



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

October 21, 2014

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

RE: Portia Newman v. PECO Energy Company
PUC Docket No.: C-2014-2442981

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: Portia Newman (via First Class Mail)
Angela T. Jones, Adm. Law Judge (via First Class Mail)

s/LO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PORTIA NEWMAN

v.

PECO ENERGY COMPANY

:
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:
:
:

DOCKET NO. C-2014-2442981

NOTICE TO PLEAD

To: Portia Newman

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: October 21, 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**

PORTIA NEWMAN

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2014-2442981

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 September 16, 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 September 17, 2014.

3. On September 30, 2014, PECO filed an Answer, New Matter and Notice to Plead. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2.

4. PECO averred in its New Matter that Complainant was enrolled in PECO Energy's Customer Assistance Program (CAP) on November 4, 2009 under Tier D at her previous address under account number 79132-54035. New Matter ¶1.

5. PECO averred that the Complainant recertified in the program on November 10, 2011 under Tier E. New Matter ¶2.

6. PECO averred that the Complainant's CAP status transferred to her current address at 428 Maple Avenue under Tier E. New Matter ¶¶3.

7. PECO averred that the Complainant recertified in the program under Tier D on May 21, 2014. New Matter ¶¶4.

8. PECO averred that the Complainant is actively enrolled in the CAP program. New Matter ¶¶5.

9. PECO averred that the Complainant has a \$1,411.61 balance. New Matter ¶¶6.

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

11. As the entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶¶8.

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

13. 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).

14. 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."

15. 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.

16. 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).

17. 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).

18. 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.

19. 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**

PORTIA NEWMAN

v.

PECO ENERGY COMPANY

:
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:
:

DOCKET NO. C-2014-2442981

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

Portia Newman
428 Maple Avenue
Coatesville, PA 19320

Administrative Law Judge Angela T. Jones
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107



Shawane L. Lee

DATED: October 21, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Wednesday, September 17, 2014 10:41 AM
To: Lee, Shawane L.:(BSC)
Cc: O'Neill, Leslie:(BSC)
Subject: PA PUC eServe Notice
Importance: High

Dear Shawane L Lee,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2014-2442981**.
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

RECEIVED

2014 SEP 16 AM 10:28

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.

PA P.U.C. 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. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Portia Newman
Street/P.O. Box 428 maple ave Apt #
City Coatesville, State PA Zip 19320
County Chester

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

(610) 470-5668 (home) (610) 470-5668 (mobile)

E-mail Address (optional): Piggypig83@gmail.com

Utility Account Number (from your bill)

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

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).

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

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

5. Requested Relief

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

I would like peco to turn on my service and make payment arrangements. I already paid \$1000 on my bill. Which covers half of my balance. I attempted on several occasions to contact peco and make arrangements but was denied. I understand that I defaulted on past arrangements but I am a single mother and was unemployed. I just started working and will have income to make arrangements.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

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

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at lawclinichb@mail.widener.edu.

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

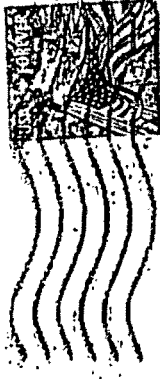
City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

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

P. Newman
488 Maple Ave
Watesville, PA 19380



SOUTH JERSEY NJ 080

13 SEP 2014 PM 4 L

Secretary 21
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

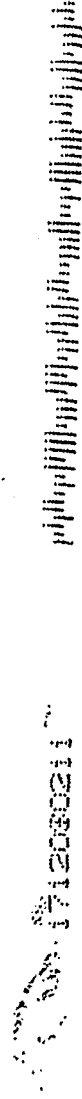
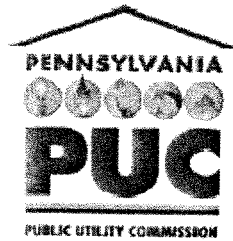


EXHIBIT “2”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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eFiling Successfully Transmitted



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

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

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

eFiling Confirmation	
Docket Number:	C-2014-2442981
Description:	Portia Newman - PECO Energy Company Answer and New Matter
Transmission Date:	9/30/2014 2:28:11 PM
Filed On:	9/30/2014 2:28:11 PM
eFiling Confirmation Number:	1565942

Uploaded File List

File Name	Document Class	Document Type
Portia Newman - Answer and 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.exeloncorp.com

Direct Dial: 215.841.6841

September 30, 2014

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

RE: Portia Newman v. PECO Energy Company
PUC Docket No.: C-2014-2442981

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

PORTIA NEWMAN :
Complainants :
v. : DOCKET NO. C-2014-2442981
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, September 30, 2014



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
Shawane.lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PORTIA NEWMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2442981
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On September 17, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Portia Newman (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 alleges that she defaulted on a previous payment agreement because she is a single mother and unemployed. She alleges that PECO Energy terminated her service and she is requesting that her service be restored. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established service at 428 Maple Avenue, Coatesville, PA 19320 under account number 41848-63012. See Account Activity Statement, attached hereto as Exhibit "1".

The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on November 4, 2009 under Tier D at her previous address 124 Whitehall Way, Oxford, PA under account number 79132-54035. The Complainant re-certified in the program on November 10, 2011 under Tier E. The Complainant's CAP status transferred to her current address at 428 Maple Avenue under Tier E. She recertified in the program under Tier D on May 21, 2014. Complainant is actively enrolled in the CAP program. Her entire balance is comprised of CAP arrears. See CAP History, attached hereto as Exhibit "2".

On July 31, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003270138, requesting a payment agreement to restore her service after it was terminated on July 29, 2014. See Case Details Report #003270138, attached hereto as Exhibit "3". The BCS issued a Decision Report on August 8, 2014 dismissing the case pursuant to 66 Pa. C.S. §1405(c). See BCS Decision Report #003270138, attached hereto as Exhibit "4".

The Complainant's balance is \$1,411.61, 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 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. The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on November 4, 2009 under Tier D at her previous address 124 Whitehall Way, Oxford, PA under account number 79132-54035.
2. The Complainant re-certified in the program on November 10, 2011 under Tier E.
3. The Complainant's CAP status transferred to her current address at 428 Maple Avenue under Tier E.
4. The Complainant recertified in the program under Tier D on May 21, 2014.
5. The Complainant is actively enrolled in the CAP program.
6. The Complainant's balance is \$1,411.61.
7. The Complainant's entire balance is comprised of CAP arrears.
8. 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."

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

10. 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**

PORTIA NEWMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2442981
	:	
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: September 30, 2014



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PORTIA NEWMAN	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2442981
	:	
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:

Portia Newman
428 Maple Avenue
Coatesville, PA 19320

Dated at Philadelphia, Pennsylvania, September 30, 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

2301 Market Street/S23-1
Philadelphia, PA 19103

215 568 3369 Fax
www.exeloncorp.com

Direct Dial: 215 841-6841

September 30, 2014

Portia Newman
428 Maple Avenue
Coatesville, PA 19320

RE: Portia Newman v. PECO Energy Company
PUC Docket No.: C-2014-2442981

Dear Ms. Newman:

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

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

Thank you for your time and attention on this matter.

Very truly yours,

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

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

EXHIBIT “1”

*** Account Information ***

*** Current Account Status ***

Account Number: 41848-63012
 Account Status: Active
 Mail To: PORTIA LEA-CORNEEY NEWMAN
 428 MAPLE AV
 COATESVILLE PA 19320
 Current Bill: \$25.95
 Billed Prior: \$1385.66
 Balance Due: \$1411.61
 Service Address: 428 MAPLE AV
 COATESVILLE PA 19320
 Meter Bill Grp: 18
 Rate: CAP Option D Gas Residential Heating Svc
 CAP Opt D Electric Residential Heating Svc

DATE	CHARGE TYPE	BUILDING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
10/11/12	Payment					\$31.13						
10/23/12	GAS SERVICE	09/23/12 10/22/12	3959	016493373	\$29.31		\$137.33		11/14	582	19	
10/23/12	ELECTRIC SERVICE	09/23/12 10/22/12	28851	013037058	\$66.04							
10/23/12	DEFERRED PAYMENT AGREEMENT				\$41.98							
11/15/12	Regular Bill											
11/21/12	GAS SERVICE	10/22/12 11/20/12	4102	016493373	\$143.96							
11/21/12	ELECTRIC SERVICE	10/22/12 11/20/12	29606	013037058	\$90.54							
11/21/12	DEFERRED PAYMENT AGREEMENT				\$41.98							
11/27/12	LIHEAP Payment					\$100.00	\$276.48		01/07	755	143	
12/26/12	GAS SERVICE	11/20/12 12/25/12	4299	016493373	\$198.41							
12/26/12	ELECTRIC SERVICE	11/20/12 12/25/12	30757	013037058	\$155.87		\$572.74		01/17	1151	197	
12/26/12	DEFERRED PAYMENT AGREEMENT				\$41.98							
12/31/12	Regular Bill											
01/23/13	Reinstate AR from DPA - Cr					\$100.00						
01/23/13	Reinstate AR from DPA - Db					\$881.69						
01/28/13	GAS SERVICE	12/25/12 01/27/13	4553	016493373	\$797.73							
01/28/13	ELECTRIC SERVICE	12/25/12 01/27/13	31915	013037058	\$251.80							
01/28/13	Regular Bill				\$141.92		\$1664.19	\$1270.47	02/19	1158	254	
02/08/13	Payment					\$100.00						
02/21/13	Payment					\$200.00						
02/26/13	GAS SERVICE	01/27/13 02/25/13	4783	016493373	\$228.53							
02/26/13	ELECTRIC SERVICE	01/27/13 02/25/13	32854	013037058	\$109.36		\$1702.08	\$1364.19	03/20	939	230	
02/26/13	Regular Bill											
03/04/13	Payment					\$100.00						
03/22/13	LIHEAP Payment					\$200.00						
03/25/13	Payment Agreement				\$400.00							
03/27/13	GAS SERVICE	02/25/13 03/26/13	4971	016493373	\$173.84							
03/27/13	ELECTRIC SERVICE	02/25/13 03/26/13	33788	013037058	\$80.60							
03/27/13	DEFERRED PAYMENT AGREEMENT				\$16.70							
03/27/13	Regular Bill											
04/19/13	Payment					\$271.14						
04/25/13	GAS SERVICE	03/26/13 04/24/13	5070	016493373	\$96.53				04/18	934	188	
04/25/13	ELECTRIC SERVICE	03/26/13 04/24/13	34593	013037058	\$74.70							
04/25/13	DEFERRED PAYMENT AGREEMENT				\$16.70							
04/25/13	Regular Bill											
05/16/13	Payment					\$187.93			05/17	805	99	
05/24/13	GAS SERVICE	04/24/13 05/23/13	5084	016493373	\$25.00		\$187.93					

PECO ENERGY
 EXHIBIT

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DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/24/13	ELECTRIC SERVICE	04/24/13 05/23/13	35223	013037058	\$59.43		\$101.13		06/18	630	14	
05/24/13	DEFERRED PAYMENT AGREEMENT				\$16.70							
06/19/13	Regular Bill											
06/25/13	GAS SERVICE	05/23/13 06/24/13	5088	016493373	\$25.00	\$101.13	\$101.13		06/18	630	14	
06/25/13	ELECTRIC SERVICE	05/23/13 06/24/13	36092	013037058	\$95.94							
06/25/13	DEFERRED PAYMENT AGREEMENT				\$16.70							
06/25/13	Regular Bill											
07/17/13	Payment					\$137.64	\$137.64		07/17	869	4	
07/25/13	GAS SERVICE	06/24/13 07/24/13	5092	016493373	\$25.00							
07/25/13	ELECTRIC SERVICE	06/24/13 07/24/13	37135	013037058	\$137.79							
07/25/13	DEFERRED PAYMENT AGREEMENT				\$16.70							
08/20/13	Regular Bill											
08/23/13	GAS SERVICE	07/24/13 08/22/13	5095	016493373	\$25.00	\$179.49	\$179.49		08/16	1043	4	
08/23/13	ELECTRIC SERVICE	07/24/13 08/22/13	38005	013037058	\$112.37							
08/23/13	DEFERRED PAYMENT AGREEMENT				\$16.70							
08/23/13	Regular Bill											
09/05/13	LIHEAP Payment											
09/06/13	Miscellaneous					\$200.00	\$154.07		09/16	870	3	
09/06/13	Payment Agreement					\$901.88						
09/06/13	Debit Transfer Payment											
09/06/13	Paid In Advance											
09/24/13	GAS SERVICE	08/22/13 09/23/13	5098	016493373	\$855.95							
09/24/13	ELECTRIC SERVICE	08/22/13 09/23/13	39028	013037058	\$901.88							
09/24/13	DEFERRED PAYMENT AGREEMENT				\$25.00							
09/24/13	Regular Bill				\$141.36							
10/21/13	Bill Out DPA due to Default				\$15.85		\$182.21		10/16	1023	3	
10/22/13	Late Payment Charge				\$840.10							
10/23/13	GAS SERVICE	09/23/13 10/22/13	5104	016493373	\$15.37							
10/23/13	ELECTRIC SERVICE	09/23/13 10/22/13	39627	013037058	\$25.00							
10/23/13	Regular Bill				\$68.59							
10/24/13	Payment					\$1131.27	\$1131.27		11/14	599	6	
10/31/13	Payment Agreement					\$140.00	\$1037.68					
10/31/13	LIHEAP Payment				\$840.10							
11/13/13	Payment					\$100.00						
11/21/13	GAS SERVICE	10/22/13 11/20/13	5235	016493373	\$124.26							
11/21/13	ELECTRIC SERVICE	10/22/13 11/20/13	40400	013037058	\$86.93							
11/21/13	DEFERRED PAYMENT AGREEMENT				\$15.85							
11/21/13	Regular Bill											
12/18/13	Bill Out DPA due to Default											
12/26/13	GAS SERVICE	11/20/13 12/25/13	5452	016493373	\$824.25		\$227.04		12/13	773	131	
12/26/13	ELECTRIC SERVICE	11/20/13 12/25/13	41469	013037058	\$208.67							
12/26/13	Regular Bill				\$121.59							
12/30/13	Payment					\$127.00	\$1381.55		01/17	1069	217	
01/28/14	GAS SERVICE	12/25/13 01/27/14	5724	016493373	\$262.97							
01/28/14	ELECTRIC SERVICE	12/25/13 01/27/14	42506	013037058	\$116.84							
01/28/14	Regular Bill											
02/26/14	GAS SERVICE	01/27/14 02/25/14	5985	016493373	\$252.78		\$1634.36		02/19	1037	272	
02/26/14	ELECTRIC SERVICE	01/27/14 02/25/14	43400	013037058	\$101.48							
02/26/14	Regular Bill											
03/14/14	LIHEAP Payment					\$500.00	\$1988.62	\$1634.36	03/20	894	261	

PECO Account Activity Statement

Date: 09/25/14
Page: 3 of 3

DATE	CHANGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
03/17/14	Payment Agreement											
03/27/14	GAS SERVICE	02/25/14 03/26/14	6230	016493373	\$1488.62							
03/27/14	ELECTRIC SERVICE	02/25/14 03/26/14	43715	013037058	\$267.36							
03/27/14	ELB-ADDITIONAL METER			525	\$89.13							
03/27/14	DEFERRED PAYMENT AGREEMENT											
03/27/14	Regular Bill				\$62.03							
04/25/14	GAS SERVICE	03/26/14 04/24/14	6300	016493373	\$85.33		\$418.52		04/21	840		245
04/25/14	ELECTRIC SERVICE	03/26/14 04/24/14	1174	123470252	\$70.66							
04/25/14	DEFERRED PAYMENT AGREEMENT				\$62.03							
04/25/14	Regular Bill						\$636.54	\$418.52	05/19	649		70
04/28/14	Bill Out DPA due to Default				\$1364.56							
04/28/14	Late Payment Charge				\$6.28							
05/21/14	Payment Agreement				\$2007.38							
05/27/14	GAS SERVICE	04/24/14 05/26/14	6314	016493373	\$25.00							
05/27/14	ELECTRIC SERVICE	04/24/14 05/26/14	1842	123470252	\$57.92							
05/27/14	DEFERRED PAYMENT AGREEMENT				\$33.46							
05/27/14	Regular Bill						\$116.38		06/18	668		14
06/19/14	Payment					\$40.00						
06/23/14	Bill Out DPA due to Default				\$1973.92							
06/24/14	Late Payment Charge				\$30.41							
06/25/14	GAS SERVICE	05/26/14 06/24/14	6316	016493373	\$25.00							
06/25/14	ELECTRIC SERVICE	05/26/14 06/24/14	2409	123470252	\$54.86							
06/25/14	Regular Bill						\$2160.57	\$2080.71	07/17	567		2
07/23/14	Late Payment Charge				\$31.61							
07/25/14	GAS SERVICE	06/24/14 07/24/14	6319	016493373	\$25.00							
07/25/14	ELECTRIC SERVICE	06/24/14 07/24/14	3309	123470252	\$90.61							
07/25/14	Regular Bill						\$2307.79	\$2192.18	08/18	900		3
08/18/14	Payment					\$200.00						
08/22/14	Payment					\$800.00						
08/25/14	GAS SERVICE	07/24/14 08/24/14	6320	016493373	\$25.00							
08/25/14	ELECTRIC SERVICE	07/24/14 08/24/14	3441	123470252	\$13.99							
08/25/14	Late Payment Charge				\$18.88							
08/25/14	Regular Bill						\$1385.66	\$-20.00	09/16	132		1
09/15/14	Transfer					\$20.00						
09/15/14	RECONNECT FEE - CUT-OUT NON-PAY				\$20.00							
09/24/14	GAS SERVICE	08/24/14 09/23/14	6320	016493373	\$25.00							
09/24/14	ELECTRIC SERVICE	08/24/14 08/28/14	3441	123470252	\$0.95							
09/24/14	Regular Bill						\$1411.61	\$1385.66	10/16			

EXHIBIT “2”

CAP RATE HISTORY

NAME: PORTIA LEA-CORTNEY NEWMAN

ACCOUNT: 41848-63012

ADDRESS: 428 MAPLE AVE, COATESVILLE, PA 19320

CASE: Docket #C-2014-2442981

***124 WHITEHALL WAY, WHA 10D, OXFORD, PA 19363 (service period 10/12/09 to 1/25/12)*

View CAP History for Account 79132-54035

Activity Date	CAP Activity	CAP Rate
02/02/12	Transferred From	CAP Opt E Electric Residential Heating Svi
11/10/11	Re-Certification completed	CAP Opt E Electric Residential Heating Svi
10/20/11	Re-Certification Letter Sent	
10/05/11	Re-Certification Letter Sent	
12/31/10	CAP Rate Change	CAP Opt D Electric Residential Heating Svi
11/04/09	Enrolled	zCAP Opt D Electric Residential Heating S
10/22/09	Sent CAP Application Packet	

- Enrolled 11/4/09 based on \$1018 mthly Unemployment Comp/1 adult/ 3 minors
- Status transferred to subsequent address

Current address:

View CAP History for Account 41848-63012

Activity Date	CAP Activity	CAP Rate
05/21/14	Re-Certification completed	CAP Opt D Electric Residential Heating Svi
05/16/14	Sent CAP Application Packet	
04/22/14	Sent CAP Application Packet	
03/25/13	CAP Rate Change	CAP Opt D1 Electric Residential Heating S
02/28/13	Sent CAP Application Packet	
02/02/12	Transferred To	CAP Opt E Electric Residential Service
01/31/12	Sent CAP Application Packet	

- 5/21/14 Recertification based on \$1265 mthly Unemployment Comp/ 1 adult/ 4 minors

EXHIBIT “3”

EXHIBIT “4”



September 30, 2014

BCS Decision Report

BCS Case #: 003270138 Open Date: 2014-07-31
Customer Name: PORTIA NEWMAN
Service Address: 428 MAPLE AVE

COATESVILLE, PA 19320
BCS Bill Account #: 4184863012 Previous Case #:
Violation Type: NO Chapter Type:
Decision Type: Section / Rule:
Investigator Name: CLARK BERNARD

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

Letter Description:
BLANK LETTER - DECISION

Total Balance: \$2307.79 Balance Date: 2014-08-01
Amount to Restore Service: \$0.00 Amount to Continue Service: \$0.00
Date Payment Due: Regular Budget Amount: \$0.00
Special Budget Payment: \$0.00 Final Bill Monthly Payment: \$0.00
Plus Arrears Payment: \$0.00 End of Month Payment: \$0.00
Current Monthly Payment: \$0.00
Payment Terms:

PAR Description:

Resolution Description:
CASE DISMISSED. THE CUSTOMER SHOULD COMPLY WITH THE COMPANY??S
REQUEST FOR \$2,180.57 TO RESTORE SERVICE (\$2,160.57 BALANCE + \$20.00
RECONNECTION FEE). THE COMPANY REPORTS THAT THE CUSTOMER HAS
DEFAULTED ON TWO OR MORE PAYMENT ARRANGEMENTS. 52 PA. CODE ??
56.191 (C)(2)(I) ALLOWS THE COMPANY TO REQUEST FULL PAYMENT OF THE
OUTSTANDING BALANCE PLUS A RECONNECTION FEE IF THE CUSTOMER HAS
DEFAULTED ON TWO OR MORE PAYMENT ARRANGEMENTS. THE CUSTOMER??S
BALANCE CONTAINS CAP ARREARS. THEREFORE, THE CUSTOMER IS NOT
ELIGIBLE FOR A PUC PAYMENT ARRANGEMENT PER 1405 (C).