

Direct Dial: 215.841.6841

January 27, 2015

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

**RE: Xiomara Allan v. PECO Energy Company**  
**PUC Docket No.: F-2014-2457359**

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,



Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service

sl/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>XIOMARA ALLAN</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2457359</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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 Motion for Judgment on the Pleadings of PECO Energy Company within 10 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Motion for Judgment on the Pleadings, 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, January 27, 2015



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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**

<b>XIOMARA ALLAN</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2457359</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**RESPONDENT, PECO ENERGY COMPANY'S  
MOTION FOR JUDGMENT ON THE PLEADINGS**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint or in the alternative set a date certain for the Complainant to have counsel enter an appearance for the following reasons:

**I. PROCEDURAL HISTORY:**

1. On or about December 4, 2014, Complainant, Xiomara Allan filed a Formal Complaint with the Pennsylvania Public Utility Commission (“PUC”) against Respond Power and PECO Energy.

2. On December 11, 2014, the above-mentioned Formal Complaint was served on PECO Energy. A copy of Complainant’s Formal Complaint is attached hereto as (Exhibit 1).

3. On December 16, 2014, PECO Energy filed an Answer to the Formal Complaint. A copy of PECO Energy’s Answer is attached hereto as (Exhibit 2).

## **II. RELEVANT FACTS:**

4. In her Complaint, the Complainant alleges that Respond Power slammed her service with PECO and over charged her for power by fraudulently receiving her account information. The Complainant alleges that she never made any service agreements with Respond Power.

5. The Complainant alleges that she has an account with PECO Energy for electric service under account number 10148-51034.

6. PECO Energy avers that the Complainant has an account for small commercial industrial service under account number 10148-51024 under the name Xiomara Allan Company.

7. PECO Energy avers that the Complainant operates a business at the service address 7110 Elmwood Avenue, Philadelphia, PA 19142.

8. PECO Energy avers that the Complainant is operating the commercial business Elmwood Mini Market, Incorporated at the service address.

9. PECO Energy avers that the commercial business operating at the premises was incorporated in the Commonwealth of Pennsylvania on March 16, 2012 with the service address 7110 Elmwood Avenue as the registered office address. See Pennsylvania Department of State, Corporation Search, attached hereto as Exhibit (3).

### **III. LEGAL ARGUMENT**

#### **A. Standard of Review**

10. 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.

11. Under 52 Pa. Code §5.102(d)(1), the presiding officer will grant the motion if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law.

12. The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. First Mortgage Co. of Pennsylvania v. McCall, 459 A.2d 406 (Pa. Super. 1983).

13. The provision at 52 Pa. Code §5.102(c) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission, 563 A.2d. 557 (Pa. Cmwlth. 1989).

#### **B. The Complainant's Complaint should be dismissed because Xiomara Allan Company is a commercial customer; and the Complainant is required to be represented by counsel.**

14. The Complainant, Xiomara Allan is a commercial customer operating Elmwood Mini Market at the service address at issue.

15. Elmwood Mini Market, Inc. was incorporated in the Commonwealth of Pennsylvania on March 16, 2012. See Pennsylvania Department of State Corporation Search, attached hereto as (Exhibit 3).

16. The corporate registered office address listed for Elmwood Mini Market with the Pennsylvania Department of State is the service address – 7110 Elmwood Avenue. See (Exhibit 3).

17. As a commercial customer and corporation, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.

18. The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

19. On December 16, 2014, PECO Energy filed an Answer to the Complainant's Complaint. See (Exhibit 2).

20. Once PECO Energy filed the Answer, the current PUC matter became adversarial. See 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc.

21. To date, the Complainant commercial customer Corporation has not had counsel enter an appearance for this matter.

22. Accordingly, PECO Energy requests that the Commission dismiss the Complainant's Complaint for failure to be represented by counsel, or in the alternative, designate a date certain the Complainant must have counsel enter an appearance.

**IV. CONCLUSION**

23. The Complainant has had no attorney enter an appearance; and therefore, the Complaint against PECO Energy and Respond Power should be dismissed, or in the alternative, a date certain set for Complainant's counsel to enter an appearance.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complainant's Complaint or set a date certain for Complainant's counsel to enter an appearance.

Respectfully Submitted,



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>XIOMARA ALLAN</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2457359</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: January 27, 2015



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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>XIOMARA ALLAN</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2457359</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:

Xiomara Allan  
Elmwood Mini Market, Inc.  
7110 Elmwood Avenue  
Philadelphia, PA 19142

Scott Foreman-Murray  
Respond Power  
100 Dutch Hill Road, Suite 310  
Orangeburg, NY 10962

Tiffany Hunt  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105  
*(via email only)*

Dated at Philadelphia, Pennsylvania, January 27, 2015



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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

**EXHIBIT “1”**

**Zaketa, Anita D.:(BSC)**

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**From:** Lee, Shawane L.:(BSC)  
**Sent:** Friday, December 12, 2014 6:25 AM  
**To:** Zaketa, Anita D.:(BSC)  
**Subject:** FW: PA PUC eServe Notice

**Importance:** High

Anita,

This complaint was served after Leslie left for the Christmas party. Can you open it in CIMS?

Thanks

**From:** [eServe@pa.gov](mailto:eServe@pa.gov) [<mailto:eServe@pa.gov>]  
**Sent:** Thursday, December 11, 2014 2:40 PM  
**To:** Lee, Shawane L.:(BSC)  
**Cc:** O'Neill, Leslie:(BSC)  
**Subject:** PA PUC eServe Notice  
**Importance:** High

Dear Shawane L Lee,

A(n) **Secretarial Letter** has been served in this proceeding. This document is docketed as **F-2014-2457359**.

You may view this document at

**Allan v PECO Energy Co and Respond Power LLC FC Notice.docx**

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.*



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

**DATE SERVED: December 12, 2014**

F-2014-2457359

SHAWANE L. LEE, ESQUIRE  
PECO ENERGY COMPANY  
2301 MARKET STREET S23-3  
PHILADELPHIA, PA 19101

SCOTT FOREMAN-MURRAY, ESQUIRE  
RESPOND POWER LLC  
100 DUTCH HILL ROAD  
ORANGEBURG, NY 10962

Dear Sir/Madam:

A formal complaint has been filed against you before the Pennsylvania Public Utility Commission by Xiomara Allan. Within twenty (20) days of the date of this letter, you must either: (1) respond by filing with the Commission, in writing, an Answer in accordance with 52 Pa. Code Section 5.61, either personally or through your attorney; or (2) satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission.

IF YOU FAIL TO ANSWER THE COMPLAINT WITHIN TWENTY (20) DAYS OF THE ABOVE DATE SERVED, THE CLAIMS AGAINST YOU MAY BE DEEMED ADMITTED, THE CASE MAY GO FORWARD, AND A PENALTY MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

**CUSTOMER OF A UTILITY**

**A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money, property or other important rights.**

**COMPANY/UTILITY**

**The Commission may revoke or suspend any certificate or permit held by you or impose a fine or other penalty or remedy authorized by the Public Utility Code. You may lose money, property or other important rights.**

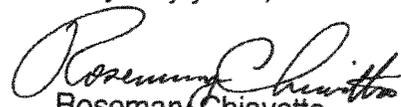
Detailed instructions on how to proceed are contained in the attached pages. Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have or cannot afford one, please contact:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186, Harrisburg, PA 17108  
(800) 692-7375

OR

Widener Harrisburg Civil Law Clinic  
3605 Vartan Way  
Harrisburg, PA 17110  
(717) 541-0320

Very truly yours,

  
Rosemary Chiavetta  
Secretary

AEL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: December 12, 2014

Xiomara Allan  
Complainant

v.

PECO Energy Company/Respond  
Power LLC

Respondent

Complaint Docket  
No: F-2014-2457359

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: PECO Energy Company/Respond Power LLC

TAKE NOTICE:

1. You have twenty (20) days from the above date served to either: (a) satisfy this complaint or (b) file with the **Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120**, one original written answer, under oath, as required by 52 Pa. Code Section 5.61, which either admits or specifically denies the allegations in the complaint. You must also serve one copy of the answer upon the complainant. In accordance with 52 Pa. Code Section 1.56(a), **the date served is the mailing date appearing at the top of this Notice.**

2. In accordance with 52 Pa. Code Section 5.61, if you fail to either satisfy or settle this complaint, or to file an answer or other responsive pleading within twenty (20) days of the above date served, you will be deemed to have admitted all the allegations in this complaint. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or may impose a fine or other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq. If you are a customer of a utility, the Commission may enter an order setting forth a payment schedule or authorize termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy or settle this complaint, you must file with the Commission, within twenty (20) days from the above date served, a certified statement of satisfaction as required by 52 Pa. Code Section 5.24. Such certified statement must describe the basis on which this complaint was satisfied and any settlement agreement between the parties must be made in writing and attached to the certified statement. Such certified statement must be filed with the Secretary of the Commission at the address set forth in paragraph 1 above. Upon the Commission's receipt of a certified statement of satisfaction from all complainants, this complaint may be dismissed in accordance with 66 Pa. C.S. Section 703(a) (unless the Commission determines that a dismissal would be contrary to the public

interest, in which event the Commission may direct that hearings be held upon the complaint).

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or impose a fine or other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, the Commission may enter an order setting forth a payment schedule or authorize termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and a decision. If, after hearing on the issues, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or imposes a fine or other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, the Commission may enter an order setting forth a payment schedule or authorize termination of utility services. When imposing a penalty, the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



Rosemary Chiavetta  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

timely

BCS: 3220258

RESPOND POWER (EGS)

Must be returned by December 9, 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 Xiomara Allan

Street/P.O. Box 7110 Elmwood avenue Apt # \_\_\_\_\_

City Philadelphia State Pennsylvania Zip 19142

County \_\_\_\_\_

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

(267) 679-9063 (home) ( ) \_\_\_\_\_ (mobile)

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

Utility Account Number (from your bill) 10148-51034

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.

Respond Power

**RECEIVED**

DEC - 4 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.

Respond Power slammed my service with PECO and was able to over-charge me for power provider services by fraudulently receiving my account information. I have never made any service agreements with Respond Power yet I've been made responsible for their fees charged on my bill due to the amount of time they were able to remain undetected in my account. I would like to be re-funded the amounts over-paid in comparison to PECO's charges during the months my account was slammed.

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

6. Protection From Abuse (PFA)

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

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

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

YES

NO

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

7. Prior Utility Contact

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

YES

NO

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

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

YES

NO

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

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

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

8. Legal Representation

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

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

Xiomara Allan 12/03/14  
(Signature of Complainant) (Date)

owner  
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.

# RESPOND POWER



www.respondpower.com

SALES AGREEMENT No 728774

www.majorenergy.com

RESPOND POWER, LLC  
955 Coney Island Ave, Brooklyn, NY 11230  
1-877-973-7763 • fax: (718) 228-2552

MAJOR ENERGY SERVICES, LLC  
955 Coney Island Ave, Brooklyn, NY 11230  
1-888-625-6760 • fax: (718) 228-2552

Account Name: Desiree Lee

Agent Code: 0010010013

Residential:  Commercial:  Service Type:  Electricity  Gas  Both

Best Time to Call: \_\_\_\_\_

Electric Account Number: 1014851034

Gas Account Number: \_\_\_\_\_

First Name: Aswara

Last Name: Rodriguez

Business Name (Commercial): Aswara Rodriguez

Title: owner

Customer Address: 1327 W. W. Washart

City: Philadelphia

State: Pa

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Work Phone: 215-228-7871

Fax: \_\_\_\_\_

Language: English

### RESPOND POWER — ELECTRIC:

The initial term of this agreement is:

VARIABLE  FIXED RATE

The price for electricity is 11.5 per kwh fixed rate.

The fixed rate term for this agreement is:

6 months  12 months

### MAJOR ENERGY — GAS:

The initial term of this agreement is:

VARIABLE  FIXED RATE

The price for gas is \_\_\_\_\_ per Therm fixed rate.

The fixed rate term for this agreement is:

6 months  12 months

I understand that the Energy Consultant is representing Respond Power, LLC and Major Energy Services LLC and is not from my local utility company.

My local utility company is:  PECO Energy

I understand that by choosing Respond Power and/or Major Energy as my electric and/or gas supplier, my local utility will continue to deliver my electric and/or gas, read my meter, bill me and respond to gas leaks and/or electric outages or any other emergency.

I am over 18 and the account holder, spouse of the account holder, or authorized to make account decisions.

I will continue to receive one bill from my local utility company.

I have received a copy of the Terms and Conditions.

Customer Signature: [Signature]

Date: 8-5-11

As the Buyer, you may cancel this transaction at any time up to midnight of the third business day after the date of this transaction.

TPV Confirmation #: Automated

## RESPOND POWER LLC AND MAJOR ENERGY SERVICES LLC AFFILIATES DISCLOSURE STATEMENT

### Background

Respond Power is licensed by the Pennsylvania Public Utility Commission to offer and supply electricity in Pennsylvania. Our PUC license number is A-2010-2163898.

Major Energy is licensed by the Pennsylvania Public Utility Commission to offer and supply natural gas in Pennsylvania. Our PUC license number is A-2009-2118838.

We set the commodity prices and charges that you pay. The Public Utility Commission regulates distribution prices and services.

**Right of Rescission** — You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure by contacting: Respond Power for Electricity at 1-877-873-7763; Major Energy for Gas at 1-888-625-6760; or in writing at the address listed below.

### Definitions

#### Basic Charges

#### Gas

**Commodity Charges** — The charges for the natural gas product which is sold either in cubic feet or dekatherms.

**Distribution Charges** — The charges for the delivery of natural gas from the city gate to the consumer.

#### Electric

**Commodity Charges** — The charges for the electricity which is sold which will be billed in Kilowatt Hours (kWh).

**Generation Charge** — Charge for production of electricity.

**Transmission Charge** — Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.

### Terms of Service

1. **Basic Service Prices.** Itemize Basic Services you are billing for and their prices.

#### Gas

**Variable Rate.** Your price may vary from month to month. This rate is set by Major Energy and reflects their commodity cost of gas as reflected by the NYMEX last day settle or an average of the last 3 days prior to settle, pipeline transportation from the production area (usually the Gulf of Mexico), natural gas lost on the interstate and local distribution pipelines ("losses"), estimated state taxes, and any other costs that Major Energy incurs to deliver your natural gas to your Natural Gas Utility's "City Gate" (where they receive the gas). For their services, Major Energy adds a profit margin to the gas and Major Energy's goal each and every month is to deliver your gas at a price that is less than what you would have paid had you purchased your gas from your local utility company, however, due to market fluctuations and conditions, Major Energy can not always guarantee that every month you will see savings. Commodity charges exclude Pennsylvania sales tax, if applicable. You may contact Major Energy for our current Variable Rate.

**Fixed Rate.** This is a rate that does not change over a fixed period of time. Major Energy offers various lengths of time for Fixed Rates. Typically, most terms are either for 6, 12 or 18 months. Major Energy will bill you a unit price using the same units as your current Natural Gas Distribution Company (Mc, Cci or thoms). The Fixed Rate includes estimated total state taxes but excludes Pennsylvania sales tax, if applicable.

#### Electric

**Variable Rate.** Your price may vary from month to month. This rate is set by Respond Power and reflects their Generation Charge as reflected by the PJM Day-Ahead Market, installed capacity (the cost of reserve or standby power), electricity lost on the transmission system ("losses"), estimated state taxes, and any other costs that Respond Power incurs to deliver your electricity to your electric Utility's Transmission System (where they receive the electricity). For their services, Respond Power adds a profit margin to the electricity and Respond Power's goal each and every month is to deliver your power at a price that is less than what you would have paid had you purchased your power from your local utility company, however, due to market fluctuations and conditions, Respond Power cannot always guarantee that every month you will see savings. Commodity charges exclude Pennsylvania sales tax, if applicable. You may contact Respond Power for our current Variable Rate.

**Fixed Rate.** This is a rate that does not change over a fixed period of time. Respond Power offers various lengths of time for Fixed Rates. Typically, most terms are either for 6, 12 or 18 months. Respond Power will bill you a unit price using the same units as your current Electric Distribution Company (kWh). The Fixed Rate includes estimated total state taxes but excludes Pennsylvania sales tax, if applicable.

2. **Length of Agreement and Renewal Terms.** You will buy your electricity and/or gas for the above street address from Respond Power and/or Major Energy (collectively and/or individually as the case may be hereinafter "Affiliates") beginning on a date set by your Local Distribution Company, (hereinafter "LDC") and will continue for 12 months (unless stated otherwise on a Fixed Price deal). If this Agreement is for a fixed rate and no new fixed rate is set, then this Agreement will re-new for successive 12 month periods under a Variable Rate unless it is cancelled pursuant to Section 4 below or customer notifies Respond Power and/or Major Energy by mail or phone at least 45 days prior to the 12 month anniversary of the contract date. If this Agreement is for a Variable Rate, then this Agreement will also re-new for successive 12 month periods under a Variable Rate unless it is cancelled pursuant to Section 4 below or customer notifies Respond Power and/or Major Energy by mail or phone at least 45 days prior to the 12 month anniversary of the contract date.

3. **Penalties, Fees and Exceptions.** If your agreement is for a Fixed Rate, you may not cancel during the duration of the Fixed Rate agreement. If customer cancels Fixed Rate agreement during the Fixed Rate term, then Respond Power will assess a penalty of 2c per kWh multiplied by the amount of kWh remaining for the duration under the Fixed Rate agreement and/or Major Energy will assess a penalty of 20c per therm multiplied by the amount of therms remaining for the duration under the Fixed Rate agreement. This Fee will be due 30 days after cancellation of contract.

4. **Cancellation Provisions.** If Customer cancels this agreement, then Customer is liable for all Respond Power electric or Major Energy gas charges until Customer returns to the LDC or goes to another supplier. There are no cancellation fees for Variable Rate customers.

If Customer's electric or gas service is terminated by the LDC for reasons of non-payment or for any other reason, this will automatically void the contract between Customer and Respond Power and/or Major Energy, and Respond Power and/or Major Energy will also cancel the contract. In this event, if customer was being served by Respond Power or Major Energy under a Fixed Rate plan, customer will still be liable for the Fixed Rate penalty as explained above in Number 3.

If, due to significant changes in the structure of the deregulated Pennsylvania electric or natural gas market or for any other reason relevant to Respond Power's ability to supply electricity or Major Energy's ability to supply natural gas in Pennsylvania, it becomes no longer feasible or practical for Respond Power to supply electricity or Major Energy to supply natural gas in Pennsylvania and must leave the market as an electric or natural gas supplier, then Respond Power and/or Major Energy will notify you of this fact in writing and will advise you of your available choices. No penalty under Number 3 above will be assessed in this event.

If customer moves from one location to another, even if the move is within your current local utility company's service territory, this agreement is cancelled and there are no penalties or early cancellation fees.

5. **Agreement Expiration/Change in Terms.** If you have a fixed term agreement with us and it is approaching the expiration date or whenever we propose to change our terms of service in any type of agreement, you will receive written notification from us in each of your last three bills for

supply charges or in corresponding separate mailings that precede either the expiration date or the effective date of the proposed changes. We will explain your options to you in these three advance notifications.

6. **Dispute Procedures.** Contact us with any questions concerning our terms of service. You may call the PUC if you are not satisfied after discussing your terms with us.

7. **Assignment.** Customer may not assign its interests in and delegate its obligations under this Agreement without the express written consent of Respond Power and/or Major Energy. Affiliates may sell, transfer, pledge, or assign the accounts, revenues, or proceeds hereof, in connection with any financing agreement and may assign this Agreement to another energy supplier, energy services company or other entity as authorized by the Pennsylvania PUC.

8. **Refund Policy.** As the commodity supplied under this Agreement is immediately used and consumed by Customer upon delivery, it is not practical to return the product subject this Agreement, and therefore refunds with respect to the commodity are not provided.

9. **Title.** Customer and Respond Power and/or Major Energy agree that title to, control of, and risk of loss to the electricity and gas supplied by Affiliates under this Agreement will transfer from Affiliates to Customer at the Sales Point(s). Affiliates will indemnify and hold harmless Customer from all taxes, royalties, fees or other charges incurred before title passes with respect to the electricity provided hereunder.

10. **Warranty.** This Agreement, including any enrollment form and applicable attachments, as written makes up the entire Agreement between Customer and Respond Power and/or Major Energy. Affiliates make no representations or warranties other than those expressly set forth in this Agreement, and Affiliates expressly disclaims all other warranties, express or implied, including merchantability and fitness for a particular use.

11. **Force Majeure.** Affiliates will make commercially reasonable efforts to provide electricity and natural gas hereunder but do not guarantee a continuous supply of electricity and natural gas to Customer. Certain causes and events out of the control of Affiliates ("Force Majeure Events") may result in interruptions in service. Affiliates will not be liable for any such interruptions caused by a Force Majeure Event, and Affiliates are not and shall not be liable for damages caused by Force Majeure Events. Force Majeure Events shall include acts of God, fire, flood, storm, terrorism, war, civil disturbance, acts of any governmental authority, accidents, strikes, labor disputes or problems, required maintenance work, inability to access the local distribution utility system, non-performance by the Electric or Gas Distribution Company (including, but not limited to, a facility outage on its electric distribution lines), changes in laws, rules, or regulations of any governmental authority or any other cause beyond Respond Power's and/or Major Energy's control.

12. **Liability.** The remedy in any claim or suit by Customer against Respond Power and/or Major Energy will be solely limited to direct actual damages. All other remedies at law or in equity are hereby waived. In no event will either Respond Power or Major Energy or Customer be liable for consequential, incidental, indirect, special or punitive damages. These limitations apply without regard to the cause of any liability or damages. There are no third-party beneficiaries to this Agreement.

13. **Choice of Laws.** Venue for any lawsuit brought to enforce any term or condition of this Agreement or to construe the terms hereof shall lie exclusively in the State of Pennsylvania. This Agreement shall be construed under and shall be governed by the laws of the State of Pennsylvania without regard to the application of its conflicts of law principles.

14. **Regulatory Changes.** If at some future date there is a change in any law, rule, regulation or pricing structure whereby Major is prevented, prohibited or frustrated from carrying out the terms of the Agreement, at its sole discretion Major shall have the right to cancel this Agreement on 15 days' notice to Customer.

15. **Emergency Service.** In the event of an electricity or natural gas emergency or service interruption, contact your local Electric Distribution Company ("EDC") or Natural Gas Distribution Company ("NGDC") at one of the telephone numbers listed below. You should also contact your local emergency personnel. PECO Energy 1-800-841-4141, Columbia Gas of PA 1-800-480-4332, UGI Utilities 1-800-608-4944, National Fuel Gas of PA 1-800-444-3130, PPL 1-800-342-5775. **Penelc/Mel-Ed** 1-888-544-4877, Duquesne Light 1-888-383-7000.

16. **Parties Bound.** This Agreement is binding upon the parties hereto and their respective successors and legal assigns.

17. **Billing and Payment.** You will receive one bill from your utility, which will include our charges as well as your utility charges. The rules of the utility will apply to the billing and collection of monies owed. You must make payment directly to and to the order of your utility, for both utility transportation charges and our energy charges. Past-due charges may incur a late fee of 1.5% per month or the interest rate posted in your utility's tariff. If you fail to remit payment when due or if you breach any of the other terms and conditions of the Agreement, then, in addition to any other remedies we may have, we have the right to terminate the Agreement, in whole or with respect to any particular account(s) covered by the Agreement, upon 45 days' written notice, provided that you do not make payment or correct the problem that caused the termination within the 45-day period. The Utility may request a security deposit for amounts which include Supplier charges.

18. **Email.** Providing email address constitutes acceptance of Customer's enrollment in the monthly e-newsletter.

### 19. Contact Information.

Respond Power, LLC  
100 Dutch Hill Rd., Suite 230  
Orangeburg NY 10962  
1-877-9-RESPND (1-877-973-7763)  
www.respondpower.com

Major Energy, LLC  
100 Dutch Hill Rd., Suite 230  
Orangeburg NY 10962  
1-888-MAJOR-60 (1-888-625-6760)  
www.majorenergy.com

Electric Distribution Company (EDC) and  
Provider of Last Resort  
PECO ENERGY  
2301 Market Street  
P.O. Box 6598  
Philadelphia, PA 19101  
Phone: 1-800-484-4000

Duquesne Light  
411 Seventh Avenue (6-1)  
Pittsburgh, PA 15219  
Phone: 1-412-393-7100

PPL Electric Utilities  
827 Hausman Road  
Allentown, PA 18104  
Phone: 1-800-342-5775

Mel-Ed/Penelc  
P.O. Box 3687  
Akron, OH 44309  
Phone: 1-800-545-7741

Gas Distribution Company (GDC) and  
Provider of Last Resort  
PECO ENERGY  
2301 Market Street  
Philadelphia, PA 19101  
Phone: 1-800-484-4000

Columbia Gas of Pennsylvania  
501 Technology Drive  
Canonsburg, PA 15317  
Phone: 1-888-460-4332

UGI Gas  
2525 North 12th Street  
Suite 380  
Reading, PA 19605  
Phone: 1-800-608-4844

National Fuel Gas Distribution  
6363 Main Street  
Williamsville, NY 14221  
Phone: 1-800-365-3234

Public Utility Commission (PUC)  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Electric Competition Hotline Number:  
1-800-692-7380

*Universal Service Program: Your EDC has programs available to customers who are on a limited or fixed income to assist them with utility bills. Contact your EDC at the phone number listed above for your EDC.*

Name: XIOMARA A ALLAN CO  
Account Number: 10148-51034  
Phone Number: 215-365-4815  
Service Address: 7110 ELMWOOD AV, 1ST FL,  
PHILADELPHIA

**Billing Summary**

Bill Date 01/24/2014  
Thank you for your payment of \$551.96

**Current Period Charges**

Electric \$649.39  
Total New Charges \$649.39  
Total Amount Due on 02/18/2014 \$649.39

**General Information**

Next scheduled meter reading: February 21, 2014  
PECO, 2301 Market St, Philadelphia, PA 19103-1380. 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**

5.90% estimated Gross Receipts Tax of \$6.10 included in new charges.  
Your estimated electric price to compare is \$0.1049 per kWh. This may change in March, June, September and December. For more information and supplier offers visit www.PAPowerSwitch.com.

**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)

Respond Power, 100 Dutch Hill Rd, Suite 230, Orangeburg, NY 10962, 877-973-7763

When paying in person, please bring the entire bill.

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Return only this portion with your check made payable to PECO. Please write your account number on your check.



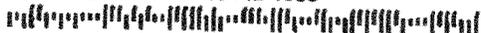
- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
- Check here to pledge a donation to MEAF and complete form on reverse side.

To pay by phone call 1-877-432-9384. A convenience fee will apply.

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7281 1 AV 0.378 7281007281014899 026 01 GNFNB 125 01252014

XIOMARA A ALLAN CO  
7110 ELMWOOD AVE 1ST FL  
PHILADELPHIA PA 19142-1538



Account Number  
10148-51034

Payment Receipt Stamp

Payment Amount

Please pay this amount by 02/18/2014

\$649.39

00000649390000000000

PECO - PAYMENT PROCESSING  
PO BOX 37628  
PHILADELPHIA PA 19101-0828



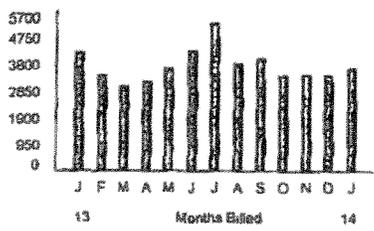
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Name: XIOMARA A ALLAN CO  
 Account Number: 10148-51034

Meter Information								
Read Date	Meter Number	Load Type	Reading Type	Meter Reading		Difference	Multiplier X	Usage
				Previous	Present			
01/22	064131844	General Service	Tot kWh	63380 Actual	67076 Actual	3696	1	3696
01/22	064131844	General Service	PK kWh	0.00 Actual	12.72 Actual	12.72	1	12.72
Total kWh Used .....		3,696	Distribution kW - Measured .....		12.7			

Electric Commercial Service 0-100kW - Current Period Detail				Service 12/18/2013 to 01/22/2014 - 35 days	
Customer Charge					\$16.59
Distribution Charges		12.70 kW	X	\$4.96000	62.99
Distribution Charges		3,696 kWh	X	0.00410	15.15
Energy Efficiency Charge		3,696 kWh	X	0.00240	8.87
State Tax Adjustment					-0.22
Sales tax					8.28
Respond Power Charges / 877-973-7763					
COMMODITY CHARGE 3,696.00(KWH) X 0.13471(RATE) =					497.90
Sales Tax					39.83
<b>Total Current Charges</b>					<b>\$649.39</b>

13-Month Usage (Total kWh)



Your Usage Profile

Period	Usage	Avg Daily Usage	Days	Avg Daily Temp
Current Month	3,696	105.8	35	38
Last Month	3,448	111.2	31	39
Last Year	4,240	121.1	35	39

Avg kWh per Month	3,748
Total Annual kWh Usage	44,984



DO NOT MAIL THIS PORTION WITH YOUR PAYMENT

Name: XIOMARA A ALLAN CO  
Account Number: 10148-51034  
Phone Number: 215-365-4815  
Service Address: 7110 ELMWOOD AV, 1ST FL,  
PHILADELPHIA

**Billing Summary**

Bill Date 02/24/2014  
Thank you for your payment of \$649.39

**Current Period Charges**

Electric \$876.69  
Total New Charges \$876.69  
Total Amount Due on 03/18/2014 \$876.69

**General Information**

Next scheduled meter reading: March 24, 2014  
PECO, 2301 Market St, Philadelphia, PA 19103-1380. 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**

5.90% estimated Gross Receipts Tax of \$5.75 included in new charges.  
Your estimated electric price to compare is \$0.1049 per.kWh. This may change in March, June, September and December. For more information and supplier offers visit www.PAPowerSwitch.com.

**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)

Respond Power, 100 Dutch Hill Rd, Suite 230, Orangeburg, NY 10962, 877-973-7763

When paying in person, please bring the entire bill.

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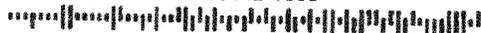
Return only this portion with your check made payable to PECO. Please write your account number on your check.

- 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.

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7514 1 AV 0.378 7514007514/015318 027 01 GXRFRK 1 02252014  
XIOMARA A ALLAN CO  
7110 ELMWOOD AVE 1ST FL  
PHILADELPHIA PA 19142-1538



Account Number 10148-51034  
Payment Receipt Stamp

Payment Amount

Please pay this amount by 03/18/2014 \$876.69

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

00000876690000000000

101485103400008766940770876698

Name: XIOMARA A ALLAN CO  
 Account Number: 10148-51034

**Meter Information**

Read Date	Meter Number	Load Type	Reading Type	Meter Reading			Multiplier X	Usage
				Previous	Present	Difference		
02/20	064131844	General Service	Tot kWh	67076 Actual	70700 Actual	3624	1	3624
02/20	064131844	General Service	Pk kW	0.00 Actual	11.59 Actual	11.59	1	11.59

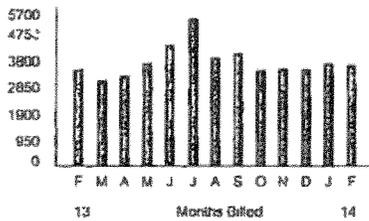
Total kWh Used ..... 3,624      Distribution kW - Measured ..... 11.6

**Electric Commercial Service 0-100kW - Current Period Detail**

**Service 01/22/2014 to 02/20/2014 - 29 days**

Customer Charge				\$16.59
Distribution Charges	11.60 kW	X	\$4.96000	57.54
Distribution Charges	3,624 kWh	X	0.00410	14.86
Energy Efficiency Charge	3,624 kWh	X	0.00240	8.70
State Tax Adjustment				-0.21
Sales tax				7.80
Respond Power Charges / 877-973-7763				
COMMODITY CHARGE 3,624.00(KWH) X 0.19709(RATE) = \$714.27				714.27
Sales Tax				57.14
<b>Total Current Charges</b>				<b>\$876.69</b>

13-Month Usage (Total kWh)



**Your Usage Profile**

Period	Usage	Avg Daily Usage	Days	Avg Daily Temp
Current Month	3,624	124.8	29	27
Last Month	3,698	105.6	35	38
Last Year	3,445	118.7	29	33

Avg kWh per Month	3,763
Total Annual kWh Usage	45,163



DO NOT MAIL THIS PORTION WITH YOUR PAYMENT

Name: XIOMARA A ALLAN CO  
Account Number: 10148-51034  
Phone Number: 215-365-4815  
Service Address: 7110 ELMWOOD AV, 1ST FL,  
PHILADELPHIA

**Billing Summary**

Bill Date 03/26/2014  
Thank you for your payment of \$876.69

**Current Period Charges**

Electric \$1,347.88  
Total New Charges \$1,347.88  
Total Amount Due on 04/17/2014 \$1,347.88

**General Information**

Next scheduled meter reading: April 22, 2014  
PECO, 2301 Market St, Philadelphia, PA 19103-1380. 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**

5.90% estimated Gross Receipts Tax of \$5.10 included in new charges.  
Your estimated electric price to compare is \$0.0931 per kWh. This may change in March, June, September and December. For more information and supplier offers visit [www.PAPowerSwitch.com](http://www.PAPowerSwitch.com).

- 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/SmartGas](http://www.peco.com/SmartGas) - Save energy and money
  - Pay by phone with credit/debit card at 1-877-432-9384 (\$2.35 fee)

Respond Power, 100 Dutch Hill Rd, Suite 230, Orangeburg, NY 10962, 877-973-7763

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.

10148 5103 4000 0000

7510 1 AV 0.378 7510007510015451 028 01 GJFUD2 12 03272014  
XIOMARA A ALLAN CO  
7110 ELMWOOD AVE 1ST FL  
PHILADELPHIA PA 19142-1538

Account Number 10148-51034  
Payment Receipt Stamp

Payment Amount

Please pay this amount by 04/17/2014 \$1,347.88

PECO - PAYMENT PROCESSING  
PO BOX 37629  
PHILADELPHIA PA 19101-0829

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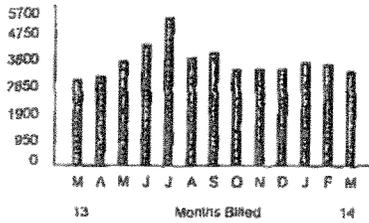
Name: XIOMARA A ALLAN CO  
 Account Number: 10148-51034

Meter Information								
Read Date	Meter Number	Load Type	Reading Type	Meter Reading		Difference	Multiplier X	Usage
				Previous	Present			
03/23	064131844	General Service	Tot kWh	70700 Actual	74078 Actual	3378	1	3378
03/23	064131844	General Service	Pk kW	0.00 Actual	9.72 Actual	9.72	1	9.72
Total kWh Used .....		3,378	Distribution kW - Measured .....		9.7			

**Electric Commercial Service 0-100kW - Current Period Detail** Service 02/20/2014 to 03/23/2014 - 31 days

Customer Charge				\$16.59
Distribution Charges	9.70 kW	X	\$4.96000	48.11
Distribution Charges	3,378 kWh	X	0.00410	13.85
Energy Efficiency Charge	3,378 kWh	X	0.00240	8.11
State Tax Adjustment				-0.18
Sales tax				6.92
Respond Power Charges / 877-873-7763				
COMMODITY CHARGE 3,378.00(KWH) X 0.34990(RATE) = \$1,181.96				1,181.96
Sales Tax				72.52
<b>Total Current Charges</b>				<b>\$1,347.88</b>

13-Month Usage (Total kWh)



**Your Usage Profile**

Period	Usage	Avg Daily Usage	Days	Avg Daily Temp
Current Month	3,378	108.9	31	37
Last Month	3,624	124.9	29	27
Last Year	3,048	105.1	29	40

Avg kWh per Month	3,781
Total Annual kWh Usage	45,493



DO NOT MAIL THIS PORTION WITH YOUR PAYMENT

Name: XIOMARA A ALLAN CO  
Account Number: 10148-51034  
Phone Number: 215-365-4815  
Service Address: 7110 ELMWOOD AV, 1ST FL,  
PHILADELPHIA

**Billing Summary**

Bill Date	04/24/2014
Thank you for your payment of \$93.90	
Charges from previous bill	
Total Other Charges	\$1,253.98
	\$1,253.98
<b>Current Period Charges</b>	
Electric	
Total New Charges	\$666.25
	\$666.25
Total Amount Due on 05/16/2014	\$1,920.23

**General Information**

Next scheduled meter reading: May 21, 2014  
PECO, 2301 Market St, Philadelphia, PA 19103-1380. 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.

- 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)

Respond Power, 100 Dutch Hill Rd, Suite 230, Orangeburg, NY 10962, 877-973-7763

**Message Center**

5.90% estimated Gross Receipts Tax of \$4.58 included in new charges.  
Your estimated electric price to compare is \$0.0931 per kWh. This may change in March, June, September and December. For more information and supplier offers visit [www.PAPowerSwitch.com](http://www.PAPowerSwitch.com).

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.

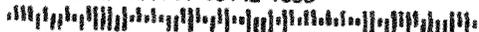
- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
- Check here to pledge a donation to MEAF and complete form on reverse side.

To pay by phone call 1-877-432-9384. A convenience fee will apply.

10148 5103 40000 0000

8459 1 AV 0.378 04590004590017379 033 01 GXFXJKA 12 04252014

XIOMARA A ALLAN CO  
7110 ELMWOOD AVE 1ST FL  
PHILADELPHIA PA 19142-1538



Account Number 10148-51034 Payment Receipt Stamp

Payment Amount

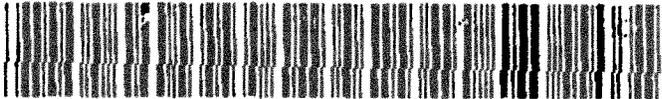
Please pay this amount by 05/16/2014 \$1,920.23

00000666250000125398

PECO - PAYMENT PROCESSING  
PO BOX 37828  
PHILADELPHIA PA 19101-0629



101485103400019202341361920236



EK688410354US

CUSTOMER USE ONLY

FROM: (PLEASE PRINT)

PHONE ( ) - -

Mr. [unclear] [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

PAYMENT BY ACCOUNT (if applicable)

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

- No Saturday Delivery (delivered next business day)
  - Sunday/Holiday Delivery Required (additional fee, where available)
  - 10:30 AM Delivery Required (additional fee, where available)
- \*Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT)

PHONE ( ) - -

Mr. [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

ZIP + 4® (U.S. ADDRESSES ONLY)

For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.  
\$100.00 Insurance Included.



PRIORITY  
\* MAIL \*  
EXPRESS™

ORIGIN (POSTAL SERVICE USE ONLY)

<input checked="" type="checkbox"/> 1-Day		<input type="checkbox"/> 2-Day		<input type="checkbox"/> Priority		<input type="checkbox"/> DPO	
PO ZIP Code	Scheduled Delivery Date (MM/DD/YY)	Postage					
17142	12-5-14	\$ 16.15					
Date Accepted (MM/DD/YY)	Scheduled Delivery Time	Insurance Fee	COD Fee				
12-4-14	<input type="checkbox"/> 10:30 AM <input type="checkbox"/> 1:00 PM <input checked="" type="checkbox"/> 12 NOON <i>HK1</i>	\$	\$				
Time Accepted	10:30 AM Delivery Fee	Return Receipt Fee	Live Animal Transportation Fee				
<i>2:12</i> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	\$	\$	\$				
Weight	<input type="checkbox"/> Flat Rate	Sunday/Holiday Premium Fee	Total Postage & Fees				
<i>4.0</i> lbs. <i>0.25</i> oz.	<input type="checkbox"/> <i>HK1</i>	\$	\$ 16.15				

DELIVERY (POSTAL SERVICE USE ONLY)

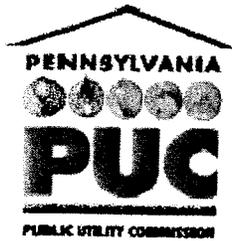
Delivery Attempt (MM/DD/YY)	Time	Employee Signature
	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt (MM/DD/YY)	Time	Employee Signature
	<input type="checkbox"/> AM <input type="checkbox"/> PM	

LABEL 11-B, JANUARY 2014

PSN 7690-02-000-9998

3-ADDRESSEE COPY

# **EXHIBIT “2”**



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

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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-2014-2457359
Description:	Xiomara Allan - PECO Energy Company Answer to Formal Complaint
Transmission Date:	12/16/2014 7:41:48 AM
Filed On:	12/16/2014 7:41:48 AM
eFiling Confirmation Number:	1575203

**Uploaded File List**

File Name	Document Class	Document Type
Xiomara Allan - 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

December 16, 2014

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

**RE: Xiomara Allan v. PECO Energy Company**  
**PUC Docket No.: F-2014-2457359**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Answer to the 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>XIOMARA ALLAN</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2457359</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

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

---

On December 12, 2014, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Xiomara Allan (hereafter "Complainant") in the above captioned docket. Pursuant to 52 Pa. Code § 5.61, PECO responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant complaint.

In her Formal Complaint, Complainant alleges that Electric Generation Supplier ("EGS"), Respond Power slammed her account with PECO Energy. The Complainant alleges that she never enrolled with Respond Power and they fraudulently received her account information. The Complainant requests to be refunded the charges paid to Respond Power. PECO Energy avers that the Complainant has not submitted any proof that her account was slammed.

Complainant has an account for electric service at 7110 Elmwood Avenue, 1<sup>st</sup> Floor, Philadelphia, PA 19142 under account number 10148-51034. See Account Activity Statement,

attached hereto as Exhibit "1". PECO Energy received an enrollment notification from Respond Power. 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 she was enrolled with a supplier. Respond Power became the Complainant's alternate electric supplier, effective September 20, 2011. The Complainant dropped Respond Power as her supplier effective April 22, 2014. The Complainant is currently enrolled with PECO Energy as her supplier.

The Complainant filed an informal complaint on April 9, 2014 under case number 003220258, disputing her enrollment with Respond Power and the associated EGS charges. See Case Details Report #003220258, attached hereto as Exhibit "2". On October 27, 2014, the BCS issued a Decision Report, dismissing the Complainants' case stating:

**THE CUSTOMER'S SERVICE WAS SLAMMED. ON 8/5/2011 ARRARO RODRIGUES WAS APPLYING FOR SERVICE FOR HIS BUSINESS AT A DIFFERENT LOCATION, AND XIOMARA ALLAN ACCOUNT # WAS USED. THIS CAUSED XIOMARA ALLAN'S ACCOUNT TO BE SLAMMED. THE CUSTOMER HOWEVER DID NOT RELAIZE HER ACCOUNT HAD BEEN SLAMMED UNTIL THE 2014 WINTER WHEN THE VARIABLE RATES INCREASED. THE COMPANY HAS OFFERED THE CUSTOMER A \$240.00 REBATE TO ADJUST THE CUSTOMER'S ACCOUNT FOR THE LAST TWO BILLINGS, BASED ON AN AVERAGE OF THE LAST 3 BILLED RATES.**

See BCS Decision Report #003220258, attached hereto as Exhibit "3".

The Complainants' balance is \$1,371.92. See Exhibit "1". PECO Energy avers that the Complainant is responsible for the balance as she waited three years to claim that she had not enrolled with a supplier and was on notice during the three years through her billing statements

that she had a supplier. The Complainant has provided no proof that she never authorized Respond Power 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 "4".

In this case, the Complainant disputes that she 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>XIOMARA ALLAN</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2457359</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: December 16, 2014

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>XIOMARA ALLAN</b>	:	
<b>Complainants</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2014-2457359</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:

Xiomara Allan  
7110 Elmwood Avenue  
Philadelphia, PA 19142

Scott Foreman-Murray, Esquire  
Respond Power, LLC  
100 Dutch Hill Road, Suite 310  
Orangeburg, NY 10963

Dated at Philadelphia, Pennsylvania, December 16, 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

December 16, 2014

Xiomara Allan  
7110 Elmwood Avenue  
Philadelphia, PA 19142

**RE: Xiomara Allan v. PECO Energy Company**  
**PUC Docket No.: F-2014-2457359**

Dear Ms. Allan:

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", written over a horizontal line.

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

**EXHIBIT “1”**

**PECO Account Activity Statement**

Date: 12/15/14

Page: 1 of 3

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

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

Account Number: 10148-51034  
 Account Status: Active  
 Requested By: XIOMARA A ALLAN CO  
 (215) 365-4815 Extension:

Mail To: XIOMARA A ALLAN CO  
 7110 EIMWOOD AV  
 1ST FL  
 PHILADELPHIA PA 19142

Current Bill: \$264.40  
 Billed Prior: \$1107.52  
 Balance Due: \$1371.92  
 Service Address: 7110 EIMWOOD AV  
 1ST FL  
 PHILADELPHIA PA 19142

Credit Amount: \$0.00  
 Deposit Requested: \$300.00  
 Deposit On-Hand: \$0.00  
 Rate: Electric Commercial Service 0-100KW

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DOB DATE	KWH	CCF	KW
12/20/12	ELECTRIC SERVICE	11/15/12 12/18/12	17852	064131844	\$88.08							
12/20/12	ELE-Respond Power				\$415.21							
12/20/12	Regular Bill											
01/15/13	Payment					\$503.29	\$503.29		01/11	3717		7
01/25/13	ELECTRIC SERVICE	12/18/12 01/22/13	22092	064131844	\$93.23							
01/25/13	ELE-Respond Power				\$476.68							
01/25/13	Regular Bill											
02/18/13	Payment					\$569.91	\$569.91		02/19	4240		8
02/25/13	ELECTRIC SERVICE	01/22/13 02/20/13	25537	064131844	\$86.33							
02/25/13	ELE-Respond Power				\$377.52							
02/25/13	Regular Bill											
03/21/13	Payment					\$463.85	\$463.85		03/19	3445		8
03/25/13	ELECTRIC SERVICE	02/20/13 03/21/13	28585	064131844	\$82.36							
03/25/13	ELE-Respond Power				\$328.86							
03/25/13	Regular Bill											
04/15/13	Payment					\$411.22	\$411.22		04/16	3048		7
04/23/13	ELECTRIC SERVICE	03/21/13 04/21/13	31798	064131844	\$92.57							
04/23/13	ELE-Respond Power				\$346.66							
04/23/13	Regular Bill											
05/13/13	Payment					\$439.23	\$439.23		05/15	3213		9
05/22/13	ELECTRIC SERVICE	04/21/13 05/20/13	35515	064131844	\$97.33							
05/22/13	ELE-Respond Power				\$414.66							
05/22/13	Regular Bill											
06/11/13	Payment					\$511.99	\$511.99		06/13	3717		9
06/21/13	ELECTRIC SERVICE	05/20/13 06/19/13	39847	064131844	\$65.68							
06/21/13	ELE-Respond Power				\$491.21							
06/21/13	Regular Bill											
07/12/13	Payment					\$556.89	\$556.89		07/15	4332		10
07/22/13	Deposit					\$300.34						
07/23/13	ELECTRIC SERVICE	06/19/13 07/21/13	45121	064131844	\$71.21							
07/23/13	ELE-Respond Power				\$615.82							
07/23/13	Regular Bill											
08/14/13	Payment					\$386.69	\$386.69		08/14	5274		11
08/21/13	ELECTRIC SERVICE	07/21/13 08/19/13	48983	064131844	\$67.46							
08/21/13	ELE-Respond Power				\$445.41							
08/21/13	Regular Bill											
09/10/13	Payment					\$512.87	\$512.87		09/12	3862		10
09/20/13	ELECTRIC SERVICE	08/19/13 09/18/13	53019	064131844	\$69.34							
09/20/13	ELE-Respond Power				\$457.64							
09/20/13	Regular Bill											



PECO Account Activity Statement

Date: 12/15/14

Page: 2 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KV
10/02/13	Payment											
10/21/13	ELECTRIC SERVICE	09/18/13 10/17/13	56454	064131844	\$76.66	\$526.98						
10/21/13	ELE-Respond Power				\$400.00							
10/21/13	Regular Bill						\$476.66		11/12	3435		12
11/13/13	Payment											
11/19/13	ELECTRIC SERVICE	10/17/13 11/17/13	59932	064131844	\$68.58	\$476.66						
11/19/13	ELE-Respond Power				\$413.15							
11/19/13	Regular Bill						\$481.73		12/11	3478		10
12/10/13	Payment											
12/20/13	ELECTRIC SERVICE	11/17/13 12/18/13	63380	064131844	\$70.23	\$481.73						
12/20/13	ELE-Respond Power				\$481.73							
12/20/13	Regular Bill						\$551.96		01/13	3448		10
01/14/14	Payment											
01/24/14	ELECTRIC SERVICE	12/18/13 01/22/14	67076	064131844	\$111.66	\$551.96						
01/24/14	ELE-Respond Power				\$537.73							
01/24/14	Regular Bill						\$649.39		02/18	3696		12
02/19/14	Payment											
02/24/14	ELECTRIC SERVICE	01/22/14 02/20/14	70700	064131844	\$105.28	\$649.39						
02/24/14	ELE-Respond Power				\$771.41							
02/24/14	Regular Bill						\$876.69		03/18	3624		11
03/20/14	Payment											
03/26/14	ELECTRIC SERVICE	02/20/14 03/23/14	74078	064131844	\$93.40	\$876.69						
03/26/14	ELE-Respond Power				\$1254.48							
03/26/14	Regular Bill						\$1347.88		04/17	3378		9
04/22/14	Payment											
04/24/14	ELECTRIC SERVICE	03/23/14 04/22/14	76388	064131844	\$83.78	\$93.90						
04/24/14	ELE-Respond Power				\$582.47							
04/24/14	Regular Bill						\$1920.23		05/16	2310		9
05/16/14	Payment											
05/21/14	ELECTRIC SERVICE	04/22/14 05/20/14	77757	064131844	\$186.43	\$83.78						
05/21/14	Late Payment Charge				\$7.33		\$2030.21		06/12	1369		4
06/13/14	Payment											
06/17/14	Late Payment Charge				\$5.89		\$1843.78		06/12	1369		4
06/20/14	ELECTRIC SERVICE	05/20/14 06/19/14	79761	064131844	\$240.75	\$186.43						
06/20/14	Regular Bill						\$2090.42		07/14	2004		5
07/16/14	Payment											
07/21/14	ELECTRIC SERVICE	06/19/14 07/20/14	82205	064131844	\$283.25	\$240.75						
07/21/14	Late Payment Charge				\$7.33		\$1849.67		07/14	2004		5
07/21/14	Regular Bill						\$2140.25		08/12	2444		6
07/28/14	Payment											
08/19/14	ELECTRIC SERVICE	07/20/14 08/18/14	84622	064131844	\$286.10	\$509.79						
08/19/14	Regular Bill						\$1916.56		09/10	2417		6
08/20/14	Late Payment Charge				\$3.93		\$1630.46		09/10	2417		6
08/26/14	Payment											
09/08/14	Payment											
09/18/14	ELECTRIC SERVICE	08/18/14 09/17/14	87187	064131844	\$320.17	\$286.10						
09/18/14	Regular Bill						\$282.58		10/10	2565		6
10/10/14	Payment											
10/17/14	ELECTRIC SERVICE	09/17/14 10/16/14	89198	064131844	\$259.18	\$320.17						
10/17/14	Regular Bill						\$1610.99		11/10	2011		5

PECO Account Activity Statement

Date: 12/15/14

Page: 3 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
11/11/14	Payment					\$259.18						
11/18/14	ELECTRIC SERVICE	10/16/14 11/17/14	91080	064131844	\$244.29		\$1616.21	\$1371.92	12/10	1882		5
11/18/14	Late Payment Charge				\$20.11							
11/18/14	Regular Bill											
12/04/14	Payment					\$244.29						

# **EXHIBIT “2”**

December 15, 2014

## Case Details Report

BCS Case #: 003220258  
Customer Name: XIOMARA ALLAN  
Service Address: 7110 ELMWOOD AVENUE

BCS Bill Account #: 1014851034

PHILADELPHIA, PA 19142  
Mailing Address:

Home Phone: () -  
Business Phone: (215) 365-4815  
Business name:  
Alternate contact:

Date Case Opened: 2014-04-09  
PAR Case: N  
Investigator Name: BCS CASE POOL  
Investigator Phone: (717) 787-0000  
Service class: C  
Previous case #:

Date Cut Out: 9999-12-31  
Universal Service: N  
Contact Type: TELEPHONE  
Amount in Arrears: \$0.00

# Adults: 0  
# Children: 0  
Children Ages:  
Gross Income: \$0.00  
Miscellaneous Info:

**Complaint Reason:**  
SLAMMING (LONG DISTANCE PHONE OR ENERGY SUPPLIER) (# 10)

**Customer Problem Description:**  
CUST STATES THAT SHE WAS NOT AWARE THAT RESPOND POWER WAS ON HER BILL. CUST STATES THAT SHE WAS SLAMMED BY THEM AND HAD NO KNOWLEDGE THAT THEY WERE ALSO BILLING HER ALONG WITH PECO. CUST STATES THAT SHE SPOKE WITH RESPOND POWER TODAY AND SHE CANCELLED WITH THEM AS OF TODAY. CUST IS ASKING THE PUC TO CONTACT RESPOND POWER AND HAVE THEM CANCEL ANY CHARGES FOR HER JANUARY, FEB, MARCH AND APRIL OF 2014 BILLS. CUST STATES THAT WHEN SHE RECEIVED HER CURRENT BILL FOR APRIL IN THE AMT OF 1347.00 SHE CONTACTED PECO AND WAS TOLD ABOUT RESPOND POWER BEING ON HER BILL. CUST STATES



**December 15, 2014**

THAT SHE WAS SLAMMED AND THAT THE CO COMMITTED FRAUD BECAUSE WHEN SHE CONTACTED RESPOND POWER THEY TOLD HER THAT A PERSON NAMED A. RODRIGUEZ HAD SIGNED FOR THE SERVICE IN AUGUST OF 2011 AND SHE HAS NEVER HAD AN EMPLOYEE AT HER BUSINESS BY THAT NAME. CUST STATES THAT SHE HAS HAD HER BUSINESS SINCE 2010. RESPOND POWER TOLD HER THAT THE PERSON TOLD THEM THAT SHE WAS THE BUSINESS OWNER. CUST DISPUTES THIS AND NEEDS ASSISTANCE TO HAVE THESE CHARGES REMOVED.

**Company Position:**

04/03/2014 PECO ADVISED CUST THAT SHE HAS RESPOND POWER ON HER BILL AND TO CALL THEM AND THE PUC

# **EXHIBIT “3”**



December 15, 2014

**BCS Decision Report**

BCS Case #: 003220258                      Open Date: 2014-04-09  
Customer Name: XIOMARA ALLAN  
Service Address: 7110 ELMWOOD AVENUE

PHILADELPHIA, PA 19142  
BCS Bill Account #: 1014851034                      Previous Case #:  
Violation Type: NO                                      Chapter Type:  
Decision Type: W                                        Section / Rule:  
Investigator Name: JULIA BYNDAS

Decision Issued Date:  
Case Closed Date: 2014-10-27

Letter Description:  
NO LETTER REQUIRED

Total Balance:	\$1347.88	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:

**Resolution Description:**  
SUSTAIN COMPLAINT WITH DECISION. THE CUSTOMERS SERVICE WAS SLAMMED. ON 8/5/2011 ARRARO RODRIGUES WAS APPLYING FOR SERVICE FOR HIS BUSINESS AT A DIFFERENT LOCATION, AND XIOMARA ALLAN ACCOUNT # WAS USED. THIS CAUSED XIOMARA ALLAN'S ACCOUNT TO BE SLAMMED. THE CUSTOMER HOWEVER DID NOT REALIZE HER ACCOUNT HAD BEEN SLAMMED UNTIL THE 2014 WINTER WHEN THE VARIABLE RATES INCREASED. THE COMPANY HAS OFFERED THE CUSTOMER A \$240.00 REBATE TO ADJUST THE CUSTOMERS ACCOUNT FOR THE LAST TWO BILLINGS, BASED ON AN AVERAGE OF THE LAST 3 BILLED RATES. THE CUSTOMER IS NOT SATISFIED AND IS PLANNING TO APPEAL THE DECISION BEFORE A PUC ADMINISTRATIVE LAW JUDGE.

**EXHIBIT “4”**

PECO Energy Company

**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**

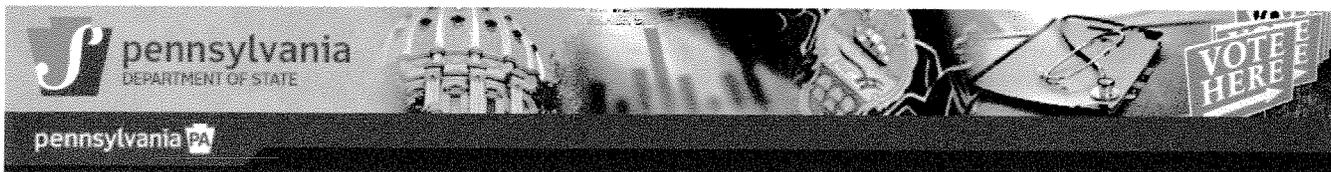
- (a) If a Customer contacts a new EGS to request a change of EGS and the new EGS agrees to serve the Customer, the Customer's new EGS shall obtain appropriate authorization from the Customer or person authorized to act on the Customer's behalf indicating the Customer's choice of EGS. The authorization 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

Issued October 15, 2010

Effective January 1, 2011

**EXHIBIT “3”**



**Corporations**

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**Business Entity Filing History**

**Date:** 1/26/2015 (Select the link above to view the Business Entity's Filing History)

**Business Name History**

Name	Name Type
Elmwood Mini Market Inc	Current Name

**Business Corporation - Domestic - Information**

**Entity Number:** 4098834  
**Status:** Active  
**Entity Creation Date:** 3/16/2012  
**State of Business.:** PA  
**Registered Office Address:** 7110 Elmwood Ave  
 Philadelphia PA 19142  
 Philadelphia  
**Mailing Address:** No Address

**Officers**

**Name:** WINCLER VICTORIANO JIMENEZ  
**Title:** President  
**Address:** 7110 ELMWOOD AVE  
 PHILADELPHIA PA 19142-1538

PECO ENERGY  
 EXHIBIT 3