



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: Andrew Ciocco v. PECO Energy Company**  
**PUC Docket No.: F-2014-2446856**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion to Join Respond Power 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**

**ANDREW CIOCCO**

**v.**

**PECO ENERGY COMPANY**

:  
:  
:  
:  
:

**DOCKET NO. F-2014-2446856**

**NOTICE TO PLEAD**

*To: Andrew Ciocco  
Respond Power*

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



---

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**

**ANDREW CIOCCO**

v.

**PECO ENERGY COMPANY**

:  
:  
:  
:  
:

**DOCKET NO. F-2014-2446856**

**MOTION TO JOIN RESPOND POWER  
AS AN INDISPENSABLE PARTY**

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

≡

**I. PARTIES**

1. Andrew Ciocca is the Complainant in the above captioned matter and resides at 41 Logger Mill Road, 1<sup>st</sup> Floor, Horsham, PA 19044 under account number 39256-50007.

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

3. Respond Power 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 October 2, 2014, Complainant filed the above-mentioned formal Complaint alleging that he did not authorize Respond Power as his EGS. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

5. On or about October 9, 2014, PECO was served a copy of the Formal Complaint filed in this matter.

6. On October 20, 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 Respond Power did not have authorization to enroll him with Respond Power as his EGS, PECO is requesting that Respond Power be joined as an indispensable party.

### **III. Argument**

8. Complainant alleges that he did not authorize Respond Power as his 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. Respond Power's involvement in this matter is necessary to determine whether Respond Power had written authorization or other approval from the Complainant to enroll the Complainant with Respond Power as his 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 Respond Power as an Indispensable Party.

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**

**ANDREW CIOCCO**

v.

**PECO ENERGY COMPANY**

:  
:  
:  
:  
:

**DOCKET NO. F-2014-2446856**

**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:

Andrew Ciocco  
41 Logger Mill Road, Apartment A  
Horsham, PA 19044

Respond Power  
Scott Foreman-Murray  
In-House Counsel  
100 Dutch Hill Road, Suite 310  
Orangeburg, NY 10962  
[sfmurray@majorenergy.com](mailto:sfmurray@majorenergy.com)

Dated at Philadelphia, Pennsylvania, October 21, 2014.



---

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)**

---

**From:** eServe@pa.gov  
**Sent:** Thursday, October 09, 2014 10:40 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 Form** has been served in this proceeding. This document is docketed as **F-2014-2446856**. You may view this document at **Formal Complaint Form**

You are receiving this email because you are a(n) **Complainant** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,  
Public Utility Commission  
Commonwealth of Pennsylvania

*\* Please do not respond to this automatically generated email.*

PECO ENERGY  
EXHIBIT                      |

timely

BCS: 3205652

RESPOND POWER (EGS)

Must be returned by October 2, 2014

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 Andrew Ciocco

Street/P.O. Box 41 Loggers Mill Rd. Apt # A (first floor)

City Hursham State PA Zip 19044

County Montgomery

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

(215) 264-2289 (home) (215) 264-2289 (mobile)

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

Utility Account Number (from your bill) 39256-50007

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 and Respond Power LLC / Major Energy Services

March 2014

1

RECEIVED

OCT - 2 2014

PA PUBLIC UTILITY COMMISSION 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):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER                                     |
| <input 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 WANT ALL RESPOND POWER  
CHARGES OFF MY BILL FROM  
MARCH 2012 - APRIL 2014.

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.

I CALLED AND CALLED AND CALLED AND NO ANSWER, NO RETURN CALL TO ME, THEY DONT PICK UP!

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.

IN PROBLEMS OF WAITING FOR  
WIDENER LAW CLINIC

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 Andrew Ciocco Andrew Ciocco, 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).

Andrew Ciocco 9-1-14  
(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.

DEAR PUC,

First and foremost, let me say that what is happening here is a complete fraud on the part of Respond Power LLC. There are so many different things wrong with this entire situation it is hard for me to figure out where to start, so I will do my best. I am in contact with Widener law clinic as they are reviewing my case to help me they advised that I send this in by OCTOBER 2 2014 in the meantime.

In early December of 2013, I, Andrew Ciocco, received a bill for service provided to my address 41 A Loggers Mill Road, Horsham, PA 19044. This bill was from my energy provider, PECO and it was for electric service provided to my apartment for the month of November 2013. When I opened the bill I was amazed at how high the bill was. I called in to PECO and asked them if they could help me understand why my bill was so high and had increased considerably compared to previous years November bills. Their representative explained to me that "energy prices were rising" and that "it was a cold winter", so we "used a lot of energy". I had little to go on at that point.

Then, in early January of 2014, I received my bill for service provided to my apartment for the month of December 2013. This time it was absolutely unbelievable and my bill had literally doubled. I have lived in my house for 8 years and this was literally three times as much as the highest bill I have ever received. So, I again called in to PECO. Again, the representative assured me that due to the same reasons as stated before I would be facing higher electric bills. Again, I felt something was not right, but was left with little to do. This time as I looked at my bill I realized that in small, tiny, hidden letters on the second page were the words 'Respond Power charges'. After looking at this I was absolutely confused as to how my bill was broken down. So I, again, called in to PECO. I asked their representative why there was this 'Respond Power' charge on my bill. She explained to me that they were a third party energy provider. I asked her "why is this company on my bill" when "I did not sign up for this". Up to that point, I didn't even understand what a third party provider was. It is my sworn statement I **started a PECO account when I moved to this apartment and had made NO changes to my service up to this point.** She told me that in March of 2012, that I had signed up for this. I told her she was absolutely wrong and there was no way I would have signed up for something with a variable rate that could just balloon at any time to triple what my normal PECO bill is. I asked if they'd ever heard of this happening before and she told me no they hadn't. Then I asked her what I could do about this. She told me that I could take them off my bill. I told her "of course I want them off my bill; I never wanted them on my bill in the first place". Throughout the whole conversation, might I add that the PECO representative was acting as if I had done something wrong when I was just trying to get to the bottom of this. After numerous attempts by PECO's representative to get off the phone with me, they said that I needed to call Respond Power LLC and take it up with them. I hung up with PECO and began the process of trying to contact Respond Power LLC. I wanted to get to the bottom of how I was signed up for services that I never signed up for. I called the number provided to me on my PECO bill, which is 877-973-7763. I basically spent all day on the phone dialing and getting prompted to message machines. I repeated this process all week and left numerous messages. I kept trying to speak to someone all month and I heard nothing back from Respond Power LLC. It was like they didn't even exist, other than to rip me off and then not be available.

On February 11, 2014 I received my January PECO bill for \$433.51. Wow! Now this was getting completely ridiculous. I had instructed PECO to take them off of my bill, but here they were again and to make matters worse, they were charging me again this preposterous amount. I was speechless. Not only had I been fraudulently signed up for these services, but I was continuing to be billed AFTER I had specifically told PECO to take them off my bill. **My last conversation the previous month with PECO, I had instructed them to mark my account that I never signed up for Respond Power and that I wanted them off my account immediately.** Now there I was a month later, and they are still billing me? To add to all of this, Respond Power was unreachable and did not return any of my phone calls.

Again, I called PECO and explained to them my situation for the millionth time and they're representative told me that they were sorry and they would be taking it off my account. To be honest with you, they were so vague at even explaining why they were still on my bill. This time, after pressing the PECO representative, I was FINALLY told that if I had an issue there was an organization known as the PUC and that I needed to contact them and act accordingly. *Never once, during this whole process, since December of 2013, was I told I had the option of calling the PUC to file a dispute.* I told the rep, again, please just take this company off my bill; they are fraudulently charging me and I never signed up for this. I, again, told the PECO rep that proof of this is that the company, Respond Power LLC, were unreachable. I got off the phone and went on the internet to find out about the PUC. I called the PUC and told their rep what had happened. They told me that there are so many similar cases happening right now that the PUC is backed up because of so many claims of fraudulent behavior by third party energy providers. It was explained to me that I had been 'slammed'. She told me this was a process of a third party energy provider signing up a customer to a variable rate than raising the rate sky high. I was told to file a complaint with the PUC and that they would look into it to see if there was wrong doing. After that, she told me to wait, and by mail and phone they would get back to me as to how to go about this. The PUC rep advised me not to pay any disputed charges. In the meantime I continued to contact Respond Power LLC and to no avail could not get through.

On March 13, 2014 I received a letter from the PUC telling me that they were processing my complaint and to be patient. The same day, I received my February PECO bill for \$617.52 and again could not believe my eyes. Again, Respond Power was continuing to bill me even after multiple requests to have them removed from my bill. At this point my problem was becoming with PECO as well. Here we were, months after I requested PECO to removed Respond Power from my bill, I was still being charged by them. That week, I called into PECO and this time I was told, that Respond Power was allowed to bill me for two months after I requested them off of my bill. I told the PECO rep that was ridiculous and that I had never originally even signed up with these people. Also, I had been waiting for two plus months to have them removed from my bill. To no avail, PECO would not help me.

I figured at this point, I would follow the PUC's instructions to have their commission review my complaint. It had been months of back and forth with PECO, I had heard nothing from Respond Power, LLC, so at this point I followed the instruction of the PUC and did not pay the disputed fees and waited. Another month passed and in April of 2014 I got my March PECO bill for \$364.00. At this point, I wasn't surprised when I saw the amount. Keep in mind, to give you



perspective, my average bill is typically \$150.00 and that's with inflation of about 50% or more over the last 8 years or so. It was obvious to me that this was a scam because here they were billing me over a thousand dollars in just a few short months.

On August 12<sup>th</sup>, 2014 I was contacted by the PUC representative, Brandon, at 717-783-8580. He left a message stating that he had contacted Respond Power LLC and they had provided him with a "contract" that was signed, NOT by me. He also said that they provided him with an audio tape recording, which was also not me. After talking with him, I was informed that Respond Power was claiming I signed up to their service. They said they came to my door and got a signature to sign up with them. When I looked closely I saw that they were claiming "someone else signed up for me. OK, this is where it got unbelievable. They were trying to tell me that someone else signed up for me? This is nuts. I totally dispute that. At no point did I ever sign up for Respond. Also even more unbelievable, is that there so called "contract" DOESN'T EVEN STATE THAT THE RATE IS VARIABLE, which is what they did to me eventually. How can they claim that it is valid to sign me up ILLEGALLY, then keep me on their service even after I said to take me off? To me, the complaint should have ended there. To sum it up to this point, I basically had written proof that Respond power had a contract without my name or signature on it and an audio tape that was a women on it. Also their contract made no mention of a VARIABLE rate. Case closed!! BUT Brandon told me that he couldn't do anything more and that I would have to file a "formal complaint" to take this further. So that's exactly what I am doing.

So I prepared this story for the PUC. In the course of this story, I did a bunch of research. I found that *Pennsylvania State attorney Kathleen Kane has filed a class action lawsuit against RESPOND POWER* and that over 100,000 people are claiming that they were victims of these "third party power companies" and their price gouging. I am in process of joining that suit. Also I found many complaints' on the Better Business Bureau and am in process of filing a complaint with them.

Also to end this story, I wanted to tough on PECO and their dealings with me. In my letter above I stated multiple times that I repeatedly had to hound PECO for them to take REPSOND off my bill. By the time they took action, RESPOND had already billed fraudulently so much money. I called so many times and they were terrible at handling my problem. Then in the past 4 months I have been trying to get a hold of my PECO records where I had them mark in my file that I had called them and called them and called them. First off they lied to me and told that they would call me back. When I call to them with an issue, I always tell the representative to "mark my file and note that I called and note what the issue is. When I called back in November, December, and January I told them to "Take Respond Power of my bill" and to mark my file that I called. Then after they screwed it all up I told them that I wanted a copy of my file and when I called. This is when they got shady. Each time they said that they would get back to me. THEY NEVER DID AND I KEPT CALLING. At some point I realized I was getting nowhere so I left it in the hands of the PUC.

In my filing I am asking that all REPSOND POWER charges be voided and my PECO bill reinstated to where it was. I don't want anything for free; I just don't want to be charged illegally. Hope fully this letter outlines what is happening here and it can be brought to end.

What these people have done is criminal. It has taken a great deal of time and energy from me and I can't afford to let this go any longer. I can be reached at anytime 215 264 2289. Thank you for your time

ANDREW CIOCCO

**TIMELINE OF CHARGES:**

Service provided 11/04/13 – 12/05/13: \$201.24

Service provided 01/08/14 – 02/09/14: \$433.51

Service provided 02/09/14 – 03/10/14: \$617.52

Service provided 03/10/14 – 04/09/14: \$364.00

**FROM:**

ANDREW CIOCCA  
41 A LOGGERS MILL RD  
HARRISBURG PA 17044



7014 1200 0002 2333 3234



1000



17120

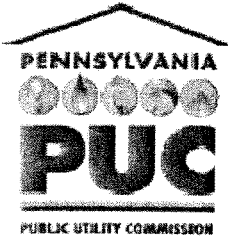
U.S. POSTAGE  
PAID  
HARRISBURG, PA  
OCT 16 2014  
AMOUNT  
**\$7.61**  
00011321-08

**TO:**

SECRETARY  
PENNSYLVANIA PUBLIC UTILITIES COMMISSION  
400 NORTH STREET  
HARRISBURG PA 17120

RECEIVED  
PENNSYLVANIA PUBLIC UTILITIES COMMISSION  
OCT 16 2014

## **EXHIBIT “2”**



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

[Login to eFiling](#) | [Contact Us](#) | [Search](#)

- [My Filings](#)
- [New Filing](#)
- [Modify Account](#)
- [POR Search](#)
- [eService Directory](#)
- [Subscriptions](#)
- [Technical Assistance](#)
- [eFiling FAQs](#)
- [Log Off](#)

## 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:	F-2014-2446856
Description:	Andrew Ciocco - PECO Energy Company Answer to Formal Complaint
Transmission Date:	10/20/2014 11:22:01 AM
Filed On:	10/20/2014 11:22:01 AM
eFiling Confirmation Number:	1568510

### Uploaded File List

File Name	Document Class	Document Type
Andrew Ciocco - 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 20, 2014

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

**RE: Andrew Ciocco v. PECO Energy Company**  
**PUC Docket No.: F-2014-2446856**

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", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

Scheduling Recommendation: **NOT CALL OF THE DOCKET**

sl/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANDREW CIOCCO</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2446856</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

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

---

On October 9, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Andrew Ciocco (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 his Formal Complaint, Complainant alleges he was slammed by Electric Generation Supplier ("EGS"), Respond Power. The Complainant claims he never authorized Respond Power as his supplier or the associated supplier charges. PECO Energy avers that the Complainant has not submitted any proof that his account was slammed and Respond Power provided proof to the PUC that a household member (Complainant's girlfriend) signed an agreement with them.

Complainant has an account for residential electric service at 41 Logger Mill Road, 1<sup>st</sup> Floor, Horsham, PA 19044 under account number 39256-50007. See Account Activity

Statement, attached hereto as Exhibit "1". On May 25, 2012, the company received an enrollment notification from Respond Power with an effective date of July 9, 2012. PECO Energy sent the Complainant a letter acknowledging the supplier's notification. 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. The Complainant did not contact the company to rescind the enrollment and received monthly billings while enrolled with Respond Power, specifically noting he was enrolled with a supplier. Respond Power became the Complainant's alternate electric supplier, effective August 9, 2012. The Complainant dropped Respond Power as his supplier effective the April 9, 2014, billing period.

The Complainant filed an informal complaint on March 13, 2014 under case number 003205652, disputing his enrollment with Respond Power and the associated EGS charges. See Case Details Report #003205652, attached hereto as Exhibit "2". In his informal complaint, the Complainant alleged that he did not choose a supplier and disputed his bill. On August 13, 2014, the BCS issued a Decision Report, dismissing the Complainants' case stating:

**NO SLAMMING. LAUREN MACKLEER GF OF THE RATEPAYER AUTHORIZED ENROLLMENT WITH RESPOND POWER. SHE SAID SHE WAS AUTHORIZED. CO PROVIDED A SIGNED SALES AGREEMENT AND TPV INVOLVING LAUREN MACKLEER.**

See BCS Decision Report #003205652, attached hereto as Exhibit "3".

The Complainants' balance is \$2,453.91. See Exhibit "1". PECO Energy avers that the Complainant is responsible for the balance as he waited almost two years to claim that he had not enrolled with a supplier and was on notice during those two years through his billing statements that he had a supplier. The Complainant has provided no proof that he never authorized Respond

Power as his 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 "4".

In this case, the Complainant disputes that he enrolled with the supplier Respond Power. The Complainant's formal complaint raising this issue is improperly placed against PECO Energy and should be filed against the supplier Respond Power. 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,



---

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>ANDREW CIOCCO</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2446856</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**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 20, 2014

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANDREW CIOCCO</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2446856</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**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:

Andrew Ciocco  
41 Logger Mill Road, Apartment A  
Horsham, PA 19044

Dated at Philadelphia, Pennsylvania, October 20, 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 3389 Fax  
www.exeloncorp.com

Direct Dial: 215 841-6841

October 20, 2014

Andrew Ciocco  
41 Logger Mill Road, Apartment A  
Horsham, PA 19044

**RE: Andrew Ciocco v. PECO Energy Company**  
**PUC Docket No.: F-2014-2446856**

Dear Mr. Ciocco:

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, flowing script.

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

# **EXHIBIT “1”**

PECO Account Activity Statement

Date: 10/16/14

Page: 1 of 2

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

Account Number: 39256-50007  
 Account Status: Active  
 Requested By: ANDREW CIOCCO  
 ANDREW CIOCCO  
 (267)767-3465 Extension:

Mail To:  
 ANDREW CIOCCO  
 41 LOGGERS MILL RD  
 1ST FL  
 HORSHAM PA 19044

Current Bill:  
 Billed Prior: \$2390.39  
 Balance Due: \$2453.91  
 Service Address:  
 41 LOGGER MILL RD  
 1ST FL  
 HORSHAM PA 19044

Credit Amount: \$0.00  
 Deposit Requested: \$220.00  
 Deposit On-Hand: \$0.00  
 Meter Bill Grp: 06  
 Rate: Electric Residential Heating Service

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

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
11/02/12	Payment									
11/07/12	ELECTRIC SERVICE	10/04/12 11/04/12	25214	080692056	\$45.68	\$93.82	\$140.84		11/29	949
11/07/12	ELF-Respond Power				\$95.16					
11/27/12	Payment									
12/10/12	ELECTRIC SERVICE	11/04/12 12/05/12	26581	080692056	\$62.64	\$140.84	\$140.84		01/02	1367
12/10/12	ELF-Respond Power				\$140.88					
12/10/12	Regular Bill									
01/08/13	Late Payment Charge				\$3.05		\$203.52		02/01	1627
01/10/13	ELECTRIC SERVICE	12/05/12 01/08/13	28208	080692056	\$76.16	\$203.52	\$451.78			
01/10/13	ELF-Respond Power				\$169.05					
01/22/13	Payment									
02/06/13	Late Payment Charge				\$3.68		\$206.57		02/01	1627
02/11/13	ELECTRIC SERVICE	01/08/13 02/07/13	29896	080692056	\$78.74	\$206.57	\$206.57		03/05	1688
02/11/13	ELF-Respond Power				\$173.86					
02/15/13	Regular Bill									
02/15/13	Payment									
03/12/13	ELECTRIC SERVICE	02/07/13 03/10/13	31490	080692056	\$74.76	\$206.57	\$504.54			
03/12/13	ELF-Respond Power				\$159.24					
03/12/13	Late Payment Charge				\$4.42					
03/12/13	Regular Bill									
04/09/13	Late Payment Charge				\$7.93		\$536.39		04/03	1594
04/10/13	ELECTRIC SERVICE	03/10/13 04/08/13	32782	080692056	\$61.87	\$536.39	\$302.39		04/03	1594
04/10/13	ELF-Respond Power				\$129.07					
04/10/13	Regular Bill									
05/07/13	Late Payment Charge				\$10.80		\$735.26		05/02	1292
05/09/13	ELECTRIC SERVICE	04/08/13 05/07/13	33531	080692056	\$38.84	\$735.26	\$544.32		05/02	1292
05/09/13	ELF-Respond Power				\$75.71					
05/09/13	Regular Bill									
05/15/13	Payment									
06/05/13	Late Payment Charge				\$4.50		\$860.61		05/31	749
06/06/13	Late Payment Charge				\$4.50		\$746.06			
06/06/13	Payment									
06/07/13	Transfer									
06/07/13	RECONNECT FEE - CUT-OUT NON-PAY				\$75.00					
06/10/13	ELECTRIC SERVICE	05/07/13 06/06/13	34213	080692056	\$48.59	\$75.00	\$119.80		07/02	682
06/10/13	ELF-Respond Power				\$71.60					
06/10/13	Regular Bill									
07/09/13	Late Payment Charge				\$1.79					
07/10/13	ELECTRIC SERVICE	06/06/13 07/08/13	34994	080692056	\$54.62					
07/10/13	ELF-Respond Power				\$82.93					

PECO Account Activity Statement

Date: 10/16/14  
Page: 2 of 2

DATE	CHANGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
07/10/13	Regular Bill									
08/06/13	Late Payment Charge	07/08/13	08/06/13	35731	\$2.01	\$125.00	\$259.14	\$121.59	08/01	781
08/06/13	Payment				\$51.94					
08/08/13	ELE-Respond Power				\$80.27					
08/08/13	Regular Bill									
09/04/13	Late Payment Charge	08/06/13	09/05/13	36470	\$3.99		\$268.36	\$136.15	08/30	737
09/09/13	ELECTRIC SERVICE				\$52.06					
09/09/13	ELE-Respond Power				\$77.59					
09/12/13	Regular Bill									
09/12/13	Payment									
10/08/13	ELECTRIC SERVICE	09/05/13	10/06/13	36966	\$27.66	\$134.14	\$402.00	\$272.35	10/01	739
10/08/13	ELE-Respond Power				\$52.54					
10/08/13	Late Payment Charge				\$3.92					
10/08/13	Regular Bill									
11/05/13	Late Payment Charge	10/06/13	11/04/13	37584	\$5.12		\$351.98	\$271.78	10/30	496
11/06/13	ELECTRIC SERVICE				\$32.73					
11/06/13	ELE-Respond Power				\$67.97					
11/06/13	Regular Bill									
12/09/13	ELECTRIC SERVICE	11/04/13	12/05/13	38777	\$66.60		\$457.80	\$357.10	12/02	618
12/09/13	ELE-Respond Power				\$144.64					
12/09/13	Late Payment Charge				\$6.63					
12/09/13	Regular Bill									
01/07/14	Late Payment Charge	12/05/13	01/08/14	40592	\$9.65		\$665.67	\$464.43	12/31	1193
01/10/14	ELECTRIC SERVICE				\$79.52					
01/10/14	ELE-Respond Power				\$236.45					
01/10/14	Regular Bill									
02/10/14	Late Payment Charge	01/08/14	02/09/14	42467	\$14.39		\$991.29	\$675.32	02/03	1815
02/11/14	ELECTRIC SERVICE				\$81.92					
02/11/14	ELE-Respond Power				\$351.59					
02/11/14	Regular Bill									
03/06/14	LIHEAP Payment					\$138.00	\$1439.19	\$1005.68	03/05	1875
03/13/14	ELECTRIC SERVICE	02/09/14	03/10/14	44033	\$69.58					
03/13/14	ELE-Respond Power				\$547.94					
03/13/14	Regular Bill									
03/14/14	LIHEAP Payment					\$500.00	\$1916.71	\$1301.19	04/04	1566
03/17/14	Payment Agreement					\$1418.71				
04/11/14	ELECTRIC SERVICE	03/10/14	04/09/14	45262	\$57.40					
04/11/14	ELE-Respond Power				\$306.76					
04/11/14	Regular Bill				\$59.11					
04/11/14	DEFERRED PAYMENT AGREEMENT									
04/11/14	Regular Bill									
05/07/14	ELECTRIC SERVICE	04/09/14	05/06/14	46056	\$109.23		\$423.27		05/05	1229
05/07/14	DEFERRED PAYMENT AGREEMENT				\$59.11					
05/07/14	Regular Bill									
05/12/14	Bill Out DPA due to Default									
06/06/14	ELECTRIC SERVICE	05/06/14	06/05/14	46826	\$1300.49		\$591.61	\$423.27	05/29	794
06/06/14	Regular Bill				\$119.59					
07/08/14	ELECTRIC SERVICE	06/05/14	07/07/14	47755	\$142.82		\$2011.69	\$1892.10	06/30	770
07/08/14	Regular Bill									
08/06/14	ELECTRIC SERVICE	07/07/14	08/05/14	48397	\$100.89		\$2154.51	\$2011.69	07/30	929
08/06/14	Regular Bill									
09/04/14	Late Payment Charge				\$33.36		\$2255.40	\$2154.51	08/28	642

09/05/14 ELECTRIC SERVICE  
09/05/14 Regular Bill  
10/03/14 ELECTRIC SERVICE  
10/03/14 ELE-ADDITIONAL METER  
10/03/14 Regular Bill

08/05/14 09/04/14 49059 080692056 \$101.63  
09/04/14 10/03/14 49492 080692056 \$63.52  
24 124439272

\$2390.39 \$2288.76 09/29 662  
\$2453.91 \$2390.39 10/27 457

## **EXHIBIT “2”**





October 16, 2014

**Company Position:**

CU IS DISPUTING ALL CHARGES FROM SLAMMING SUPPLIER, PECO REP DID NOT REFER CU TO PUC WHN CLLD TO RQUST SUPPLIER OFF AND DISPUTE BILL, ADVISE CU CAN HAVE A SUPPLIER,

**EXHIBIT “3”**



**EXHIBIT “4”**

**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