193.00							
	** Budget Bill Detail **	Actual Bill Amount: 301.23				BB Deferred Amount: 94.25						
07/09/12	Regular Bill						\$611.82	\$120.47	07/31	2138		
07/16/12	Deposit					\$42.28						
07/16/12	Transfer					\$42.28						
08/07/12	BUDGET BILLING	07/08/12 08/06/12			\$193.00							
	** Budget Bill Detail **	Actual Bill Amount: 330.66				BB Deferred Amount: 231.91						
08/07/12	Late Payment Charge				\$2.26							
08/07/12	Regular Bill						\$345.98	\$152.98	08/29	2304		

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
08/31/12	Payment											
09/06/12	PPA Forgiven					\$350.00						
09/06/12	BUDGET BILLING	08/06/12 09/05/12			\$193.00	\$92.29						
	** Budget Bill Detail **	Actual Bill Amount: 315.02										
09/06/12	Pre-Program Arrears				BB Deferred Amount: 353.93							
09/06/12	Regular Bill				\$92.29							
10/03/12	Late Payment Charge						\$188.98		09/28	2210		
10/04/12	Late Payment Charge				\$2.83							
10/04/12	Payment					\$2.83						
10/05/12	PPA Forgiven					\$189.00						
10/05/12	BUDGET BILLING	09/05/12 10/04/12			\$193.00	\$92.29						
	** Budget Bill Detail **	Actual Bill Amount: 214.27										
10/05/12	Pre-Program Arrears				BB Deferred Amount: 375.20							
10/05/12	Regular Bill				\$92.29							
11/05/12	BUDGET BILLING	10/04/12 11/04/12			\$277.00		\$192.98		10/30	1420		
	** Budget Bill Detail **	Actual Bill Amount: 377.62										
11/05/12	Regular Bill				BB Deferred Amount: 475.82							
11/06/12	Late Payment Charge						\$469.98	\$192.98	11/27	2426		
12/04/12	Late Payment Charge				\$2.89							
12/06/12	BUDGET BILLING	11/04/12 12/05/12			\$7.05							
	** Budget Bill Detail **	Actual Bill Amount: 619.15										
12/06/12	Regular Bill				\$277.00							
01/03/13	Late Payment Charge				BB Deferred Amount: 817.97							
01/09/13	BUDGET BILLING	12/05/12 01/08/13			\$11.21		\$756.92	\$479.92	12/28	3895		
	** Budget Bill Detail **	Actual Bill Amount: 625.61										
01/09/13	Regular Bill				\$277.00							
01/30/13	Payment				BB Deferred Amount: 1166.58							
02/05/13	Late Payment Charge					\$660.00	\$1045.13	\$768.13	01/31	4281		
02/07/13	PPA Forgiven				\$5.61							
02/07/13	Pre-Program Arrears					\$92.29						
02/08/13	BUDGET BILLING	01/08/13 02/07/13			\$92.29							
	** Budget Bill Detail **	Actual Bill Amount: 597.97										
02/08/13	Regular Bill				\$277.00							
03/11/13	BUDGET BILLING	02/07/13 03/10/13			BB Deferred Amount: 1487.55		\$667.74	\$390.74	03/04	4095		
	** Budget Bill Detail **	Actual Bill Amount: 376.30										
03/11/13	Late Payment Charge				\$435.00							
03/11/13	Regular Bill				BB Deferred Amount: 1428.85							
04/09/13	BUDGET BILLING	03/10/13 04/08/13			\$9.77		\$1112.51	\$677.51	04/02	2604		
	** Budget Bill Detail **	Actual Bill Amount: 514.95										
04/09/13	Late Payment Charge				\$435.00							
04/09/13	Regular Bill				BB Deferred Amount: 1508.80							
05/03/13	Payment				\$16.30							
05/08/13	BUDGET BILLING	04/08/13 05/07/13				\$250.00	\$1563.81	\$1128.81	05/01	3338		
	** Budget Bill Detail **	Actual Bill Amount: 190.21										
05/08/13	Regular Bill				\$435.00							
05/28/13	Payment Agreement				BB Deferred Amount: 1264.01							
06/06/13	PPA Forgiven					\$1748.81	\$1748.81	\$1313.81	05/30	1281		
06/06/13	Pre-Program Arrears					\$92.29						
06/07/13	BUDGET BILLING	05/07/13 06/06/13			\$92.29							
	** Budget Bill Detail **	Actual Bill Amount: 163.91										
06/07/13	DEFERRED PAYMENT AGREEMENT				\$449.00							
06/07/13	Regular Bill				BB Deferred Amount: 978.92							
07/08/13	Bill Out DEA due to Default				\$29.15		\$478.15		07/01	1191		
07/08/13	Late Payment Charge				\$1719.66							
07/09/13	BUDGET BILLING	06/06/13 07/08/13			\$7.18							
	** Budget Bill Detail **	Actual Bill Amount: 177.46										
07/09/13	Regular Bill				\$449.00							
08/06/13	Late Payment Charge				BB Deferred Amount: 707.38		\$2653.99	\$2204.99	07/31	1294		
08/07/13	BUDGET BILLING	07/08/13 08/06/13			\$39.26							
	** Budget Bill Detail **	Actual Bill Amount: 221.85										
08/07/13	Regular Bill				\$449.00							
					BB Deferred Amount: 480.23		\$3142.25	\$2693.25	08/29	1596		

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
09/05/13	BUDGET BILLING	08/06/13 09/04/13			\$449.00							
	** Budget Bill Detail **	Actual Bill Amount: 210.72			BB Deferred Amount: 241.95		\$3591.25	\$3142.25	09/27	1454		
09/05/13	Regular Bill											
10/04/13	BUDGET BILLING	09/04/13 10/03/13			\$334.00							
	** Budget Bill Detail **	Actual Bill Amount: 159.47			BB Deferred Amount: 67.42		\$3925.25	\$3591.25	10/28	1122		
10/04/13	Regular Bill											
11/04/13	Payment					\$100.00						
11/04/13	BUDGET BILLING	10/03/13 11/03/13			\$334.00							
	** Budget Bill Detail **	Actual Bill Amount: 284.81			BB Deferred Amount: 18.23		\$4159.25	\$3825.25	11/26	1934		
11/04/13	Regular Bill											
12/05/13	LIHEAP Payment					\$100.00						
12/05/13	BUDGET BILLING	11/03/13 12/04/13			\$334.00							
	** Budget Bill Detail **	Actual Bill Amount: 771.49			BB Deferred Amount: 455.72		\$4393.25	\$4059.25	12/27	4955		
12/05/13	Regular Bill											
01/08/14	BUDGET BILLING	12/04/13 01/07/14			\$334.00							
	** Budget Bill Detail **	Actual Bill Amount: 1008.14			BB Deferred Amount: 1129.86		\$4727.25	\$4393.25	01/30	6513		
01/08/14	Regular Bill											
02/07/14	BUDGET BILLING	01/07/14 02/06/14			\$484.00							
	** Budget Bill Detail **	Actual Bill Amount: 1031.05			BB Deferred Amount: 1676.91		\$5211.25	\$4727.25	03/03	6659		
02/07/14	Regular Bill											
03/10/14	BUDGET BILLING	02/06/14 03/09/14			\$484.00							
	** Budget Bill Detail **	Actual Bill Amount: 918.36			BB Deferred Amount: 2111.27		\$5695.25	\$5211.25	04/01	6335		
03/10/14	Regular Bill											

Amount Billed on Actual Readings Unless Indicated

EXHIBIT “2”

CAP HISTORY FOR ACCOUNT

NAME: HEATHER HOFFMAN
ACCOUNT NUMBER: 01423-56036
ADDRESS: 246 FLEETWOOD ST
COATESVILLE PA 19320
CASE: F-2014-2404586

Account 01423-56036 was enrolled on CAP Tier E1 on 4/30/2012.

- The Pre-Program Arrears for \$1107.52 was set aside for possible forgiveness.
 - As of 3/14/14, \$553.78 remains isolated for possible forgiveness.

Activity Date	CAP Activity	CAP Rate
05/02/13	Sent CAP Application	
04/11/13	Sent CAP Application	
04/30/12	Enrolled	CAP Opt E1 Electric Residential Service
04/30/12	PPA Changed	CAP Opt E1 Electric Residential Service
04/30/12	Reversed Prior Program Refusal	
02/10/12	Refused Program	
02/10/12	Refused Program	

Task List
Comments...

* Account is currently enrolled on CAP. (Next recertification is scheduled for 4/30/14.)

EXHIBIT “3”

EXHIBIT “4”



March 17, 2014

BCS Decision Report

BCS Case #: 003173189 Open Date: 2013-11-18
Customer Name: HEATHER HOFFMAN
Service Address: 246 FLEETWOOD ST
COATESVILLE, PA 19320
BCS Bill Account #: 0142356036 Previous Case #: 3137624
Violation Type: NO Chapter Type:
Decision Type: W Section / Rule:
Investigator Name: MARIA VELEZ
Decision Issued Date: 2014-02-14
Case Closed Date: 2014-02-14

Letter Description:
CHAPTER 14 EGW DISMISS/CONTACT COMP LETTER

Total Balance:	\$4731.26	Balance Date:	2013-11-19
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		

Payment Terms:

PAR Description:
YOU APPEAR TO QUALIFY FOR LIHEAP. IF YOU QUALIFY, THE LIHEAP PROGRAM WILL MAKE A PAYMENT TO HELP KEEP YOUR SERVICE ON. YOU MUST APPLY TO RECEIVE THIS HELP. PLEASE CALL LIHEAP AT 1-866-857-7095 TO APPLY.

Resolution Description:
CASE CLOSED...THE CUSTOMER'S ACCOUNT IS ENROLLED IN THE CAP PROGRAM AT TIER E1 AND THERE IS NO RECORD OF THE CUSTOMER CALLING THE COMPANY PRIOR TO FILING THIS CASE WITH THE PUC...