

Direct Dial: 215.841.6841

March 18, 2015

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

**RE: Howard L. Jeffers v. PECO Energy Company**  
**PUC Docket No.: C-2015-2466809**

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

s/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**HOWARD L. JEFFERS**

v.

**PECO ENERGY COMPANY**

:  
:  
:  
:  
:

**DOCKET NO. C-2015-2466809**

**NOTICE TO PLEAD**

*To: Howard Jeffers*

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: March 18, 2015



---

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**

**HOWARD L. JEFFERS**

v.

**PECO ENERGY COMPANY**

:  
:  
:  
:  
:

**DOCKET NO. C-2015-2466809**

**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 February 10, 2015, 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 February 11, 2015.

3. On February 25, 2015, PECO filed an Answer, New Matter and Notice to Plead. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2.

4. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on April 25, 2011 under Tier C. New Matter ¶¶2.

5. PECO averred that in April 2012, PECO forgave \$1,769.40 of Complainant's balance, leaving a remaining balance of \$1,108.33. New Matter ¶¶3-4.

6. PECO averred this balance transferred to Complainant's new account when the location of services changed. New Matter ¶¶5-6.

7. PECO averred that the Complainant reenrolled in CAP under Tier C on June 16, 2014. New Matter ¶7.

8. PECO averred Complainant is actively enrolled in the CAP program, and will recertify on June 16, 2016. New Matter ¶¶8-9.

9. PECO averred that Complainant's balance is \$1,595.50. New Matter ¶10.

10. As Complainant's entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶¶11-12.

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

12. 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).

13. 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."

14. 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.

15. 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).

16. 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).

17. 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.

18. 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**

**HOWARD L. JEFFERS**

v.

**PECO ENERGY COMPANY**

:  
:  
:  
:  
:

**DOCKET NO. C-2015-2466809**

**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

Howard L. Jeffers  
564 King Street, 2<sup>nd</sup> Floor Rear  
Pottstown, PA 19464-7634



---

Shawane L. Lee

DATED: March 18, 2015

**EXHIBIT “1”**



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

---

**From:** eServe@pa.gov  
**Sent:** Wednesday, February 11, 2015 10:40 AM  
**To:** Lee, Shawane L.:(PECO)  
**Cc:** O'Neill, Leslie:(PECO)  
**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-2015-2466809**. You may view this document at **Formal Complaint**

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

Thank You,  
Public Utility Commission  
Commonwealth of Pennsylvania

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

PECO ENERGY  
EXHIBIT 

# 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 HOWARD L. JEFFERS

Street/P.O. Box 564 KING ST. Apt # 2<sup>nd</sup> Floor "REAR"

City POTTSTOWN State Pa. Zip 19464-7634

County MONTGOMERY

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

( ) 484-949-8962 (home)

( ) 215-806-3478 (mobile)

E-mail Address (optional): NONE

Utility Account Number (from your bill) P.E.C.O. 45335-46042

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 \_\_\_\_\_

RECEIVED  
2015 FEB 10 AM 10:09  
PA. P.U.C.  
SECRETARY'S BUREAU

### 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.

P.E.C.O.

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 CAN ONLY MAKE THE CURRENT BILL NOW DUE TO AMOUNT I GET FROM S.S.D. WITH WHAT I GET I CAN PAY RENT & ELECTRIC*
- I would like a payment agreement.  
*I HAD A PAYMENT AGREEMENT BUT COULD NOT KEEP IT DUE TO GRANDCHILDREN LIVING WITH ELSE UNTIL NOV 27, 2014*
- 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). *MY INCOME WAS MESS UP DUE TO KEEPING THREE GRANDCHILDREN HERE BECAUSE OF THEIR MOTHER BEING INCARCERATED, THEY VACATED HOME WITH THEIR MOTHER ON NOV 27, 2014 ME AND LAND WERE TOLD THEM THEY HAD TO LEAVE.*

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 will like another agreement on my past due balance and to make my current payment also. could not do it before because of the three grand children who were here because they needed school uniforms and first wear also clothes. There mother who was releases from prison Oct 2014 from M.C.F you can check that out. Mother name is Aishia Gadsen. Me and my Landlord ask them to vacate from here and they did on Nov 27, 2014. I am now financially stable to pay something on my back balance and current bill. Please try to help me. My wife is ill and on a machine. We also cook and heat our Apartment with Electric.

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.

Because they said I need 1000,00 dollars to make an agreement I told them I can't I'm on a fix income. I only need to make a payment agreement again and pay my current usage.

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.

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 HOWARD L. JEFFERS, 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).

Howard L. Jeffers \_\_\_\_\_ 2/5/15  
(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:

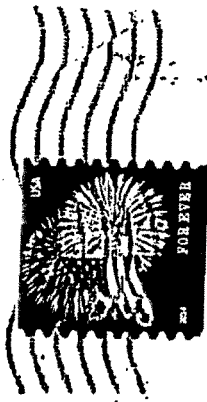
Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

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.

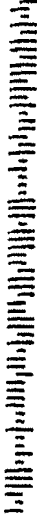
Howard L. Sellers  
564 KING STREET  
APT. 2ND FLOOR "REAR"  
POTTSTOWN, PA. 19464



PHILADELPHIA PA 190

05 FEB 2015 PM 9 L

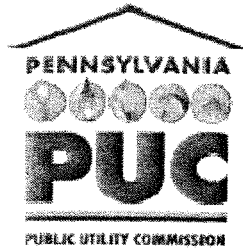
Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg / Pennsylvania 17120



17120007999



## **EXHIBIT “2”**



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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

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

**eFiling Successfully Transmitted**



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

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

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

eFiling Confirmation	
Docket Number:	C-2015-2466809
Description:	Howard L. Jeffers - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	2/25/2015 8:33:00 AM
Filed On:	2/25/2015 8:33:00 AM
eFiling Confirmation Number:	1582244

**Uploaded File List**

File Name	Document Class	Document Type
Howard Jeffers - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

PECO ENERGY  
EXHIBIT 2



An Exelon Company

Direct Dial: 215.841.6841

February 25, 2015

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

**RE: Howard L. Jeffers v. PECO Energy Company**  
**PUC Docket No.: C-2015-2466809**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Answer and New Matter 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: **CALL OF THE DOCKET**

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

HOWARD L. JEFFERS  
Complainants

v.

PECO ENERGY COMPANY  
Respondent

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

DOCKET NO. C-2015-2466809

---

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, February 25, 2015



---

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>HOWARD L. JEFFERS</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2466809</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

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

---

On February 11, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Howard L. Jeffers (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 his formal Complaint, Complainant requests a payment agreement. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established service at 1932 West 65<sup>th</sup> Avenue, Philadelphia, PA 19138 under account number 44247-50027 from April 20, 2011 to November 8, 2011. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was enrolled in PECO

Energy's Customer Assistance Program ("CAP") on April 25, 2011 under Tier C. The Complainant's \$2,401.15 balance from a previous service address was placed in the CAP Pre-Program arrears program. On April 18, 2012, PECO forgave \$1,769.40 of the Complainant's balance under the CAP In Program Arrears forgiveness program. The Complainant left a \$1,108.33 balance at this address comprised entirely of CAP arrears. See Exhibit "1".

The Complainant established service at 564 King Street, Second Rear, Pottstown, PA under 45335-46042 on March 14, 2014. See Account Activity Statement, attached hereto as Exhibit "2". On March 14, 2014, the Complainant's \$1,108.33 balance transferred into the Complainant's new account. The Complainant reenrolled in the CAP program under Tier C on June 16, 2014. The Complainant is actively enrolled in the CAP program. The Complainant is scheduled to recertify in the program on June 16, 2016.

On January 26, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003317439, requesting a payment agreement. See Case Details Report #003317439, attached hereto as Exhibit "3". On January 28, 2015, the BCS issued a Decision Report, dismissing the case pursuant to 66 Pa. C.S. §1405(c). See BCS Decision Report #003317439, attached hereto as Exhibit "4".

The Complainant's balance is \$1,595.50, which is comprised entirely of CAP arrears. See Exhibit "1". The Complainant is not entitled to a PUC ordered payment agreement on his 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 established service at 1932 West 65<sup>th</sup> Avenue, Philadelphia under account number 44247-50027.
2. The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on April 25, 2011 under Tier C.
3. On April 18, 2012, PECO forgave \$1,769.40 of the Complainant's balance under the CAP In Program Arrears forgiveness program.
4. The Complainant left a \$1,108.33 balance at her service address 1932 West 65<sup>th</sup> Avenue, Philadelphia.
5. The Complainant established service at 564 King Street, Second Rear, Pottstown, PA under 45335-46042 on March 14, 2014.
6. On March 14, 2014, the Complainant's \$1,108.33 balance from 1932 West 65<sup>th</sup> Avenue, Philadelphia transferred into the Complainant's new account.

7. The Complainant reenrolled in the CAP program under Tier C on June 16, 2014.

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

9. The Complainant is scheduled to recertify in the program on June 16, 2016.

10. The Complainant's balance is \$1,595.50.

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

12. 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."

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

14. 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**

<b>HOWARD L. JEFFERS</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2466809</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: February 25, 2015



---

Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>HOWARD L. JEFFERS</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2466809</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:

Howard L. Jeffers  
564 King Street, 2<sup>nd</sup> Floor Rear  
Pottstown, PA 19464-7634

Dated at Philadelphia, Pennsylvania, February 25, 2015.



---

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



An Exelon Company

Direct Dial: 215 841-6841

February 25, 2015

Howard L. Jeffers  
564 King Street, 2<sup>nd</sup> Floor Rear  
Pottstown, PA 19464-7634

**RE: Howard L. Jeffers v. PECO Energy Company**  
**PUC Docket No.: C-2015-2466809**

Dear Mr. Jeffers:

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

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

Thank you for your time and attention on this matter.

Very truly yours,

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

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

**EXHIBIT "1"**

CUNR038

PECO Account Activity Statement

Date: 02/23/15  
Page: 1 of 1

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

Account Number: 44247-50027  
Account Status: Final  
Requested By: HOWARD L JEFFERS  
HOWARD L JEFFERS  
(484)624-1978 Extension:  
Mail To: HOWARD L JEFFERS  
1932 65TH AVE  
PHILADELPHIA PA 19138

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

Current Bill: \$0.00 Credit Amount: \$0.00  
Billed Prior: \$0.00 Deposit Requested: \$0.00  
Balance Due: \$0.00 Deposit On-Hand: \$0.00  
Service Address: 1932 W 65TH AV  
PHILADELPHIA PA 19138  
Meter Bill Grp: 07  
Rate: Electric Residential Service CAP - D1

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
03/14/14	Debit Uncollectible				\$1000.00							
03/14/14	Late Payment Charge				\$150.00							
03/17/14	Payment					\$41.67						
03/26/14	Transfer					\$1108.33						

**EXHIBIT "2"**

CUAR038

PECO Account Activity Statement

Date: 02/23/15  
Page: 1 of 2

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

Account Number: 45335-46042  
Account Status: Active  
Requested By: HOWARD L JEFFERS  
(484) 624-1978 Extension:

Mall TO:  
HOWARD L JEFFERS  
564 KING ST  
2ND RR  
POTTSTOWN

PA 19464

Current Bill:  
Billed Prior: \$149.74  
Balance Due: \$1445.76  
Service Address: 564 KING ST  
2ND RR  
POTTSTOWN

PA 19464

Credit Amount: \$112.33  
Deposit Requested: \$0.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 18  
Rate: CAP Opt DL Electric Residential Service

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

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
03/14/14	Transfer Debit	from 1932 W 65TH AVE PHILADELPHIA PA 19138			\$1108.33	\$150.00	\$958.33					
03/26/14	Credit - cancelled late fees					\$958.33						
03/26/14	Payment Agreement											
03/28/14	Deposit											
04/28/14	DEFERRED PAYMENT AGREEMENT				\$15.97		\$50.00		04/15			
04/28/14	Regular Bill				\$942.36		\$65.97	\$50.00	05/14			
05/19/14	Bill Out DPA due to Default											
05/20/14	Late Payment Charge				\$12.13							
05/28/14	Regular Bill											
06/13/14	ELECTRIC SERVICE											
06/13/14	ELECTRIC SERVICE	03/14/14 03/26/14	1803	118030061	\$71.33		\$1020.46	\$1020.46	06/13			
06/13/14	ELECTRIC SERVICE	03/26/14 04/24/14	2503	118030061	\$110.70							
06/13/14	ELECTRIC SERVICE	04/24/14 05/26/14	3006	118030061	\$81.54							
06/13/14	Regular Bill											
06/16/14	Deposit Cancelled					\$50.00						
06/18/14	Payment Agreement											
06/25/14	ELECTRIC SERVICE											
06/25/14	DEFERRED PAYMENT AGREEMENT				\$34.44	\$1234.03						
06/25/14	Regular Bill	05/26/14 06/24/14	3562	118030061	\$20.92							
07/22/14	Bill Out DPA due to Default											
07/22/14	Late Payment Charge				\$1213.11		\$55.36		07/17			556
07/23/14	Late Payment Charge				\$0.83							
07/25/14	ELECTRIC SERVICE				\$12.13							
07/25/14	ELECTRIC SERVICE	06/24/14 07/24/14	4261	118030061	\$44.92							
07/25/14	Regular Bill											
08/07/14	Payment Agreement											
08/07/14	DEFERRED PAYMENT AGREEMENT				\$57.88	\$1326.35						
08/21/14	Bill Out DPA due to Default											
08/25/14	ELECTRIC SERVICE	07/24/14 08/24/14	4928	118030061	\$1268.47							
08/25/14	ELECTRIC SERVICE				\$40.25							
08/25/14	Late Payment Charge				\$17.27							
08/25/14	Regular Bill											
09/10/14	Payment Agreement											
09/10/14	DEFERRED PAYMENT AGREEMENT				\$57.52	\$1383.87						
09/24/14	Bill Out DPA due to Default											
					\$1303.48		\$1383.87	\$1343.62	09/16			667

09/24/14 ELECTRIC SERVICE 08/24/14 09/23/14 5475 118030061 \$31.53

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
09/24/14	DEFERRED PAYMENT AGREEMENT				\$22.87		\$111.92		10/16	547		
09/24/14	Regular Bill											
10/21/14	Late Payment Charge				\$18.34							
10/23/14	ELECTRIC SERVICE	09/23/14 10/22/14	5927	118030061	\$26.51		\$1460.25	\$1433.74	11/14	452		
10/23/14	Regular Bill											
10/28/14	RECONNECT FEE - CUT-OUT NON-PAY				\$20.00							
11/19/14	Late Payment Charge				\$18.74							
11/21/14	ELECTRIC SERVICE	10/22/14 11/20/14	6721	118030061	\$57.53		\$1556.52	\$1478.99	12/15	794		
11/21/14	Regular Bill											
12/22/14	Late Payment Charge				\$12.13							
12/26/14	ELECTRIC SERVICE	11/20/14 12/25/14	7908	118030061	\$120.70		\$1689.35	\$1568.65	01/20	1187		
12/26/14	Regular Bill											
12/29/14	LINEAR Payment					\$107.00						
01/28/15	ELECTRIC SERVICE	12/25/14 01/27/15	9284	118030061	\$149.74		\$1732.09	\$1582.35	02/19	1376		
01/28/15	Regular Bill											
02/23/15	Adjustment					\$112.33						
02/23/15	Late Payment Charge					\$24.26						



**EXHIBIT “3”**



February 25, 2015

**Case Details Report**

BCS Case #: 003317439  
Customer Name: HAROLD JEFFRIES  
Service Address: 564 KING STREET  
APT 2ND FL REAR  
POTTSTOWN, PA 19464

BCS Bill Account #: 4533546042

Mailing Address:

Home Phone: (267) 456-8075  
Business Phone: () -  
Business name:  
Alternate contact:

Date Case Opened: 2015-01-26  
PAR Case: Y  
Investigator Name: BCS CASE POOL  
Investigator Phone: (717) 787-0000  
Service class: R  
Previous case #:

Date Cut Out: 9999-12-31

Universal Service: N  
Contact Type: TELEPHONE  
Amount in Arrears: \$0.00

# Adults: 2  
# Children: 0  
Children Ages:  
Gross Income: \$1116.00  
Miscellaneous Info:

Complaint Reason:  
ON - PAR NEEDED (# 61)

Customer Problem Description:  
STRAIGHT PARREQUEST A PAYMENT AGREEMENT

Company Position:  
01/20/2015 PECO ENERGY WANTS HIM TO PAY 1000 TO KEEP SERVICES ON.

**EXHIBIT “4”**



February 23, 2015

**BCS Decision Report**

BCS Case #: 003317439      Open Date: 2015-01-26  
Customer Name: HAROLD JEFFRIES  
Service Address: 564 KING STREET  
APT 2ND FL REAR  
POTTSTOWN, PA 19464  
BCS Bill Account #: 4533546042      Previous Case #:  
Violation Type: NO      Chapter Type:  
Decision Type: W      Section / Rule:  
Investigator Name: BUREAU OF  
CONSUMER SERVICE

Decision Issued Date: 2015-01-28  
Case Closed Date: 2015-01-26

**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:**

**Resolution Description:**

CASE CLOSED - DISMISSED PER 1405C - THE DATE OF COMPLAINT RESOLUTION AND EXPIRATION OF THE STAY OF TERMINATION IS 2/2/2015