

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**BENJAMIN GEORGE**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2471751**

**NOTICE TO PLEAD**

*To: Benjamin George*

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.

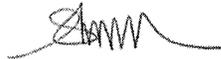
File with:

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 22, 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**

**BENJAMIN GEORGE**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2471751**

**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. 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 to the extent he requests a payment arrangement. Therefore, PECO is entitled to judgment as a matter of law on this issue.

1. On or about February 20, 2015, Complainant filed a Formal Complaint against Respondent, PECO, disputing high bills and the manner in which PECO calculates distribution and generation charges, in addition to requesting his meter be changed because "it could be faulty." A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

2. PECO was served with the Formal Complaint on March 13, 2015.

3. On April 1, 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. In its Answer, PECO denies the Complainant is being overcharged or there are any meter issues or billing errors on the Complainant's utility bills. While PECO is willing to conduct a high bill investigation, Complainant is still responsible for the full charges on his account, as he is ineligible for a payment agreement.

5. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on August 30, 2014 under Tier D1. New Matter ¶1.

6. PECO averred that Complainant is actively enrolled in CAP, and is scheduled to recertify in the program on August 30, 2016. New Matter ¶¶2-3.

7. PECO averred that Complainant's balance is \$1,046.75. New Matter ¶4.

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

9. 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.

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

11. 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).

12. 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."

13. 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.

14. 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).

15. 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).

16. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, and (b) the entire past due balance is CAP arrears.
- 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 relief Complainant seeks to the extent in which he is requesting a payment arrangement.

17. 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**

**BENJAMIN GEORGE**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2471751**

**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  
Benjamin George  
2544 Glenn Avenue  
Bensalem, PA 19020



---

Shawane L. Lee

DATED: April 22, 2015

# **EXHIBIT 1**

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

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**From:** eServe@pa.gov  
**Sent:** Friday, March 13, 2015 3:21 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** has been served in this proceeding. This document is docketed as **C-2015-2471751**.  
You may view this document at

**Formal Complaint**

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

Thank You,  
Public Utility Commission  
Commonwealth of Pennsylvania

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

PECO ENERGY  
EXHIBIT 

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Formal Complaint

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

To complete this form, please type or print legibly in ink.

### 1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name BENJAMIN GEORGE

Street/P.O. Box 2544 GLENN AVE Apt # \_\_\_\_\_

City BENSALTEM State PA Zip 19020

County BUCKS

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

(609) 226-0623 <sup>mobile</sup> (home) (215) 650-4151 <sup>Home</sup> (mobile)

E-mail Address (optional): benjamin.george66@yahoo.com

Utility Account Number (from your bill) 12012-85020

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 NA

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

City \_\_\_\_\_ State \_\_\_\_\_ Zip FEB 20 2015

### 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

**RECEIVED**

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):

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

4. Reason for Complaint

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

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them. (November + December Bills)  
BILL IS TOO HIGH - I USE AVERAGE \$150 / month.  
PECO CHARGE HIGH GENERATION + TRANSMISSION + DISTRIBUTION CHARGES.
- 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).  
WE USE ONLY MINIMUM LIGHTING IN HOME TO.  
ADD HIGH BILLS - BUT PECO CHARGES TOO HIGH -  
I DON'T KNOW WHY

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.

~~TRACK THAT~~ REPLACE THE METER (IT COULD)  
BE FAULTY. THERE IS NO WAY TO USE  
THIS HIGH BILL. WE TRIED TO USE MINIMUMS  
ONLY FEW BULBS AT NIGHT, NO USE DAYTIME  
NO ONE HOME - MINIMUM COOKING AT HOME  
MUST BE CHECKED THE SYSTEM TO IMMEDIATELY  
TO ADD HIGH BILL.

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.

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.

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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.

~~TRACK THAT~~ REPLACE THE METER (IT COULD)  
BE FAULTY. THERE IS NO WAY TO USE  
THIS HIGH BILL. WE TRIED TO USE MINIMUMS  
ONLY FEW BULBS AT NIGHT, NO USE DAYTIME  
NO ONE HOME - MINIMUM COOKING AT HOME  
MUST BE CHECKED THE SYSTEM TO IMMEDIATELY  
TO ADD NIGHT BILL.

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.

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 BENJAMIN LEURGE, 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).

Benjamin Leurge  
(Signature of Complainant)

02-05-15

(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

**RECEIVED**

FEB 20 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

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

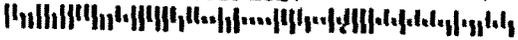
- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
- Check here to pledge a donation to MEAF and complete form on reverse side.

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

12012 8502 00000 0000

3971 1 AV 0.378 3971003871008218 018 01 CXGKQH 1248 01092015

BENJAMIN GEORGE  
2544 GLENN AVE REAR  
BENSALEM PA 19020-2324



*dispute bill*

Account Number  
12012-85020

Payment Receipt Stamp

Payment Amount

~~Enroll in Power Pay~~  
~~variable~~

Please pay this amount by 01/30/2015

\$580.78

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



00000580780000000000

*copy to puc* *Partial 200*

120128502000005807850300580784



An Exelon Company

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

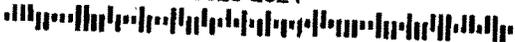
- Check here to enroll in Power Pay automatic account debit and complete form on reverse side.
- Check here to pledge a donation to MEAF and complete form on reverse side.

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

12012 8502 00000 0000

16650 1 AV 0.378 18650016850033773 068 01 GXGHTT 12345 12062014

BENJAMIN GEORGE  
2544 GLENN AVE REAR  
BENSALEM PA 19020-2324



*dispute bill*

Account Number  
12012-85020

Payment Receipt Stamp

Payment Amount

Please pay this amount by 12/29/2014

\$415.17

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



*copy to puc*

00000415170000000000

*David form*

120128502000004151743630415174



RECEIVED

FEB 20 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



UNITED STATES POSTAL SERVICE

Flat Rate Envelope

Apply Priority Mail Postage Here

FEB 23 2015



17120

U.S. POSTAGE  
PAID  
PHILADELPHIA, PA  
19124  
FEB 20, 15  
AMOUNT

\$5.75

00084240-27



Benjamin George

2544 Glenn Ave  
Bensalem  
PA. 19020, USA.



USPS TRACKING #



9114 9011 5981 8382 9835 34

RECEIVED

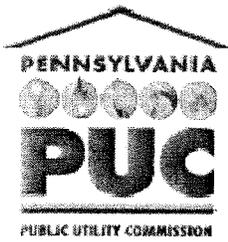
FEB 25 2015

UTILITY COMMISSION  
SECRETARY'S BUREAU

Label 400 Jan. 2013  
7690-16-000-7648

To: The Secretary  
Pennsylvania Utility Commission  
400 North Street  
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:	C-2015-2471751
Description:	Benjamin George - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	4/1/2015 10:42:28 AM
Filed On:	4/1/2015 10:42:28 AM
eFiling Confirmation Number:	1586291

**Uploaded File List**

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



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

Direct Dial: 215-841-6841

April 1, 2015

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

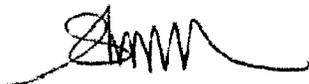
**RE: Benjamin George v. PECO Energy Company**  
**PUC Docket No.: C-2015-2471751**

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: **NOT CALL OF THE DOCKET**

s/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

**BENJAMIN GEORGE**  
**Complainant**

v.

**PECO ENERGY COMPANY**  
**Respondent**

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**DOCKET NO. C-2015-2471751**

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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, April 1, 2015



---

Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street S-23  
Philadelphia, PA 19101-8699  
215-841-6863  
Shawane.lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>BENJAMIN GEORGE</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2471751</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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

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On March 13, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Benjamin George (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, the Complainant disputes high bills and the manner in which PECO Energy calculates generation and distribution charges. The Complainant additionally requests that PECO Energy change his meter because it could be faulty. PECO Energy specifically denies that the Complainant is being overcharged or there are any meter issues or billing errors on the Complainant's utility bills. Specifically, PECO Energy's records reveal the following:

The Complainant established electric service at 2544 Glenn Avenue, Rear, Bensalem, PA 19020 under account number 12012-85020 on August 30, 2014. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant enrolled in PECO Energy's Customer Assistance Program ("CAP") on August 30, 2014, under Tier D1. The account is actively enrolled in the CAP program. The Complainant is scheduled to recertify in the program on August 20, 2016. The Complainant's entire balance is comprised of CAP arrears.

On January 26, 2015, the Complainant contacted the company to dispute the bill that had been issued on January 8, 2015. The Complainant stated that he felt the charges were "made up". The company advised him that the bill was based on actual meter readings. The Complainant refused to provide information for an appliance analysis.

PECO Energy can conduct a high bill field investigation and meter test to address the Complainant's high bill concerns. The generation and distribution charges are approved by the Pennsylvania Public Utility Commission.

The Complainant's current balance is \$1,046.75. See Account Activity Statement, attached hereto as Exhibit "1". The entire balance is comprised of CAP arrears. PECO Energy avers that the company is willing to address the Complainant's high bill concerns with a meter test and high bill field investigation; however, the company needs the customer's cooperation. By way of further response, 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. Denied.
8. Denied. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.
9. Paragraph 9 is a Verification and Signature to which no response is required.
10. Paragraph 10 contains information regarding Filing, to which no response is required.

**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 enrolled in PECO Energy's Customer Assistance Program ("CAP") on August 30, 2014, under Tier D1.
2. The account is actively enrolled in the CAP program.
3. The Complainant is scheduled to recertify in the program on August 30, 2016.
4. The Complainant's balance is \$1,046.75.
5. The Complainant's entire balance is comprised of 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**

<b>BENJAMIN GEORGE</b>	:	
Complainant	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2471751</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
Respondent	:	

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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: April 1, 2015

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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>BENJAMIN GEORGE</b>	:	
Complainant	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2471751</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
Respondent	:	

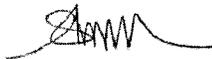
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**CERTIFICATE OF SERVICE**

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:

Benjamin George  
2544 Glenn Avenue  
Bensalem, PA 19020

Dated at Philadelphia, Pennsylvania, April 1, 2015.



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



An Exelon Company

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

Direct Dial: 215-841-6841

April 1, 2015

Benjamin George  
2544 Glenn Avenue  
Bensalem, PA 19020

**RE: Benjamin George v. PECO Energy Company  
PUC Docket No.: C-2015-2471751**

Dear Mr. George:

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”**

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

Account Number: 12012-85020  
Account Status: Active  
Requested By: BENJAMIN GEORGE  
(609)226-0623 Extension:

Mail To: BENJAMIN GEORGE  
2544 GLENN AV  
REAR  
BENSALEM PA 19020

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

Current Bill: \$421.70  
Billed Prior: \$625.05  
Balance Due: \$1046.75  
Service Address: 2544 GLENN AV  
REAR  
BENSALEM PA 19020  
Credit Amount: \$0.00  
Deposit Requested: \$0.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 07  
Rate: CAP Opt D1 Electric Residential Heating Svc

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
09/05/14	ELECTRIC SERVICE	08/30/14 09/05/14	1032	032013916	\$27.29							
09/05/14	CONNECTION CHARGE - STANDARD				\$6.00							
09/05/14	Regular Bill						\$33.29		09/29	215		
10/06/14	ELECTRIC SERVICE	09/05/14 10/06/14	1812	032013916	\$79.96							
10/06/14	Late Payment Charge				\$0.41							
10/06/14	Regular Bill						\$113.66	\$33.70	10/28	780		
10/08/14	Payment											
11/04/14	ELECTRIC SERVICE	10/06/14 11/04/14	2903	032013916	\$102.19	\$33.29						
11/04/14	Late Payment Charge				\$1.20							
11/04/14	Regular Bill						\$183.76	\$81.57	11/26	1091		
11/14/14	Payment											
12/05/14	ELECTRIC SERVICE	11/04/14 12/05/14	6316	032013916	\$415.17	\$183.76						
12/05/14	Regular Bill						\$415.17		12/29	3413		
12/26/14	Payment											
01/08/15	ELECTRIC SERVICE	12/05/14 01/08/15	10903	032013916	\$580.78	\$415.17						
01/08/15	Regular Bill						\$580.78		01/30	4587		
01/27/15	Payment											
02/09/15	ELECTRIC SERVICE	01/08/15 02/09/15	15229	032013916	\$544.27	\$200.00						
02/09/15	Regular Bill						\$925.05	\$380.78	03/03	4326		
02/25/15	Payment											
03/10/15	ELECTRIC SERVICE	02/09/15 03/10/15	18782	032013916	\$421.70	\$300.00						
03/10/15	Regular Bill						\$1046.75	\$625.05	04/01	3553		

PECO ENERGY  
 EXHIBIT