



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 22, 2014

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

RE: Irene White v. PECO Energy Company
PUC Docket No.: C-2014-2426792

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company 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**

IRENE WHITE

Complainant

v.

DOCKET NO. C-2014-2426792

PECO ENERGY COMPANY

Respondent

NOTICE TO PLEAD

To: Irene White

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.

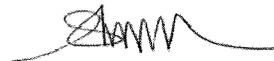
File with:

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 22, 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**

IRENE WHITE

Complainant

v.

DOCKET NO. C-2014-2426792

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. No factual dispute has been raised in the pleadings, concerning her 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 16, 2014, Complainant filed a Formal Complaint against Respondent, PECO, by ticking off the second box set forth in Section 4 of the complaint: “I would like a payment agreement”. A copy of Complainant’s Formal Complaint is attached hereto as Exhibit 1.

2. In the Complainant’s request for relief, she states “I would like to be put on an agreement...” See Exhibit 1.

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

4. On June 30, 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.

5. PECO averred in its New Matter that the Complainant was enrolled in its Customer Assistance Program (CAP) on April 6, 2010 under Tier E. New Matter ¶1.

6. PECO averred the Complainant was re-certified in the program under Tier C on July 15, 2010, and then re-certified again under Tier B on April 26, 2013. New Matter ¶¶2-3.

7. PECO also averred that the Complainant was subsequently re-certified under Tier A on April 11, 2014, and then later removed from CAP on May 13, 2014 after the account was closed. New Matter ¶¶4-5.

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

9. 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 ¶¶8-9.

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

11. 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).

12. 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."

13. 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.

14. 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).

15. 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).

16. 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.

17. 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**

IRENE WHITE

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2014-2426792

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

Irene White
12321 Dunks Ferry Road
Philadelphia, PA 19154



Shawane L. Lee

DATED: July 22, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Monday, June 16, 2014 11:21 AM
To: Lee, Shawane L.:(BSC)
Cc: O'Neill, Leslie:(BSC)
Subject: PA PUC eServe Notice

Importance: High

Dear Shawane L Lee,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2014-2426792**.
You may view this document at

Formal Complaint

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

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

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

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

1. Customer (Complainant) Information

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

Name IRENE WHITE

Street/P.O. Box 12321 DUNKS FERRY RD. Apt #

City PHILA. State PA Zip 19154

County PHILA.

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

(215) 869-2454 MOBILE (home) (215) 429-3044 DAUGHTER (mobile)

NO ELECTRIC AT HOME + MY CELL PHONE MAY NOT BE CHARGED. MY FAMILY IS STAYING ELSEWHERE SO MY DAUGHTER CAN REACH ME.

E-mail Address (optional): BIZBEEI30@G-MAIL.COM

Utility Account Number (from your bill) 35307-00809

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
2011 MAY 16 AM 9:24
PA. PUBLIC
SECRETARY'S BUREAU

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

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

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).

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 to be put on an agreement that I can afford. I am on a low income on SS retirement + would like to be put on an affordable agreement. My house is paid for I am on WRAP for my water. I have my daughter + husband + their 3 small children with me + my oldest Grand-Daughter + her 21 mo. old son. Son-in-law had back surgeries + is unable to work + Gr. daughter is going to school but is still looking for job. All I want is to keep my family together + get on an affordable agreement. Peco is the only one not helping me with this. I worked hard all my life to pay off my house + would like to keep it. Please help me. Thank-You in advance.

Irene White

P.S. - Also I received 2 notices stating that I was re-certified for CAP (which was not affordable but I would have tried to pay up with it) + then a week later was shut off. incidentally I have all electric therefore the family had to be split up as to how meals would.

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.

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.

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 IRENE WHITE, 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).

Irene White
(Signature of Complainant)

5-13-14
(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 <http://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.

12321 Dunbarry Rd.
Chula, PA, 19154

2

RECEIVED
2014 MAY 16 AM 9:24
PA. P.U.C.
SECRETARY'S BUREAU

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

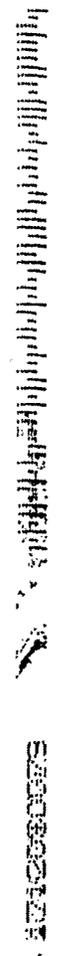
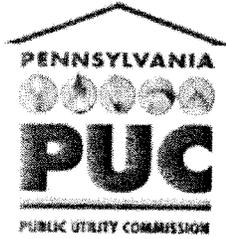


EXHIBIT “2”



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-2014-2426792 |
| Description: | Irene White - PECO Energy Company Answer and New Matter to Formal Complaint |
| Transmission Date: | 6/30/2014 8:34:04 AM |
| Filed On: | 6/30/2014 8:34:04 AM |
| eFiling Confirmation Number: | 1552850 |

Uploaded File List

| File Name | Document Class | Document Type |
|---|----------------|----------------------------|
| Irene White - Answer and New Matter.pdf | Communication | Answer to Formal Complaint |





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 30, 2014

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

RE: Irene White v. PECO Energy Company
PUC Docket No.: C-2014-2426792

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

IRENE WHITE

Complainants

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2014-2426792

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 30, 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**

| | | |
|----------------------------|---|----------------------------------|
| IRENE WHITE | : | |
| Complainants | : | |
| | : | |
| v. | : | DOCKET NO. C-2014-2426792 |
| | : | |
| 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 Irene White (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 requests a payment agreement that she can afford. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established an account with PECO Energy for service at 12321 Dunks Ferry Road, Philadelphia, PA under account number 35307-00809. See Account Activity Statement, attached hereto as Exhibit "1". She was enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier E on April 6, 2010. She last recertified in the program

under Tier A on April 11, 2014, for four adults and four children. See CAP History, attached hereto as Exhibit “2”. The Complainant’s account was closed on May 13, 2014, after the service was terminated on April 28, 2014.

On May 8, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS”) at case number 003233069, requesting a payment agreement on her \$14,431.07 past due balance. The BCS issued a Decision Report on May 8, 2014, dismissing the informal complaint as follows:

CASE DISMISSED PER 1405C. CUSTOMER OWES CAP
ARREARS.

See BCS Decision Report #003233069, attached hereto as Exhibit “3”.

The Complainant’s final balance is \$14,144.17, which is comprised entirely of CAP arrears. See Exhibit “1”. The Complainant is not entitled to a PUC ordered payment agreement on her balance. 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 enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier E on April 6, 2010.
2. The Complainant was re-certified in the program on July 15, 2010, under Tier C.
3. On April 26, 2013, the Complainant was re-certified in the program under Tier B.
4. On April 11, 2014, the Complainant re-certified in the program under Tier A based on a monthly income of \$1,302.00 for 4 adults and 4 children.
5. The Complainant was removed from CAP on May 13, 2014 after the account was closed.
6. The Complainant's final balance is \$14,144.17.
7. The Complainant's entire balance is comprised of CAP arrears.
8. The Complainant is not entitled to a PUC ordered payment agreement on this balance as it is comprised entirely of CAP arrears.
9. 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."
10. 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.

11. 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**

| | | |
|----------------------------|---|----------------------------------|
| IRENE WHITE | : | |
| Complainants | : | |
| | : | |
| v. | : | DOCKET NO. C-2014-2426792 |
| | : | |
| 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: June 30, 2014

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|----------------------------|---|----------------------------------|
| IRENE WHITE | : | |
| Complainants | : | |
| | : | |
| v. | : | DOCKET NO. C-2014-2426792 |
| | : | |
| 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:

Irene White
12321 Dunks Ferry Road
Philadelphia, PA 19154

Dated at Philadelphia, Pennsylvania, June 30, 2014.



Shawane L. Lee
Counsel for PECO Energy Company
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June 30, 2014

Irene White
12321 Dunks Ferry Road
Philadelphia, PA 19154

RE: Irene White v. PECO Energy Company
PUC Docket No.: C-2014-2426792

Dear Ms. White:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

SL/lo
Encl.

EXHIBIT “1”

CPAR038

PECO Account Activity Statement

Date: 06/20/14
Page: 1 of 3

*** Account Information ***

Account Number: 35307-00809
Account Status: Active
Requested By: IRENE M WHITE
(215)869-2454 Extension:

Mail To: IRENE M WHITE

*** Current Account Status ***

Current Bill: \$491.92
Billed Prior: \$12536.51
Balance Due: \$13028.43
Service Address: 12321 DONKS FERRY RD PHILADELPHIA PA 19154
Meter Bill Grp: 10
Rate: CAP Opt A Electric Residential Service
Credit Amount: \$0.00
Deposit Requested: \$447.50
Deposit On-Hand: \$0.00

| DATE | CHARGE TYPE | BILLING PERIOD | READ | METER # | CHARGE AMOUNT | CREDIT AMOUNT | TOTAL BILL | BALANCE FORWARD | DUE DATE | KWH |
|----------|--------------------------|---------------------|------|---------|---------------|---------------|------------|-----------------|----------|------|
| 07/10/12 | Late Payment Charge | 06/12/12 07/12/12 | | | \$54.33 | | | | | |
| 07/13/12 | BUDGET BILLING | | | | \$334.00 | | | | | |
| 07/13/12 | Regular Bill | 07/12/12 08/12/12 | | | | | \$4604.06 | \$4270.06 | 08/06 | 1676 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 158.18 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 08/13/12 | Late Payment Charge | | | | \$306.00 | | | | | |
| 08/13/12 | Regular Bill | 09/11/12 10/10/12 | | | | | \$4966.75 | \$4660.75 | 09/04 | 2072 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 218.24 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 09/12/12 | BUDGET BILLING | | | | \$56.69 | | | | | |
| 09/12/12 | Regular Bill | 08/12/12 09/11/12 | | | | | \$5330.99 | \$5024.99 | 10/04 | 1982 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 204.61 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 10/11/12 | Late Payment Charge | | | | \$59.79 | | | | | |
| 10/11/12 | BUDGET BILLING | | | | \$306.00 | | | | | |
| 10/11/12 | Regular Bill | 10/10/12 11/08/12 | | | | | \$5696.78 | \$5390.78 | 11/02 | 1241 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 114.65 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 11/09/12 | Regular Bill | 10/10/12 11/08/12 | | | | | \$6059.85 | \$5753.85 | 12/04 | 2655 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 347.93 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 12/12/12 | BUDGET BILLING | | | | \$63.55 | | | | | |
| 12/12/12 | Regular Bill | 11/08/12 12/11/12 | | | | | \$6380.40 | \$6123.40 | 01/03 | 3880 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 550.02 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 01/15/13 | Late Payment Charge | | | | \$76.38 | | | | | |
| 01/15/13 | BUDGET BILLING | | | | \$257.00 | | | | | |
| 01/15/13 | Regular Bill | 12/11/12 01/14/13 | | | | | \$6713.78 | \$6456.78 | 02/06 | 4535 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 593.09 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 02/14/13 | Regular Bill | 01/14/13 02/13/13 | | | | | \$7057.92 | \$6800.92 | 03/08 | 5172 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 687.79 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 03/15/13 | Late Payment Charge | | | | \$91.66 | | | | | |
| 03/15/13 | BUDGET BILLING | | | | \$257.00 | | | | | |
| 03/15/13 | Regular Bill | 02/13/13 03/14/13 | | | | | \$7405.58 | \$7149.58 | 04/08 | 3926 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 502.54 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 04/15/13 | Late Payment Charge | | | | \$373.00 | | | | | |
| 04/15/13 | Regular Bill | 03/14/13 04/14/13 | | | | | \$7875.10 | \$7502.10 | 05/07 | 3665 |
| | ** Budget Bill Detail ** | Actual Bill Amount: | | | 492.43 | | | | | |
| | BB Deferred Amount: | | | | | | | | | |
| 04/26/13 | Payment Agreement | | | | \$95.52 | | | | | |
| 05/02/13 | LIRHAP Payment | | | | | | \$123.00 | | | |

| DATE | CHARGE TYPE | BILLING PERIOD | READ | METER # | CHARGE AMOUNT | CREDIT AMOUNT | TOTAL BILL | BALANCE FORWARD | DUE DATE | RWH |
|----------|---------------------------------|-------------------|------|---------|---------------|---------------|------------|-----------------|----------|-----|
| 05/10/13 | Payment Agreement | 04/14/13 05/13/13 | | | \$335.00 | | | | | |
| 05/14/13 | PPA Forgiven | | | | \$752.10 | | | | | |
| 05/14/13 | BUDGET BILLING | | | | \$191.14 | | | | | |
| 05/14/13 | DEFERRED PAYMENT AGREEMENT | | | | \$129.20 | | | | | |
| 05/14/13 | Pre-Program Arrears | | | | \$191.14 | | | | | |
| 06/10/13 | Regular Bill | | | | \$7622.90 | | | | | |
| 06/11/13 | Bill Out DPA due to Default | | | | \$335.00 | | | | | |
| 06/11/13 | BUDGET BILLING | | | | \$104.31 | | | | | |
| 06/11/13 | Late Payment Charge | | | | \$335.00 | | | | | |
| 06/11/13 | Regular Bill | | | | \$104.31 | | | | | |
| 06/18/13 | Payment | | | | \$450.00 | | | | | |
| 06/28/13 | Payment Agreement | | | | \$7622.90 | | | | | |
| 07/01/13 | Payment | | | | \$15.00 | | | | | |
| 07/09/13 | Late Payment Charge | | | | \$5.01 | | | | | |
| 07/11/13 | PPA Forgiven | | | | \$191.14 | | | | | |
| 07/11/13 | BUDGET BILLING | | | | \$335.00 | | | | | |
| 07/11/13 | DEFERRED PAYMENT AGREEMENT | | | | \$129.20 | | | | | |
| 07/11/13 | Pre-Program Arrears | | | | \$191.14 | | | | | |
| 07/11/13 | Regular Bill | | | | \$7493.70 | | | | | |
| 08/07/13 | Bill Out DPA due to Default | | | | \$11.98 | | | | | |
| 08/07/13 | Late Payment Charge | | | | \$377.00 | | | | | |
| 08/09/13 | BUDGET BILLING | | | | \$113.21 | | | | | |
| 08/09/13 | Regular Bill | | | | \$20.00 | | | | | |
| 09/09/13 | RECONNECT FEE - CUT-OUT NON-PAY | | | | \$377.00 | | | | | |
| 09/10/13 | BUDGET BILLING | | | | \$113.21 | | | | | |
| 09/10/13 | Late Payment Charge | | | | \$118.87 | | | | | |
| 09/24/13 | Payment | | | | \$377.00 | | | | | |
| 09/10/13 | Regular Bill | | | | \$121.57 | | | | | |
| 09/10/13 | Late Payment Charge | | | | \$377.00 | | | | | |
| 10/09/13 | BUDGET BILLING | | | | \$113.21 | | | | | |
| 10/09/13 | Regular Bill | | | | \$118.87 | | | | | |
| 11/05/13 | Late Payment Charge | | | | \$377.00 | | | | | |
| 11/12/13 | BUDGET BILLING | | | | \$121.57 | | | | | |
| 11/12/13 | Regular Bill | | | | \$377.00 | | | | | |
| 11/12/13 | Late Payment Charge | | | | \$113.21 | | | | | |
| 11/12/13 | BUDGET BILLING | | | | \$118.87 | | | | | |
| 12/10/13 | Regular Bill | | | | \$121.57 | | | | | |
| 12/10/13 | Late Payment Charge | | | | \$377.00 | | | | | |
| 12/10/13 | BUDGET BILLING | | | | \$113.21 | | | | | |
| 12/10/13 | Regular Bill | | | | \$118.87 | | | | | |
| 12/10/13 | Late Payment Charge | | | | \$377.00 | | | | | |
| 01/07/14 | Late Payment Charge | | | | \$121.57 | | | | | |
| 01/16/14 | BUDGET BILLING | | | | \$113.21 | | | | | |
| 01/16/14 | Regular Bill | | | | \$118.87 | | | | | |
| 02/12/14 | BUDGET BILLING | | | | \$121.57 | | | | | |
| 02/12/14 | Late Payment Charge | | | | \$377.00 | | | | | |
| 02/12/14 | Regular Bill | | | | \$113.21 | | | | | |
| 02/12/14 | Late Payment Charge | | | | \$118.87 | | | | | |

4890

EXHIBIT “2”

CAP History

Name Irene M White
Address 12321 Dunks Ferry Rd
Philadelphia, PA 19154
Account 35307-00809
Case C-2014-2426792

04/06/10 Enrolled, tier E based on monthly income of \$2,554.26 for 2 adults and 4 children (103% FPL). CAP Pre-Program Arrears \$2,293.73.

07/15/10 Recertification completed, tier C, based on monthly income of \$1,308.66 for 3 adults and 4 children (46% FPL).

10/18/11 CAP In Program Arrears forgiveness processed for \$1,842.06. Remaining balance of \$1,000.00 was placed on payment terms with installments of \$16.66 a month.

04/26/13 Recertification completed, tier B, based on monthly income of \$762.00 for 3 adults and 4 children (25% FPL).

04/11/14 Recertification completed, tier A, based on monthly income of \$1,302.00 for 4 adults and 4 children (30% FPL).

05/13/14 Removed from CAP. Account closed. .

Final balance \$14,144.17 includes \$955.75 CAP PPA.

EXHIBIT “3”



June 26, 2014

BCS Decision Report

BCS Case #: 003233069 **Open Date:** 2014-05-02
Customer Name: IRENE WHITE
Service Address: 12321 DUNKSFERRY RD.

PHILADELPHIA, PA 19154
BCS Bill Account #: 3530700809 **Previous Case #:**
Violation Type: NO **Chapter Type:**
Decision Type: W **Section / Rule:**
Investigator Name: KENNETH SHAFFER

Decision Issued Date: 2014-05-08
Case Closed Date: 2014-05-08

Letter Description:
SHORT BLANK LETTER

| | | | |
|-----------------------------------|------------|------------------------------------|------------|
| Total Balance: | \$14431.07 | Balance Date: | 2014-05-06 |
| Amount to Restore Service: | \$0.00 | Amount to Continue Service: | \$12536.51 |
| Date Payment Due: | | Regular Budget Amount: | \$337.00 |
| 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:

Resolution Description:
CASE DISMISSED PER 1405 C. CUSTOMER OWES CAP ARREARS