



Exelon Business Services Company
Legal Department
2301 Market Street/S23-1
Philadelphia, PA 19103
215 568 3389 Fax
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Direct Dial: 215.841.6841

July 1, 2014

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

RE: Alex Acevedo v. PECO Energy Company
PUC Docket No.: C-2014-2423852

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion for Judgment on the Pleadings* 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 long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

sl/LO

cc: Alex Acevedo (via First Class Mail)
Marta Guhl, Adm. Law Judge (via First Class Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

ALEX ACEVEDO

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2014-2423852

NOTICE TO PLEAD

To: Alex Acevedo

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.

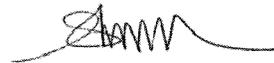
File with:

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: July 1, 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 UTILITIES COMMISSION**

ALEX ACEVEDO

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2014-2423852

MOTION FOR JUDGMENT ON THE PLEADINGS

PECO Energy Company (“PECO”), pursuant to 52 Pa. Code §5.102, respectfully requests that your Honorable Commission dismiss the instant complaint inasmuch as Complainant requests a payment arrangement. No factual dispute has been raised in the pleadings, concerning his request for a payment agreement. 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 May 27, 2014, Complainant filed a Formal Complaint against Respondent, PECO, by ticking off the first two boxes set forth in Section 4 of the complaint: “The utility is threatening to shut off my service or has already shut off my service” and “I would like a payment agreement”. Complainant also checked the “Other” box. A copy of Complainant’s Formal Complaint is attached hereto as Exhibit 1.
2. PECO was served with the Formal Complaint on May 29, 2014.
3. On June 10, 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 January 27, 2012 under Tier E1 at his previous address. New Matter ¶1.

5. PECO averred that the Complainant's CAP enrollment was transferred to his current service address 634 Merchant Street on November 16, 2012 and his CAP Tier level was updated to Tier C. New Matter ¶¶2-3.

6. PECO also averred that the Complainant is actively enrolled in the CAP program. New Matter ¶4.

7. PECO further averred that the entire balance on the Complainant's account is comprised of CAP arrears. New Matter ¶6.

8. As the entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶¶7-8.

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

10. 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).

11. 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 the following: "Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."

12. 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.

13. 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 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).

14. 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).

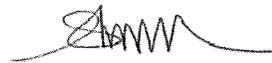
15. The pleadings in this case reveal the following:

- 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.

16. Because no factual dispute exists and the Complainant 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 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
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

ALEX ACEVEDO
Complainant

v.

PECO ENERGY COMPANY
Respondent

DOCKET NO. C-2014-2423852

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

Alex Acevedo
634 Merchant Street
Coatesville, PA 19320



Shawane L. Lee

DATED: July 1, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Thursday, May 29, 2014 4:40 PM
To: Lee, Shawane L.:(BSC)
Cc: O'Neill, Leslie:(BSC)
Subject: PA PUC eServe Notice

Importance: High

Follow Up Flag: Follow up
Due By: Friday, May 30, 2014 9:30 AM
Flag Status: Flagged

Dear Shawane L Lee,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2014-2423852**.

You may view this document at

Acevedo 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.*

PECO ENERGY
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.

RECEIVED
2014 MAY 27 AM 10:49
PA. P.U.C. SECRETARY'S BUREAU

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

1. Customer (Complainant) Information

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

Name Alex Acevedo

Street/P.O. Box 634 Merchant St Apt # _____

City Coakville State PA Zip 19320

County Chester county

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

(484) 319-2437 (home) () ~~_____~~ (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 01800-95041

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Peco Energy

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.

*Can pay little by little every month
don't know if meter is not working right.*

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) My daughter Chloe Daisy Alvarez

has Angelman syndrome, she will never walk or talk for the rest of her life and has chronic epilepsy she needs electric for her medicine, ever since I lost my job been trying to catch up and have new job just need a chance to think

I dont have much but i am trying
my hardest to get back in order for
my family I am sorry for any inconveniences

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.

to give me another chance to prove that i can do it. I know the bill is steep. I can't let my family down or my daughter because I am the soul provider for this family and i need all the help i can get its really full. I hope you can take this in consideration. I would really appreciate

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

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

I guess

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.

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 N/A

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:

Alex Pucello, 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).

Alex Pucello
(Signature of Complainant)

5/10/14
(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. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at www.puc.pa.gov/efiling/default.aspx.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

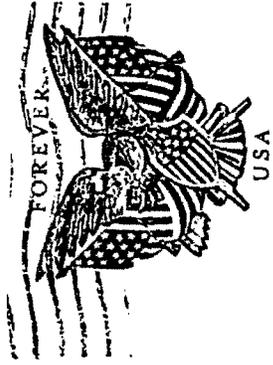
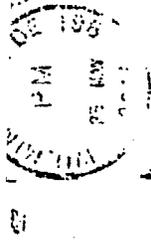
Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

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.

Alex Acevedo
634 Mercuri St.
Cantonville PA. 19320



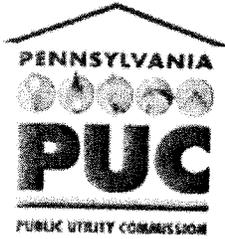
Commonwealth of PA.
P.O. Box 3265
Harrisburg PA 17105-3265

RECEIVED
2014 MAY 27 AM 10:49
PA. GOV.
SECRETARY'S BUREAU

171053265



EXHIBIT “2”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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eFiling Successfully Transmitted



Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

*If your filing **exceeds 250 pages**, you are required to submit **one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120 . Please print a copy of this page and attach it to the paper copy of your filing as the first page.***

eFiling Confirmation	
Docket Number:	C-2014-2423852
Description:	Alex Acevedo - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	6/10/2014 10:27:39 AM
Filed On:	6/10/2014 10:27:39 AM
eFiling Confirmation Number:	1550621

Uploaded File List

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

PECO ENERGY
EXHIBIT



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

June 10, 2014

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

RE: Alex Acevedo v. PECO Energy Company
PUC Docket No.: C-2014-2423852

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company Answer and New Matter to Formal Complaint* 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

Scheduling Recommendation: **Call of the Docket**

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALEX ACEVEDO
Complainant
v.
PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2014-2423852

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, June 10, 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**

ALEX ACEVEDO	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2423852
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On May 29, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Alex Acevedo (hereafter "Complainant") in the above captioned docket. Pursuant to 52 Pa. Code § 5.61, PECO Energy responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint. In his formal Complaint, the Complainant states that PECO Energy is threatening to terminate his electric service and requests a payment agreement. The Complainant states that his daughter has a medical condition and will never walk or talk. The Complainant states that he is the sole provider in his family and needs all the help he can get. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant has an account with PECO Energy for service at 634 Merchant Street, Coatesville, PA 19320 under account number 01800-95041. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant had a previous account at 849 Coates Street under account number 10946-69012 under account number 10946-69012. See Account Activity Statement, attached hereto as Exhibit "2". The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on January 27, 2012 under Tier E1 at his former address – 849 Coates Street. The CAP enrollment transferred to the Complainant's current address on November 16, 2012. On July 12, 2013, the Complainant's CAP Tier level changed to Tier C. The Complainant's entire balance is comprised of CAP arrears. See CAP History, attached hereto as Exhibit "3".

The Complainant has had two company-issued payment agreements. The first agreement was issued on May 8, 2013 on his \$1,475.56 balance. The second agreement was issued July 12, 2013 on his \$2,100.24 balance. Both agreements defaulted.

On April 16, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003223727, requesting a payment agreement. The BCS dismissed the case pursuant to 66 Pa. C.S. §1405(c). See BCS Decision Report #003223727, attached hereto as Exhibit "4".

The Complainant's current balance is \$3,617.68. See Exhibit "1". The entire balance is comprised of CAP arrears. The Complainant is not entitled to a PUC ordered payment agreement on his balance as the balance is comprised of CAP arrears. 66 Pa.C.S. § 1405(c) provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission." Consequently,

pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a 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 enrolled in PECO Energy's Customer Assistance Program ("CAP") on January 27, 2012 under Tier E1 at his former address – 849 Coates Street.

2. The CAP Tier E1 enrollment transferred to the Complainant's current address 634 Merchant Street on November 16, 2012.

3. On July 12, 2013, the Complainant's CAP Tier level changed to Tier C.

4. The Complainant is actively enrolled in the CAP program.

5. The Complainant has a \$3,617.68 balance.

6. The Complainant's entire balance is comprised of CAP arrears. See CAP History, attached hereto as Exhibit "3".

7. The Complainant is not entitled to a PUC ordered payment agreement on this balance as it is comprised entirely of CAP arrears.

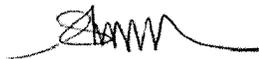
8. 66 Pa.C.S. § 1405(c) provides that, “(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission.”

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
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ALEX ACEVEDO

Complainant

v.

PECO ENERGY COMPANY

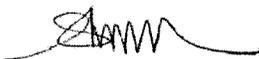
Respondent

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DOCKET NO. C-2014-2423852

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: June 10, 2014

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

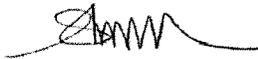
ALEX ACEVEDO	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2014-2423852
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Alex Acevedo
634 Merchant Street
Coatesville, PA 19320

Dated at Philadelphia, Pennsylvania, June 10, 2014.



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com



Exelon Business Services Company
Legal Department

2001 Market Street/S23-1
Philadelphia, PA 19103

215 568 3389 Fax
www.exeloncorp.com

Direct Dial: 215 841-6841

June 10, 2014

Alex Acevedo
634 Merchant Street
Coatesville, PA 19320

RE: Alex Acevedo v. PECO Energy Company
PUC Docket No.: C-2014-2423852

Dear Mr. Acevedo:

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”

CURRENT ACCOUNT

PECO Account Activity Statement

Date: 06/09/14

*** Account Information ***

*** Current Account Status ***

Page: 1 of 2

Account Number: 01800-95041
Account Status: Active

Mail To:
ALEX ACEVEDO
634 MERCHANT ST
COATESVILLE PA 19320

Current Bill: \$144.00
Billed Prior: \$3473.68
Balance Due: \$3617.68
Service Address:
634 MERCHANT ST
COATESVILLE PA 19320
Meter Bill Grp: 06
Rate: CAP Opt C Electric Residential Heating Svc

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
12/07/12	ELECTRIC SERVICE	11/14/12 12/05/12	80731	025833568	\$5.02		\$11.02		12/31			
12/07/12	CONNECTION CHARGE - STANDARD				\$6.00							
12/14/12	TRANSFER DEBIT				\$508.54							
01/07/13	Late Payment Charge				\$0.08							
01/09/13	ELECTRIC SERVICE	12/05/12 01/08/13	84466	025833568	\$490.13		\$1009.77	\$519.64	01/31	3735		
02/05/13	Late Payment Charge				\$14.89							
02/08/13	ELECTRIC SERVICE	01/08/13 02/07/13	86972	025833568	\$331.21		\$1355.87	\$1024.66	03/04	2506		
03/11/13	Late Payment Charge	02/07/13 03/10/13	89338	025833568	\$313.11							
03/11/13	Regular Bill				\$19.86							
03/28/13	LIHEAP Payment					\$100.00	\$1688.84	\$1375.73	04/02	2366		
04/09/13	ELECTRIC SERVICE	03/10/13 04/08/13	91357	025833568	\$286.72		\$1875.56	\$1588.84	05/01	2019		
05/02/13	LIHEAP Payment					\$400.00						
05/08/13	PPA Forgiven				\$168.58							
05/08/13	ELECTRIC SERVICE	04/08/13 05/07/13	92523	025833568	\$72.33							
05/08/13	Pre-Program Arrears				\$1475.56							
05/08/13	Regular Bill				\$2.53		\$168.58		05/30	1166		
06/07/13	ELECTRIC SERVICE	05/07/13 06/06/13	93834	025833568	\$199.75		\$168.58					
06/07/13	DEFERRED PAYMENT AGREEMENT				\$40.99							
07/08/13	Bill Out DPA due to Default				\$1434.57		\$411.85	\$171.11	07/01	1311		
07/09/13	ELECTRIC SERVICE	06/06/13 07/08/13	95471	025833568	\$6.14							
07/12/13	Regular Bill				\$247.68							
08/07/13	PPA Forgiven				\$2100.24		\$2100.24	\$1852.56	07/31	1637		
08/07/13	BUDGET BILLING					\$72.33						
08/07/13	DEFERRED PAYMENT AGREEMENT	07/08/13 08/06/13			\$110.00							
08/07/13	Pre-Program Arrears				\$35.00							
08/07/13	Regular Bill				\$72.33							
09/03/13	Bill Out DPA due to Default				\$2065.24		\$145.00		08/29	1442		
09/04/13	Late Payment Charge				\$32.30							
09/05/13	Payment Agreement				\$2042.54							
09/05/13	LIHEAP Payment					\$200.00						
09/06/13	PPA Forgiven				\$110.00							
09/06/13	BUDGET BILLING	08/06/13 09/05/13			\$72.33							
09/06/13	Pre-Program Arrears				\$142.16							
09/06/13	Regular Bill				\$72.33							
10/07/13	BUDGET BILLING				\$110.00							
10/07/13	DEFERRED PAYMENT AGREEMENT	09/05/13 10/06/13			\$110.00		\$110.00		09/30	1456		
10/07/13	Late Payment Charge				\$34.62							
					\$1.65							

PECO ENERGY
EXHIBIT



PECO Account Activity Statement

Date: 06/09/14
Page: 2 of 2

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KV
10/07/13	Regular Bill											
11/04/13	Bill Out DPA due to Default	10/06/13 11/04/13			\$2007.92		\$256.27	\$111.65	10/29	1349		
11/05/13	BUDGET BILLING				\$110.00							
	** Budget Bill Detail **	Actual Bill Amount: 47.84			\$32.82	3.35						
11/05/13	Late Payment Charge				\$34.47		\$2407.01	\$2297.01	11/27	1260		
11/05/13	Regular Bill				\$110.00							
12/03/13	Late Payment Charge				\$36.12							
12/06/13	BUDGET BILLING				\$144.00							
	** Budget Bill Detail **	Actual Bill Amount: 107.84			\$2551.48	1.19	\$2441.48		12/30	1852		
12/06/13	Regular Bill	11/04/13 12/05/13										
01/06/14	Late Payment Charge				\$2731.60							
01/09/14	BUDGET BILLING				\$40.44							
	** Budget Bill Detail **	Actual Bill Amount: 227.09			\$38.28		\$2740					
01/09/14	Regular Bill	02/05/14 01/08/14										
02/10/14	Regular Bill	02/10/14 BUDGET BILLING			\$144.00							
03/11/14	BUDGET BILLING				\$144.00							
	** Budget Bill Detail **	Actual Bill Amount: 192.43			\$2913.88	150.45	\$2769.88		03/04	2617		
03/11/14	Late Payment Charge	02/09/14 03/10/14			\$42.60		\$3098.32	\$2954.32	04/02	2588		
03/11/14	Regular Bill				\$144.00							
04/08/14	Late Payment Charge				\$44.76		\$3284.92	\$3140.92	05/01	1880		
04/09/14	BUDGET BILLING				\$144.00							
	** Budget Bill Detail **	Actual Bill Amount: 104.00			\$3473.68	126.95	\$3329.68		05/29	1327		
04/09/14	Regular Bill	04/08/14 05/06/14			\$144.00							
05/06/14	Late Payment Charge				\$144.00							
05/07/14	BUDGET BILLING				\$144.00							
	** Budget Bill Detail **	Actual Bill Amount: 112.07			\$3617.68	86.68	\$3473.68		06/30	1174		
05/07/14	Regular Bill	05/06/14 06/05/14			\$144.00							
06/06/14	BUDGET BILLING				\$144.00							
	** Budget Bill Detail **	Actual Bill Amount: 103.73										
06/06/14	Regular Bill											

**ACTUAL METER READINGS UNLESS OTHERWISE NOTED

EXHIBIT “2”

FORMER ADDRESS

PECO Account Activity Statement

Date: 06/09/14

Page: 1 of 1

*** Account Information ***

*** Current Account Status ***

Account Number: 10946-69012
 Account Status: Final

Mail To:
 ALEX ACEVEDO
 634 MERCHANT ST
 COATESVILLE PA 19320

Current Bill: \$0.00
 Billed Prior: \$0.00
 Balance Due: \$0.00
 Service Address:
 849 COATES ST
 COATESVILLE PA 19320

Meter Bill Grp: 06
 Rate: Supplier Electric Residential Heating Service
 YElectric Off-Peak Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
07/05/12	Payment											
07/05/12	Late Payment Charge				\$5.79	\$42.20						
07/06/12	Miscellaneous					\$5.79						
07/06/12	PPA Forgiven					\$250.00						
07/06/12	Transfer					\$72.33						
07/06/12	Pre-Program Arrears					\$250.00						
07/09/12	PPA Forgiven					\$72.33						
07/09/12	BUDGET BILLING	06/06/12 07/08/12				\$72.33						
07/09/12	Pre-Program Arrears					\$116.00						
07/09/12	Regular Bill					\$72.33						
08/07/12	BUDGET BILLING	07/08/12 08/06/12				\$116.00						
08/07/12	Regular Bill					\$72.33						
08/07/12	Late Payment Charge					\$1.74						
08/08/12	PPA Forgiven					\$72.33						
08/08/12	Transfer					\$135.00						
08/08/12	Pre-Program Arrears					\$1.46						
09/05/12	Late Payment Charge					\$72.33						
09/06/12	PPA Forgiven					\$72.33						
09/06/12	BUDGET BILLING	08/06/12 09/05/12				\$116.00						
09/06/12	Pre-Program Arrears					\$72.33						
09/06/12	Regular Bill					\$116.00						
09/06/12	Late Payment Charge					\$3.20						
10/03/12	BUDGET BILLING	09/05/12 10/04/12				\$116.00						
10/03/12	Regular Bill					\$116.00						
10/05/12	BUDGET BILLING	09/05/12 10/04/12				\$116.00						
10/05/12	Regular Bill					\$116.00						
11/05/12	BUDGET BILLING	10/04/12 11/04/12				\$116.00						
11/05/12	Regular Bill					\$116.00						
11/06/12	Late Payment Charge					\$4.94						
11/16/12	BUDGET BILLING	11/04/12 11/15/12				\$52.20						
11/16/12	Regular Bill					\$52.20						
11/16/12	Transfer Debit					\$433.97						
12/14/12	Transfer					\$508.54						



EXHIBIT “3”

CAP RATE HISTORY

NAME: ALEX ACEVEDO
ACCT #: 01800-95041
ADDRESS: 634 MERCHANT STREET, COATESVILLE PA
Case: C-2014-2423852

**Enrolled at former address 849 Coates St (service period 4/14/10 to 11/15/12)

Activity Date	CAP Activity	CAP Rate
11/16/12	Transferred From	CAP Opt E1 Electric Residential Heating Sv
10/18/12	Sent CAP Application	
01/27/12	Enrolled	CAP Opt E1 Electric Residential Heating Sv
01/27/12	PPA Changed	CAP Opt E1 Electric Residential Heating Sv
12/02/11	Reversed Prior Program Refusal	
11/29/11	Refused Program	
07/08/11	Sent CAP Application	
08/16/11	Sent CAP Application	

- 1/27/12 Enrolled Tier E1 (29% discount/1st 650 kwhs) – based on \$3,749 mthly (employment & Disability)/ 2 adults/4 minors; set aside for possible forgiveness \$867.95
- 11/16/12 Status transferred to current address
- 07/12/13 CAP RATE tier change to C (86% discount /1st 650 kwhs) based on \$732 mthly (SSI) /2 adults/ 4 minors

As of 6/9/14, account balance \$3,921.34 (billed at CAP RATE) includes \$216.98 remaining for possible forgiveness.

EXHIBIT “4”



June 9, 2014

BCS Decision Report

BCS Case #: 003223727 Open Date: 2014-04-16
Customer Name: ALEX ACEVEDO
Service Address: 634 MERCHANT STREET

COATESVILLE, PA 19320
BCS Bill Account #: 0180095041 Previous Case #:
Violation Type: NO Chapter Type:
Decision Type: W Section / Rule:
Investigator Name: BUREAU OF
CONSUMER SERVICE

Decision Issued Date: 2014-04-18
Case Closed Date: 2014-04-16

Letter Description:

Total Balance:	\$0.00	Balance Date:	
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 DON'T NEED A LAWYER TO FILE A FORMAL COMPLAINT BEFORE THE PUC. HOWEVER, YOU MAY USE A LAWYER OF YOUR CHOICE. YOU MAY QUALIFY FOR LEGAL REPRESENTATION AT NO COST OR AT A REDUCED FEE BASED ON YOUR INCOME. CONTACT OR VISIT THE WIDENER HARRISBURG CIVIL

Resolution Description:

CASE CLOSED - DISMISSED PER 1405C - THE DATE OF COMPLAINT RESOLUTION AND EXPIRATION OF THE STAY OF TERMINATION IS 4/23/2014