



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 16, 2014

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

RE: Cynthia Scarboro v. PECO Energy Company
PUC Docket No.: C-2014-2435857

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

cc: Cynthia Scarboro (via First Class Mail)
Christopher P. Pell, Adm. Law Judge (via First Class Mail)

sl/LO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CYNTHIA SCARBORO

v.

PECO ENERGY COMPANY

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:

DOCKET NO. C-2014-2435857

NOTICE TO PLEAD

To: Cynthia Scarboro

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: September 16, 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**

CYNTHIA SCARBORO

v.

PECO ENERGY COMPANY

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:
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DOCKET NO. C-2014-2435857

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 August 1, 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 August 5, 2014.

3. On August 25, 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's daughter Devante Moore's account was enrolled in its Customer Assistance Program (CAP) on July 1, 2011 under Tier E for her service at 1508 Lily Avenue, Chester, PA 19013. New Matter ¶1.

5. PECO averred that Ms. Moore is next scheduled to re-certify in the program on December 12, 2014. New Matter ¶2.

6. PECO further averred that the entire balance on Complainant's account is comprised of CAP arrears. New Matter ¶4.

7. 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 ¶¶5-6.

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

9. 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).

10. 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."

11. 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.

12. 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).

13. 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).

14. 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.

15. 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**

CYNTHIA SCARBORO

v.

PECO ENERGY COMPANY

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:
:

DOCKET NO. C-2014-2435857

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

Cynthia Scarboro
1508 Lily Avenue
Chester, PA 19013

Administrative Law Judge Christopher P. Pell
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107



Shawane L. Lee

DATED: September 16, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Tuesday, August 05, 2014 3:20 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-2014-2435857**.
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 Cynthia Scarborough
Street/P.O. Box 1508 Lily Avenue Apt #
City Chester State PA Zip 19013
County Delaware

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

(610) 800-0272 (home) (610) 800-0272 (mobile)

E-mail Address (optional): scarcynt@yahoo.com

Utility Account Number (from your bill) 186666-20038

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 DeVante Moore
Street/P.O. Box 1508 Lily Avenue
City Chester State PA Zip 19013

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

SECRETARY'S BUREAU

2014 AUG -1 AM 10:51

RECEIVED

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

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 have until Aug 4th which means by August 3rd 2016

I need to pay \$492.26 or my lights will be off and me and my kids won't have electric

- I would like a payment agreement. I have made calls on Thursday July 24th, Friday, July 25th, and Tuesday July 29th to see if I can make payment arrangements I was told I was not eligible. I explained that I don't have all the money to pay at one time. I am a CAP Customer

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

- Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I am praying that I be granted payment arrangement ~~and~~ and I can make a payment on August 1, 2014. If I am granted the opportunity to make payment arrangements I will pay my bill on time and not get behind. Due to the hot weather we have had to use air conditioners to keep the house cool. I've been going through a pretty tough time financial where my bills out weigh my money. I have had to make decisions of paying the bills, being without food and the kids being without some of the things they need and still today I'm struggling with that. My kids go to be without food some nights coz there's no money to get. I have to reach out to family and friends and sometimes co-workers for help.

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 lawclinicb@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, Cynthia Scarborough, 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).

Cynthia Scarborough July 29, 2014
(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 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.

July 29, 2014

My name is Davante R Moore. I live at 1508 Lily Avenue, Chester Pa 19013. I am 22 years old was born August 8, 1991. My mother's name is Cynthia Scarborough and I live with my mother and my 4 little sisters (Mia, Ashanti, Ciara, and Kennedy) My mother is the only adult working in the household. She works for the City of Chester Fire Department. She has been working with them since 2008. I am currently unemployed so my mother has the only income in the house. My mother is responsible for paying all the bills. My mother has the electric bill in my name so that I may establish credit. My mother has permission to speak with you about the PECO account and her name is added to the account since she has to pay it.

Thank You
Davante R Moore

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2014 AUG - 1 AM 10:51
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SECRETARY'S BUREAU

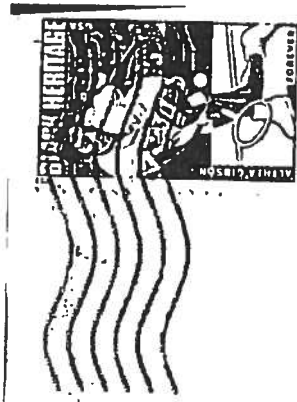
Cynthia Seaborn
1588 Lily Avenue
Chester PA 19013

RECEIVED
2014 AUG -1 AM 10:51
PA.P.U.C.
SECRETARY'S BUREAU

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29 JUL 2014 .PM 9 L

21



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

171200007555

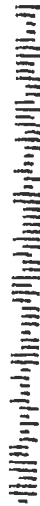


EXHIBIT “2”



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-2014-2435857
Description:	Cynthia Scarboro - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	8/25/2014 8:23:44 AM
Filed On:	8/25/2014 8:23:44 AM
eFiling Confirmation Number:	1561325

Uploaded File List

File Name	Document Class	Document Type
Cynthia Scarboro - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

PECO ENERGY



Exelon Business Services Company
Legal Department

2301 Market Street, Suite 1
Philadelphia, PA 19103

215 568 3193 Fax
www.exeloncorp.com

Direct Dial: 215.841.6841

August 25, 2014

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

RE: Cynthia Scarboro v. PECO Energy Company
PUC Docket No.: C-2014-2435857

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 stylized flourish at the end.

Shawane Lee
Counsel for PECO Energy Company

Scheduling Recommendation: **Call of the Docket**

s/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CYNTHIA SCARBORO :
Complainants :
v. : DOCKET NO. C-2014-2435857
PECO ENERGY COMPANY :
Respondent :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed NEW MATTER of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to NEW MATTER, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Rosemarie Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Shawane L. Lee, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, August 25, 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**

CYNTHIA SCARBORO	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2435857
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On August 5, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Cynthia Scarboro (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 was told that she is not eligible for a payment agreement because she is a Customer Assistance Program ("CAP") customer. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant's daughter, Devante Moore, established an account with PECO Energy for service at 1508 Lily Avenue, Chester, PA 19013 under account number 18666-200378. See

Account Activity Statement, attached hereto as Exhibit "1". She was enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier E on July 1, 2011 based on a household income of \$2,211.11 for one adult and four children. Ms. Moore's next recertification in the program is due on December 12, 2014. See Exhibit "2". Ms. Moore's and the Complainant's entire balance is comprised of CAP arrears.

On August 4, 2014, Ms. Moore made a payment of \$414.42, which reinstated a company issued payment agreement. The payment agreement is active.

The Complainant's and Ms. Moore's balance is \$274.10, which is comprised entirely of CAP arrears. See Exhibit "1". The Complainant and Ms. Moore are 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 and Ms. Moore a payment agreement.

5. Denied.

6. Admitted

7. Admitted.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is required.

NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. Devante Moore's account number 18666-20038 was enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier E on July 1, 2011 based on a household income of \$2,211.11 for one adult and four children.

2. Ms. Moore's next recertification in the program is due on December 12, 2014. See Exhibit "2".

3. Ms. Moore's current balance is \$274.10.

4. The entire balance is comprised of CAP arrears.

5. 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."

6. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant and Ms. Moore a payment agreement.

7. 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**

CYNTHIA SCARBORO	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2435857
	:	
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: August 25, 2014



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CYNTHIA SCARBORO	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2435857
	:	
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:

Cynthia Scarboro
1508 Lily Avenue
Chester, PA 19013

Dated at Philadelphia, Pennsylvania, August 25, 2014.



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



Exelon Business Services Company
Legal Department

2701 Market Street, 5231
Philadelphia, PA 19105

215 568 3000 Fax
www.exeloncorp.com

Direct Dial: 215 841-6841

August 25, 2014

Cynthia Scarboro
1508 Lily Avenue
Chester, PA 19013

RE: Cynthia Scarboro v. PECO Energy Company
PUC Docket No.: C-2014-2435857

Dear Ms. Scarboro:

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 horizontal flourish extending to the right.

Shawane Lee
Counsel for PECO Energy Company
SL/lo
Encl.

EXHIBIT “1”

CUMF018

PECO Account Activity Statement

Date: 08/11/14

*** Account Information ***

*** Current Account Status ***

Account Number: 18666-26038
 Account Status: Active
 Requested By: DEVANTE R MOORE
 (610) 800-0272 Extension:

Mail To: DEVANTE R MOORE
 1508 LILY AVE
 CHESTER PA 19013

Current Bill: \$144.32
 Billed Prior: \$0.00
 Balance Due: \$144.32
 Service Address: 1508 LILY AVE
 CHESTER PA 19013

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00

Meter Bill Grp: 17
 Rate: CAP Option E Gas Residential Service
 CAP Opt E Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
08/14/12	Payment					\$48.00						
09/14/12	Payment Agreement					\$141.68						
08/21/12	Late Payment Charge				\$2.21							
08/22/12	PA Forgiven					\$34.97						
08/22/12	GAS SERVICE	07/23/12 08/21/12	7422	018837218	\$25.00		\$34.97					
08/22/12	ELECTRIC SERVICE	07/23/12 08/21/12	75497	107168440	\$92.84							
08/22/12	DEFERRED PAYMENT AGREEMENT				\$10.12							
08/22/12	Pre-Program Arrears				\$34.97							
09/11/12	Payment					\$150.00						
09/13/12	LIHEAP Payment					\$135.00						
09/20/12	PA Forgiven					\$34.97						
09/21/12	Miscellaneous				\$34.97							
09/21/12	Payment Agreement					\$131.55						
09/21/12	Debit Transfer Payment					\$126.63						
09/21/12	GAS SERVICE	08/21/12 09/20/12	7434	018837218	\$25.00							
09/21/12	ELECTRIC SERVICE	08/21/12 09/20/12	75956	107168440	\$29.00							
09/21/12	PAID IN ADVANCE				\$131.56							
10/22/12	GAS SERVICE	09/20/12 10/21/12	7459	018837218	\$32.07		\$54.00		10/15	459	12	
10/22/12	ELECTRIC SERVICE	09/20/12 10/21/12	76339	107168440	\$27.44							
10/22/12	DEFERRED PAYMENT AGREEMENT				\$10.55							
10/22/12	Late Payment Charge				\$0.82							
11/19/12	Bill Out DPA due to Default						\$124.88	\$54.82	11/13	383	25	
11/20/12	GAS SERVICE	10/21/12 11/19/12	7517	018837218	\$116.08							
11/20/12	ELECTRIC SERVICE	10/21/12 11/19/12	76736	107168440	\$28.34							
11/20/12	Late Payment Charge				\$3.54							
11/20/12	Regular Bill						\$332.97	\$244.50	12/12	397	58	
12/13/12	LIHEAP Payment				\$3.44							
12/18/12	Late Payment Charge					\$100.00						
12/19/12	PPA Forgiven					\$34.97						
12/19/12	Pre-Program Arrears											
12/21/12	BUDGET BILLING	11/19/12 12/20/12				\$34.97						
12/21/12	Regular Bill	Actual Bill Amount: 135.84				\$115.00						
01/25/13	BUDGET BILLING	12/20/12 01/24/13				\$116.00						
01/25/13	Regular Bill	Actual Bill Amount: 183.85				\$116.00						
02/25/13	BUDGET BILLING	01/24/13 02/24/13				\$116.00						
02/25/13	Regular Bill	Actual Bill Amount: 168.76				\$116.00						
03/14/13	LIHEAP Payment						\$352.41	\$584.41	03/19	473	114	
03/18/13	Payment Agreement					\$233.00		\$468.41				
03/26/13	PPA Forgiven					\$34.97						
03/26/13	BUDGET BILLING	02/24/13 03/25/13				\$116.00						



DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KK
03/25/13	DEFERRED PAYMENT AGREEMENT											
03/26/13	Pre-Program Arrears				\$10.09		\$10.09					
03/26/13	Regular Bill				\$34.97		\$34.97					
04/22/13	Bill Out DPA due to Default				\$221.91		\$126.09		04/17	385		88
04/24/13	BUDGET BILLING				\$116.00							
04/24/13	Regular Bill				\$221.91		\$464.00					
05/14/13	Payment				\$5.22	\$116.00	\$464.00	\$348.00	05/16	358		44
05/21/13	Late Payment Charge				\$5.22							
05/23/13	PPA Forgiven				\$34.97							
05/23/13	BUDGET BILLING				\$134.00		\$487.22	\$353.22	06/14	311		26
05/23/13	Pre-Program Arrears				\$34.97							
05/23/13	Regular Bill				\$7.07	\$11.09	\$487.22	\$353.22	06/14	311		26
06/10/13	Payment				\$134.00		\$487.22	\$353.22	06/14	311		26
06/19/13	Late Payment Charge				\$7.07							
06/24/13	BUDGET BILLING				\$134.00		\$617.29	\$483.29	07/16	462		16
06/24/13	Regular Bill				\$7.07	\$11.09	\$617.29	\$483.29	07/16	462		16
07/18/13	Payment Agreement				\$181.55							
07/18/13	Payment				\$2.15							
07/23/13	PPA Forgiven				\$134.00							
07/23/13	PPA: PRE-PROGRAM ARREARAGE				\$35.01							
07/24/13	BUDGET BILLING				\$134.00		\$617.29	\$483.29	07/16	462		16
07/24/13	Deferred Payment Agreement				\$10.09							
08/20/13	Bill Out DPA due to Default				\$181.55		\$143.74		08/15	1157		12
08/20/13	Late Payment Charge				\$2.15							
08/22/13	BUDGET BILLING				\$134.00							
08/22/13	Regular Bill				\$181.55		\$143.74		08/15	1157		12
09/05/13	Payment Agreement				\$200.00							
09/18/13	Late Payment Charge				\$1.17							
09/23/13	BUDGET BILLING				\$118.00		\$461.44	\$327.44	09/13	725		13
09/23/13	Deferred Payment Agreement				\$10.09							
09/23/13	Regular Bill				\$171.46		\$461.44	\$327.44	09/13	725		13
10/21/13	Bill Out DPA due to Default				\$118.00		\$209.15	\$81.06	10/15	584		14
10/22/13	BUDGET BILLING				\$5.49							
10/22/13	Late Payment Charge				\$171.46		\$209.15	\$81.06	10/15	584		14
10/22/13	Regular Bill				\$118.00		\$209.15	\$81.06	10/15	584		14
10/28/13	Payment Agreement				\$0.84							
10/29/13	Payment				\$118.00		\$504.10	\$386.10	11/13	344		18
11/19/13	Late Payment Charge				\$0.84							
11/20/13	BUDGET BILLING				\$10.09							
11/20/13	Deferred Payment Agreement				\$65.00		\$252.42	\$124.33	12/12	305		55
11/20/13	Regular Bill				\$171.46		\$252.42	\$124.33	12/12	305		55
11/21/13	LIHEAP Payment				\$144.15							
12/17/13	Bill Out DPA due to Default				\$161.37		\$422.79	\$313.79	01/16	508		108
12/23/13	BUDGET BILLING				\$109.00							
12/23/13	Regular Bill				\$109.00		\$422.79	\$313.79	01/16	508		108

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
01/10/14	Payment	12/22/13 01/26/14			\$109.00	\$100.00						
01/27/14	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount:	199.59	BB Deferred Amount:	68.45	\$431.79	\$322.79	02/18	547	140	
02/25/14	Regular Bill	01/26/14 02/24/14			\$109.00		\$540.79	\$431.79	03/19	423	120	
02/25/14	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount:	168.84	BB Deferred Amount:	128.29						
03/10/14	Regular Bill											
03/14/14	Payment				\$109.00							
03/14/14	LIHEAP Payment				\$109.00							
03/26/14	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount:	160.72	BB Deferred Amount:	180.01	\$116.79	\$218.00	05/16	315	57	
03/26/14	DEFERRED PAYMENT AGREEMENT	02/24/14 03/25/14			\$109.00							
03/26/14	Regular Bill	03/25/14 04/23/14			\$101.21							
04/22/14	Bill Out DPA due to Default				\$137.00							
04/24/14	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount:	108.42	BB Deferred Amount:	151.43	\$355.00	\$213.00	06/17	254	30	
04/24/14	Regular Bill	04/23/14 05/22/14			\$137.00							
05/19/14	Payment				\$142.00							
05/23/14	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount:	72.93	BB Deferred Amount:	87.36	\$350.00	\$199.58	08/15	859	14	
05/23/14	Regular Bill	05/22/14 06/23/14			\$137.00							
06/24/14	Late Payment Charge				\$5.26							
06/24/14	Regular Bill	06/23/14 07/23/14			\$7.32							
07/24/14	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount:	119.55	BB Deferred Amount:	24.18	\$636.58	\$499.58				
07/24/14	Regular Bill	06/23/14 07/23/14			\$137.00							
08/04/14	Payment				\$414.42							
08/04/14	Payment Agreement				\$77.84							