



An Exelon Company

Legal Department  
2301 Market Street / S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Direct Dial: 215.841.6841

April 7, 2015

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

**RE: Eric L. Lewis v. PECO Energy Company**  
**PUC Docket No.: F-2015-2468743**

Dear Ms. Chiavetta:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service

s/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ERIC L. LEWIS**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2468743**

**NOTICE TO PLEAD**

*To: Eric L. Lewis*

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: April 7, 2015



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Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19101-8699  
Tel. (215) 841-6841  
Fax. (215) 568-3389  
shawane.lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ERIC L. LEWIS**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2468743**

**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 20, 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 24, 2015.
3. On March 16, 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 March 28, 2013 under Tier E1. New Matter ¶¶1.
5. PECO averred that Complainant was removed from the program, per his request, on January 5, 2015. New Matter ¶¶2.
6. PECO averred that Complainant's final balance is \$3,620.48. New Matter ¶¶4.

7. PECO averred that Complaint's balance is comprised of \$3,329.36 in CAP arrears. New Matter ¶5.

8. 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 ¶¶6-7.

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

10. 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).

11. 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."

12. 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.

13. 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).

14. 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).

15. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant was enrolled in CAP, (b) the past due balance is comprised of 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.

16. 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**

**ERIC L. LEWIS**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2468743**

**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  
Eric L. Lewis  
19 North 4<sup>th</sup> Avenue  
Coatesville, PA 19320



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Shawane L. Lee

DATED: April 7, 2015

**EXHIBIT “1”**



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

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**From:** eServe@pa.gov  
**Sent:** Tuesday, February 24, 2015 1:21 PM  
**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 Form** has been served in this proceeding. This document is docketed as **F-2015-2468743**. You may view this document at **Formal Complaint Form**

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

Thank You,  
Public Utility Commission  
Commonwealth of Pennsylvania

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

PECO ENERGY  
EXHIBIT **1**

RECEIVED  
2015 FEB 20 AM 11:01

Timely

BCS: 8315239  
PECO ENERGY

Must be returned by February 23, 2015

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

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 Eric L. Lewis

Street/P.O. Box 19 N. 4th Ave Apt # \_\_\_\_\_

City Cootesville State PA Zip 19320

County Chester County

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

( ) \_\_\_\_\_ (home) (610) 329-1251 (mobile)

E-mail Address (optional): elewis@desu.edu

Utility Account Number (from your bill) 10775-06016

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO Energy Company

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.  
*In May 2014 I was working with LIHEAP getting money applied to my bill I was told I was getting \$1,000.00 at that point \$500.00 was applied, and I was in search of the other \$500.00 at that time my bill was manageable. At that point I began to go back & forth with PECC @ Chester County Westark office trying to find that money and they kept saying (PECC) we dont see any money, so in the mean time, I'm going back & forth*
- 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.  
*trying to find this money, month passed on and I was trying to get gas & Electric on one bill cause it was confusing because it had at least three different*
- 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, and I didn't know which one to pay so, the bill.  
*Payment continued to grow finally on Oct 15th 2014 they cut the electric off. I called University of PENN Heart failure unit and they called PECC and asked them to make some kind of a payment arrangement and they refused and even going up on the denier*
- Other (explain).

I finally talked with someone at PECO and they said my account were now together and she saw in the system where the \$1500.00 was applied to the wrong account so she applied it to the right account and adjusted my account accordingly. So since sometime in Dec. I kept getting a bill going higher and higher so I called and asked them why and they said oh your gas was still on and running thats why your bill keeps getting higher, I then asked why no one never told me about the gas being on because we have been displaced in the cold for 5 months, so I was told my account was completely closed, but that was not the case cause the gas was still running. So I told them to turn everything off and send a total bill before that I was told by management and account noted I had to pay \$2,900<sup>00</sup> to get the electric back on and the with the gas \$3,138.69. Its no way I can pay that I'm disabled taking care of my sick mother who is not working and my teenage brother and myself all with SSI, I pray you can help me get back into a warm home and not be displaced.

Also I forgot to say I Thank You !!  
need for the season and I had

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 would ask that they give me a monthly payment amount that I can pay and turn the electric & gas back on because I need it to survive because I am sick. In the pass I messed up with payment plans and budget amounts because I didn't know which one to pay the total, budget or payment one.

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

BCS # 3315239

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.

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 None

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

  
(Signature of Complainant)

2/10/15  
(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.





An Exelon Company

Emergency and Repairs: 1-800-841-4141. This is the number to call to report power outages, gas leaks or odors, and safety hazards related to PECO Equipment. For all other business, call 1-800-494-4000

0041

ERIC LEWIS  
19 N 4TH AVE  
COATESVILLE PA 19320-3254

**Your bill is past due**

You have not paid the **\$3,138.69** you owe. Your balance must be paid now. Until you pay this amount, we will continue to add late-payment charges.

To avoid additional late payment charges, please pay your bill right away. If you have paid your bill in the last few days, please ignore this letter.

**If you are having trouble paying**

We have several programs that could help you manage your monthly bills, such as:

- budget billing to even out the cost of monthly bills throughout the year and
- payment arrangements to help you pay off past due amounts.

**We are here to help...**

Contact us at **1-888-480-1533** to discuss your account.

**To avoid more late-payment charges, please pay now \$3,138.69 . See back for ways to pay**

**Questions**

**1-800-494-4000**

**www.peco.com**

8:30 am - 5:00 pm, Mon - Fri

Account Number: 1077506016

Date: December 16, 2014

Service Address:

19 N 4TH AV  
COATESVILLE PA 19320

**If you do not pay**

If you do not pay, your service may be shut off.

**Power Pay!**

Take the worry out of paying your energy bills on time. Enroll in Power Pay - just complete the form on the back and we will do the rest!

**Did you know...?**

Most hot water heaters are set too high. Lowering the temperature setting may lower your electric or natural gas hot water costs.

When paying in person, please bring the entire bill.

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



An Exelon Company

Monday through Friday 8:30 a.m. to 5:00 p.m.  
**1-877-432-9384**

5909 1 AT 0.403 1478005900/001428 025 01 GXGLF 1 12172014

ERIC LEWIS  
19 N 4TH AVE  
COATESVILLE PA 19320-3254



Account Number  
**10775-06016**

Payment Receipt Stan

Payment Amount

Please pay this amount by 01/08/2015

**\$3,138.69**



PECO Energy Co.  
PO BOX 13439  
Philadelphia PA 19162-0439

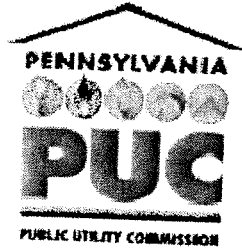


Eric L. Lewis  
19 N. 4th Ave  
Coatesville PA 19320



Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor Commonwealth Keystone Bld.  
Harrisburg PA, 17120

# **EXHIBIT “2”**



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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**eFiling Successfully Transmitted**



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

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

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

eFiling Confirmation	
Docket Number:	F-2015-2468743
Description:	Eric L. Lewis - PECO Energy Company Answer to Formal Complaint
Transmission Date:	3/16/2015 9:09:22 AM
Filed On:	3/16/2015 9:09:22 AM
eFiling Confirmation Number:	1584149

**Uploaded File List**

File Name	Document Class	Document Type
Eric L Lewis - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

Direct Dial: 215.841.6841

March 16, 2015

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

**RE: Eric L. Lewis v. PECO Energy Company**  
**PUC Docket No.: F-2015-2468743**

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,



Shawane Lee  
Counsel for PECO Energy Company

Scheduling Recommendation: **CALL OF THE DOCKET**

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ERIC L. LEWIS

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. F-2015-2468743

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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, March 16, 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**

**ERIC L. LEWIS**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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**DOCKET NO. F-2015-2468743**

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

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On February 24, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Eric Lewis (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 to restore his gas and electric service. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established service at 19 North 4<sup>th</sup> Avenue, Coatesville, PA 19320 under account number 10775-06016. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was initially enrolled in PECO Energy's Customer Assistance

Program (“CAP”) on March 28, 2013 under Tier E1. The Complainant was removed from the program on January 5, 2015 per his request.

On October 14, 2014, the Complainant’s electric service was terminated for a past due balance of \$2,975.92. On October 23, 2014, the Complainant had a nurse practitioner contact PECO to obtain a medical certification in order to restore service. Service was not restored because the Complainant had exhausted the medical certificates on the account without equitable payment. On October 28, 2014, PECO would not accept a LIHEAP crisis grant of \$500.00 to restore the Complainant’s service because the balance was over \$2,500. PECO’s 3 year plan established an arrears threshold for LIHEAP grants to restore service.

On January 7, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS”) at case number 003315239, requesting a payment agreement to have his services restored. See Case Details Report #003315239, attached hereto as Exhibit “2”. The BCS issued a Decision Report on January 12, 2015, dismissing the case pursuant to 66 Pa. C.S. §1405(c). See BCS Decision Report #003315239, attached hereto as Exhibit “3”.

The Complainant’s balance is \$3,620.48, which is comprised of \$3,329.36 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 was initially enrolled in PECO Energy's Customer Assistance Program ("CAP") on March 28, 2013 under Tier E1.
2. The Complainant was removed from the program on January 5, 2015 per his request.
3. The Complainant's service was disconnected on November 17, 2014.
4. The Complainant's final balance is \$3,620.48.
5. The Complainant's \$3,620.48 final balance is comprised of \$3,329.36 in CAP arrears.
6. 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."
7. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.

8. 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,



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ERIC L. LEWIS**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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:

**DOCKET NO. F-2015-2468743**

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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: March 16, 2015

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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ERIC L. LEWIS**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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:  
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**DOCKET NO. F-2015-2468743**

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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:

Eric Lewis  
19 North 4<sup>th</sup> Avenue  
Coatesville, PA 19320

Dated at Philadelphia, Pennsylvania, March 16, 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

March 16, 2015

Eric L. Lewis  
19 North 4<sup>th</sup> Avenue  
Coatesville, PA 19320

**RE: Eric L. Lewis v. PECO Energy Company**  
**PUC Docket No.: F-2015-2468743**

Dear Mr. Lewis:

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

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

Thank you for your time and attention on this matter.

Very truly yours,

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

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

**EXHIBIT “1”**

CUAR038

PECO Account Activity Statement

Date: 03/05/15  
Page: 1 of 4

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

Account Number:  
10775-06016  
Account Status: Final  
Requested By:  
ERIC LEWIS  
(302)241-1707 Extension:

Mail To:  
ERIC LEWIS  
19 N 4TH AV  
COATESVILLE PA 19320

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

Current Bill: \$0.00  
Billed Prior: \$3620.48  
Balance Due: \$3620.48  
Service Address:  
19 N 4TH AV  
COATESVILLE PA 19320

Credit Amount: \$0.00  
Deposit Requested: \$182.50  
Deposit On-Hand: \$0.00

Meter Bill Grp: 06  
Rate: yElectric Off-Peak Service  
CAP Opt El Electric Residential Service  
Gas Residential Heating Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
03/11/13	ELECTRIC SERVICE	02/07/13 03/10/13	14431	105567534	\$282.45					
03/11/13	ELE-ADDITIONAL METER		65492	064134306						
03/11/13	DEPOSIT									
03/11/13	Late Payment Charge				\$5.41					
03/11/13	Regular Bill									
03/28/13	Deposit						\$834.03	\$551.58	04/02	1840
03/28/13	Transfer To PPA					\$185.44				
03/28/13	Transfer					\$466.09				
04/09/13	PPA Forgiven					\$185.44				
04/09/13	ELECTRIC SERVICE	03/10/13 04/08/13	15708	105567534	\$218.47	\$38.84				
04/09/13	ELE-ADDITIONAL METER		65675	064134306						
04/09/13	Pre-Program Arrears				\$38.84					
04/09/13	Regular Bill									
05/07/13	Late Payment Charge						\$218.47		05/01	1460
05/08/13	ELECTRIC SERVICE	04/08/13 05/07/13	16488	105567534	\$3.28					
05/08/13	ELE-ADDITIONAL METER		65862	064134306	\$140.65					
05/08/13	Regular Bill									
06/04/13	Late Payment Charge						\$362.40	\$221.75	05/30	967
06/07/13	ELECTRIC SERVICE	05/07/13 06/06/13	17105	105567534	\$5.39					
06/07/13	ELE-ADDITIONAL METER		66040	064134306	\$105.72					
06/07/13	Regular Bill									
06/20/13	Payment						\$473.51	\$367.79	07/01	795
07/08/13	Payment					\$200.00				
07/08/13	Late Payment Charge					\$167.00				
07/09/13	PPA Forgiven				\$1.59					
07/09/13	ELECTRIC SERVICE	06/06/13 07/08/13	17716	105567534	\$106.18	\$38.84				
07/09/13	ELE-ADDITIONAL METER		66238	064134306						
07/09/13	Pre-Program Arrears				\$38.84					
07/09/13	Regular Bill									
07/19/13	Payment						\$214.28	\$108.10	07/31	809
08/06/13	Late Payment Charge				\$1.55		\$111.00			

PECO ENERGY  
EXHIBIT

PECO Account Activity Statement

Date: 03/05/15

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	
08/07/13	PPA Forgiven					\$38.84					
08/07/13	ELECTRIC SERVICE	07/08/13 08/06/13	18475	105567534	\$124.84						
08/07/13	ELE-ADDITIONAL METER		66415	064134306							
08/07/13	Pre-Program Arrears				\$38.84						
08/07/13	Regular Bill										
09/04/13	Late Payment Charge						\$229.67	\$104.83	08/29	936	
09/05/13	ELECTRIC SERVICE	08/06/13 09/04/13	18860	105567534	\$3.42						
09/05/13	ELE-ADDITIONAL METER		66589	064134306	\$75.14						
09/05/13	Regular Bill										
09/17/13	Payment						\$308.23	\$233.09	09/27	559	
10/02/13	Late Payment Charge					\$250.00					
10/04/13	PPA Forgiven				\$0.87						
10/04/13	ELECTRIC SERVICE	09/04/13 10/03/13	19471	105567534	\$111.46		\$38.84				
10/04/13	ELE-ADDITIONAL METER		66789	064134306							
10/04/13	Pre-Program Arrears				\$38.84						
10/04/13	Regular Bill										
10/21/13	Payment						\$170.56	\$59.10	10/28	811	
11/04/13	ELECTRIC SERVICE	10/03/13 11/03/13	20022	105567534	\$104.36		\$100.00				
11/04/13	ELE-ADDITIONAL METER		67003	064134306							
11/04/13	Late Payment Charge				\$1.06						
11/04/13	Regular Bill										
12/03/13	Late Payment Charge				\$2.63		\$175.98	\$71.62	11/26	765	
12/05/13	ELECTRIC SERVICE	11/03/13 12/04/13	21012	105567534	\$178.75						
12/05/13	ELE-ADDITIONAL METER		67230	064134306							
12/05/13	Regular Bill										
12/19/13	Payment						\$357.36	\$178.61	12/27	1217	
01/02/14	Late Payment Charge					\$120.00					
01/08/14	ELECTRIC SERVICE	12/04/13 01/07/14	22919	105567534	\$3.50						
01/08/14	ELE-ADDITIONAL METER		67541	064134306	\$333.92						
01/08/14	Regular Bill										
01/09/14	Transfer Debit						\$574.78	\$240.86	01/30	2218	
02/04/14	Late Payment Charge				\$44.08						
02/07/14	ELECTRIC SERVICE	01/07/14 02/06/14	24741	105567534	\$8.51						
02/07/14	ELE-ADDITIONAL METER		67817	064134306	\$315.09						
02/07/14	Regular Bill										
02/10/14	Transfer Debit						\$898.38	\$583.29	03/03	2098	
03/10/14	ELECTRIC SERVICE	02/06/14 03/09/14	26567	105567534	\$90.00						
03/10/14	ELE-ADDITIONAL METER		68045	064134306	\$289.16						
03/10/14	Late Payment Charge										
03/10/14	Regular Bill				\$13.24						
03/11/14	Transfer Debit						\$1200.78	\$911.62	04/01	2054	
03/21/14	Transfer Debit				\$120.00						
04/03/14	Payment Agreement				\$333.38						
						\$1200.78					



PECO Account Activity Statement

Date: 03/05/15

Page: 3 of 4

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
04/09/14	GAS SERVICE	03/10/14 04/08/14	4293	016459267	\$162.75					
04/09/14	ELECTRIC SERVICE	03/09/14 04/08/14	27401	105567534	\$251.43					
04/09/14	ELE-ADDITIONAL METER		738	123604329						
04/09/14	ELE-ADDITIONAL METER		68175	064134306						
04/09/14	ELE-ADDITIONAL METER		83	123604327						
04/09/14	DEFERRED PAYMENT AGREEMENT				\$50.03					
04/09/14	Regular Bill									
04/22/14	Payment						\$464.21		05/01	1785
05/06/14	Reinstate AR from DPA- Cr					\$50.00				
05/06/14	Reinstate AR from DPA- Db					\$1200.78				
05/06/14	Bill Out DPA due to Default				\$1200.78					
05/06/14	Late Payment Charge				\$1150.75					
05/07/14	GAS SERVICE	04/08/14 05/06/14	4356	016459267	\$6.96					
05/07/14	ELECTRIC SERVICE	04/08/14 05/06/14	2216	123604329	\$81.17					
05/07/14	ELE-ADDITIONAL METER		263	123604327	\$232.64					
05/07/14	Regular Bill									
06/03/14	Late Payment Charge						\$2473.19	\$2159.38	05/29	1658
06/06/14	GAS SERVICE	05/06/14 06/05/14	4392	016459267	\$36.56					
06/06/14	ELECTRIC SERVICE	05/06/14 06/05/14	3117	123604329	\$51.23					
06/06/14	ELE-ADDITIONAL METER		435	123604327	\$144.07					
06/06/14	Regular Bill									
07/08/14	BUDGET BILLING	06/05/14 07/07/14			\$259.00		\$2705.05	\$2509.75	06/30	1073
	** Budget Bill Detail **	Actual Bill Amount: 99.94								
07/08/14	Late Payment Charge					BB Deferred Amount: -159.06				
07/08/14	Regular Bill				\$39.49					
08/05/14	Late Payment Charge						\$3003.54	\$2744.54	07/30	641
08/06/14	BUDGET BILLING	07/07/14 08/05/14			\$38.97					
	** Budget Bill Detail **	Actual Bill Amount: 92.47			\$259.00					
08/06/14	Regular Bill					BB Deferred Amount: -325.59				
09/03/14	Late Payment Charge						\$3301.51	\$3042.51	08/28	572
09/05/14	BUDGET BILLING	08/05/14 09/04/14			\$42.38					
	** Budget Bill Detail **	Actual Bill Amount: 97.65			\$259.00					
09/05/14	Regular Bill					BB Deferred Amount: -486.94				
10/06/14	BUDGET BILLING	09/04/14 10/05/14			\$259.00		\$3602.89	\$3343.89	09/29	635
	** Budget Bill Detail **	Actual Bill Amount: 105.26				BB Deferred Amount: -640.68				
10/06/14	Late Payment Charge									
10/06/14	Regular Bill				\$43.13					
10/30/14	LIHEAP Payment						\$3905.02	\$3646.02	10/28	633
11/04/14	BUDGET BILLING	10/05/14 11/03/14			\$259.00					
	** Budget Bill Detail **	Actual Bill Amount: 62.88					\$100.00			
11/04/14	Late Payment Charge					BB Deferred Amount: -836.80				
11/04/14	Regular Bill				\$41.22					
							\$4125.24	\$-20.00	11/26	209

CUAR038

PECO Account Activity Statement

Date: 03/05/15

Page: 4 of 4

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
12/05/14	BUDGET BILLING	11/03/14 12/04/14			\$158.00					
	** Budget Bill Detail **		Actual Bill Amount: 28.25		BB Deferred Amount: -966.55					
12/05/14	Regular Bill						\$4283.24	\$-20.00	12/29	
01/05/15	PPA Default					\$310.73				
01/05/15	PPA Defaulted				\$310.73					
01/05/15	Pre-Program Arrears				\$310.73					
01/07/15	BUDGET BILLING	12/04/14 01/07/15			\$158.00					
	** Budget Bill Detail **		Actual Bill Amount: 12.67		BB Deferred Amount: -1111.88					
01/07/15	Regular Bill						\$4751.97	\$-20.00	01/29	
01/08/15	Budget Bill Settlement					\$1111.49				
01/08/15	BUDGET BILLING	01/07/15 01/08/15								
	** Budget Bill Detail **		Actual Bill Amount: 0.39		BB Deferred Amount: 0.00					
01/08/15	Regular Bill						\$3620.48	\$3462.48	01/30	

**EXHIBIT "2"**



March 5, 2015

**Case Details Report**

BCS Case #: 003315239  
Customer Name: ERIC LEWIS  
Service Address: 19 N 4TH AVE

BCS Bill Account #: 1077506016

Mailing Address: COATESVILLE, PA 19320

Home Phone: () -  
Business Phone: () -  
Business name: DEB GORDON, SOCIAL WORKER  
Alternate contact: PERM. GRANTED FOR EMAIL

Date Case Opened: 2015-01-07  
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: \$3800.00

# Adults: 1  
# Children: 1  
Children Ages: 16  
Gross Income: \$1150.00  
Miscellaneous Info:  
PERM. GRANTED FOR EMAIL

Complaint Reason:  
STRAIGHT OFF- SVC TERMINATED/SUSPENDED-NO DISPUTE- PAR NEEDED (# 82)

Customer Problem Description:  
WAS ON THE CO'S CAP. SERVICE WAS TERMINATED IN OCTOBER 2014. NEEDS HELP TO RESTORE.ELEWIS@DESU.EDUPERMISSION GRANTED PUC AND THE CO. TO USE EMAIL ADDRESS ABOVE FOR CORRESPONDENCE.

Company Position:  
01/05/2015 2900.00 TO RESTORE.

**EXHIBIT “3”**



March 5, 2015

**BCS Decision Report**

BCS Case #: 003315239  
Customer Name: ERIC LEWIS  
Service Address: 19 N 4TH AVE

Open Date: 2015-01-07

BCS Bill Account #: 1077506016  
Violation Type: NO  
Decision Type:  
Investigator Name: CLARK BERNARD

COATESVILLE, PA 19320  
Previous Case #:  
Chapter Type:  
Section / Rule:

Decision Issued Date: 2015-01-12  
Case Closed Date: 2015-01-12

Letter Description:  
BLANK LETTER - DECISION

Total Balance: \$3640.09  
Amount to Restore Service: \$0.00  
Date Payment Due:  
Special Budget Payment: \$0.00  
Plus Arrears Payment: \$0.00  
Current Monthly Payment: \$0.00  
Payment Terms:

Balance Date: 2015-01-08  
Amount to Continue Service: \$0.00  
Regular Budget Amount: \$0.00  
Final Bill Monthly Payment: \$0.00  
End of Month Payment: \$0.00

PAR Description:

Resolution Description:  
CASE DISMISSED. THE CUSTOMER SHOULD COMPLY WITH THE COMPANY'S  
REQUEST FOR \$3,482.09 TO RESTORE SERVICE. THE COMPANY REPORTS THAT  
THE CUSTOMER HAS DEFAULTED ON TWO OR MORE PAYMENT ARRANGEMENTS.  
52 PA. CODE ?? 56.191 (C)(2)(I) ALLOWS THE COMPANY TO REQUEST FULL  
PAYMENT OF THE OUTSTANDING BALANCE PLUS A RECONNECTION FEE IF THE  
CUSTOMER HAS DEFAULTED ON TWO OR MORE PAYMENT ARRANGEMENTS.  
THE CUSTOMER'S BALANCE CONTAINS CAP ARREARS. THEREFORE, THE  
CUSTOMER IS NOT ELIGIBLE FOR A PUC PAYMENT ARRANGEMENT PER 1405 (C).