



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

July 14, 2014

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

RE: Preston L. Woodburn v. PECO Energy Company
PUC Docket No.: F-2014-2426774

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

PRESTON L. WOODBURN
Complainant

v.

DOCKET NO. F-2014-2426774

PECO ENERGY COMPANY
Respondent

NOTICE TO PLEAD

To: Preston L. Woodburn

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.

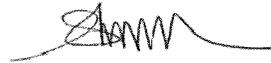
File with:

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 14, 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**

PRESTON L. WOODBURN
Complainant

v.

PECO ENERGY COMPANY
Respondent

DOCKET NO. F-2014-2426774

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 June 12, 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”. A copy of Complainant’s Formal Complaint is attached hereto as Exhibit 1.

2. PECO was served with the Formal Complaint on June 16, 2014.

3. On June 20, 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 the Complainant was enrolled in its Customer Assistance Program (CAP) on August 4, 2001 under Tier D. New Matter ¶1.

5. PECO averred the Complainant's Tier level changed to Tier E on January 30, 2008.

New Matter ¶2.

6. PECO also averred that the Complainant remains actively enrolled under Tier E.

New Matter ¶4.

7. PECO further averred that the entire balance on the Complainant's account is comprised of CAP arrears. New Matter ¶5.

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 ¶¶6-7.

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**

PRESTON L. WOODBURN
Complainant

v.

PECO ENERGY COMPANY
Respondent

DOCKET NO. F-2014-2426774

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
Preston L. Woodburn
5011 Erringer Place, Apt.11- B
Philadelphia, PA 19144



Shawane L. Lee

DATED: July 14, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Monday, June 16, 2014 10:40 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 Form** has been served in this proceeding. This document is docketed as **F-2014-2426774**. You may view this document at **Formal Complaint Form**

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

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

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

Timely

BCS: 3221948
PECO ENERGY

Must be returned by May 20, 2014

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 PRESTON L WOODBURN

Street/P.O. Box 5011 Fringer PL Apt # 11 B

City PHILA State PA Zip 19144

County PHILA

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

(267) 258-4723 (home) (215) 471-8011 (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 56735-00905

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

RECEIVED
2014 JUN 12 AM 10:34
PA P.U.C.
SECRETARY'S BUREAU

~~RECEIVED
2014 MAY 12 AM 11:00
PA P.U.C.
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.
*BECAUSE I BURNED MY HAND SECOND DEGREE BURN
AND WAS HOSPITALIZ AND MISSED A PAYMENT SO THEY SENT ME*
- I would like a payment agreement. *A LETTER SAYING THEY WANT 2,986.65
AND I DONT HAVE THAT KIND OF MONEY.*
- 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). *ALSO ON 2 LEADER OF OXYGEN
STAYING AT MY MOTHER HOUSE NOW
BYT STILL 2 PAYING RENT AT 5011 ERNINGER PL
APT 11 A*

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.

I WOULD LIKE FOR THEM TO UNDERSTAND I DID NOT MEAN TO MISS A PAYMENT I HAD A SECOND DEGREE AND I WAS HOSPITALIZED WHEN PAYMENT WAS DUE. ALSO MY SON IS ADHD HE ALSO TAKES MEDICATION TO, LIKE I SAID I'M ON 2 LEADER OXYGEN I CAN'T AFFORD TO MISS A PAYMENT AND AGAIN THEY SENT ME A LETTER SAYING NOW THAT I MISSED THAT PAYMENT THEY WANT \$2,986.65 & ALL I'M ASKING IS TO GET BACK ON MY MONTHLY CAP, AGAIN I'M ON 2 LEADER OF OXYGEN ALSO SON IS ADHD.

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

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.

YES I HAVE SPOKE WITH A UTILITY CO.
THEY COULD NOT UNDERSTAND MY SITUATION.

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 _____

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.



Return only this portion with your check made payable to PECO. Please write your account number on your check.

- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
- Check here to pledge a donation to MEAF and complete form on reverse side.

To pay by phone call 1-877-432-9384.
A convenience fee will apply.

56735 0090 50000 0000

8914 1 AV 0.378 8914/00891-1/018309 031 01 GKFZGA 1 05152014

PRESTON WOODBURN
5011 ERRINGER PL APT B
PHILADELPHIA PA 19144-4151



Account Number
56735-00905

Payment Receipt Stamp

Payment Amount

Please pay this
amount by 06/05/2014

\$2,989.26

PECO - PAYMENT PROCESSING
PO BOX 37629
PHILADELPHIA PA 19101-0629



00000002610000233114

567350090500029892641562989260

Matching Energy Assistance Fund (MEAF) Pledge Form

You can help needy residents in the Delaware Valley pay their energy bills by making a donation to the Matching Energy Assistance Fund (MEAF). When you do, PECO will match your contribution, dollar for dollar – to double the amount of money donated to MEAF. It's easy to make a difference in the community, just complete this form and mail it with your payment. For questions or more information, please visit peco.com/help or call **1-800-403-6806**.

YES, I'd like to empower local families in my neighborhood with a pledge donation to MEAF. Please add the amount indicated to my monthly bill.
(Minimum \$1)

\$1 \$5 \$10 \$ _____

YES, I'd like to empower local families in my neighborhood with a one-time donation to MEAF.

\$ _____ One-time donation (Payable to PECO.)

POWER PAY – Payment Authorization

If you enroll in Power Pay, each bill will be automatically deducted from your checking or savings account on the date it is due. You'll still receive a monthly statement, but you'll no longer have to write a check. Please continue to pay as usual until you see a bank deduction noted on your bill. To enroll online, or for questions about Power Pay, visit peco.com/powerpay or call **1-800-494-4000**.

FINANCIAL INSTITUTION

CHECKING

YOUR BANK ACCOUNT NUMBER AND BANK ROUTING NUMBER

SAVINGS

X

SIGNATURE

By signing this form, I authorize PECO to instruct my bank/savings institution to make my payments from the account listed above. I understand this authorization may be revoked by me at any time by providing PECO with a written notice to discontinue my automatic payment.

Be sure to check the box on the front of this stub for participation in the program.

Preston L Woodburn
5011 Eppinger PL Apt 11B
PHILA. PA 19144

PHILADELPHIA PA 190

10 JUN 2014 PM 9 L



RECEIVED

2014 JUN 12 AM 10:35

PA. P.U.C.
SECRETARY'S BUREAU

Commonwealth of PENNA.
PUBLIC UTILITY COMMISSION
Post Office 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:	F-2014-2426774
Description:	Preston L. Woodburn - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	6/20/2014 6:42:12 AM
Filed On:	6/20/2014 6:42:12 AM
eFiling Confirmation Number:	1551800

Uploaded File List

File Name	Document Class	Document Type
Preston Woodburn - 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 20, 2014

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

RE: Preston L. Woodburn v. PECO Energy Company
PUC Docket No.: F-2014-2426774

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 long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

Scheduling Recommendation: **Call of the Docket**

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PRESTON L. WOODBURN :
Complainant :
v. : DOCKET NO. F-2014-2426774
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, June 20, 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**

PRESTON L. WOODBURN	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2014-2426774
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On June 16, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Preston L. Woodburn (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 has terminated his electric service and requests a payment agreement. The Complainant states that he has a medical condition. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant has an account with PECO Energy for service at 5011 Erringer Place, Apartment B, Philadelphia, PA 19144 under account number 56735-00905. See Account

Activity Statement, attached hereto as Exhibit "1". The Complainant was initially enrolled in PECO Energy's Customer Assistance Program ("CAP") on August 4, 2001 under Tier D. On January 30, 2008, the Complainant's Tier level changed to Tier E. On September 28, 2011, PECO Energy forgave \$123.61 of the Complainant's balance and reduced his balance to \$1,000. The Complainant remains actively enrolled in the CAP program under Tier E. The Complainant's entire balance is comprised of CAP arrears. See CAP History, attached hereto as Exhibit "2".

The Complainant has had four company-issued payment agreements. The first agreement was issued on May 17, 2011 on his \$1,063.84 balance. The second agreement was issued September 28, 2011 on his \$1,000 balance. The third agreement was issued on May 10, 2012 on his \$1,981.67 balance. The last agreement was issued on May 22, 2013 on his \$2,992.97 balance. All of the agreements defaulted.

On April 11, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003221948, requesting a payment agreement. The BCS dismissed the case pursuant to 66 Pa. C.S. §1405(c) and noted in their decision that "THE FULL ACT BAL IS CAP ARREARS". See BCS Decision Report #003221948, attached hereto as Exhibit "3".

The Complainant's current balance is \$2,989.26. 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 initially enrolled in PECO Energy's Customer Assistance Program ("CAP") on August 4, 2001 under Tier D.

2. On January 30, 2008, the Complainant's Tier level changed to Tier E.

3. On September 28, 2011, PECO Energy forgave \$123.61 of the Complainant's balance and reduced his balance to \$1,000.

4. The Complainant remains actively enrolled in the CAP program under Tier E.

5. The Complainant's entire balance is comprised of CAP arrears. See CAP History, attached hereto as Exhibit "2".

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

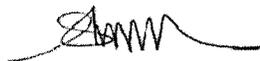
7. 66 Pa.C.S. § 1405(c) provides that, “(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission.”

8. 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.

9. 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**

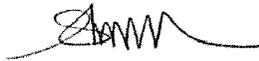
PRESTON L. WOODBURN	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2014-2426774
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Preston L. Woodburn
5011 Erringer Place, Apartment B
Philadelphia, PA 19144

Dated at Philadelphia, Pennsylvania, June 20, 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
2301 Market Street/S23.1
Philadelphia, PA 19103
215 568 3389 Fax
www.exeloncorp.com

Direct Dial: 215 841-6841

June 20, 2014

Preston L. Woodburn
5011 Erringer Place, Apartment B
Philadelphia, PA 19144

RE: Preston L. Woodburn v. PECO Energy Company
PUC Docket No.: F-2014-2426774

Dear Mr. Woodburn:

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: 56735-00905
 Account Status: Final

Mail To:
 PRESTON WOODBURN
 5011 ERRINGER PL
 APT B
 PHILADELPHIA PA 19144

*** Current Account Status ***

Current Bill: \$2.61
 Billed Prior: \$2986.65
 Balance Due: \$2989.26
 Service Address:
 5011 ERRINGER PL
 APT B
 PHILADELPHIA PA 19144
 Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 03
 Rate: CAP Opt E Electric Residential Service

TONN: 12/4/1997

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
07/02/12	Bill Out DPA due to Default											
07/03/12	ELECTRIC SERVICE	06/03/12 07/02/12	67138	082221034	\$1926.62							
07/03/12	Late Payment Charge				\$30.35							
07/03/12	Regular Bill				\$28.25							
07/31/12	Late Payment Charge						\$2091.27	\$2060.92	07/26	275		
08/02/12	ELECTRIC SERVICE	07/02/12 08/01/12	67396	082221034	\$28.71							
08/02/12	Regular Bill				\$28.76							
08/29/12	Late Payment Charge						\$2148.74	\$2119.98	08/24	258		
08/31/12	ELECTRIC SERVICE	08/01/12 08/30/12	67605	082221034	\$29.14							
08/31/12	Regular Bill				\$24.17							
09/13/12	LIHEAP Payment						\$2202.05	\$2177.88	09/25	209		
10/02/12	ELECTRIC SERVICE	08/30/12 10/01/12	67902	082221034	\$35.95	\$135.00						
10/02/12	Late Payment Charge				\$27.67							
10/02/12	Regular Bill						\$2130.67	\$2094.72	10/24	297		
10/30/12	Late Payment Charge				\$28.21							
10/31/12	ELECTRIC SERVICE	10/01/12 10/30/12	68798	082221034	\$113.80							
10/31/12	Regular Bill						\$2272.68	\$2158.88	11/26	896		
12/03/12	ELECTRIC SERVICE	10/30/12 12/02/12	70297	082221034	\$213.28							
12/03/12	Late Payment Charge				\$29.92							
12/03/12	Regular Bill						\$2515.88	\$2302.60	12/26	1499		
01/02/13	Late Payment Charge				\$33.12							
01/04/13	ELECTRIC SERVICE	12/02/12 01/03/13	71776	082221034	\$189.65							
01/04/13	Regular Bill						\$2738.65	\$2549.00	01/28	1479		
02/04/13	Late Payment Charge				\$35.96							
02/05/13	ELECTRIC SERVICE	01/03/13 02/04/13	73335	082221034	\$201.54							
02/05/13	Regular Bill						\$2976.15	\$2774.61	02/27	1559		
03/05/13	Late Payment Charge				\$38.98							
03/06/13	ELECTRIC SERVICE	02/04/13 03/05/13	74428	082221034	\$132.26							
03/06/13	Regular Bill						\$3147.39	\$3015.13	03/28	1093		
04/02/13	Late Payment Charge				\$40.96							
04/04/13	ELECTRIC SERVICE	03/05/13 04/03/13	75743	082221034	\$175.18							
04/04/13	Regular Bill						\$3363.53	\$3188.35	04/26	1315		
04/24/13	RECONNECT FEE - CUT-OUT NON-PAY				\$75.00							
05/03/13	ELECTRIC SERVICE	04/03/13 05/02/13	76237	082221034	\$54.44							
05/03/13	Regular Bill						\$3492.97	\$3363.53	05/28	494		
05/09/13	LIHEAP Payment						\$100.00					
05/20/13	LIHEAP Payment						\$400.00					
05/22/13	Payment Agreement				\$2992.97							
06/04/13	ELECTRIC SERVICE	05/02/13 06/03/13	76585	082221034	\$37.26							
06/04/13	DEFERRED PAYMENT AGREEMENT				\$62.35							
06/04/13	Regular Bill						\$99.61		06/26	348		
06/06/13	Payment											
07/01/13	Bill Out DPA due to Default						\$50.00					
07/02/13	Late Payment Charge				\$2930.62							
07/03/13	ELECTRIC SERVICE	06/03/13 07/02/13	76789	082221034	\$37.56							
07/03/13	Regular Bill				\$23.34							
07/09/13	Payment Agreement (Reinstated)						\$3041.13	\$3017.79	07/26	204		
07/10/13	Payment				\$2930.62							
07/31/13	Late Payment Charge				\$0.35		\$49.61					



DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
08/02/13	ELECTRIC SERVICE	07/02/13 08/01/13	76884	082221034	\$23.81							
08/02/13	ELE-ADDITIONAL METER		114	121827204								
08/02/13	DEFERRED PAYMENT AGREEMENT				\$62.35							
08/02/13	Regular Bill						\$147.41	\$61.25	08/26	209		
09/03/13	Bill Out DPA due to Default				\$2805.92							
09/03/13	ELECTRIC SERVICE	08/01/13 09/02/13	353	121827204	\$27.69							
09/03/13	DEFERRED PAYMENT AGREEMENT				\$62.35							
09/03/13	Regular Bill						\$237.45	\$147.41	09/25	239		
09/05/13	LIHEAP Payment					\$200.00						
09/10/13	Payment					\$147.41						
09/10/13	Payment Agreement				\$2695.96							
09/30/13	ELECTRIC SERVICE	09/02/13 09/30/13	641	121827204	\$32.47							
09/30/13	DEFERRED PAYMENT AGREEMENT				\$59.91							
09/30/13	Regular Bill						\$92.38		10/22	288		
10/28/13	Bill Out DPA due to Default				\$2636.05							
10/29/13	ELECTRIC SERVICE	09/30/13 10/29/13	1119	121827204	\$50.95							
10/29/13	Late Payment Charge				\$33.72							
10/29/13	Regular Bill						\$2813.10	\$2762.15	11/20	478		
11/01/13	Payment Agreement				\$2636.05							
11/04/13	Payment											
11/26/13	Late Payment Charge				\$0.76							
11/27/13	ELECTRIC SERVICE	10/29/13 11/27/13	1256	121827204	\$18.15							
11/27/13	DEFERRED PAYMENT AGREEMENT				\$59.91							
11/27/13	Regular Bill						\$163.49	\$85.43	12/23	137		
12/30/13	Bill Out DPA due to Default				\$2576.14							
12/30/13	Late Payment Charge				\$1.93							
01/02/14	ELECTRIC SERVICE	11/27/13 01/02/14	1457	121827204	\$24.34							
01/02/14	Regular Bill						\$2765.90	\$2741.56	01/24	201		
01/29/14	Late Payment Charge				\$33.73							
02/03/14	ELECTRIC SERVICE	01/02/14 02/03/14	1679	121827204	\$26.42							
02/03/14	Regular Bill						\$2826.05	\$2799.63	02/25	222		
03/04/14	ELECTRIC SERVICE	02/03/14 03/04/14	1916	121827204	\$26.41							
03/04/14	Late Payment Charge				\$34.13							
03/04/14	Regular Bill						\$2886.59	\$2860.18	03/26	237		
04/01/14	Late Payment Charge				\$34.53							
04/02/14	ELECTRIC SERVICE	03/04/14 04/02/14	2095	121827204	\$21.17							
04/02/14	Regular Bill						\$2942.29	\$2921.12	04/24	179		
04/29/14	Late Payment Charge				\$34.85							
05/01/14	ELECTRIC SERVICE	04/02/14 05/01/14	2149	121827204	\$9.51							
05/01/14	Regular Bill						\$2986.65	\$2977.14	05/23	54		
05/14/14	ELECTRIC SERVICE	05/01/14 05/12/14	2149	121827204	\$2.61							
05/14/14	Regular Bill						\$2989.26	\$2942.29	06/05			
06/10/14	Late Payment Charge				\$35.03							
06/11/14	Late Payment Charge				\$0.14							

**Actual Meter readings unless otherwise noted

EXHIBIT “2”

CAP HISTORY

NAME: PRESTON WOODBURN
ACCOUNT: 56735-00905
ADDRESS: 5011 ERRINGER PL- APT A , PHILADELPHIA
CASE: F-2014-2426774

12/04/1997 Service established at 5011 ERRINGER PL- APT A

08/04/2001 Account enrolled in CAP RATE, Tier D

08/20/2002 Account re-certified in CAP RATE, Tier D

08/14/2003 Account re-certified in CAP RATE, Tier D

10/06/2004 Account re-certified in CAP RATE, Tier D

12/04/2006 Removed from CAP RATE; failure to recertify

12/13/2006 Account re-enrolled in CAP RATE; Tier D

01/30/2008 CAP RATE tier change to E

01/28/2010 Account re-certified in CAP RATE; Tier E

09/28/2011 CAP RATE InProgram Forgiveness of \$123.61; reduced balance to \$1,000

01/11/2012 Account re-certified in CAP RATE; Tier E

12/20/2013 Account re-certified in CAP RATE; Tier E

04/11/2014 Electric service was terminated for nonpayment; account has been finalized:
Final bill = \$2989.26 (all billed at CAP RATE discount)

EXHIBIT “3”

