



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: Rosa Basile v. PECO Energy Company**  
**PUC Docket No.: C-2014-2445714**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion to Join Energy Plus Holdings as an Indispensable Party* 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: Certificate of Service

sl/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ROSA BASILE**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2014-2445714**

**NOTICE TO PLEAD**

*To: Rosa Basile  
Energy Plus Holdings*

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 to Join 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



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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**

**ROSA BASILE**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2014-2445714**

**MOTION TO JOIN ENERGY PLUS HOLDINGS  
AS AN INDISPENSABLE PARTY**

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.103 respectfully petitions this Honorable Commission to join Energy Plus Holdings as an indispensable party to this matter, and in support thereof states as follows:

≡

**I. PARTIES**

1. Rosa Basile is the Complainant in the above captioned matter and resides at 2520 South Fairhill Street, Philadelphia, PA 19148.

2. PECO Energy Company ("PECO Energy" or "PECO") is the Respondent in the above captioned matter.

3. Energy Plus Holdings is an Electric Generation Supplier ("EGS") who is not a party to this matter, but should be joined as an indispensable party.

**II. BACKGROUND**

4. On September 18, 2014, Complainant filed the above-mentioned formal Complaint alleging that she did not authorize Energy Plus Holdings as her EGS. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

5. On or about October 2, 2014, PECO was served a copy of the Formal Complaint filed in this matter.

6. On October 9, 2014, PECO filed an Answer to the above-mentioned Formal Complaint averring that pursuant to Section 5.3.1 of PECO's Supplier Tariff, it is the EGS's responsibility to maintain evidence of the Customer's written authorization. PECO additionally averred that the Complainant's formal complaint should be filed against the EGS, not PECO. A copy of PECO's Answer is attached hereto as Exhibit 2.

7. Because the Complainant alleges that Energy Plus Holdings did not have authorization to enroll her with Energy Plus Holdings as her EGS, PECO is requesting that Energy Plus Holdings be joined as an indispensable party.

### **III. Argument**

8. Complainant alleges that she did not authorize Energy Plus Holdings as her EGS.

Section 5.3.1. of PECO's Supplier Tariff states:

It is the EGS's responsibility to maintain evidence of the Customer's written authorization in the event of a dispute, in order to provide documented evidence of authorization to the Company or the Commission.

9. Energy Plus Holdings' involvement in this matter is necessary to determine whether Energy Plus Holdings had written authorization or other approval from the Complainant to enroll the Complainant with Energy Plus Holdings as her EGS.

10. It would be improper to proceed with this case against PECO only, especially since pursuant to Section 5.3.1 of PECO's Supplier Tariff, PECO is not responsible for maintaining evidence of the customer's written authorization enrolling with an EGS.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission grant its Motion to Join Energy Plus Holdings as an Indispensable Party.

Respectfully submitted,



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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**

**ROSA BASILE**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2014-2445714**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of PECO Energy Company's Motion in the above matter upon all interested parties by mailing a copy thereof Certified mail, properly addressed and postage prepaid to:

Rosa Basile  
2481 Mockingbird Street  
Port Charlotte, FL 33948

Energy Holdings Plus LLC  
Catherine L. Sakach  
Senior Counsel  
3711 Market St., 10<sup>th</sup> Fl.  
Philadelphia, PA 19104  
[csakach@energypluscompany.com](mailto:csakach@energypluscompany.com)

Dated at Philadelphia, Pennsylvania, October 21, 2014.



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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](mailto:Shawane.Lee@exeloncorp.com)

# **EXHIBIT “1”**

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

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**From:** eServe@pa.gov  
**Sent:** Thursday, October 02, 2014 2:41 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-2014-2445714**.

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

Name: ROSA BASILE

Street/P.O. Box: 2520 SOUTH FAIRHILL STREET  
City/State: PHILADELPHIA, PA Zip: 19148

County: PHILADELPHIA

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

(941) 979-9930 (home)                      (941) 979-1078 (mobile)

E-mail Address (optional): carolinarussell@comcast.net

Utility Account Number (from your bill) 43577-99005

**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 Electric and Energy Plus Holdings LLC

RECEIVED  
2014 SEP 18 AM 10:33  
PA P.U.S.  
SECRETARY'S BUREAU

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- 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: Energy Plus Holdings LLC, without consent or authorization illegally changed my electric provider. Contacted Peco 9/5/14 after receiving a bill for \$497.61 and it was changed on 12/27/13. On 11/05/2013 I was admitted at Aria Hospital for knee

replacement surgery on 11/13/2013, I was admitted to Immaculate Mary for recovery and therapy for 6 weeks than went to Florida to stay with my daughter and returned in January 2014. There was no one else in the household while I was in the hospital, nursing home for therapy or during my stay in Florida. I returned to Florida in June 2014 and my house is vacant but continue to pay my utilities until my house is sold. This company is targeting senior citizens. Peco Electric states that I need to pay Energy Plus Holdings LLC \$330.32 and Peco \$167.29. I am on Social Security and receive \$1000 a month and \$15.00 a month in food stamps. I cannot afford this! I have medical records to prove I was not home nor capable of authorizing a change in providers.

**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.

**To penalize Energy Plus Holdings LLC for predatory practices and tactics.**

**Remove them as my Electric Provider. According to Peco they were charging me 13% and I want refunded any money I paid to them without my knowledge that they swapped out my provider and dismiss the amount owed to them. Additionally I would like a payment arrangement for the amount I owe Peco.**

**Thank you in advance for your timely effort in this matter.**

*I AM CURRENTLY living WITH my Daughter due to health .  
2481 Mockingbird Street  
PORT CHARLOTTE, FL. 33948  
(941) 979-9930*

**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.  
Spoke with Mike, ID# 8569 on 09/05/2014

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, **ROSA BASILE** hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).*



\_\_\_\_\_  
(Signature of Complainant)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept** it.

10. **Two Ways to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

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

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

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

CURTIS CENTER OFFICE  
1<sup>ST</sup> POSTOPERATIVE  
VISIT SUMMARY

ROSA BASILE  
DOB: 4/13/1943

NOVEMBER 21, 2013

PROGRESS NOTE:

The patient returns to the office today at the request of her rehab facility, Immaculate Mary Home. The patient had reported to the nurses that she felt her cast on her left leg was loose; however, when she presented to the office today, she denied any pain. She has a known left heel ulcer and has been placed in a cylinder cast because of this. She is status post bilateral total knee arthroplasty with Dr. Booth. She sustained a fall at 16<sup>th</sup> & Lombard at Liberty Court/Power Back Rehab where she did have an extensor tendon rupture. The rupture was repaired and the patient was placed in a cast for which she then sustained a heel ulcer. She was removed from the cast and placed in a brace. She fell again at the same rehab facility and underwent a left knee extensor mechanism repair again on 11/5/2013 with Dr. Booth. Her cast was removed today at the patient's request and staples were removed as well. The incision was cleaned with Betadine thoroughly. She has a small area of wound dehiscence in the center of the incision. It is not draining at this point in time. She is afebrile.

The patient was re-casted today in another cylinder cast and a window was placed in the cast to view her incision to hopefully keep an eye on the area of wound dehiscence.

The patient will keep the incision clean and dry. She was placed on Bactrim double strength 1 p.o. b.i.d. for the next 10 days. Written instructions were provided for the rehab facility. The patient will have a wound check on Monday prior to the upcoming holiday to make sure she is tolerating the cast and that the incision is healing. The patient should have her cast removed in approximately three weeks.

Sara McDonald, PA-C:dd

- Center City Philadelphia, The Curtis Center, Suite L44, 601 Walnut Street, Philadelphia, PA 19106 Fax 215-409-9301
- Bucks County Campus, 380 N. Oxford Valley Road, Langhorne, PA 19047 Fax 215-269-6701
- South Jersey, 1400 E. Route 70, Cherry Hill, NJ 08034 Fax 856-857-9028

CURTIS CENTER OFFICE  
POSTOPERATIVE  
VISIT SUMMARY

ROSA BASILE  
DOB 4/13/43

NOVEMBER 25, 2013

PROGRESS NOTE:

The patient returns today with good healing of her wound. She does have a 5- to 10-degree extensor lag but some of this may be communication related rather than physiologic.

The patient will be placed in a brace rather than a cast and return to see us in four weeks for cast removal.

Robert E. Booth, Jr., M.D.:m75  
J#31008a

AS OF 11/25/2013, I AM STILL AT NURSING HOME FOR Rehab and need to return to get cast removed in 4 weeks. After cast removed I still remained in home for therapy and went to stay with my Daughter for couple weeks so she could take care of me.



Emergency and Repairs: 1-800-494-4000. For all other business, call 1-800-494-4000.

292.65 \$291.54

Name: ROSA BASILE  
Account Number: 43577-99005  
Phone Number: 267-687-8802  
Service Address: 2520 S FAIRHILL ST, PHILADELPHIA

**Billing Summary**

Bill Date	08/27/2014
Thank you for your payment of \$73.56	
Charges from previous bill	\$291.54
Late payment charge	\$5.48
<b>Total Other Charges</b>	<b>\$297.02</b>
<b>Current Period Charges</b>	
Electric	\$201.58
<b>Total New Charges</b>	<b>\$201.58</b>
<b>Total Amount Due on 09/18/2014</b>	<b>\$498.60</b>

**General Information**

Next scheduled meter reading: September 25, 2014  
PECO, 2301 Market St, Philadelphia, PA 19103-1360. 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.

**Message Center**

New charges contain estimated total state taxes of \$4.88, including \$11.89 for State Gross Receipts Tax.  
Your estimated electric price to compare is \$0.0858 per kWh. This may change in March, June, September and December. For more information and supplier offers visit www.PAPowerSwitch.com and www.oa.state.pa.us.

- Customer Self Service - Manage Your Account 24/7
- [www.pECO.com/ebill](http://www.pECO.com/ebill) - 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)

ENERGY PLUS HOLDINGS LLC, 3711 MARKET ST., STE. 1000, PHILADELPHIA, PA 19104, 877-232-7052

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.

43577 9900 50000 0000

149 1 MB 0.432 044030064470710001 002 01 GKG3SR 124 08262014  
ROSA BASILE  
2481 MOCKINGBIRD ST  
PORT CHARLOTTE FL 33948-4920

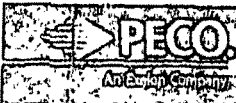
Account Number: 43577-99005  
Payment Receipt Stamp  
Payment Amount

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

Please pay this amount by 09/18/2014 \$498.60

00000201580000029154

435779900500004986042610498607



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: ROSA BASILE  
Account Number: 43577-99005

Page 2

Meter Information								
Read Date	Meter Number	Load Type	Reading Type	Meter Reading			Multiplier X	Usage
				Previous	Present	Difference		
08/26	121888508	General Service	Tot kWh	5280 Actual	6281 Actual	1001	1	1001

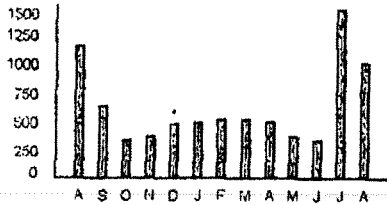
Total kWh Used ..... 1.001

**Electric Residential Service - Current Period Detail** Service 07/24/2014 to 08/26/2014 - 33 days

Customer charge				\$7.13
Distribution Charges	1.001 kWh	X	\$0.06040	60.46
State Tax Adjustment				-0.14
ENERGY PLUS HOLDINGS LLC Charges / 877-232-7052				
Commodity Charge 1001 KWH @ 0.134				134.13
<b>Total Current Charges</b>				<b>\$201.58</b>

12/27/13

13-Month Usage (Total kWh) --



Your Usage Profile --

Period	Usage	Avg Daily Usage	Days	Avg Daily Temp
Current Month	1,001	30.3	33	74
Last Month	1,484	48.8	30	78
Last Year	1,151	37.1	31	74

Avg kWh per Month	518
Total Annual kWh Usage	7,042

13 Months Billed

\* Non-regular billing period

Energy 330.32

peco \$168.29

9/5/14 called peco 9:00AM spoke w/ Mike ID 8569

Utility Comm. 888-782-3228

Program  
CAT

Fill out APPLICATION

Rosa Basile  
2481 Mockingbird St.  
Fort Charlotte, Florida 33948

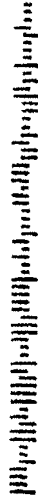


PT. MYERS  
35 SEP 2014

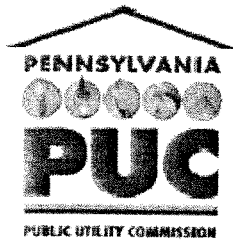
Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pa 17120

RECEIVED  
2014 SEP 18 AM 10:34  
PA P.U.C.  
SECRETARY'S BUREAU

17120007999



# **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-2014-2445714
Description:	Rosa Basile - PECO Energy Company Answer to Formal Complaint
Transmission Date:	10/9/2014 1:05:29 PM
Filed On:	10/9/2014 1:05:29 PM
eFiling Confirmation Number:	1567316

### Uploaded File List

File Name	Document Class	Document Type
Rosa Basile - Answer.pdf	Communication	Answer to Formal Complaint

PECO ENERGY  
EXHIBIT



Exelon Business Services Company  
Legal Department

2301 Market Street/S23-1  
Philadelphia, PA 19103

215 568 3389 Fax  
www.exeloncorp.com

Direct Dial: 215.841.6841

October 9, 2014

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

**RE: Rosa Basile v. PECO Energy Company**  
**PUC Docket No.: C-2014-2445714**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Answer 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", written over a horizontal line.

Shawane Lee  
Counsel for PECO Energy Company

Scheduling Recommendation: **NOT CALL OF DOCKET**

sl/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ROSA BASILE</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2445714</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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

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On October 2, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Rosa Basile (hereafter "Complainants") 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 she was slammed by Electric Generation Supplier ("EGS"), Energy Plus Holdings. The Complainant claims she never authorized Energy Plus Holdings as her supplier or the associated supplier charges. PECO Energy avers that the Complainant has not submitted any proof that her account was slammed.

Complainant has an account for residential electric service at 2520 South Fairhill Street, Philadelphia, PA 19148 under account number 43577-99005. See Account Activity Statement, attached hereto as Exhibit "1". On December 9, 2013, PECO Energy received notification that the Complainant had enrolled with Energy Plus Holdings, which became effective December 27,

2013. Pursuant to Section 23 of the company's supplier tariff, upon receipt of the Complainant's enrollment request, a notification letter was sent to the Complainant on April 8, 2013. The Complainant did not contact the company to rescind the enrollment and received monthly billings while enrolled with Energy Plus Holdings, specifically noting she was enrolled with a supplier.

The Complainants' balance is \$577.10. See Exhibit "1". PECO Energy avers that the Complainant is responsible for the balance as she waited almost one year to claim that she had not enrolled with a supplier and was on notice during that time through her billing statements that she had a supplier. The Complainant has provided no proof that she never authorized Energy Plus Holdings as her EGS. By way of further response, pursuant to Section 5.3.1 of PECO Energy's Supplier tariff:

It is the EGS's responsibility to maintain evidence of the Customer's written authorization in the event of a dispute, in order to provide documented evidence of authorization to the Company or the Commission.

See Section 5.3.1 of PECO's Supplier Tariff, attached hereto as Exhibit "2".

In this case, the Complainant disputes that she enrolled with the supplier Energy Plus Holdings. The Complainant's formal complaint raising this issue is improperly placed against PECO Energy and should be filed against the supplier Energy Plus Holdings. Consistent with Section 5.3.1 of the tariff, the company is not the supplier and is not responsible for maintaining evidence of the Complainant's written authorization.

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.

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

Respectfully Submitted,



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ROSA BASILE</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2445714</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: October 9, 2014

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ROSA BASILE</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2014-2445714</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:

Rosa Basile  
2481 Mockingbird Street  
Port Charlotte, FL 33948

Dated at Philadelphia, Pennsylvania, October 9, 2014



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



Exelon Business Services Company  
Legal Department

2301 Market Street/S23-1  
Philadelphia, PA 19103

215 568 3389 Fax  
www.exeloncorp.com

Direct Dial: 215 841-6841

October 9, 2014

Rosa Basile  
2481 Mockingbird Street  
Port Charlotte, FL 33948

**RE: Rosa Basile v. PECO Energy Company**  
**PUC Docket No.: C-2014-2445714**

Dear Ms. Basile

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”**

CUAR038

PECO Account Activity Statement

Date: 10/03/14  
Page: 1 of 2

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

Account Number: 43577-99005  
Account Status: Active  
Requested By: ROSA BASILE  
(267) 687-8802 Extension:

Mail To: ROSA BASILE  
2481 MOCKINGBIRD ST  
PORT CHARLOTTE FL 33948

Current Bill: \$80.94  
Billed Prior: \$496.16  
Balance Due: \$577.10  
Service Address: 2520 S FAIRHILL ST  
PHILADELPHIA PA 19148

Credit Amount: \$0.00  
Deposit Requested: \$0.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 19  
Rate: Electric Residential Service

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

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DOE DATE	KWH
10/05/12	Payment									
10/29/12	ELECTRIC SERVICE	09/25/12 10/24/12	84512	104688143	\$26.30	\$84.23	\$52.55		11/20	319
10/29/12	ELE-Gateway Energy Services Corp				\$26.25					
10/29/12	Regular Bill									
11/07/12	Payment									
11/28/12	ELECTRIC SERVICE	10/24/12 11/26/12	84954	104688143	\$33.67	\$52.55	\$69.47		12/20	442
11/28/12	ELE-Verde Energy USA				\$35.80					
11/28/12	Regular Bill									
12/05/12	Payment									
12/31/12	ELECTRIC SERVICE	11/26/12 12/26/12	85319	104688143	\$29.06	\$69.47	\$69.47		01/23	365
12/31/12	ELE-Constellation				\$35.18					
12/31/12	Regular Bill									
01/08/13	Payment									
01/30/13	ELECTRIC SERVICE	12/26/12 01/28/13	85818	104688143	\$37.98	\$64.24	\$64.24		02/21	499
01/30/13	ELE-Constellation				\$52.12					
01/30/13	Regular Bill									
02/06/13	Payment									
03/04/13	ELECTRIC SERVICE	01/28/13 02/27/13	86270	104688143	\$35.08	\$90.10	\$90.10		03/26	452
03/04/13	ELE-Constellation				\$40.42					
03/04/13	Regular Bill									
03/18/13	Payment									
04/02/13	ELECTRIC SERVICE	02/27/13 03/27/13	86670	104688143	\$31.86	\$75.50	\$75.50		03/26	452
04/02/13	ELE-Green Mountain Energy				\$39.60					
04/02/13	Regular Bill									
04/09/13	Payment									
05/01/13	ELECTRIC SERVICE	03/27/13 04/26/13	87030	104688143	\$29.31	\$71.46	\$71.46		04/24	400
05/01/13	ELE-Green Mountain Energy				\$35.64					
05/01/13	Regular Bill									
05/08/13	Payment									
05/29/13	ELECTRIC SERVICE	04/26/13 05/26/13	87443	104688143	\$32.58	\$64.95	\$64.95		05/23	360
05/29/13	ELE-ResCom Energy				\$33.00					
05/29/13	Regular Bill									
06/05/13	Payment									
06/27/13	ELECTRIC SERVICE	05/26/13 06/25/13	88497	104688143	\$71.23	\$65.58	\$65.58		06/20	413
06/27/13	ELE-ResCom Energy				\$84.21					
06/27/13	Regular Bill									
07/08/13	Payment									
07/29/13	ELECTRIC SERVICE	06/25/13 07/25/13	90227	104688143	\$112.38	\$155.44	\$155.44		07/19	1054
07/29/13	ELE-ResCom Energy				\$186.84					
07/29/13	Regular Bill									
08/05/13	Payment									
						\$299.22	\$299.22		08/20	1730

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PECO Account Activity Statement

Date: 10/03/14

Page: 2 of 2

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
08/28/13	ELECTRIC SERVICE	07/25/13 08/25/13	91378	104688143	\$77.14					
08/28/13	ELF-ResCom Energy				\$124.31					
09/05/13	Regular Bill									
09/26/13	ELECTRIC SERVICE	08/25/13 09/24/13	92014	104688143	\$45.79					
09/26/13	ELF-ResCom Energy				\$68.69					
09/26/13	Regular Bill									
10/07/13	Payment									
10/25/13	ELECTRIC SERVICE	09/24/13 10/23/13	92139	104688143	\$27.95					
10/25/13	ELF-ADDITIONAL MEMBER				218					
10/25/13	ELF-ResCom Energy				\$37.04					
10/25/13	Regular Bill									
11/05/13	Payment									
11/25/13	ELECTRIC SERVICE	10/23/13 11/21/13	589	121888508	\$29.66					
11/25/13	ELF-ResCom Energy				\$40.07					
11/25/13	Regular Bill									
12/06/13	Payment									
12/30/13	ELECTRIC SERVICE	11/21/13 12/27/13	1071	121888508	\$36.41					
12/30/13	ELF-ResCom Energy				\$52.06					
12/30/13	Regular Bill									
01/08/14	Payment									
01/28/14	ELECTRIC SERVICE	12/27/13 01/27/14	1562	121888508	\$36.18					
01/28/14	ELF-ENERGY PLUS HOLDINGS LLC				\$53.03					
01/28/14	Regular Bill									
02/04/14	Payment									
02/26/14	ELECTRIC SERVICE	01/27/14 02/25/14	2081	121888508	\$37.84					
02/26/14	ELF-ENERGY PLUS HOLDINGS LLC				\$56.05					
02/26/14	Regular Bill									
03/10/14	Payment									
03/27/14	ELECTRIC SERVICE	02/25/14 03/26/14	2597	121888508	\$37.66					
03/27/14	ELF-ENERGY PLUS HOLDINGS LLC				\$69.14					
03/27/14	Regular Bill									
04/08/14	Payment									
04/25/14	ELECTRIC SERVICE	03/26/14 04/24/14	3102	121888508	\$37.55					
04/25/14	ELF-ENERGY PLUS HOLDINGS LLC				\$67.67					
04/25/14	Regular Bill									
05/12/14	Payment									
05/27/14	ELECTRIC SERVICE	04/24/14 05/23/14	3474	121888508	\$29.54					
05/27/14	ELF-ENERGY PLUS HOLDINGS LLC				\$49.85					
05/27/14	Regular Bill									
06/05/14	Payment									
06/25/14	ELECTRIC SERVICE	05/23/14 06/24/14	3816	121888508	\$27.73					
06/25/14	ELF-ENERGY PLUS HOLDINGS LLC				\$45.83					
06/25/14	Regular Bill									
07/22/14	Late Payment Charge				\$1.11					
07/25/14	ELECTRIC SERVICE	06/24/14 07/24/14	5280	121888508	\$95.36					
07/25/14	ELF-ENERGY PLUS HOLDINGS LLC				\$136.18					
07/25/14	Regular Bill									
08/05/14	Payment									
08/25/14	Late Payment Charge				\$73.56					
08/27/14	ELECTRIC SERVICE	07/24/14 08/26/14	6281	121888508	\$67.45					
08/27/14	ELF-ENERGY PLUS HOLDINGS LLC				\$134.13					
08/27/14	Regular Bill									
09/23/14	ELECTRIC SERVICE	08/26/14 09/23/14	6781	121888508	\$78.50					
09/23/14	Late Payment Charge				\$2.44					
09/23/14	Regular Bill									
10/03/14	Late Payment Charge				\$2.44					

## **EXHIBIT ‘2’**

**5.2 THIS SECTION IS NO LONGER APPLICABLE**

**5.3 Switching Among EGSs (or between an EGS and the Company as the Default Supplier).**

(C)

**5.3.1**

- (a) If a Customer contacts a new EGS to request a change of EGS and the new EGS agrees to serve the Customer, the Customer's new EGS shall obtain appropriate authorization from the Customer or person authorized to act on the Customer's behalf indicating the Customer's choice of EGS. The authorization may be obtained through direct oral confirmation. It is the EGS's responsibility to maintain evidence of the Customer's written authorization in the event of a dispute, in order to provide documented evidence of authorization to the Company or the Commission.

(C) Denotes Change