



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

September 12, 2014

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

**RE: Adventure Alley CLC, LLC v. PECO Energy Company  
PUC Docket No.: C-2014-2430850**

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 stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service (via First Class Mail)

sl/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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 Motion for Judgment on the Pleadings of PECO Energy Company within 10 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Motion for Judgment on the Pleadings, 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, September 12, 2014



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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>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**RESPONDENT, PECO ENERGY COMPANY'S  
MOTION FOR JUDGMENT ON THE PLEADINGS**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

**I. PROCEDURAL HISTORY:**

1. On or about June 6, 2014, Complainant, Adventure Alley filed a Formal Complaint with the Pennsylvania Public Utility Commission (“PUC”).
2. On July 8, 2014, PECO Energy was served the above-mentioned Formal Complaint. A copy of Complainant’s Formal Complaint is attached hereto as (Exhibit 1).
3. On July 22, 2014, PECO Energy filed an Answer & New Matter to the Formal Complaint. A copy of PECO Energy’s Answer & New Matter is attached hereto as (Exhibit 2).
4. Pursuant to 52 Pa. Code § 5.63, Complainant had twenty days from the filing date of PECO’s New Matter on July 22, 2014, to respond.
5. To date, over twenty (20) days have passed since PECO filed its New Matter on July 22, 2014. As Complainant has failed to timely respond to the New Matter, PECO is filing this Motion seeking Judgment on the Pleadings.

## **II. RELEVANT FACTS:**

6. In its Complaint, the Complainant alleges that it operates a business (Adventure Alley) at 903-905 Tyson Avenue, Philadelphia, PA.

7. The Complainant alleges that it has an account with PECO Energy for electric service under account number 41600-98013.

8. The Complainant is disputing the rate they are paying to their supplier, Great American Power (“Great American”) for electric service

## **III. LEGAL ARGUMENT**

### **A. Standard of Review**

9. 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.

10. 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.

11. 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).

12. 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).

**B. The Complainant's Complaint should be dismissed because Adventure Alley is a commercial customer; and the Complainant is required to be represented by counsel.**

13. The Complainant, Adventure Alley is a commercial customer operating a child care center at the service address at issue.

14. Adventure Alley is a Limited Liability Corporation incorporated in the Commonwealth of Pennsylvania on December 6, 2007. See Pennsylvania Department of State Corporation Search, attached hereto as (Exhibit 3).

15. The principal address listed for Adventure Alley with the Pennsylvania Department of State is the service address – 903-905, Tyson Avenue, Philadelphia. See (Exhibit 3).

16. As a commercial customer and corporation, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.

17. The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

18. On July 22, 2014, PECO Energy filed an Answer with New Matter to the Complainant's Complaint. See (Exhibit 2).

19. Once PECO Energy filed the Answer with New Matter the current PUC matter became adversarial. See 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc.

20. On August 21, 2014, Administrative Law Judge Susan D. Colwell, issued an Order stating that Adventure Alley is directed to have licensed counsel enter an appearance on this matter on or before September 10, 2014.

21. ALJ Colwell's Order stated that the failure of Adventure Alley to obtain counsel by September 10, 2014, may result in the loss of the case.

22. To date, the Complainant Corporation has not had counsel enter an appearance for this matter.

23. Accordingly, PECO Energy requests that the Commission dismiss the Complainant's Complaint for failure to be represented by counsel.

#### **IV. CONCLUSION**

24. PECO Energy 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).

25. On August 26, 2014, Great American Power filed a Certificate of Satisfaction for this matter, resolving the formal complaint with the Complainant.

26. The Complainant has had no attorney enter an appearance; and therefore, the Complaint against PECO Energy should be dismissed.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complainant's Complaint.

Respectfully Submitted,



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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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: September 12, 2014

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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</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:

Adventure Alley CLC, LLC  
903-905 Tyson Avenue  
Philadelphia, PA 19111

Ginger Lucas, Chief Financial Officer  
Great American Power, LLC  
2959 Cherokee Street, Suite 202  
Kennesaw, GA 30132

Susan D. Colwell, Adm. Law Judge  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dated at Philadelphia, Pennsylvania, September 12, 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

# **EXHIBIT “1”**

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

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**From:** eServe@pa.gov  
**Sent:** Tuesday, July 08, 2014 4:00 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-2014-2430850**.

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

BCS:3244729

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

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

RECEIVED  
2014 JUN -6 AM 10:33  
PA. P.U.C. BUREAU  
SECRETARY'S BUREAU

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

1. Customer (Complainant) Information

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

Name ADVENTURE ALLEY LLC LLC  
Street/P.O. Box 903-905 TYSON Ave Apt #  
City Phila. State PA. Zip 19111  
County Phila.

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

(215) 725-7070 (home) (267) 275-4458 (mobile)

E-mail Address (optional): hamrag3@yahoo.com/mattorion@hotmail.com

Utility Account Number (from your bill) 41600-98013

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 / Great American Power

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). *The bill in question is 4X's higher than what we have been paying for years.*

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 Think we should've <sup>been</sup> notified about the rate changing to a ridiculous rate. We have the option to go back to Peco if we wanted too and we would've if we would've known the rate increased. We have been paying the same amount at different times of the year and that should it have changed for the worse. Great American solicited us with cheaper rates not higher ones.

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

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.

They told me to just pay the bill and there is nothing that can be done. It took a very long time to get through to them.

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:**

I Matthew J. Ragan, 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).

Matthew J. Ragan \_\_\_\_\_ 6/3/14  
(Signature of Complainant) (Date)

Husband of Owner (Director in Training)  
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

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.



Emergency and Repairs: 1-800-841-4141. This is the number to call to report power outages, gas leaks or odors, and safety hazards related to PECO Equipment. For all other business, call 1-800-494-4000

Name: ADVENTURE ALY CHILDRENS LLC  
 Account Number: 41600-98013  
 Phone Number: 215-725-7070  
 Service Address: 905 TYSON AV, OFFICE, PHILADELPHIA

**Billing Summary**

Bill Date	02/21/2014
Thank you for your payment of \$766.32	
Overpayment	
Total Other Charges	\$-0.02
	\$-0.02
<b>Current Period Charges</b>	
Electric	\$1,654.77
Total New Charges	\$1,654.77
Total Amount Due on 03/17/2014	\$1,654.75

**General Information**

Next scheduled meter reading: March 21, 2014  
 PECO, 2301 Market St, Philadelphia, PA 19103-1380. If you have any questions or concerns, please call 1-800-494-4000 before the due date.  
 Si tiene alguna pregunta, favor de llamar al numero 1-800-494-4000 antes de la fecha de vencimiento.

- Customer Self Service - Manage Your Account 24/7**
- [www.peco.com/bill](http://www.peco.com/bill) - Go paperless, receive and pay your bill
  - [www.peco.com/service](http://www.peco.com/service) - Start, stop and transfer your service
  - [www.peco.com/SmartIdeas](http://www.peco.com/SmartIdeas) - Save energy and money
  - Pay by phone with credit/debit card at 1-877-432-9384 (\$2.35 fee)

Great American Power, PO Box 1627, Kennesaw, GA 30156, 877-215-4140

**Message Center**

5.90% estimated Gross Receipts Tax of \$90.40 included in new charges.  
 Your estimated electric price to compare is \$0.1049 per kWh. This may change in March, June, September and December. For more information and supplier offers visit [www.PAPowerSwitch.com](http://www.PAPowerSwitch.com).

13-19-29

Dawn  
 36 mins on hold

When paying in person, please bring the entire bill.

(continued on next page)



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

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

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

41600 9801 30000 0000

16763 1 AV 0.378 16763016763034011 062 01 GXFRM 1 02222014  
 ADVENTURE ALY CHILDRENS LLC  
 905 TYSON AVE OFC  
 PHILADELPHIA PA 19111-4405

Account Number 41600-98013  
 Payment Receipt Stamp

Payment Amount

Please pay this amount by 03/17/2014 \$1,654.75

00001654770000000000

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

416009801300016547540761654753



Emergency and Repairs: 1-800-341-4141. This is the number to call to report power outages, gas leaks or odors, and safety hazards related to PECO Equipment. For all other business, call 1-800-494-4000

Name: ADVENTURE ALY CHILDRENS LLC  
 Account Number: 41500-99013

Page 2

Meter Information								
Read Date	Meter Number	Load Type	Reading Type	Meter Reading		Difference	Multiplier X	Usage
				Previous	Present			
02/19	002340639	Check Mtr	Tot kWh	46240 Actual	46702 Actual	453	1	453
02/19	002340639	Check Mtr	Pk kW	0.00 Actual	2.45 Actual	2.45	1	2.45
02/19	310466586	General Service	Tot kWh	2474 Actual	2565 Actual	121	40	10.10
02/19	310466586	General Service	Pk kW	0.00 Actual	0.35 Actual	0.35	40	14.08

Total kWh Used ..... 4,840      Distribution kW - Measured ..... 14.1

**Electric Commercial Service 0-100kW - Current Period Detail**

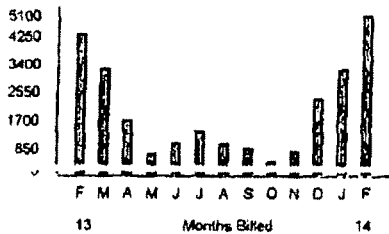
Service 01/21/2014 to 02/19/2014 - 29 days

Customer Charge				\$1 R 50
Distribution Charges	14.10 kW	X	\$4.96000	69.94
Distribution Charges	4,840 kWh	X	0.00410	19.84
Energy Efficiency Charge	4,840 kWh	X	0.00240	11.62
State Tax Adjustment				-0.25
Sales tax				9.42
Great American Power Charges / 877-215-4140				
Community Charge 4000 kWh @ 0.2225114				1,911.45
Sales Tax				84.87
County Tax				28.29

**Total Current Charges**

**\$1,654.77**

13-Month Usage (Total kWh)



**Your Usage Profile**



Period	Usage	Avg Daily Usage	Days	Avg Daily Temp
Current Month	4,840	166.8	29	27
Last Month	3,200	91.4	35	38
Last Year	4,280	147.5	29	32

Avg kWh per Month	1,780
Total Annual kWh Usage	21,360

DO NOT MAIL THIS PORTION WITH YOUR PAYMENT

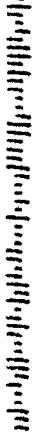
RECEIVED  
2014 JUN -6  
SECRETARY'S OFFICE  
Adventore Alley G.L.C.  
90301 Tyson Ave  
Philadelphia PA 19114

U.S. POSTAGE  
PAID  
PHILADELPHIA, PA  
JUN 04 11 4  
AMOUNT  
**\$0.70**  
00017542-17

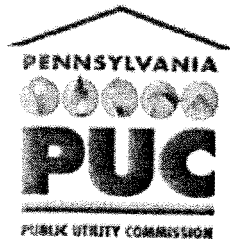


1000  
-17105-

Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265  
171053265



# **EXHIBIT “2”**



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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**eFiling Successfully Transmitted**



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

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

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

eFiling Confirmation	
Docket Number:	C-2014-2430850
Description:	Adventure Alley CLC, LLC - PECO Energy Company Answer and New Matter
Transmission Date:	7/22/2014 4:16:49 PM
Filed On:	7/22/2014 4:16:49 PM
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**Uploaded File List**

File Name	Document Class	Document Type
Adventure Alley CLC, LLC - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

PECO ENERGY  
EXHIBIT 2



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: Adventure Alley CLC, LLC v. PECO Energy Company**  
**PUC Docket No.: C-2014-2430850**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company Answer and New Matter to Formal Complaint* with regard to the matter referenced above.

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

Scheduling Recommendation: **NOT Call of the Docket**

sl/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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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, July 22, 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>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</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 8, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Adventure Alley CLC, LLC. (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 their Formal Complaint, Complainant alleges that Great American Power ("Great American") is their commercial electric supplier. They claim that Great American increased their rates and never notified them of a rate increase. The Complainant alleges that their bill is four times higher than what they have been paying for years. PECO Energy avers that the Complainant chose Great American as their supplier. PECO Energy additionally avers that PECO Energy is not a proper party to this formal complaint as Great American is not the same

company as PECO Energy and PECO Energy is not a party to the contract between the Complainant and Great American. Further PECO Energy does not have control over Great American's rates.

Preliminarily, PECO Energy avers that the Complainant is a commercial customer operating a business at the premises. The Complainant is a Limited Liability Corporation registered with the Pennsylvania Department of State Bureau of Corporations. See Complainant's corporate fictitious name registration with the Pennsylvania Department of State, attached hereto as Exhibit "1". As a commercial customer, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.<sup>1</sup>

Complainant established an account for commercial electric service at 905 Tyson Avenue, Philadelphia, PA 19111 under account number 41600-98013 on January 17, 2008. See Account Activity Statement, attached hereto as Exhibit "2". On February 28, 2013, PECO Energy received a request from the Complainant to switch to Great American. The Complainant switched to Great American as their electric supplier effective March 21, 2013. The Complainant remained enrolled with Great American until the company received a request on March 7, 2014 from the Complainant to switch back to PECO Energy. Supplier billing with Great American ended effective March 21, 2014.

Section 5.4.1 of PECO Energy's Gas Supplier tariff:

EGSs shall be solely responsible for having appropriate contractual or other arrangements with their Customers necessary to implement Direct Access consistent with all applicable laws, PAPUC requirements, and this Tariff. The Company shall not be responsible

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<sup>1</sup> The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975). Accordingly, PECO request that the Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter.

for monitoring, reviewing or enforcing such contracts or arrangements.

See Section 5.4.1 of PECO's Electric Supplier Tariff, attached hereto as Exhibit "3".

In this case, the Complainant disputes the rates charged by their electric supplier Great American. PECO Energy is not a party to the contract between the Complainant and Great American. PECO has no knowledge of the contract and rate agreement the Complainant entered into with Great American and has no visibility into that agreement. Accordingly, the Complainant's formal complaint raising this issue is improperly placed against PECO Energy and should be filed against the supplier Great American only. Consistent with Section 5.4.1 of the tariff, PECO Energy is not the supplier and is not responsible Great American's rates.

5. Denied.

6. Admitted.

7. Denied.

8. Denied. 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, pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:


1. The Complainant is a commercial customer operating a business at the address at issue. See Pennsylvania Department of State Corporate Search, attached hereto as Exhibit "1".

2. As a commercial customer, the Complainant is required to be represented by counsel in adversarial proceedings before the Commission. The proceedings become adversarial at the time when respondent files its Answer.

3. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter. Additionally, the complaint should be dismissed because Complainant is not legally entitled to relief requested.

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**

<b>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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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: July 22, 2014

\_\_\_\_\_  
Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ADVENTURE ALLEY CLC, LLC</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2430850</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:

Adventure Alley CLC, LLC  
903-905 Tyson Avenue  
Philadelphia, PA 19111

Dated at Philadelphia, Pennsylvania, July 22, 2014



---

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



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Legal Department

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July 22, 2014

Adventure Alley CLC, LLC  
903-905 Tyson Avenue  
Philadelphia, PA 19111

**RE: Adventure Alley CLC, LLC v. PECO Energy Company**  
**PUC Docket No.: C-2014-2430850**

Dear Sir or Madame:

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.

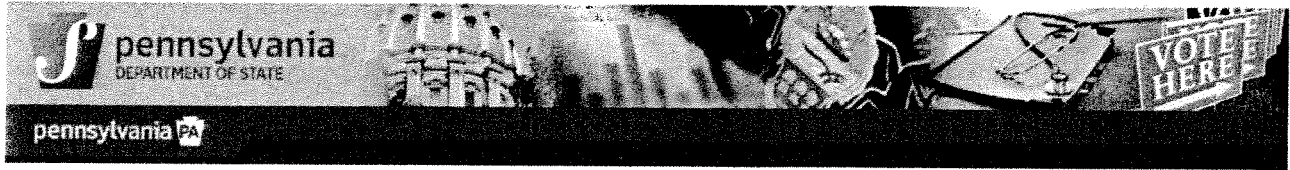
Very truly yours,

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”**



**Corporations**

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- Search
- By Business Name
- By Business Entity ID
- Verify
- Verify Certification
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- Register for Online Orders
- Order Good Standing
- Order Certified Documents
- Order Business List
- My Images
- Search for Images

**Business Entity Filing History**

**Date:** 7/22/2014 (Select the link above to view the Business Entity's Filing History)

**Business Name History**

Name	Name Type
ADVENTURE ALLEY CHILDREN'S LEARNING CENTER, LLC	Current Name

**Limited Liability Company - Domestic - Information**

**Entity Number:** 3777858  
**Status:** Active  
**Entity Creation Date:** 12/26/2007  
**State of Business.:** PA  
**Registered Office Address:** 903-905 Tyson Avenue  
Philadelphia PA 19111  
Philadelphia  
**Mailing Address:** No Address

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PECO ENERGY  
EXHIBIT 1

**EXHIBIT “2”**

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

Account Number: 41600-98013  
Account Status: Active

Mail To:  
ADVENTURE ALY CHILDRENS LLC  
905 TYSON AVE  
PHILADELPHIA PA 19111

Current Bill:  
Billed Prior: \$1124.39  
Balance Due: \$1312.63  
Service Address:  
905 TYSON AV  
OFFICE  
PHILADELPHIA PA 19111

Credit Amount: \$0.00  
Deposit Requested: \$200.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 14  
Rate: Electric Commercial Service 0-100KW

\*\*\* Current Account Status \*\*\*

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
07/19/12	ELECTRIC SERVICE	06/18/12 - 07/18/12	1641	310466586	\$287.09		\$287.09		08/10	6		
07/19/12	ELE-ADDITIONAL METER		38484	002340639								
07/19/12	ELE-ADDITIONAL METER		1641	310466586								
08/02/12	Payment											
08/17/12	ELECTRIC SERVICE	07/18/12 - 08/16/12	1698	310466586	\$280.48		\$287.09		08/10	6		
08/17/12	ELE-ADDITIONAL METER		38922	002340639								
08/17/12	ELE-ADDITIONAL METER		1698	310466586								
08/27/12	Payment											
09/18/12	ELECTRIC SERVICE	08/16/12 - 09/17/12	1757	310466586	\$285.32		\$280.48		09/10	6		
09/18/12	ELE-ADDITIONAL METER		39394	002340639								
09/18/12	ELE-ADDITIONAL METER		1757	310466586								
09/28/12	Payment											
10/17/12	ELECTRIC SERVICE	09/17/12 - 10/16/12	1785	310466586	\$170.68		\$285.32		10/10	6		
10/17/12	ELE-ADDITIONAL METER		39826	002340639								
10/17/12	ELE-ADDITIONAL METER		1785	310466586								
10/24/12	Payment											
11/15/12	ELECTRIC SERVICE	10/16/12 - 11/14/12	1809	310466586	\$154.77		\$170.68		11/08	5		
11/15/12	ELE-ADDITIONAL METER		40245	002340639								
11/15/12	ELE-ADDITIONAL METER		1809	310466586								
11/27/12	Payment											
12/18/12	ELECTRIC SERVICE	11/14/12 - 12/17/12	1852	310466586	\$304.20		\$154.77		12/07	5		
12/18/12	ELE-ADDITIONAL METER		40702	002340639								
12/18/12	ELE-ADDITIONAL METER		1852	310466586								
12/28/12	Payment											
01/22/13	ELECTRIC SERVICE	12/17/12 - 01/21/13	1852	310466586	\$525.78		\$304.20		01/09	15		
01/22/13	ELE-ADDITIONAL METER		1954	310466586								
01/22/13	ELE-ADDITIONAL METER		40702	002340639								
01/22/13	ELE-ADDITIONAL METER		18235	002340639								
01/22/13	ELE-ADDITIONAL METER		1852	310466586								
01/22/13	ELE-ADDITIONAL METER		1954	310466586								
02/14/13	Payment											
02/20/13	ELECTRIC SERVICE	01/21/13 - 02/19/13	2061	310466586	\$562.62		\$525.78		02/13	15		
02/20/13	ELE-ADDITIONAL METER		41632	002340639								
02/20/13	ELE-ADDITIONAL METER		2061	310466586								
03/06/13	Payment											
03/11/13	Deposit Interest											
03/22/13	ELECTRIC SERVICE	02/19/13 - 03/21/13	2142	310466586	\$433.78		\$562.62		03/14	17		
03/22/13	ELE-ADDITIONAL METER		42053	002340639								
03/22/13	ELE-ADDITIONAL METER		2142	310466586								
03/29/13	Payment											
04/22/13	ELECTRIC SERVICE	03/21/13 - 04/18/13	2184	310466586	\$82.94		\$433.55		04/15	13		
04/22/13	ELE-ADDITIONAL METER		42423	002340639								
04/22/13	ELE-ADDITIONAL METER		2184	310466586								
04/22/13	ELE-ADDITIONAL METER				\$149.69							



DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
03/25/14	ELE-ADDITIONAL METER											
03/25/14	ELE-Great American Power		36	124089590	\$703.24		\$2343.55	\$1526.75	04/16	3280		13
03/25/14	Regular Bill											
04/09/14	Payment					\$816.80	\$1792.26	\$1526.75	05/12	1360		13
04/17/14	ELECTRIC SERVICE	03/21/14 04/17/14	70	124089590	\$255.51							
04/17/14	Regular Bill											
04/22/14	Late Payment Charge				\$22.90							
05/07/14	Payment					\$500.00						
05/19/14	Late Payment Charge				\$19.23							
05/21/14	ELECTRIC SERVICE	04/17/14 05/21/14	94	124089590	\$153.03		\$1477.42	\$1324.39	06/12	960		5
05/21/14	Regular Bill											
06/02/14	Payment					\$153.03						
06/17/14	ELECTRIC SERVICE	05/21/14 06/17/14	128	124089590	\$188.24		\$1512.63	\$1324.39	07/09	1360		6
06/17/14	Regular Bill											
06/25/14	Payment					\$200.00						

**EXHIBIT “3”**

preceding process is complete, the Company will notify the Customer's prior EGS, via an EDI transaction, of the discontinuance of service to the Customer from that prior EGS.

(C)

#### 5.3.4

(a) If a Customer contacts the Company to discontinue electric service at the Customer's then current location, and initiates a request for service at a new location in the Company's service territory, the Company will notify the current EGS, via an EDI transaction, of the Customer's discontinuance of service for the account at the Customer's old location.

(b) If a Customer contacts the Company to discontinue electric service and indicates that the Customer will be relocating outside of the Company's service territory, the Company will notify the current EGS, via an EDI transaction, of the Customer's discontinuance of service for the account at the Customer's location.

### 5.4 Provisions relating to an EGS's Customers.

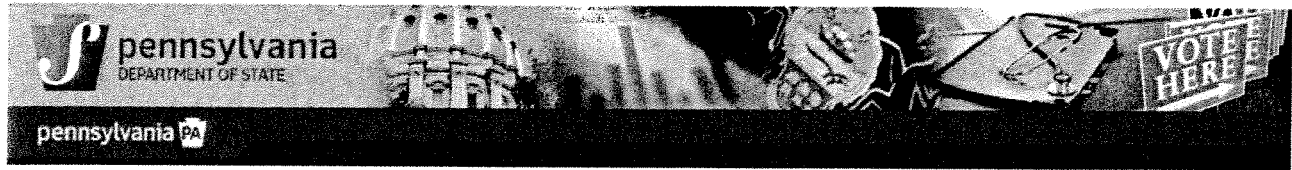
**5.4.1 Arrangements with EGS Customers.** EGSs shall be solely responsible for having appropriate contractual or other arrangements with their Customers necessary to implement Direct Access consistent with all applicable laws, PaPUC requirements, and this Tariff. The Company shall not be responsible for monitoring, reviewing or enforcing such contracts or arrangements.

**5.4.2 Transfer of Cost Obligations Between EGSs and Customers.** Nothing in this Tariff is intended to prevent an EGS and a Customer from agreeing to reallocate between them any charges that this Tariff imposes on the EGS, provided that any such agreement shall not change in any way the EGS's obligation to pay such charges to the Company, and that any such agreement shall not limit the right of the Company to seek recourse directly from the EGS's Customer for any charges owed to the Company by the EGS Customer or preclude the termination or reconnection of the EGS Customer by the Company as provided in the Company's tariffs.

(C)

(C) Denotes Change

# **EXHIBIT “3”**



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**Business Entity Filing History**

**Date:** 7/22/2014 (Select the link above to view the Business Entity's Filing History)

**Business Name History**

<b>Name</b>	<b>Name Type</b>
ADVENTURE ALLEY CHILDREN'S LEARNING CENTER, LLC	Current Name

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**Entity Creation Date:** 12/26/2007  
**State of Business.:** PA  
**Registered Office Address:** 903-905 Tyson Avenue  
 Philadelphia PA 19111  
 Philadelphia  
**Mailing Address:** No Address

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PECO ENERGY  
EXHIBIT 3