



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

November 5, 2014

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

RE: Filgia Encarnacion v. PECO Energy Company
PUC Docket No.: C-2014-2443848

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion for Judgment on the Pleadings* with regard to the matter referenced above.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

sl/LO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FILGIA ENCARNACION

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2014-2443848

NOTICE TO PLEAD

To: Filgia Encarnacion

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: November 5, 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**

FILGIA ENCARNACION

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2014-2443848

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 11, 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 22, 2014.

3. On October 10, 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 that the Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on July 15, 2013 under Tier E. New Matter ¶1.

5. PECO averred that during her enrollment, the Complainant's \$6,639.67 was transferred under PECO Energy's Pre-Program Arrears program. New Matter ¶2.

6. PECO averred that on April 14, 2014, the Complainant discontinued service at 1365 Dyre Street and the Complainant's Pre-Program Arrears in the amount of \$6,086.36 was returned to her account. New Matter ¶3.

7. PECO averred that on April 14, 2014, the Complainant established service at 4615 Lansing Street, Philadelphia, PA 19136 under account number 84637-59004. New Matter ¶4.

8. PECO averred that the Complainant's CAP status transferred to her new account under Tier E. New Matter ¶5.

9. PECO averred that on October 3, 2014, the Complainant's \$6,086.36 Pre-Program arrearage was isolated once more for possible forgiveness. New Matter ¶6.

10. PECO averred that the Complainant's balance is \$3,571.63. New Matter ¶7.

11. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶8.

12. PECO averred that the Complainant is actively enrolled in the CAP program. New Matter ¶9.

13. 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 ¶10.

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

15. 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).

16. 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.”

17. 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.

18. 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).

19. 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. Cmwlt. 1989).

20. 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.

21. 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**

FILGIA ENCARNACION

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-2014-2443848

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
Filgia Encarnacion



Shawane L. Lee

DATED: November 5, 2014

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Monday, September 22, 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** has been served in this proceeding. This document is docketed as **C-2014-2443848**.

You may view this document at

Formal Complaint- REDACTED

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

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

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

PECO ENERGY
EXHIBIT 1

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

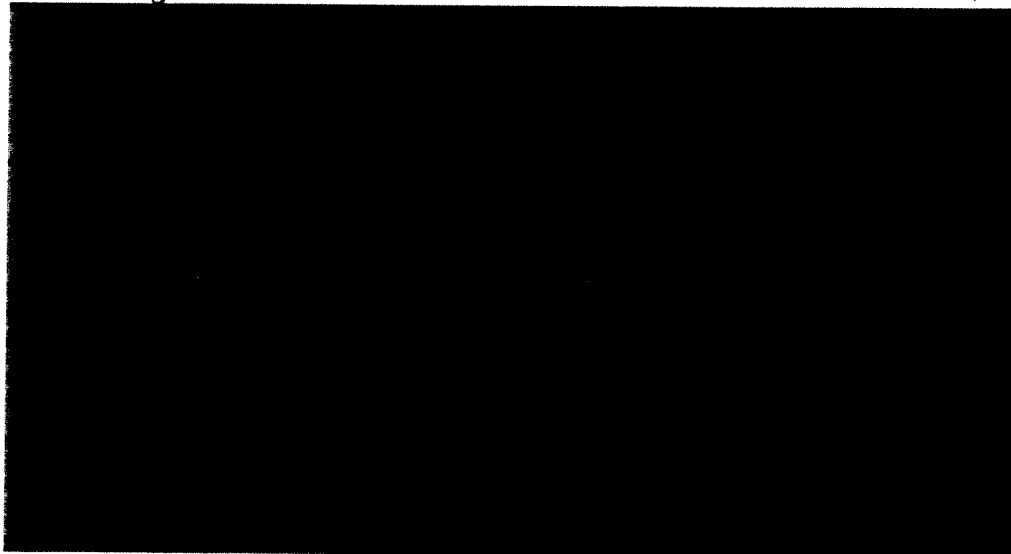
*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

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 Filgia Encarnacion



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):

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

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

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

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

Other (explain).

The utility company refuses to enter an agreement with me and is threatening with shutting off my services. I have sick children in the house. Previously refused to give me a deduction on my electric

even though it was heating provider. I cannot explain why they are requesting a 9000.00 bill to be paid immediately. I cannot afford that amount of money. The representative told me on the phone to sell all my assets if I needed to pay PECO otherwise I would be shut off

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

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

5. Requested Relief

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

I am requesting that they revise the amount of charges that were issued on my bill. First I should have been receiving a discount for having electric as my heating provider and second, it is a very high amount to be paid. I am requesting that they enter in a payment agreement with me in order for me to receive service.

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

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

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

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

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

YES

NO

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

7. **Prior Utility Contact**

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

YES

NO

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

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

YES

NO

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

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

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

8. **Legal Representation**

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

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

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

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

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

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

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept it.

Verification:

I Filgia Encarnacion, 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).

Filgia Encarnacion _____ 9/8/14
(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:

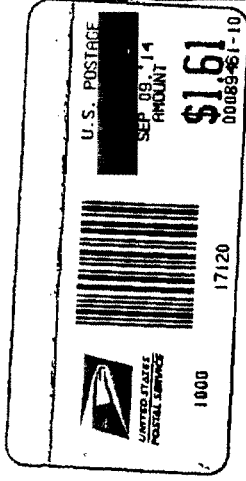
Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

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.

Filipa Encarnacion

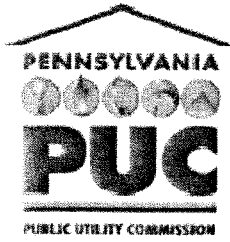


RECEIVED
2014 SEP 11 AM 11:02
SECRETARY'S BUREAU

Secretary
Pennsylvania Public Utility Commission
400 North 6th
Harrisburg PA 17120

FIRST CLASS

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-2014-2443848
Description:	Filgia Encarnacion - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	10/10/2014 8:23:43 AM
Filed On:	10/10/2014 8:23:43 AM
eFiling Confirmation Number:	1567448

Uploaded File List

File Name	Document Class	Document Type
Filgia Encarnacion - 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

October 10, 2014

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

RE: Filgia Encarnacion v. PECO Energy Company
PUC Docket No.: C-2014-2443848

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Answer and New Mater 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 DOCKET**

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FILGIA ENCARNACION :
Complainants :
v. : DOCKET NO. C-2014-2443848
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, October 10, 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**

FILGIA ENCARNACION	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2443848
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On September 22, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Filgia Encarnacion (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 states that PECO Energy is threatening to terminate her service and refuses to enter into an agreement with her. The Complainant states that the company is requesting payment of \$9,000 immediately and this is a high amount to be paid. She alleges that she should have been receiving a discount for having electric as her heating provider. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established service at 1365 Dyre Street, Philadelphia, PA 19124 under account number 44468-94037. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on July 15, 2013 under Tier E. During her enrollment, the Complainant's \$6,639.67 was transferred under PECO Energy's Pre-Program Arrears program. On April 14, 2014, the Complainant discontinued service at 1365 Dyre Street. As a consequence, the Complainant's Pre-Program Arrears in the amount of \$6,086.36 was returned to her account. See Exhibit "1".

On April 14, 2014, the Complainant established service at 4615 Lansing Street, Philadelphia, PA 19136 under account number 84637-59004. See Account Activity Statement, attached hereto as Exhibit "2". The Complainant's CAP status transferred to her new account under Tier E. On May 19, 2014, the Complainant's \$8,924.79 balance transferred into her new account. See Exhibit "2".

On August 11, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003273686, requesting a payment agreement to stop a pending termination. See Case Details Report #003273686, attached hereto as Exhibit "3". The BCS issued a Decision Report on August 14, 2014 dismissing the case pursuant to 66 Pa. C.S. §1405(c). See BCS Decision Report #003273686, attached hereto as Exhibit "4". On September 12, 2014, the Complainant's service was terminated. On October 3, 2014, the Complainant's \$6,086.36 Pre-Program arrearage was isolated once more for possible forgiveness.

The Complainant's balance is \$3,571.63, 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 July 15, 2013 under Tier E.
2. During her enrollment, the Complainant's \$6,639.67 was transferred under PECO Energy's Pre-Program Arrears program.
3. On April 14, 2014, the Complainant discontinued service at 1365 Dyre Street and the Complainant's Pre-Program Arrears in the amount of \$6,086.36 was returned to her account. See Exhibit "1".

4. On April 14, 2014, the Complainant established service at 4615 Lansing Street, Philadelphia, PA 19136 under account number 84637-59004. See Account Activity Statement, attached hereto as Exhibit "2".

5. The Complainant's CAP status transferred to her new account under Tier E.

6. On October 3, 2014, the Complainant's \$6,086.36 Pre-Program arrearage was isolated once more for possible forgiveness.

7. The Complainant's balance is \$3,571.63.

8. The Complainant's entire balance is comprised of CAP arrears.

9. The Complainant is actively enrolled in the CAP program.

10. 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."

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

12. 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**

FILGIA ENCARNACION	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2443848
	:	
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: October 10, 2014



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FILGIA ENCARNACION	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2014-2443848
	:	
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:

Filgia Encarnacion

Dated at Philadelphia, Pennsylvania, October 10, 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

EXHIBIT “1”

*** Account Information ***

Account Number: 44468-94037
 Account Status: Final
 Requested By: FILGIA ENCARNACION
 (267)469-2090 Extension:

Mail To: FILGIA ENCARNACION
 4615 LANING ST
 PHILADELPHIA PA 19136

Current Bill: \$0.00
 Billed Prior: \$0.00
 Balance Due: \$0.00
 Service Address: 1365 DYRE ST
 PHILADELPHIA PA 19124

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 09
 Rate: CAP Opt E Electric Residential Service

*** Current Account Status ***

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUPLICATE DATE	KWH	CCF	KW
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10/10/12	ELECTRIC SERVICE	09/10/12 10/09/12	4023	031015362	\$216.94		\$260.96		11/01	1271		
10/10/12	DEFERRED PAYMENT AGREEMENT				\$44.12							
10/10/12	Regular Bill				\$1014.77							
11/06/12	Bill Out DPA due to Default				\$3.91							
11/06/12	Late Payment Charge	10/09/12 11/07/12	5726	031015362	\$453.08		\$1732.72	\$1279.64	11/30	2703		
11/08/12	ELECTRIC SERVICE				\$25.46							
12/05/12	Regular Bill				\$178.00							
12/05/12	Late Payment Charge	11/07/12 12/11/12			\$78.15							
12/12/12	BUDGET BILLING											
12/12/12	Regular Bill				\$1350.00		\$1936.18	\$1758.18	01/03	4431		
12/27/12	Payment				\$260.00							
01/03/13	RECONNECT FEE - CUT-OUT NON-PAY				\$1180.00							
01/08/13	REVENUE PROTECTION TAMPERING FEE				\$28.13							
01/08/13	Late Payment Charge	12/11/12 01/13/13			\$229.00							
01/15/13	BUDGET BILLING											
01/15/13	Regular Bill				\$823.73		\$2283.31	\$1964.31	02/06	5127		
01/18/13	Payment Agreement				\$229.00							
02/14/13	BUDGET BILLING											
02/14/13	Regular Bill	01/13/13 02/12/13			\$229.00		\$2283.31					
02/14/13	DEFERRED PAYMENT AGREEMENT				\$99.27							
02/14/13	Regular Bill				\$2184.04		\$328.27		03/08	5319		
03/13/13	Bill Out DPA due to Default				\$4.93							
03/13/13	Late Payment Charge	02/12/13 03/13/13			\$229.00							
03/15/13	BUDGET BILLING											
03/15/13	Regular Bill				\$777.87		\$2746.24	\$2517.24	04/08	4839		
04/15/13	BUDGET BILLING											
04/15/13	Regular Bill	03/13/13 04/11/13			\$229.00							
04/15/13	Late Payment Charge				\$36.43							
05/14/13	BUDGET BILLING											
05/14/13	Regular Bill	04/11/13 05/11/13			\$666.00		\$3011.67	\$2782.67	05/07	3649		
06/11/13	Late Payment Charge				\$49.86							
06/14/13	BUDGET BILLING											
06/14/13	Regular Bill	05/11/13 06/12/13			\$666.00		\$3677.67	\$3011.67	06/05	1991		
07/10/13	BUDGET BILLING											
07/10/13	Regular Bill	06/12/13 07/10/13			\$2246.14		\$4393.53	\$3727.53	07/08	1796		
07/15/13	Transfer To PPA				\$236.16							
07/16/13	Billing Adjustment				\$6639.67							
08/08/13	PPA Forgiveness				\$553.31							
08/08/13	Pre-Program Arrears				\$434.00							
08/13/13	BUDGET BILLING											
07/10/13	Budget Bill Detail				\$300.98							
07/10/13	Actual Bill Amount:											
08/13/13	Actual Bill Amount:											
07/10/13	Budget Bill Detail				\$300.98							
07/10/13	Actual Bill Amount:											
08/13/13	Actual Bill Amount:											



DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
08/13/13	Regular Bill	08/13/13	09/09/13		\$434.00		\$670.16		09/04	4075		
09/09/13	BUDGET BILLING											
09/09/13	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 200.58		BB Deferred Amount: -366.44		\$1104.16	\$670.16	10/01	1511		
09/10/13	Late Payment Charge				\$4.56							
10/06/13	BUDGET BILLING				\$434.00							
10/06/13	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 130.35		BB Deferred Amount: -670.09		\$1553.79	\$1119.79	10/30	1056		
10/08/13	Late Payment Charge				\$11.07							
10/08/13	Regular Bill				\$434.00							
10/16/13	Payment Agreement				\$25.90							
11/06/13	BUDGET BILLING				\$1501.99							
11/06/13	Deferred Payment Agreement	** Budget Bill Detail **	Actual Bill Amount: 238.41		BB Deferred Amount: -865.68		\$459.90		12/02	1756		
11/06/13	Regular Bill				\$434.00							
12/09/13	Bill Out DPA due to Default				\$25.90							
12/09/13	BUDGET BILLING				\$1501.99							
12/09/13	Deferred Payment Agreement	** Budget Bill Detail **	Actual Bill Amount: 559.19		BB Deferred Amount: -740.49		\$919.80	\$459.90	12/31	3738		
12/09/13	Regular Bill				\$17.43							
12/10/13	Late Payment Charge				\$23.94							
01/07/14	Late Payment Charge				\$347.00							
01/10/14	BUDGET BILLING				\$25.90							
01/10/14	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 262.03		BB Deferred Amount: -825.46		\$2810.16	\$2463.16	02/03	1883		
02/10/14	Late Payment Charge				\$25.29							
02/11/14	BUDGET BILLING				\$347.00							
02/11/14	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 279.14		BB Deferred Amount: -893.32		\$3182.45	\$2835.45	03/05	1992		
03/11/14	Late Payment Charge				\$28.45							
03/12/14	BUDGET BILLING				\$347.00							
03/12/14	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 231.30		BB Deferred Amount: -1009.02		\$3557.90	\$3210.90	04/03	1784		
04/08/14	Late Payment Charge				\$29.00							
04/10/14	BUDGET BILLING				\$347.00							
04/10/14	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 228.39		BB Deferred Amount: -1127.63		\$3933.90	\$3586.90	05/02	1752		
04/17/14	Budget Bill Settlement				\$1095.47							
04/17/14	PPA Default				\$6086.36							
04/17/14	PPA Defaulted				\$6086.36							
04/17/14	BUDGET BILLING				\$6086.36							
04/17/14	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 32.16		BB Deferred Amount: 0.00		\$8924.79	\$8548.79	05/12	245		
04/17/14	Pre-Program Arrears				\$6086.36							
05/19/14	Transfer				\$8924.79							

EXHIBIT “2”

CUAR038

PECO Account Activity Statement

Date: 10/06/14
Page: 1 of 1

*** Account Information ***

*** Current Account Status ***

Account Number: 84637-59004
 Account Status: Active
 Requested By: FIDELA ENCARNAION
 (267) 469-2090 Extension:

Mail To:
 FIDELA ENCARNAION
 4615 LANING ST
 PHILADELPHIA PA 19136

Current Bill: \$193.83
 Billed Prior: \$3377.80
 Balance Due: \$3571.63
 Service Address: 4615 LANING ST
 PHILADELPHIA PA 19136

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

Meter Bill Grp: 07
 Rate: CAP Opt E Electric Residential Service

CUAR038

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/07/14	ELECTRIC SERVICE	04/14/14 05/07/14	8806	119145952	\$50.18		\$50.18		05/29	489		
05/07/14	CONNECTION CHARGE - STANDARD				\$6.00		\$6.00					
05/07/14	Regular Bill				\$8924.79		\$8924.79					
05/19/14	Former address 1365 DYRE ST PHILADELPHIA PA 19124				\$0.75		\$0.75					
06/03/14	Late Payment Charge				\$108.51		\$108.51					
06/06/14	ELECTRIC SERVICE	05/07/14 06/06/14	9760	119145952	\$234.63		\$234.63		06/30	954		
07/08/14	Regular Bill				\$132.40		\$132.40					
07/08/14	Late Payment Charge	06/06/14 07/08/14	11590	119145952	\$20.00		\$20.00		07/30	1830		
07/08/14	RECONNECT FEE - CUT-CUT NON-PAY				\$135.92		\$135.92					
08/05/14	Late Payment Charge	07/08/14 08/06/14	13141	119145952	\$193.88		\$193.88		08/28	1551		
08/06/14	ELECTRIC SERVICE				\$138.83		\$138.83					
08/06/14	Regular Bill				\$120.00		\$120.00					
09/03/14	Late Payment Charge	08/06/14 09/05/14			\$1065.89		\$1065.89		09/29	1793		
09/05/14	BUDGET BILLING				\$407.90		\$407.90					
09/05/14	Regular Bill				\$6086.36		\$6086.36					
10/03/14	Late Payment Charge											
10/03/14	Transfer To PPA											

Account Balance \$9762.13

PECO ENERGY
EXHIBIT

EXHIBIT “3”



October 10, 2014

Case Details Report

BCS Case #: 003273686
Customer Name: FILGIA ENCARNACION
Service Address: 4615 LANSING STREET

BCS Bill Account #: 8463759004

Mailing Address: PHILA, PA 19136

Home Phone: () -

Business Phone: () -

Business name:

Alternate contact:

Date Case Opened: 2014-08-11

Date Cut Out: 9999-12-31

PAR Case: N

Investigator Name: BCS CASE POOL

Investigator Phone: (717) 787-0000

Universal Service: Y

Service class: R

Contact Type: E-MAIL

Previous case #:

Amount in Arrears: \$0.00

Adults: 1

Children: 3

Children Ages:

Gross Income: \$2400.00

Miscellaneous Info:

Complaint Reason:

ON - PAR NEEDED (# 61)

Customer Problem Description:

NEEDS PAR TO STOP TERM

Company Position:

WILL TERM IF NOT PAY AMOUNT DUE OF 5,000.00

EXHIBIT “4”



October 6, 2014

BCS Decision Report

BCS Case #: 003273686 **Open Date:** 2014-08-11
Customer Name: FILGIA ENCARNACION
Service Address: 4615 LANSING STREET

PHILA, PA 19136
BCS Bill Account #: 8463759004 **Previous Case #:**
Violation Type: NO **Chapter Type:**
Decision Type: W **Section / Rule:**
Investigator Name: BUREAU OF
CONSUMER SERVICE

Decision Issued Date: 2014-08-14
Case Closed Date: 2014-08-12

Letter Description:

Total Balance:	\$0.00	Balance Date:	
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:

YOU DON'T NEED A LAWYER TO FILE A FORMAL COMPLAINT BEFORE THE PUC. HOWEVER, YOU MAY USE A LAWYER OF YOUR CHOICE. YOU MAY QUALIFY FOR LEGAL REPRESENTATION AT NO COST OR AT A REDUCED FEE BASED ON YOUR INCOME. CONTACT OR VISIT THE WIDENER HARRISBURG CIVIL

Resolution Description:

CASE CLOSED - DISMISSED PER 1405C - THE DATE OF COMPLAINT RESOLUTION AND EXPIRATION OF THE STAY OF TERMINATION IS 8/19/2014