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April 30, 2014

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

RE: Sherry Dixon v. PECO Energy Company
PUC Docket No.: F-2013-2353645

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Reply to Complainant's Petition for Reconsideration* with regard to the matter referenced above.

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,

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

cc: Sherry Dixon (via First Class Mail)

REPLY OF PECO ENERGY COMPANY
TO COMPLAINANT'S PETITION FOR RECONSIDERATION

PECO Energy Company ("PECO") hereby replies to the Petition for Reconsideration filed by Sherry Dixon ("Complainant") in the above-referenced matter on April 24, 2014. The Petition for Reconsideration was served on PECO by the Complainant on April 28, 2014. On March 15, 2013, Complainant filed a formal complaint against PECO Energy. In her formal complaint, Complainant alleged there were incorrect charges on her bill and requested a payment arrangement. She additionally alleged that her meter was broken and that she was paying double for electric service. Respondent, PECO Energy filed an Answer with New Matter on April 1, 2013, stating that Complainant is not entitled to a new payment agreement as her balance is comprised of Customer Assistance Program ("CAP") arrears. PECO Energy additionally averred that the Complainant's high bill concerns had been investigated in 2009 and 2013 and were unfounded.

Prior to the hearing taking place, Complainant received a continuance because she allegedly had not received PECO Energy's exhibits, although Federal Express confirmed the exhibits had been delivered to her. Complainant also requested another continuance because of a family member's graduation and yet another continuance due to a work conflict. Complainant managed to delay her formal complaint from going to hearing for five (5) months because of continuance requests and alleged issues with exhibits. The Complainant also filed Exceptions to Administrative Law Judge David A. Salapa's ("ALJ Salapa's") Initial Decision entered on November 21, 2013. During this entire time, PECO Energy was required and is still required to hold collection activity on Complainant's account because of the formal complaint process. At the beginning of the formal complaint process, PECO Energy held and continues to hold \$7,870.40 of the Complainant's unpaid balance from collections. Despite ALJ Salapa's

Prehearing Order, dated April 8, 2013, which states “the customer must make monthly payments for current consumption on or before the billing due date while this complaint is pending” Complainant has not paid any current bills since she filed the formal complaint. The Complainant has now managed to incur a \$11,720.98 electricity bill by using the formal complaint process to delay the adjudication of this matter through continuances, filing Exceptions and now a Petition for Reconsideration. PECO respectfully requests that the Complainant’s Petition for Reconsideration be dismissed.

I. Complainant’s Petition for Reconsideration should be dismissed because it does not raise any new or novel arguments.

The standard of review for a Petition for Reconsideration is set forth under 66 Pa.C.S. §703(g). In Duick v. Pennsylvania Gas and Water Co., 56 Pa. P.U.C. 553 (1982), the Commission provided the following guidance on the criteria it would consider in deciding requests for reconsideration:

A petition for reconsideration, under the provisions of 66 Pa.C.S. §703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agreed with the Court in the Pennsylvania Railroad Company case, wherein it was said that “[p]arties..., cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them...” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

In this case, the Complainant claims that she did not receive the Commission’s Final Order, deciding the Exceptions she filed with the Commission. However, this is not a basis to

reconsider the Commission's decision. The Complainant filed Exceptions to the Initial Decision and the Commission ruled on the Exceptions. The fact that the Complainant did not receive the Commission's Final Order and Opinion does not raise any "new or novel" issues for the Commission's Final Order and Opinion to be reconsidered. PECO Energy avers that the Complainant's claim that she did not receive the Final Order is similar to her claim that she did not receive the hearing exhibits. It is designed to delay the adjudication of this matter and collection on her balance. The Complainant's Petition for Reconsideration should be dismissed. The Complainant offers no new arguments to warrant reconsideration pursuant to the standard of review set forth in Duick v. Pennsylvania Gas and Water Co.

WHEREFORE, For the reasons set forth above, PECO respectfully requests that the Commission deny the Complainant's Petition for Reconsideration on the merits and issue an Order upholding the Initial Decision and the Commission Final Order and Opinion in its entirety.

Respectfully submitted,



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