



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

August 13, 2014

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

RE: Sharif Price v. PECO Energy Company
PUC Docket No.: C-2014-2430517

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 horizontal flourish extending to the right.

Shawane Lee
Counsel for PECO Energy Company

sl/LO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

SHARIF PRICE

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2014-2430517

NOTICE TO PLEAD

To: Sharif Price

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: August 13, 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**

SHARIF PRICE

Complainant

v.

DOCKET NO. C-2014-2430517

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 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 July 2, 2014, Complainant filed a Formal Complaint against Respondent, PECO, by ticking off the first and second 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. In the Complainant’s request for relief, he states that he wants his “...electricity on for payment agreement.” See Exhibit 1.

3. PECO was served with the Formal Complaint on July 7, 2014.

4. On July 23, 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 Complainant was enrolled in its Customer Assistance Program (CAP) on November 3, 2009 under Tier C. New Matter ¶1.

6. PECO averred that the Complainant's CAP enrollment has been continuous since November 3, 2009. New Matter ¶2.

7. PECO also averred that the Complainant was last re-certified in the program on March 24, 2014 under Tier C. New Matter ¶3.

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

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 ¶¶6-7.

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**

SHARIF PRICE

Complainant

v.

PECO ENERGY COMPANY

Respondent

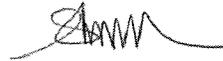
DOCKET NO. C-2014-2430517

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

Sharif Price
525 N. 19th Street, Apt. 1
Philadelphia, PA 19130



Shawane L. Lee

DATED: August 13, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Monday, July 07, 2014 10:01 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-2014-2430517**. 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 SHARIR R. PRICE
Street/P.O. Box 525 N. 19TH ST Apt # 1
City PHILA State PA Zip 19130
County PHILA

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

(215) 225-4195 (home) (267) 257 0388 (mobile)
(267) - 481-5794

E-mail Address (optional):

Utility Account Number (from your bill) 74623-34011

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 ANEXELON COMPANY

RECEIVED
2011 JUL -2 AM 10:39
P.A.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):

- | | |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> 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.

HI MY NAME IS SHARIF R. PRICES I AM DISABLED AND I AM MENTALLY ILL MY MEDICATION MUST BE REFRIGERATED, I ALSO HAVE SLEEP APNEA WHERE I NEED MY SLEEP APNEA MACHINE AND OXYGEN TO BREATHE AND SLEEP. I AM ON FIXED SSI INCOME ON \$740.00 A MONTH.

I WANT THE PUC TO ORDER PECO TO TURN MY ELECTRICITY ON FOR PAYMENT AGREEMENT I CAN COME UP WITH \$300.00. I AM ON A FIXED BUDGET ON 4/21/2014 MY BILL WAS \$197.14 OF WHICH I CALLED AND MADE A PAYMENT ARRANGEMENT. MY SERVICE WAS DISCONNECTED WITHOUT NOTICE, WITHOUT A SHUT OFF NOTICE BECAUSE OF MY MENTAL ILLNESS MY SOCIAL WORKER OR FAMILY HELPS ME MANAGE MY BILLS AND AT NO TIME DID THEY SEE A SHUT OFF NOTICE. I AM GOING TO MY STATE REPRESENTATIVE TO HAVE THEM HELP ME WITH THIS. I NEVER RECEIVED A SHUT OFF NOTICE!

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 SHARIF PRICE, 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).

Shouq R. Puci 6/20/14
(Signature of Complainant) (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.

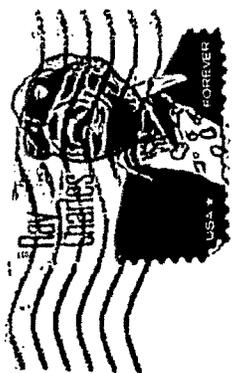
Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

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.



PHILADELPHIA PA 190

27 JUN 2014 PM 3 L

SECRETARY
 PENNSYLVANIA PUBLIC UTILITIES COMMISSION
 400 NORTH MAILS STREET
 HARRISBURG, PENNSYLVANIA 17120

Handwritten: ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
 DATE 11/13/01 BY 60322 UC/STP/STP

Postmark: PHILADELPHIA PA 17107

17120007999

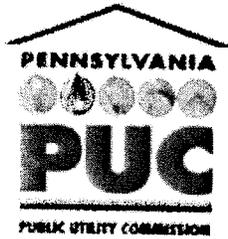
U.S. POSTAL SERVICE

2014 JUN 27 AM 10:38

EIVED

SHARIF R. PRICE
525 N. 19TH ST 4ST FL
PHILA. PA 19130

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-2014-2430517
Description:	Sharif R. Price - PECO Energy Company Answer & New Matter to Formal Complaint
Transmission Date:	7/23/2014 7:24:33 AM
Filed On:	7/23/2014 7:24:33 AM
eFiling Confirmation Number:	1556633

Uploaded File List

File Name	Document Class	Document Type
Sharif R. Price - Answer.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

July 23, 2014

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

RE: Sharif R. Price v. PECO Energy Company
PUC Docket No.: C-2014-2430517

Dear Ms. Chiavetta:

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

SHARIF PRICE

Complainants

v.

PECO ENERGY COMPANY

Respondent

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:
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:

DOCKET NO. C-2014-2430517

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, July 23, 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

SHARIF R. PRICE Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2430517
	:	
PECO ENERGY COMPANY Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On July 7, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Sharif Price (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 his formal Complaint, Complainant states that he is disabled and mentally ill and PECO Energy is threatening to terminate or has terminated his electric service. The Complainant requests a payment agreement. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established an account with PECO Energy for service at 525 North 19th Street, 1st Floor, Philadelphia, PA 19130 under account number 74623-34011. See Account Activity Statement, attached hereto as Exhibit "1". The account was enrolled in PECO Energy's

Customer Assistance Program (“CAP”) under Tier C on November 3, 2009. The Complainant last recertified in the program on March 24, 2014. The Complainant’s next scheduled recertification is on March 24, 2016. See CAP History, attached hereto as Exhibit “2”. The Complainant is currently actively enrolled in the CAP program.

On May 20, 2014, the Complainant filed an informal complaint with the BCS at case number 003241402, requesting a payment agreement to restore his electric service. See Case Details Report #003241402, attached hereto as Exhibit “3”. The BCS issued a Decision Report on May 23, 2014, dismissing the complaint. The BCS noted in the Decision Report that the Complainant had five prior payment agreements and only five payments in the last twelve months. See BCS Decision Report #003241402, attached hereto as Exhibit “4”.

The Complainant’s balance is \$6,835.86, which is comprised entirely of CAP arrears. See Exhibit “1”. The Complainant is not entitled to a PUC ordered payment agreement on his 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's account was enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier C on November 3, 2009.
2. The Complainant's account has been continuously enrolled in the CAP program since November 3, 2009.
3. The Complainant was last re-certified in the program on March 24, 2014 under Tier C with a monthly income of \$624.10 for 2 adults.
4. The Complainant's balance is \$6,835.86.
5. The Complainant's entire balance is comprised of CAP arrears.
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**

SHARIF R. PRICE	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2430517
	:	
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: July 23, 2014

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SHARIF R. PRICE	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2430517
	:	
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:

Sharif Price
525 N. 19th Street, Apartment 1
Philadelphia, PA 19130

Dated at Philadelphia, Pennsylvania, July 23, 2014.



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



Exelon Business Services Company
Legal Department
2301 Market Street/S23-1
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215 568 3389 Fax
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Direct Dial: 215 841-6841

July 23, 2014

Sharif R. Price
525 N. 19th Street, Apartment 1
Philadelphia, PA 19130

RE: Sharif R. Price v. PECO Energy Company
PUC Docket No.: C-2014-2430517

Dear Ms. Price:

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”

PECO Account Activity Statement

Date: 07/16/14

Page: 1 of 3

*** Account Information ***

Account Number: 74623-34011
 Account Status: Active
 Requested By: SHARIF PRICE
 (267)257-0388 Extension:
 Mail To: SHARIF PRICE
 525 N 19TH ST
 1ST FL
 PHILADELPHIA PA 19130

*** Current Account Status ***

Current Bill: \$223.44
 Billed Prior: \$6612.42
 Balance Due: \$6835.86
 Service Address: 525 N 19TH ST
 1ST FL
 PHILADELPHIA PA 19130
 Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 21
 Rate: CAP Opt C Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
07/25/12	Late Payment Charge				\$56.05					
07/30/12	ELECTRIC SERVICE	06/27/12 07/29/12	50440	105386578	\$33.82					
07/30/12	Regular Bill						\$4103.85	\$4070.03	08/21	542
08/28/12	BUDGET BILLING	07/29/12 08/27/12			\$60.00					
	** Budget Bill Detail **	Actual Bill Amount: 35.06			BB Deferred Amount: -24.94					
08/28/12	Late Payment Charge				\$56.56					
08/28/12	Regular Bill						\$4220.41	\$4160.41	09/19	563
09/25/12	Late Payment Charge				\$57.08					
09/27/12	BUDGET BILLING	08/27/12 09/26/12			\$60.00					
	** Budget Bill Detail **	Actual Bill Amount: 33.88			BB Deferred Amount: -51.06					
09/27/12	Regular Bill						\$4337.49	\$4277.49	10/19	543
10/24/12	BUDGET BILLING	09/26/12 10/24/12			\$60.00					
	** Budget Bill Detail **	Actual Bill Amount: 36.18			BB Deferred Amount: -74.88					
10/24/12	Late Payment Charge				\$57.33					
10/24/12	Regular Bill						\$4454.82	\$4394.82	11/15	519
11/20/12	Late Payment Charge				\$57.35					
11/26/12	BUDGET BILLING	10/24/12 11/26/12			\$60.00					
	** Budget Bill Detail **	Actual Bill Amount: 116.54			BB Deferred Amount: -18.34					
11/26/12	Regular Bill						\$4572.17	\$4512.17	12/18	1086
12/27/12	BUDGET BILLING	11/26/12 12/27/12			\$60.00					
	** Budget Bill Detail **	Actual Bill Amount: 133.36			BB Deferred Amount: 55.02					
12/27/12	Regular Bill						\$4632.17	\$4572.17	01/18	1189
01/14/13	Payment Agreement					\$4632.17				
01/29/13	BUDGET BILLING	12/27/12 01/29/13			\$43.00					
	** Budget Bill Detail **	Actual Bill Amount: 149.13			BB Deferred Amount: 161.15					
01/29/13	DEFERRED PAYMENT AGREEMENT				\$77.20					
01/29/13	Regular Bill						\$120.20		02/20	1430
02/25/13	Bill Out DPA due to Default				\$4554.97					
02/26/13	Late Payment Charge				\$61.71					
02/27/13	BUDGET BILLING	01/29/13 02/27/13			\$43.00					
	** Budget Bill Detail **	Actual Bill Amount: 186.15			BB Deferred Amount: 304.30					
02/27/13	Regular Bill						\$4779.88	\$4736.88	03/21	1679
03/26/13	Late Payment Charge				\$62.36					
03/28/13	BUDGET BILLING	02/27/13 03/28/13			\$43.00					
	** Budget Bill Detail **	Actual Bill Amount: 135.59			BB Deferred Amount: 396.89					
03/28/13	Regular Bill						\$4885.24	\$4842.24	04/22	1339
04/08/13	Payment Agreement					\$4477.77				
04/09/13	Payment					\$302.11				
04/18/13	Returned Electronic Check				\$302.11					
04/18/13	RETURNED CHECK NSF CHARGE				\$20.00					
04/29/13	BUDGET BILLING	03/28/13 04/29/13			\$43.00					
	** Budget Bill Detail **	Actual Bill Amount: 68.87			BB Deferred Amount: 422.76					

PECO ENERGY
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PECO Account Activity Statement

Date: 07/16/14
Page: 2 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
04/29/13	DEFERRED PAYMENT AGREEMENT				\$77.20					
04/29/13	Late Payment Charge				\$4.26					
04/29/13	Regular Bill									
05/28/13	Bill Out DPA due to Default						\$551.93	\$411.73	05/21	864
05/28/13	BUDGET BILLING	04/29/13 05/28/13			\$4323.37					
	** Budget Bill Detail **	Actual Bill Amount: 33.28			\$114.00					
05/28/13	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 342.04				
05/28/13	Regular Bill				\$77.20					
05/29/13	Late Payment Charge						\$743.13	\$551.93	06/19	614
06/25/13	Late Payment Charge				\$63.96					
06/26/13	BUDGET BILLING	05/28/13 06/26/13			\$65.67					
	** Budget Bill Detail **	Actual Bill Amount: 43.84			\$114.00					
06/26/13	Regular Bill					BB Deferred Amount: 271.88				
07/23/13	Late Payment Charge						\$5310.13	\$5196.13	07/18	736
07/26/13	BUDGET BILLING	06/26/13 07/26/13			\$67.38					
	** Budget Bill Detail **	Actual Bill Amount: 77.37			\$114.00					
07/26/13	Regular Bill					BB Deferred Amount: 235.25				
07/30/13	Payment Agreement						\$5491.51	\$5377.51	08/19	953
08/26/13	BUDGET BILLING	07/26/13 08/26/13			\$66.00					
	** Budget Bill Detail **	Actual Bill Amount: 46.40			\$91.53					
08/26/13	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 215.65				
08/26/13	Regular Bill									
09/23/13	Bill Out DPA due to Default						\$157.53		09/17	938
09/24/13	Late Payment Charge				\$5399.98					
09/25/13	BUDGET BILLING	08/26/13 09/25/13			\$70.08					
	** Budget Bill Detail **	Actual Bill Amount: 42.35			\$66.00					
09/25/13	Regular Bill					BB Deferred Amount: 192.00				
10/15/13	Payment Agreement						\$5693.59	\$5627.59	10/17	897
10/16/13	Payment					\$5399.98				
10/22/13	Late Payment Charge					\$160.00				
10/29/13	BUDGET BILLING	09/25/13 10/29/13			\$0.99					
	** Budget Bill Detail **	Actual Bill Amount: 40.50			\$66.00					
10/29/13	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 166.50				
10/29/13	Regular Bill					\$91.53				
11/25/13	Bill Out DPA due to Default						\$292.13	\$134.60	11/20	801
11/26/13	Late Payment Charge				\$5308.45					
11/27/13	BUDGET BILLING	10/29/13 11/27/13			\$69.66					
	** Budget Bill Detail **	Actual Bill Amount: 113.36			\$66.00					
11/27/13	Regular Bill					BB Deferred Amount: 213.86				
12/30/13	Late Payment Charge						\$5736.24	\$5670.24	12/23	1273
01/02/14	BUDGET BILLING	11/27/13 01/01/14			\$70.65					
	** Budget Bill Detail **	Actual Bill Amount: 216.74			\$93.00					
01/02/14	Regular Bill					BB Deferred Amount: 337.60				
01/09/14	Payment						\$5899.89	\$5806.89	01/24	1904
01/29/14	Late Payment Charge					\$50.00				
02/03/14	BUDGET BILLING	01/01/14 02/01/14			\$71.30					
	** Budget Bill Detail **	Actual Bill Amount: 255.14			\$93.00					
02/03/14	Regular Bill					BB Deferred Amount: 499.74				
02/04/14	Payment						\$6014.19	\$5921.19	02/25	2168
02/27/14	BUDGET BILLING	02/01/14 02/27/14			\$116.00					

PECO Account Activity Statement

Date: 07/16/14
Page: 3 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
	** Budget Bill Detail **	Actual Bill Amount: 190.00				BB Deferred Amount: 573.74				
02/27/14	Regular Bill									
03/04/14	Late Payment Charge						\$6080.19	\$5964.19	03/21	1641
03/24/14	Payment Agreement				\$71.95					
03/28/14	BUDGET BILLING	02/27/14 03/28/14				\$6152.14				
	** Budget Bill Detail **	Actual Bill Amount: 110.33			\$95.00					
03/28/14	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 589.07				
03/28/14	Regular Bill				\$102.54					
04/23/14	Payment						\$197.54		04/21	1289
04/28/14	BUDGET BILLING	03/28/14 04/28/14				\$198.00				
	** Budget Bill Detail **	Actual Bill Amount: 84.43			\$144.00					
04/28/14	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 529.50				
04/28/14	Regular Bill				\$102.54					
04/29/14	Returned Electronic Check						\$246.08		05/20	1105
05/20/14	Bill Out DPA due to Default				\$198.00					
05/28/14	Late Payment Charge				\$5947.06					
06/02/14	BUDGET BILLING	04/28/14 05/28/14			\$77.28					
	** Budget Bill Detail **	Actual Bill Amount: 21.11			\$144.00					
06/02/14	Regular Bill					BB Deferred Amount: 406.61				
07/01/14	BUDGET BILLING	05/28/14 06/26/14			\$144.00		\$6612.42	\$6468.42	06/24	677
	** Budget Bill Detail **	Actual Bill Amount: 7.12				BB Deferred Amount: 269.73				
07/01/14	Late Payment Charge				\$79.44					
07/01/14	Regular Bill						\$6835.86	\$6691.86	07/23	

EXHIBIT "2"

CAP History

Name: Sharif Price
Account: 74623-34011
Address: 525 N 19TH ST, 1ST FL
Philadelphia PA 19130
Case: Docket# C-2014-2430517

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CAP enrolled since 11/03/09 and last recertified 03/24/14 Tier C with monthly income of \$624.10 for 2 adults, 47%FPL. Next scheduled recertification date is 03/24/16.
Balance is CAP Arrears

EXHIBIT “3”



July 22, 2014

Case Details Report

BCS Case #: 003241402
Customer Name: SHARIF PRICE
Service Address: 525 N 19TH STREET
1ST FL
PHILADELPHIA, PA 19130
Mailing Address:

BCS Bill Account #: 4762334011

Home Phone: () -
Business Phone: () -
Business name: SM
Alternate contact: NO HOME NO WK NO E-MAIL ADRES

Date Case Opened: 2014-05-20
PAR Case: Y
Investigator Name: BCS CASE POOL
Investigator Phone: (717) 787-0000
Service class: R
Previous case #:
Date Cut Out: 9999-12-31
Universal Service: N
Contact Type: TELEPHONE
Amount in Arrears: \$197.50

Adults: 2
Children: 0
Children Ages:
Gross Income: \$624.00
Miscellaneous Info:
NO HOME NO WK NO E-MAIL ADRES

Complaint Reason:
OFF - SERVICE IS TERMINATED/SUSPENDED - DISPUTE (# 76)

Customer Problem Description:
OFF CUSTOMER WANTS ASSISTANCE WITH A LOWER RESTORE FEE AND WANTS HELP WITH A PAYMENT PLAN. CUSTOMER IS ALSO ENROLLED ON THE CAP PROGRAM. HE ALSO CLAIMS THAT HE DID RECEVIE ANY NOTICE.

Company Position:
05/20/2014 PECO ENERGY IS REQUESTING \$6247.14 TOTAL BAL TO RESTORE SERVICES.

EXHIBIT “4”

