



Exelon Business Services Company  
Legal Department

2301 Market Street/S23-1  
Philadelphia, PA 19103

215 568 3389 Fax  
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Direct Dial: 215.841.6841

August 26, 2014

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

**RE: Diane Kerner v. PECO Energy Company**  
**PUC Docket No.: C-2014-2432128**

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 UTILITY COMMISSION**

**DIANE KERNER**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2014-2432128**

**NOTICE TO PLEAD**

*To: Diane Kerner*

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 26, 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 UTILITY COMMISSION**

**DIANE KERNER**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2014-2432128**

**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. 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.

1. On or about July 9, 2014, Complainant filed a Formal Complaint against Respondent, PECO, requesting to receive a Commission-ordered payment agreement. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

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

3. On August 5, 2014, PECO filed an Answer, New Matter and Notice to Plead. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2.

4. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on October 9, 2013 under Tier D. New Matter ¶1.

5. PECO averred that Complainant was previously enrolled in CAP at her prior address 653 Astor Street, Norristown, PA 19401 from April 11, 2012 to August 15, 2013. New Matter ¶2.

6. PECO averred that Complainant left a \$7,748.38 balance at 653 Astor Street that transferred to her current service address at 3089 Cardin Place, which was comprised entirely of CAP arrears. New Matter ¶¶3-4.

7. PECO also averred that Complainant is an active CAP customer. New Matter ¶7.

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

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 ¶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 as follows: "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 the 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. Cmwlt. 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 sole relief Complainant seeks is 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 sole relief Complainant seeks.

17. Because no factual dispute exists and the Complaint 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 instant complaint with prejudice, as it relates to a request for a prohibited payment agreement on CAP arrears, and the Complaint 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  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
Shawane.Lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANE KERNER**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2014-2432128**

**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  
Diane Kerner  
3089 Cardin Place  
Norristown, PA 19403



---

Shawane L. Lee

DATED: August 26, 2014

# **EXHIBIT “1”**

**O'Neill, Leslie:(BSC)**

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**From:** eServe@pa.gov  
**Sent:** Wednesday, July 16, 2014 2:40 PM  
**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-2014-2432128**. 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.*

PECO ENERGY  
EXHIBIT 1

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

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

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 DIANE KERNER

Street/P.O. Box 3089 CARDIN PLACE Apt # \_\_\_\_\_

City NORRISTOWN State PA Zip 19403

County Montgomery

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

(267) 339-9184 (home) (267) 339-9184 (mobile)

E-mail Address (optional): dialyker@gmail.com

Utility Account Number (from your bill) 3019708012

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 PHILADELPHIA ELECTRIC COMPANY

**RECEIVED**

JUL - 9 2014

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 checked="" 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). MEDICAL (CHILD AT HOME)

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.

IT ALL STARTED WHEN I APPLIED FOR CAP - I FAYED ALL THE PAPER WORK THEY NEEDED TWO MONTHS WENT BY AND I DID NOT GET ANYTHING BACK FROM CAP. I CALLED PECO AND TOLD THEM I MADE A 400.00 PAYMENT AND I DID NOT HEAR FROM THE CAP PROGRAM. THE WOMEN SAID THEY SENT ME A LETTER WITH WHAT I HAVE TO PAY. I TOLD HER I NEVER RECEIVED THE LETTER AND ASKED HER IF THERE IS A WAY I COULD MAKE PAYMENT ARRANGMENT UNTIL I FIND OUT WHAT LETTER THEY SENT ME. PECO SAID NO WE CAN NOT DO THAT, ~~AS~~ SHE SAID THE CAP ALREADY SENT YOU WITH PAYMENT ARRANGMENTS. I TOLD HER BUT I DID NOT RECEIVE THAT LETTER. I ALSO TOLD HER I CAN NOT HAVE MY SERVICE OFF BECAUSE MY CHILD HAS A MEDICAL PROBLEM ~~AS~~ SHE IS IN NEED OF HER MACHINE, PLUS I COULD LOSE MY SECTION 8 HOUSING VOUCHER. I WANT TO GO ON THE CAP PROGRAM & MY SERVICE BE BACK ON. I NEED IT BACK ON PLEASE !!

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

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 for 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

I TALKED TO A PERSON FROM PECO  
WHEN I CALLED

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.

THEY TURNED ME DOWN TO PUT SERVICE BACK  
ON AND MAKE PAYMENT ARRANGEMENTS.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

I TALKED TO EVERYONE I can about it and  
NO ONE CAN HELP ME

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](mailto: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 \_\_\_\_\_

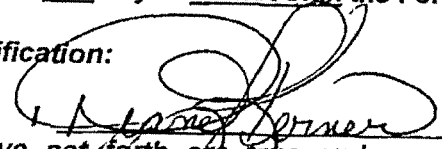
E-mail Address (if known) \_\_\_\_\_

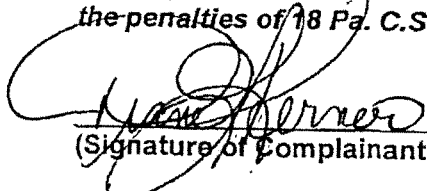
Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

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:

  
\_\_\_\_\_, 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).

  
\_\_\_\_\_  
(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. Filing

You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

If you do not electronically file your Formal Complaint, mail the completed form (along with any attachments) to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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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.

DIANE KERNER  
3089 CARDIN PLICE  
NORRISTOWN, PA 19403

SECRETARY  
PENNSYLVANIA Public Utility Commission  
400 NORTH STREET  
Commonwealth Keystone Building, 2ND FLOOR  
HARRISBURG, PENNSYLVANIA 17120

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

JUL - 9 2014

RECEIVED

PRESS FIRMLY TO SEAL



CONTRIBUTOR  
19428  
JUL 09 2014  
AMOUNT

\$5.60

1006

17120

00016662-00

FROM: Diane Kerner  
3089 Cardin Place  
Norristown, PA 19403

JUL 10 2014

RECEIVED

TO: PPUC  
400 North St.  
Commonwealth Keystone Bldg. 2<sup>nd</sup> Fl.  
Harrisburg, PA 17120

JUL - 9 2014

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



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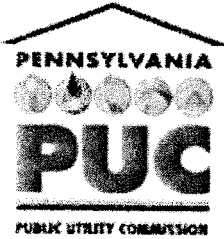
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July 2013  
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# **EXHIBIT “2”**



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

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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-2014-2432128
Description:	Diane Kerner - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	8/5/2014 9:46:17 AM
Filed On:	8/5/2014 9:46:17 AM
eFiling Confirmation Number:	1558826

**Uploaded File List**

File Name	Document Class	Document Type
Diane Kerner - Answer & 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.exelencorp.com

Direct Dial: 215.841.6841

August 5, 2014

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

**RE: Diane Kerner v. PECO Energy Company**  
**PUC Docket No.: C-2014-2432128**

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

DIANE KERNER

Complainants

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2014-2432128

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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, August 5, 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**

<b>DIANE KERNER</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2014-2432128</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**ANSWER OF RESPONDENT,**  
**PECO ENERGY COMPANY**

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On July 16, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Diane Kerner (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. She alleges that PECO Energy is threatening to terminate her service and she has a child in the household with a medical condition. The Complainant states that she wants to enroll in PECO Energy's Customer Assistance Program ("CAP"). PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established an account with PECO Energy for service at 3089 Cardin Place, Norristown, PA 19403 under account number 30197-08012. See Account Activity

Statement, attached hereto as Exhibit "1". She was re-enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier D on October 9, 2013 based on a household income of \$1,190.00 for one adult and two children. See CAP History, attached hereto as Exhibit "2". The Complainant was previously enrolled in the CAP program at a previous address (653 Astor Street, Norristown, PA 19401) from April 11, 2012 to August 15, 2013. The Complainant left a \$7,748.38 balance at that address, which transferred to her new service address at 3089 Cardin Place. See Exhibit "1". The entire transferred balance is comprised of CAP arrears. The Complainant's next recertification in the program is due on October 9, 2015. See Exhibit "2". The Complainant remains actively enrolled in the CAP program.

On April 29, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003231192, requesting a payment agreement on her \$9,649.59 balance. The BCS issued a Decision Report on May 5, 2014, dismissing the informal complaint as follows:

DISMISSED 1405C CAP ARREARS. (PRE PROGRAM ARREARS \$8,348.86 OF CAP WAS FORGIVEN ON 11/16/09) CO POSITION IS TO PAY 9495.46 + 20.00 RECONNECT FEE FOR TOTAL OF 9,515.46.

See BCS Decision Report #003231192, attached hereto as Exhibit "3".

The Complainant's final balance is \$9,695.61, 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 D on October 9, 2013 based on a household income of \$1,190.00 for one adult and two children. See CAP History, attached hereto as Exhibit "2".
2. The Complainant was previously enrolled in the CAP program at a previous address (653 Astor Street, Norristown, PA 19401) from April 11, 2012 to August 15, 2013.
3. The Complainant left a \$7,748.38 balance at that address, which transferred to her new service address at 3089 Cardin Place.
4. The entire transferred balance is comprised of CAP arrears.
5. The Complainant's next recertification in the program is due on October 9, 2015. See Exhibit "2".

6. The Complainant's next recertification in the program is due on October 9, 2015.

7. The Complainant remains actively enrolled in the CAP program.

8. The Complainant's entire balance is comprised of CAP arrears.

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

10. 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."

11. 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.

12. 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,



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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**

**DIANE KERNER**

**Complainants**

v.

**PECO ENERGY COMPANY**

**Respondent**

:  
:  
:  
:  
:  
:  
:

**DOCKET NO. C-2014-2432128**

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**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: August 5, 2014

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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DIANE KERNER</b>	:	
<b>Complainants</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2432128</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**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:

Diane Kerner  
3089 Cardin Place  
Norristown, PA 19403

Dated at Philadelphia, Pennsylvania, August 5, 2014.



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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/S231  
Philadelphia, PA 19103  
215 568 3389 Fax  
www.exeloncorp.com

Direct Dial: 215 841-6841

August 5, 2014

Diane Kerner  
3089 Cardin Place  
Norristown, PA 19403

**RE: Diane Kerner v. PECO Energy Company**  
**PUC Docket No.: C-2014-2432128**

Dear Ms. Kerner:

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”**

PECO Account Activity Statement

Date: 07/27/14

Page: 1 of 2

\*\*\* Account Information \*\*\*

Account Number: 30197-08012  
 Account Status: Final  
 Requested By: DIANE KERNER  
 (267)339-9184 Extension:

Mail To: DIANE KERNER  
 3089 CARDIN PL  
 EAGLEVILLE PA 19403

Current Bill: \$2,337  
 Billed Prior: \$9693.24  
 Balance Due: \$9695.61  
 Service Address: 3089 CARDIN PL  
 NORRISTOWN PA 19403

Current Account Status \*\*\*  
 Credit Amount: \$0.00  
 Deposit Requested: \$0.00  
 Deposit On-Hand: \$0.00  
 Meter Bill Grp: 15  
 Rate: CAP Opt D Electric Residential Heating Svc

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE
04/11/12	Transfer Debit				\$201.75				
04/11/12	Transfer Debit				\$135.09				
05/29/12	Transfer Debit				\$206.74				
06/26/12	Transfer Debit				\$13.56				
06/27/12	Transfer Debit				\$235.91				
07/24/12	Transfer Debit				\$17.40				
07/27/12	Transfer Debit				\$235.47				
08/27/12	Transfer Debit				\$270.66				
09/06/12	Transfer Debit				\$18.46				
09/06/12	Transfer Debit				\$0.89				
09/25/12	Transfer Debit				\$1180.00				
09/26/12	Transfer Debit				\$22.76				
10/23/12	Transfer Debit				\$234.58				
10/25/12	Transfer Debit				\$44.19				
11/21/12	Transfer Debit				\$275.89				
11/27/12	Transfer Debit				\$48.33				
12/27/12	Transfer Debit				\$378.34				
12/28/12	Transfer Debit				\$53.91				
01/08/13	Transfer Debit				\$398.47				
01/29/13	Transfer Debit				\$370.00				
01/30/13	Transfer Debit				\$59.98				
02/26/13	Transfer Debit				\$268.06				
02/28/13	Transfer Debit				\$69.55				
03/27/13	Transfer Debit				\$263.76				
03/29/13	Transfer Debit				\$73.51				
04/29/13	Transfer Debit				\$160.29				
04/29/13	Transfer Debit				\$143.86				
05/29/13	Transfer Debit				\$75.91				
05/29/13	Transfer Debit				\$147.46				
06/10/13	Transfer Debit				\$77.69				
06/10/13	Transfer Debit				\$260.00				
06/28/13	Transfer Debit				\$1180.00				
07/29/13	Transfer Debit				\$212.06				
08/02/13	Transfer Debit				\$7.89				
08/15/13	Transfer Debit				\$259.89				
08/16/13	ELECTRIC SERVICE	08/08/13	09/16/13	10634	\$22.19				
08/16/13	CONNECTION CHARGE - STANDARD				\$61.70				
08/16/13	Regular Bill				\$6.00				
09/11/13	Transfer Debit				\$99.98				
09/11/13	Transfer Debit				\$3.90				
09/16/13	Transfer Debit				\$0.93				
09/16/13	Late Payment Charge				\$264.41				
09/17/13	ELECTRIC SERVICE	08/16/13	09/17/13	12301	\$264.41				
09/17/13	Regular Bill								
10/09/13	Payment Agreement								
10/16/13	ELECTRIC SERVICE	09/17/13	10/16/13	13326	\$108.48				
10/16/13	DEFERRED PAYMENT AGREEMENT				\$134.69				
10/16/13	Regular Bill								
					\$8081.42		\$8081.42	\$7817.01	10/09
					\$243.17		\$243.17		11/07
									1025
									407
									1667



REC'D Account Activity Statement

Date: 07/27/14  
Page: 2 of 2

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
11/12/13	Bill Out DPA due to Default									
11/12/13	Late Payment Charge				\$7946.73					
11/14/13	ELECTRIC SERVICE	10/16/13 11/14/13	14505	119499721	\$3.65					
12/11/13	Regular Bill				\$101.41					
12/20/13	Late Payment Charge				\$108.03					
12/20/13	ELECTRIC SERVICE	11/14/13 12/20/13	17490	119499721	\$338.72					
01/21/14	Regular Bill	12/20/13 01/21/14	20525	119499721	\$340.84					
01/21/14	Late Payment Charge				\$113.11					
02/19/14	Regular Bill	01/21/14 02/19/14	24514	119499721	\$118.22					
02/19/14	ELECTRIC SERVICE				\$472.12					
03/18/14	Late Payment Charge				\$125.30					
03/21/14	ELECTRIC SERVICE	02/19/14 03/21/14	27433	119499721	\$302.16					
04/01/14	Transfer					\$318.00				
04/17/14	Payment					\$400.00				
04/18/14	ELECTRIC SERVICE	03/21/14 04/18/14	29178	119499721	\$154.13		\$10213.46	\$9911.30	04/14	2919
05/19/14	Regular Bill									
05/19/14	ELECTRIC SERVICE	04/18/14 05/19/14	29679	119499721	\$43.65		\$9649.59	\$9495.46	05/12	1745
06/02/14	Regular Bill									
06/02/14	ELECTRIC SERVICE	05/19/14 06/02/14	29679	119499721	\$2.37		\$9693.24	\$9649.59	06/10	501
07/01/14	Late Payment Charge				\$122.07					
07/02/14	Late Payment Charge				\$122.03			\$9649.59	06/24	

**EXHIBIT "2"**

**CAP HISTORY FOR ACCOUNT**

**NAME:** Diane Kerner  
**ACCOUNT NUMBER:** 51550-89076  
**ADDRESS:** 3089 Cardin Place  
Eagleville Pa 19403  
**CASE:** C-2014-2432128

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**5/25/06-11/17/08** 1525 S Dover Street Philadelphia PA 19146  
Account 62121-01600 Account balance was \$8348.86

**12/30/08 – 10/18/10** 1451 W Main Street Norristown PA  
Account 73188-87014 Account balance was \$1490.09  
Pre-program arrears of \$8384.86 were forgiven on 11/16/09

**11/29/11** CAP was forgiven \$2,285.22 in a onetime CAP  
The account balance of \$1135.09 ALL CAP arrears  
transferred to

**4/11/12-8/15/13** 653 Astor Street Norristown, PA 19401  
Account 51550-89076  
Account balance of \$7,748.38 transferred to current account

**10/9/13** 3089 Cardin Pl. Norristown, PA 19403  
Re-enrolled in CAP Rate Tier D; scheduled for CAP  
recertification on 10/9/15 based on income of \$1,190.00 for  
1 adult and 2 children is 73% of the FPL

**EXHIBIT “3”**

