



An Exelon Company

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

Direct Dial: 215-841-6841

April 17, 2015

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

**RE: Donte Neal v. PECO Energy Company**  
**PUC Docket No.: F-2015-2471350**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Motion for Judgment on the Pleadings 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

SL/ab

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DONTE NEAL**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2471350**

**NOTICE TO PLEAD**

*To: Donte Neal*

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 17, 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**

**DONTE NEAL**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2471350**

**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 March 2, 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 March 11, 2015.
3. On March 27, 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 September 18, 2013 under Tier E1. New Matter ¶¶1.
5. PECO averred that Complainant is actively enrolled in CAP under Tier E1, and is scheduled to recertify on September 18, 2015. New Matter ¶¶2-3.
6. PECO averred that Complainant's balance is \$3,030.60. New Matter ¶¶4.

7. PECO averred that Complainant's entire balance is comprised of CAP arrears. New Matter ¶5.

8. As the entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶¶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 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.

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**

**DONTE NEAL**

**v.**

**PECO ENERGY COMPANY**

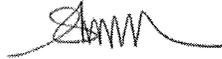
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**DOCKET NO. F-2015-2471350**

**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  
Donte Neal  
1455 Burton Lane  
Sharon Hill, PA 19079



---

Shawane L. Lee

DATED: April 17, 2015

# **EXHIBIT “1”**

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

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**From:** eServe@pa.gov  
**Sent:** Wednesday, March 11, 2015 2:00 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-2015-2471350**. 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

Must be returned by March 3, 2015

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 Santi Neal

Street/P.O. Box 1455 BURTON LANE S Apt # \_\_\_\_\_

City Sharon Hill State Pa Zip 19079

County Delaware County

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

(610) 909-5583 (home) ( ) (mobile)

E-mail Address (optional): Yoni365@gmail.com

Utility Account Number (from your bill) 1522998000

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

RECEIVED

MAR 2 2015

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.

When the decision came back I was astonished. I did everything that was required of me. I called and left a message with Jamie who was in charge of the case and I waited for a return call and received a letter. I was on budget billing and when I received a bill with a large sum of balance I was upset. I called and the gentleman took me off budget billing without my request. He told me I owed \$3000.00 I told him why he could not explain. He told me he removed me from the budget billing. I told him I didn't request that he said he could not put me back on. I should have been notified that my balance was accruing to such a large balance. I feel as though this should be explained to all budget billing customers and it should be placed on the billing statements so there is no surprises to the customer.

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

6. Protection From Abuse (PFA)

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

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

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

YES   
NO

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

7. Prior Utility Contact

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

YES   
NO

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

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

YES   
NO

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

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. I called Jamie she was not available. I was told by the representative she did respond in a timely manner to leave a voice mail. I did and I did not hear from her. I left the number 610-809-5593 + 267-772-4423 with 610-809-5593 as the primary contact number. I was denied for reasons I did NOT know.

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 Donna Neal, 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).

Donna Neal  
(Signature of Complainant)

2/28/15  
(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.



U.S. POSTAGE  
PAID  
SHARON HILL, PA  
19079  
MAR 02, 15  
AMOUNT

1007

\$16.95  
00013028-02

FOR DOMESTIC AND INTERNATIONAL USE  
PLACE MAILING LABEL HERE



CMPC

To: PUC SECRETARY BUREAU

Agency PUC

Floor:

External Carrier: EXPRESS

3/3/2015 8:16:03 AM



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EU997181912US



DELIVERY (POSTA)

Delivery Attempt

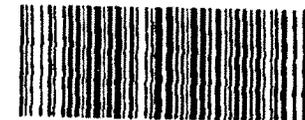
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Delivery Attempt

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Delivery Date

Mo. Day



EU997181912US

PM

CUSTOMER USE ONLY

WAIVER OF SIGNATURE (Domestic Mail Only)  
Additional merchandise insurance is void if customer requests waiver of signature.  
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY

Weekend  Holiday  Mailer Signature

TO: (PLEASE PRINT) PHONE (

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)

Grid for ZIP code: [ ] [ ] [ ] [ ] [ ] + [ ] [ ] [ ] [ ]

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code	Day of Delivery	Postage
11	<input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Out Day	\$ 16
Date Accepted	Scheduled Date of Delivery	Return Receipt Fee
Mo. Day Year	Month Day	\$
Time Accepted	Scheduled Time of Delivery	COD Fee
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Flat Rate <input type="checkbox"/> or Weight	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Insurance Fee
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	Acceptance Emp. Initials	
		Total Postage & Fees
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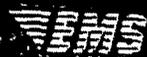
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FOR PICKUP OR TRACKING

Visit: [www.usps.com](http://www.usps.com)

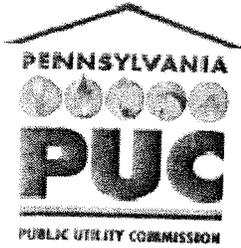
Call 1-800-222-1811



PRESS HARD. YOU ARE MAKING 3 COPIES.

TIONALLY,  
RATION  
UIRED.

**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-2015-2471350
Description:	Donte Neal - PECO Energy Company Answer to Formal Complaint
Transmission Date:	3/27/2015 2:57:31 PM
Filed On:	3/27/2015 2:57:31 PM
eFiling Confirmation Number:	1585805

**Uploaded File List**

File Name	Document Class	Document Type
Donte Neal - Answer.pdf	Communication	Answer to Formal Complaint

PECO ENERGY  
EXHIBIT *2*



An Exelon Company

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

Direct Dial: 215-841-6841

March 27, 2015

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

**RE: Donte Neal v. PECO Energy Company**  
**PUC Docket No.: F-2015-2471350**

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

DONTE NEAL

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. F-2015-2471350

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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.

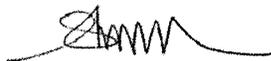
File with:

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 27, 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**

**DONTE NEAL**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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**DOCKET NO. F-2015-2471350**

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

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On March 11, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Donte Neal (hereafter "Complainant") in the above captioned docket.

Pursuant to 52 Pa. Code § 5.61, PECO responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint. In her formal Complaint, Complainant states that she is on budget billing; however, she received a bill with a large balance. The Complainant states that she asked PECO to explain why she owes a \$3,000 balance but the company representative was unable to explain it. The Complainant alleges that PECO Energy removed her from budget billing although she did not request to be removed. The Complainant states that when she requested to be placed back on budget billing, she was told she could not be placed back on budget billing. The Complainant requests a payment agreement. PECO Energy

requests dismissal pursuant to 66 Pa. C.S. §1405(c). PECO Energy additionally avers that the company has not overcharged the Complainant and that her bills are correct as rendered.

The Complainant established an account with PECO Energy for gas and electric service at 1455 South Burton Lane, Sharon Hill, PA 19079 under account number 15229-98000 on April 16, 2013. On September 18, 2013, the Complainant enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier E1. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant is actively enrolled in the CAP program under Tier E1. She is next scheduled to recertify in the program on September 18, 2015. The Complainant's entire balance is comprised of CAP arrears.

On May 8, 2014, the Complainant contacted the company and requested to be removed from budget billing. She was removed from budget billing. When the customer service representative advised the Complainant that her deferred budget bill balance of \$1,299.61 would become due with the next bill, the Complainant requested to retain budget billing. However, due to system limitations, the budget billing could not be reinstated the same day.

On June 24, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003255842, disputing the fact that her budget bill increased from \$202.00 to \$282.00. The Complainant stated that her budget bill was increased without notice. See Case Details Report #003255842, attached hereto as Exhibit "2". On January 23, 2015, the BCS issued a Decision Report, dismissing the complaint pursuant to 66 Pa. C.S. §1405(c). The BCS noted in the Decision:

THE CUSTOMER'S BUDGET BILLING PAYMENT WAS INCREASED TO REDUCE THE DEFERRED BUDGET BALANCE. THE COMPANY SYSTEM DOES NOT ALLOW THE BUDGET TO BE REINSTATED ON THE SAME DAY THAT A PENDING STOP BUDGET WAS PROCESSED.

See BCS Decision Report #003255842, attached hereto as Exhibit “3”.

The Complainant’s current balance is \$3,030.60, which is comprised entirely of CAP arrears. See Exhibit “1”. The Complainant is not entitled to a PUC ordered payment agreement on her balance as it is comprised of CAP arrears. 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 another payment agreement.

By way of further response, PECO Energy avers that the Complainant has been properly billed under the company’s budget billing program. Pursuant to 17.6 of PECO Energy’s tariff:

**17.6 BUDGET BILLING.**

(a) At the option of a customer receiving residential service under Rates R, R-H, RS-2, OP, POL and GS, an estimated total bill for all service to be received by the customer over a twelve-month period may be budgeted over the period and an average bill rendered monthly for payment each month. Any difference between the budgeted amounts so paid and the actual charges for a twelve-month budget period will at the customer’s option, either be amortized over the next twelve months or incorporated into the 12th month bill. Absent an indication of preference from the customer, the debit or credit will be amortized. Budget billing may be discontinued upon the customer’s request at which time any difference between budget billing amounts and actual charges becomes due and payable. If a monthly budget bill is not paid, a late fee will be added to the unpaid balance of actual charges on the next billing date in accordance with Rule 17.3 and 17.5. Any such late fee will be calculated based on the lesser of budget billing arrears and actual charged arrears. The Company may also arrange budget billing for creditworthy commercial and industrial customers.

See Section 17.6 of PECO Energy’s tariff, attached hereto as Exhibit “4”.

Consistent with Section 17.6, the budget bill payment amount is an average of the usage over the previous 12 months. See Exhibit “4”. Budget billing defers a balance at times when the payment amount requested is lower than the monthly usage or a credit when the payment amount is higher than the monthly usage. The monthly payment amount is adjusted quarterly to ensure the billed amount is consistent with actual usage so that settlement at the end of 12 months does

not adversely impact the customer. PECO Energy avers that the Complainant was billed correctly and in compliance with Section 17.6 of the company's tariff.

5. Denied.

6. Admitted

7. Admitted.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is required.

**NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY**

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") under Tier E1 on September 18, 2013.

2. The Complainant is actively enrolled in the CAP program under Tier E1.

3. The Complainant is next scheduled to recertify in the program on September 18, 2015. T

4. The Complainant's balance is \$3,030.60.

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

6. The Complainant is not entitled to a PUC ordered payment agreement on this balance as it contains CAP arrears.

7. 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.”

8. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant another payment agreement on that portion of his balance.

9. 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  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DONTE NEAL**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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**DOCKET NO. F-2015-2471350**

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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 27, 2015

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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DONTE NEAL**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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**DOCKET NO. F-2015-2471350**

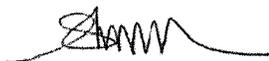
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**CERTIFICATE OF SERVICE**

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:

Donte Neal  
1455 Burton Lane  
Sharon Hill, PA 19079

Dated at Philadelphia, Pennsylvania, March 27, 2015.



---

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  
Shawane.Lee@exeloncorp.com



An Exelon Company

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

Direct Dial: 215-841-6841

March 27, 2015

Donte Neal  
1455 Burton Lane  
Sharon Hill, PA 19079

**RE: Donte Neal v. PECO Energy Company**  
**PUC Docket No.: F-2015-2471350**

Dear Ms. Neal:

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 horizontal flourish extending to the right.

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

**EXHIBIT "1"**

PECO Account Activity Statement

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

Account Number: 15229-98000  
 Account Status: Active  
 Requested By: DONTE NEAL  
 (267)918-7781 Extension:  
 Mail To: DONTE NEAL  
 1455 BURTON LN S  
 SHARON HILL PA 19079

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

Current Bill: \$330.45  
 Billed Prior: \$2700.15  
 Balance Due: \$3030.60  
 Service Address: 1455 S BURTON LA SHARON HILL PA 19079  
 Credit Amount: \$0.00  
 Deposit Requested: \$0.00  
 Deposit On-Hand: \$0.00  
 Meter Bill Grp: 09  
 Rate: CAP Option E1 Gas Residential Service  
 CAP Opt E1 Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
05/13/13	GAS SERVICE	04/16/13 05/12/13	967	015572962	\$43.39					
05/13/13	ELECTRIC SERVICE	04/16/13 05/12/13	69146	105291783	\$73.05					
05/13/13	CONNECTION CHARGE - STANDARD				\$6.00					
05/13/13	Regular Bill						\$122.44		06/04	418
05/21/13	Payment									
06/12/13	GAS SERVICE	05/12/13 06/11/13	1000	015572962	\$44.48	\$122.44				
06/12/13	ELECTRIC SERVICE	05/12/13 06/11/13	70325	105291783	\$180.35					
06/12/13	Regular Bill						\$224.83		07/05	1179
07/10/13	Late Payment Charge									
07/12/13	GAS SERVICE	06/11/13 07/11/13	1025	015572962	\$3.38					
07/12/13	ELECTRIC SERVICE	06/11/13 07/11/13	72524	105291783	\$36.67					
07/12/13	Regular Bill				\$330.26					
08/12/13	BUDGET BILLING	07/11/13 08/11/13			\$171.00		\$595.14	\$228.21	08/05	2199
** Budget Bill Detail **					Actual Bill Amount: 346.42	BB Deferred Amount: 175.42				
08/12/13	Late Payment Charge				\$8.88					
08/12/13	Regular Bill						\$775.02	\$604.02	09/03	2073
08/14/13	Payment									
09/10/13	Late Payment Charge					\$225.00				
09/11/13	BUDGET BILLING	08/11/13 09/10/13			\$8.07					
** Budget Bill Detail **					Actual Bill Amount: 310.79	BB Deferred Amount: 315.21				
09/11/13	Regular Bill				\$171.00					
09/18/13	Transfer To PPA						\$729.09	\$558.09	10/03	1706
10/10/13	BUDGET BILLING	09/10/13 10/09/13			\$181.00					
** Budget Bill Detail **					Actual Bill Amount: 169.48	BB Deferred Amount: 303.69				
10/10/13	Regular Bill						\$181.00		11/01	941
11/01/13	Payment									
11/08/13	PPA Forgiven					\$181.00				
11/08/13	BUDGET BILLING	10/09/13 11/07/13			\$60.76					
** Budget Bill Detail **					Actual Bill Amount: 174.93	BB Deferred Amount: 297.62				
11/08/13	Pre-Program Arrears				\$181.00					
11/08/13	Regular Bill				\$60.76					
12/02/13	Payment						\$181.00		12/03	739
12/10/13	PPA Forgiven					\$181.00				
12/10/13	Pre-Program Arrears				\$60.76					

PECO ENERGY EXHIBIT

PECO Account Activity Statement

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
12/11/13	BUDGET BILLING	11/07/13 12/10/13			\$181.00					
	** Budget Bill Detail **	Actual Bill Amount: 333.49								
12/11/13	Regular Bill					BB Deferred Amount: 450.11				
01/07/14	Late Payment Charge				\$2.72		\$181.00		01/02	1043
01/14/14	BUDGET BILLING	12/10/13 01/13/14			\$228.00					
	** Budget Bill Detail **	Actual Bill Amount: 454.61								
01/14/14	Regular Bill					BB Deferred Amount: 676.72				
01/30/14	Payment						\$411.72	\$183.72	02/05	1481
02/11/14	Late Payment Charge				\$3.42	\$181.00				
02/13/14	BUDGET BILLING	01/13/14 02/12/14			\$228.00					
	** Budget Bill Detail **	Actual Bill Amount: 476.76								
02/13/14	Regular Bill					BB Deferred Amount: 925.48				
02/20/14	Payment						\$462.14	\$234.14	03/07	1564
02/27/14	Payment					\$154.04				
03/12/14	Late Payment Charge				\$2.37	\$150.00				
03/14/14	PPA Forgiven					\$60.76				
03/14/14	BUDGET BILLING	02/12/14 03/13/14			\$228.00					
	** Budget Bill Detail **	Actual Bill Amount: 440.12								
03/14/14	Pre-Program Arrears					BB Deferred Amount: 1137.60				
03/14/14	Regular Bill				\$60.76					
04/14/14	BUDGET BILLING	03/13/14 04/13/14			\$228.00		\$388.47	\$160.47	04/07	1627
	** Budget Bill Detail **	Actual Bill Amount: 390.01								
04/14/14	Late Payment Charge					BB Deferred Amount: 1299.61				
04/14/14	Regular Bill				\$5.79					
05/02/14	Payment						\$622.26	\$394.26	05/06	1611
05/08/14	Payment					\$194.30				
05/13/14	PPA Forgiven					\$194.17				
05/13/14	BUDGET BILLING	04/13/14 05/12/14			\$1546.77					
	** Budget Bill Detail **	Actual Bill Amount: 247.16								
05/13/14	Late Payment Charge					BB Deferred Amount: 0.00				
05/13/14	Pre-Program Arrears				\$3.42					
05/13/14	Regular Bill				\$60.76					
06/10/14	Late Payment Charge						\$1783.98	\$237.21	06/04	1182
06/12/14	GAS SERVICE	05/12/14 06/11/14	2290	015572962	\$26.62					
06/12/14	ELECTRIC SERVICE	05/12/14 06/11/14	87477	105291783	\$39.02					
06/12/14	Regular Bill				\$129.60					
07/14/14	GAS SERVICE	06/11/14 07/13/14	2307	015572962	\$30.00		\$1979.22	\$1810.60	07/07	986
07/14/14	ELECTRIC SERVICE	06/11/14 07/13/14	89372	105291783	\$256.36					
07/14/14	Regular Bill									
07/18/14	Payment						\$2265.58	\$1979.22	08/05	1895
08/12/14	GAS SERVICE	07/13/14 08/11/14	2323	015572962	\$28.92	\$228.00				
08/12/14	ELECTRIC SERVICE	07/13/14 08/11/14	90849	105291783	\$195.30					
08/12/14	Regular Bill						\$2261.80	\$2037.58	09/03	1477

PECO Account Activity Statement

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
09/11/14	GAS SERVICE	08/11/14 09/10/14	2341	015572962	\$30.13					
09/11/14	ELECTRIC SERVICE	08/11/14 09/10/14	92042	105291783	\$150.46					
09/11/14	Regular Bill									
10/08/14	Late Payment Charge						\$2442.39	\$2261.80	10/03	1193
10/10/14	GAS SERVICE	09/10/14 10/09/14	2363	015572962	\$2.05					
10/10/14	ELECTRIC SERVICE	09/10/14 10/09/14	92589	105291783	\$31.89					
10/10/14	Regular Bill				\$62.21					
10/21/14	Payment									
11/05/14	Payment									
11/10/14	GAS SERVICE	10/09/14 11/09/14	2443	015572962	\$85.08	\$172.36	\$2538.54	\$2444.44	11/04	547
11/10/14	ELECTRIC SERVICE	10/09/14 11/09/14	93578	105291783	\$121.34	\$96.15				
11/10/14	Regular Bill									
11/11/14	PPA Forgiven									
11/11/14	Pre-Program Arrears						\$2476.45	\$2270.03	12/03	989
12/08/14	Payment					\$60.76				
12/11/14	GAS SERVICE	11/09/14 12/10/14	2609	015572962	\$165.80	\$200.00				
12/11/14	ELECTRIC SERVICE	11/09/14 12/10/14	94850	105291783	\$171.03					
12/11/14	Regular Bill									
01/07/15	Late Payment Charge						\$2613.28	\$2276.45	01/02	1272
01/14/15	GAS SERVICE	12/10/14 01/13/15	2829	015572962	\$4.67					
01/14/15	ELECTRIC SERVICE	12/10/14 01/13/15	94995	105291783	\$221.15					
01/14/15	ELE-ADDITIONAL METER		995	127819598	\$151.51					
01/14/15	Regular Bill									
02/10/15	Late Payment Charge						\$2990.61	\$2617.95	02/05	1140
02/13/15	GAS SERVICE	01/13/15 02/12/15	3051	015572962	\$10.26					
02/13/15	ELECTRIC SERVICE	01/13/15 02/12/15	2220	127819598	\$223.15					
02/13/15	Regular Bill				\$164.38					
03/02/15	Payment									
03/06/15	Payment									
03/10/15	Payment					\$200.00	\$3388.40	\$3000.87	03/10	1225
03/12/15	GAS SERVICE	02/12/15 03/12/15	3259	015572962	\$204.74	\$343.25				
03/12/15	ELECTRIC SERVICE	02/12/15 03/12/15	3214	127819598	\$125.71	\$145.00				
03/12/15	Regular Bill									
							\$3030.60	\$2700.15	04/06	994

**EXHIBIT "2"**



March 13, 2015

Case Details Report

BCS Case #: 003255842  
Customer Name: DONTE NEIL  
Service Address: 1455 S BURTON LANE

BCS Bill Account #: 1522998000

Mailing Address: SHARON HILL, PA 19079

Home Phone: (610) 809-5593  
Business Phone: () -  
Business name: RONNELL N WIFE LEGAL AUTH  
Alternate contact: NO WK NO EMAIL ADDRESS

Date Case Opened: 2014-06-24  
PAR Case: Y  
Investigator Name: BCS CASE POOL  
Investigator Phone: (717) 787-0000  
Service class: R  
Previous case #:

Date Cut Out: 2014-06-24

Universal Service: N  
Contact Type: TELEPHONE  
Amount in Arrears: \$1783.00

# Adults: 2  
# Children: 4  
Children Ages: 15M, 10, 7, 5  
Gross Income: \$2000.00  
Miscellaneous Info:  
NO WK NO EMAIL ADDRESS

Complaint Reason:  
CAP DISPUTE (#67)

Customer Problem Description:  
CAP DISPUTE CUSTOMER COMPLAINT IS THAT SHE IS ENROLLED ON CAP AND BUDGET BILLING FOR \$202.00 A MONTH. SHE STATES THAT HER BUDGET INCREASED FROM \$202 TO \$282.00 WITHOUT NOTICE. CUSTOMER WANTS THE PUC TO INTERVENE SHE WANTS TO BE PLACED ON HER \$202.00 BUDGET. SHE QUESTIONED WHY HER BUDGET INCREASED IF SHE WAS PAYING ACCORDING TO HER BUDGET.

Company Position:

PECO ENERGY  
EXHIBIT

**EXHIBIT “3”**



March 13, 2015

**BCS Decision Report**

BCS Case #:	003255842	Open Date:	2014-06-24
Customer Name:	DONTE NEAL		
Service Address:	1455 S BURTON LANE		

BCS Bill Account #:	SHARON HILL, PA 19079	Previous Case #:	
Violation Type:	1522998000	Chapter Type:	
Decision Type:	NO	Section / Rule:	
Investigator Name:	W		
	JAMIE HENRY		

Decision Issued Date: 2015-01-23  
Case Closed Date: 2015-01-21

**Letter Description:**  
EGW PAR W/COMPLEX DISPUTE/NO PAYMENT AGREEMENT/LEVEL 1

<b>Total Balance:</b>	\$2617.95	<b>Balance Date:</b>	2015-01-12
<b>Amount to Restore Service:</b>	\$0.00	<b>Amount to Continue Service:</b>	\$0.00
<b>Date Payment Due:</b>		<b>Regular Budget Amount:</b>	\$0.00
<b>Special Budget Payment:</b>	\$0.00	<b>Final Bill Monthly Payment:</b>	\$0.00
<b>Plus Arrears Payment:</b>	\$0.00	<b>End of Month Payment:</b>	\$0.00
<b>Current Monthly Payment:</b>	\$0.00		
<b>Payment Terms:</b>			

**PAR Description:**

**Resolution Description:**  
CASE CLOSED WITH A DECISIONAS OF UPDATED INFORMATION RECEIVED FROM PECO ENERGY ON 1/12/15, YOUR ACCOUNT IS ACTIVELY ENROLLED IN THE COMPANIES, CAP PROGRAM ???TIER E1. YOU ARE NEXT SCHEDULED FOR CAP RECERTIFICATION ON 9/18/15. THE COMPANY NOTES THAT YOUR NEW CHARGES OF \$4.67, CURRENT BILL OF \$336.83 WERE DUE 1/5/15. YOUR PREVIOUS BALANCE OF \$2,276.45 FOR A TOTAL ACCOUNT BALANCE OWED OF \$2,617.95. THERE IS ALSO STILL \$425.29 IN PRE-PROGRAM ARREARS. THE CUSTOMER'S BUDGET BILLING PAYMENT WAS INCREASED TO REDUCE THE DEFERRED BUDGET BALANCE. THE COMPANY SYSTEM DOES NOT ALLOW THE BUDGET TO BE REINSTATED ON THE SAME DAY THAT A PENDING STOP BUDGET WAS PROCESSED. CLOSING CASE, CAP ENROLLED, DECISION RENDERED, 1405 (C) REGULATIONS.

PECO ENERGY  
EXHIBIT **3**

**EXHIBIT “4”**

PECO Energy Company

RULES AND REGULATIONS (continued)  
17. BILLING AND STANDARD PAYMENT OPTIONS

17.1 BILLING PERIOD. Billing for service will be based upon the amount of use and the time interval of its delivery. The customer will be billed in accordance with rule 14.7. Rate values stated for direct application to monthly billing periods will be adjusted when time elapsed between readings is substantially greater or less than a month.

17.2 BILLING OPTIONS. A customer may select one of the following three billing options: (1) Consolidated EDC Billing; (2) Consolidated EGS Billing; and (3) Separate EDC/EGS Billing, as those terms are defined herein. If a customer does not make a selection, the customer shall receive Consolidated EDC Billing. When the Company provides Consolidated EDC Billing or Separate EDC Billing, it will comply with the terms and conditions of the Electric Generation Supplier Coordination Tariff.

17.3 PAYMENT.

(a) The Company's bills to customers are payable upon presentation. Payment for service received must be made on or before the due date shown on the bill. The due date shall be determined by the Company and shall be not less than twenty days from the date of transmittal of the bill for Rates R, R-H, RS-2, POL and GS (excluding Summary Billing Accounts). The due date shall be not less than 15 days from the date of transmittal of the bill for all other rates, including

Summary Billing Accounts. Notwithstanding the foregoing, the due date may be up to thirty days for accounts (including Summary Billing Accounts) with the United States of America, the Commonwealth of Pennsylvania, or any of their departments, political subdivisions, or instrumentalities. The Company may allow a reasonable amount of additional time for payment of bills on industrial and commercial accounts of creditworthy customers. If the due date that appears on a customer's bill falls on a Saturday, Sunday, bank holiday, or any other day when the offices of the Company which regularly receive payments are not open to the general public, the due date shall be extended to the next business day. The payment period will not be extended because of the customer's failure to receive a bill unless said failure is due to the fault of the Company.

(b) Payment may be made at any commercial office of the Company or at any authorized payment agency. The customer bears the risk of delivery of payment tendered on or after the date contained in any termination notice sent to the customer.

(c) The Company may require that a customer that is not creditworthy tender payment by means of a certified, cashier's, teller's, or bank check, or by wire transfer, or in cash or other immediately available funds.

(d) A customer must pay the undisputed portion of disputed bills under investigation. The Company will apply this rule to the disputed portion of disputed bills, if, and only if: (1) the Company has made diligent and reasonable efforts to investigate and resolve the dispute; (2) the result of the investigation is that the Company determines that the customer's claims are unwarranted or invalid; (3) the Commission and/or the Bureau of Consumer Services has decided a formal or informal complaint in the Company's favor and no timely appeal is filed, and (4) the customer nevertheless continues to dispute the same manner in bad faith.

17.4 PAYMENT PROCESSING. When the Company is providing Consolidated EDC Billing, Default Service or Separate EDC Billing, and the customer remits a partial payment to the Company, the payment will be applied as follows:

1. Any past due balances including those for prior PECO basic service charges, for prior EGS receivables purchased by the Company, for prior installment amounts on payment agreements, and also for any reconnection charges.
2. Any current charges including those for PECO basic service charges, for current EGS receivables purchased by the Company, and for current installment amounts on payment agreements.
3. Non-basic service charges.

17.5 LATE FEES AND COLLECTION COSTS. If payment is made at a Company office or authorized payment agency after the due date shown on the bill, a late fee will be added to the unpaid balance until the entire bill is paid. If payment is made by mail, the late fee will be added if the payment is received by the Company more than five days after the due date shown on the bill. For Rates R, R-H, RS-2, OP, POL and GS this late fee will be 1-1/2 % per month; for all other rates the late fee will be 2% per month. If the Company files suit to collect a delinquent balance on an account (whether active or inactive) or to ensure payment of current bills, the customer will be required to pay the Company's out of pocket court costs (including filing, service, and witness fees) as ordered by the court and such costs will be added to commercial and industrial accounts.

17.6 BUDGET BILLING.

(a) At the option of a customer receiving residential service under Rates R, R-H, RS-2, POL and GS, an estimated total bill for all service to be received by the customer over a twelve month period may be budgeted over the period and an average bill rendered monthly for payment each month. Any difference between the budgeted amounts so paid and the actual charges for a twelve month budget period will at the customer's option, either be amortized over the next twelve months or incorporated into the 12th month bill. Absent an indication of preference from the customer, the debit or credit will be amortized. Budget billing may be discontinued upon the customer's request at which time any difference between budget billing amounts and actual charges becomes due and payable. If a monthly budget bill is not paid, a late fee will be added to the unpaid balance of actual charges on the next billing date in accordance with Rule 17.3 and 17.5. Any such late fee will be calculated based on the lesser of budget billing arrears and actual charged arrears. The Company may also arrange budget billing for creditworthy commercial and industrial customers.

(b) When the Company provides Consolidated EDC Billing, the EGS's charges will be included in the customer's Budget Billing Plan.

(C) Denotes Change