



An Exelon Company

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

Direct Dial: 215-841-6841

May 21, 2015

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

**RE: Dennis Hinkson v. PECO Energy Company**  
**PUC Docket No.: C-2015-2478207**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy'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

SL/ab

cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DENNIS HINKSON**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2478207**

**NOTICE TO PLEAD**

*To: Dennis Hinkson*

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: May 21, 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**

**DENNIS HINKSON**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2478207**

**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 April 7, 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 April 22, 2015.

3. On May 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. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on April 27, 2006 under Tier E1. New Matter ¶1.

5. PECO averred that Complainant recertified in the CAP program on July 2, 2014 under Tier E1. New Matter ¶4.

6. PECO averred that the Complainant's next scheduled recertification date is July 2, 2016. New Matter ¶5.

7. PECO averred that the Complainant's balance is \$6,366.59. New Matter ¶7.

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

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 ¶9.

10. To date, 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, (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.

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,



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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**

**DENNIS HINKSON**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2478207**

**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

Dennis Hinkson  
5816 Florence Avenue  
Philadelphia, PA 19143



---

Shawane L. Lee

DATED: May 21, 2015

# **EXHIBIT 1**

**Botak, Amy:(PECO)**

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**From:** eServe@pa.gov  
**Sent:** Wednesday, April 22, 2015 11:20 AM  
**To:** Lee, Shawane L.:(PECO)  
**Cc:** Botak, Amy:(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-2015-2478207**.  
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 2

untimely per AE  
BCS: 3319497 r SS  
PECO ENERGY

Must be returned by March 17, 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 DENNIS HINKSON  
Street/P.O. Box 5816 FORECO RD Apt #  
City PHILADELPHIA State PA Zip 19143  
County \_\_\_\_\_

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

215 520 3359 (home) 215 520 3359 (mobile) (Landline)

E-mail Address (optional): DENNIS.HINKSON@2CYA.HO.COM

Utility Account Number (from your bill) 5647700505

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**

APR 07 2015

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.

WITHOUT NO FUNDS, I AM SEIZURE, SICK KID

- I would like a payment agreement.

WE HAVE NO FUNDS AND WE CAN SEEKING SOME KIND OF AGREEMENT, INSTEAD OF SELLING OF OUR HOUSE TO PAY THE BILL

- 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.

I would like one more opportunity to a reasonable payment agreement. I'm more able today to sustain such agreement. All our funds were sapped by the IRS, kids sickness that left us penniless. At the age of 65, I have start working again, and making additional funds, from my odd jobs.

Today, I'm in a much better condition financially to sustain a payment agreement. ~~and~~ It is impossible to pay the amount required. With all the usage and penalties have made the amount large. We live here for over 20 yrs growing up a large family and it was hard. I would like one more opportunity to agreement more than sell the only thing we have, our home.

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  *As of 1/31/15*

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.

WHEN I SPOKE WITH THEM, I FEEL START PAYING  
ON MY BILL - THEY TOLD ME, ONCE THE PUC  
IS DEALING WITH MY ISSUES, THEY CANNOT  
ACCEPT ANY FUNDS

**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) \_\_\_\_\_

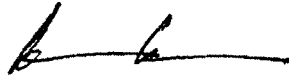
**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

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, DENNIS HINKSON, 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)

03-12-15

(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.



CITY OF PHILADELPHIA  
PARKING VIOLATIONS BRANCH  
P.O. BOX 41819  
Philadelphia, PA 19101  
(888) 591-3636

Date: 3.21.85

Ticket # Dennis Hinkson  
5816 Florence ave  
Phila PA 19143

We are returning the enclosed check or Money Order for the following reason:

- Check or Money Order was received damaged by Post Office. Please reissue.
- Ticket/Document was sent to the Parking Violations Branch in error. Please check and mail to proper payment address.
- Check or Money Order has been altered and is not acceptable. Please reissue.
- We cannot accept Foreign Checks/Money Orders not drawn against a United States Bank.
- We cannot accept Third-party checks/Money Orders.
- We cannot accept stale dated checks.
- Sent in error. Wrong address

Please return within 30 days from date of letter or penalties will be assessed. Please make sure your ticket number is written clearly on the payment source.

Thank You

MARIA HINKSON  
~~GENNIE~~ HINKSON  
5816 FLORENCE AVE, PHILA., PA 19143  
04-04-15  
REF # BCS13319494  
PECO ENERGY

PUC

WE'RE ASKING YOU TO ACCEPT THE  
RETURN COMPLAINT PLEASE.

THE REASON, WAS DUE A POSTAL ERROR

WE MADE THE COMPLAINT ON  
MARCH 2<sup>ND</sup>, WHICH WAS TO BE IN YOUR  
OFFICE BY MARCH 17.

THE POST OFFICE MISTAKENLY DELIVERED  
TO THE PARKING AUTHORITY, 1ST APPEARING  
THE LABEL FELL OFF THE ENVELOPE.

ENCLOSURES, ARE ALL THE INFORMATION TO  
PROOF OUR MISTAKE.

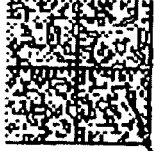
THE ISSUE "NO ELECTRICITY" IS VERY IMPORTANT  
TO THE FAMILY, AND WE HOPE THE INFORMANTS  
WILL PROVE IT.

ANTICIPATING A FAVORABLE RESPONSE

EMILIA HINKSON  
X MARIA HINKSON

City of Philadelphia  
Parking Violations Branch  
P.O. Box 41819  
Phila., PA 19101-1819

FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES

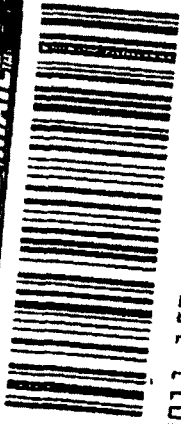


ZIP 19103 \$000.69<sup>0</sup>  
02 1M  
0001392079 APR 03 2015

*Big Dave  
7401 61st St  
Phila Pa*

[ S ]

From: DENNIS HINKSON  
5816 FLORENCE AVE  
PHILA PA 19143



7011 1570 0003 1108 4931

RETURN RECEIPT  
REQUESTED  
**Ready Post.**

Document Mailer

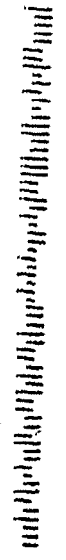
17120\$0211

U.S. POSTAGE  
PHILADELPHIA, PA  
APP. 07 15  
AMOUNT  
**\$6.70**  
00019429-14

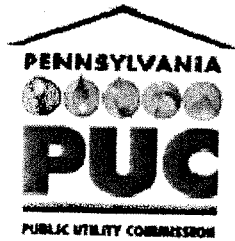


1000 17120

To: PPU 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-2015-2478207
Description:	Dennis Hinkson - PECO Energy Company Answer to Formal Complaint
Transmission Date:	5/1/2015 10:51:11 AM
Filed On:	5/1/2015 10:51:11 AM
eFiling Confirmation Number:	1590377

**Uploaded File List**

File Name	Document Class	Document Type
Dennis Hinkson - Answer to Formal Complaint.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

May 1, 2015

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

**RE: Dennis Hinkson v. PECO Energy Company**  
**PUC Docket No.: C-2015-2478207**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Answer to the Formal Complaint* with regard to the matter referenced above.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long horizontal flourish extending to the right.

Shawane Lee  
Counsel for PECO Energy Company

SL/ab

cc: *Scheduling Recommendation: CALL OF THE DOCKET*



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DENNIS HINKSON</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2478207</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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

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On April 22, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Dennis Hinkson (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 states that PECO has terminated or is threatening to terminate his service. The Complainant requests a payment agreement so that he will not have to sell his home. PECO Energy requests dismissal pursuant to 66 Pa.C.S. § 1405(c).

Maria Hinkson currently has electric service at 5816 Florence Avenue, Philadelphia, PA 19143 under account number 56477-00505. See Account Activity Statement, attached hereto as Exhibit "1".

Ms. Hinkson's account was originally enrolled in PECO's Customer Assistance Program ("CAP") on April 27, 2006 under Tier E1. On November 23, 2011, PECO forgave \$6,640.05 of the Hinkson's balance under the company's In-Program Arrears program. Ms. Hinkson's CAP rate changed to Tier D on September 24, 2012. Ms. Hinkson recertified in the program under Tier E1 on July 2, 2014. Ms. Hinkson is next scheduled to recertify in the program on July 2, 2016. See CAP History, attached hereto as Exhibit "2". Ms. Hinkson is actively enrolled in the CAP program. Ms. Hinkson's entire balance is comprised of CAP arrears.

On February 10, 2015, Ms. Hinkson filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003319497, requesting a payment agreement after her service was terminated. See Case Details Report #003319497, attached hereto as Exhibit "3". On February 12, 2015, the BCS issued a Decision Report, dismissing the complaint pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003319497, attached hereto as Exhibit "4".

Ms. Hinkson's balance is \$6,366.59. See Exhibit "1". Ms. Hinkson is actively enrolled in PECO's CAP program. Ms. Hinkson is not entitled to a PUC ordered payment agreement on her balance as the entire balance 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 or Ms. Hinkson 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. Ms. Hinkson's account was originally enrolled in PECO's Customer Assistance Program ("CAP") on April 27, 2006 under Tier E1.
2. On November 23, 2011, PECO forgave \$6,640.05 of the Hinkson's balance under the company's In-Program Arrears program.
3. Ms. Hinkson's CAP rate changed to Tier D on September 24, 2012.
4. Ms. Hinkson recertified in the program under Tier E1 on July 2, 2014.
5. Ms. Hinkson is next scheduled to recertify in the program on July 2, 2016.
6. Ms. Hinkson is actively enrolled in the CAP program.
7. Ms. Hinkson's balance is \$6,366.59.
8. Ms. Hinkson's entire balance is comprised of CAP arrears.
9. 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."

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

11. 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>DENNIS HINKSON</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2478207</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**VERIFICATION**

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

Date: May 1, 2015



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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DENNIS HINKSON</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2015-2478207</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**CERTIFICATE OF SERVICE**

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Dennis Hinkson  
5816 Florence Avenue  
Philadelphia, PA 19143

Dated at Philadelphia, Pennsylvania, May 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

**EXHIBIT “1”**

PECO Account Activity Statement

Date: 04/29/15  
Page: 1 of 2

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

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

Account Number: 56477-00505  
 Account Status: Final  
 Requested By: MARIA HINKSON  
 (215) 520-3359 Extension:

Mail To: MARIA HINKSON  
 5816 FLORENCE AV  
 PHILADELPHIA PA 19143

Current Bill: \$97.18  
 Billed Prior: \$6269.41  
 Balance Due: \$6366.59  
 Service Address: 5816 FLORENCE AV  
 PHILADELPHIA PA 19143  
 Meter Bill Grp: 15  
 Rate: CAP Opt E1 Electric Residential Service

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

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/20/13	05/21/13 BUDGET BILLING	04/21/13 05/20/13			\$4091.73		\$4937.54	\$4585.54	06/12	1192		
	05/21/13 Late Payment Charge				\$352.00							
	05/21/13 Regular Bill				\$63.36							
	06/11/13 Payment					\$410.00						
	06/18/13 BUDGET BILLING	05/20/13 06/19/13			\$53.62		\$4943.16	\$4591.16	07/12	923		
	06/20/13 Regular Bill				\$352.00							
	07/17/13 Late Payment Charge				\$78.82							
	07/22/13 BUDGET BILLING	06/19/13 07/21/13			\$309.00		\$5364.06	\$5012.06	08/13	1136		
	08/20/13 Regular Bill				\$74.18							
	08/20/13 Late Payment Charge				\$309.00							
	09/17/13 Regular Bill				\$78.82		\$5747.24	\$5438.24	09/11	942		
	09/17/13 Late Payment Charge				\$309.00							
	09/19/13 BUDGET BILLING	08/19/13 09/18/13			\$78.82		\$6135.06	\$5826.06	10/11	881		
	09/19/13 Regular Bill				\$68.45							
	09/20/13 Payment				\$309.00							
	10/16/13 Late Payment Charge				\$309.00							
	10/18/13 BUDGET BILLING	09/18/13 10/17/13			\$68.45		\$5622.51	\$5313.51	11/12	740		
	10/18/13 Regular Bill				\$309.00							
	11/11/13 Payment				\$508.00							
	11/18/13 BUDGET BILLING	10/17/13 11/17/13			\$309.00		\$5423.51	\$5114.51	12/10	2142		
	11/18/13 Regular Bill				\$57.78							
	11/19/13 Late Payment Charge				\$62.42							
	12/17/13 Regular Bill				\$237.00		\$5780.71	\$5543.71	01/10	2559		
	12/19/13 BUDGET BILLING	11/17/13 12/18/13			\$67.94							
	12/19/13 Regular Bill				\$237.00							
	01/15/14 Late Payment Charge				\$237.00							
	01/23/14 BUDGET BILLING	12/18/13 01/22/14			\$67.94		\$6085.65	\$5848.65	02/14	2959		
	01/23/14 Regular Bill				\$237.00							
	02/19/14 Late Payment Charge				\$237.00							
	02/21/14 BUDGET BILLING	01/22/14 02/20/14			\$237.00							



PECO Account Activity Statement

Date: 04/29/15  
Page: 2 of 2

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
02/21/14	Regular Bill											
03/24/14	BUDGET BILLING	02/20/14 03/23/14			\$337.00		\$5398.94	\$6161.94	03/17	2960		
	** Budget Bill Detail **	Actual Bill Amount: 397.04										
03/24/14	Late Payment Charge				\$82.53	-107.14						
03/24/14	Regular Bill											
04/22/14	BUDGET BILLING	03/23/14 04/21/14			\$198.00		\$6718.47	\$6481.47	04/15	1959		
	** Budget Bill Detail **	Actual Bill Amount: 139.33										
04/22/14	Late Payment Charge				\$85.92	-165.81						
04/22/14	Regular Bill											
05/20/14	BUDGET BILLING	04/21/14 05/19/14			\$198.00		\$7002.39	\$6804.39	05/14	1365		
	** Budget Bill Detail **	Actual Bill Amount: 30.07										
05/20/14	Late Payment Charge				\$88.01	-333.74						
05/20/14	Regular Bill											
06/17/14	Late Payment Charge				\$86.42		\$7288.40	\$7090.40	06/11	587		
06/17/14	BUDGET BILLING	05/19/14 06/18/14			\$198.00							
	** Budget Bill Detail **	Actual Bill Amount: 26.73										
06/18/14	Regular Bill											
07/15/14	Late Payment Charge				\$82.61		\$7572.82	\$7374.82	07/10	523		
07/15/14	BUDGET BILLING	06/18/14 07/18/14			\$183.00							
	** Budget Bill Detail **	Actual Bill Amount: 115.26										
07/18/14	Regular Bill											
08/18/14	BUDGET BILLING	07/18/14 08/18/14			\$183.00		\$7838.43	\$7655.43	08/11	929		
	** Budget Bill Detail **	Actual Bill Amount: 106.34										
08/18/14	Late Payment Charge				\$81.86	-649.41						
08/18/14	Regular Bill											
09/16/14	Late Payment Charge				\$79.66		\$8103.29	\$7920.29	09/09	868		
09/16/14	Regular Bill											
09/17/14	Late Payment Charge				\$183.00							
09/17/14	CANCELED BUDGET BILLING	08/18/14 09/17/14			\$95.07		\$8365.95	\$8182.95	10/09	805		
09/19/14	Regular Bill											
09/19/14	Adjustment					\$183.00						
09/19/14	Budget Bill Settlement					\$554.34						
09/19/14	Credit					\$107.79						
09/19/14	Late Payment Charge					\$1282.55						
09/19/14	BUDGET BILLING	08/18/14 09/17/14										
	** Budget Bill Detail **	Actual Bill Amount: 95.07										
09/19/14	Regular Bill											
10/16/14	ELECTRIC SERVICE	09/17/14 10/16/14			\$31.14		\$6238.27	\$6238.27	10/14	805		
10/16/14	Regular Bill											
10/21/14	Late Payment Charge				\$93.62		\$6269.41	\$6238.27	11/07	249		
11/03/14	ELECTRIC SERVICE	10/16/14 10/31/14			\$3.56							
11/03/14	Regular Bill											
12/02/14	Late Payment Charge				\$94.14		\$6366.59	\$6331.89	11/25			
12/03/14	Late Payment Charge				\$94.09							
01/27/15	Late Payment Charge				\$94.14							
03/26/15	Late Payment Charge				\$94.14							

**EXHIBIT "2"**

**CAP History**

**Name:** MARIA HINKSON  
**Account:** 56477-00505  
**Address:** 5816 FLORENCE AVE  
 PHILADELPHIA PA 19143  
**Case:** Docket# C-2015-2478207

**Window 1: CAP Program for Account 56477-00505**

Date Taken	CAP Rate	FPL %	Recertification Date	End Date	CAP Status
04/22/06	E1	131.00	07/02/16	11	Reinstate CAP

**Window 2: View CAP History for Account 56477-00505**

Activity Date	CAP Activity	CAP Rate
09/29/14	Sent CAP Appl and No-Income Ltr	
09/23/14	Sent CAP Application Packet	
09/23/14	Sent Proof of No-Income Letter	
07/02/14	Re-Certification completed	CAP Opt E1 Electric Residential Service
05/29/14	Sent CAP Application Packet	
05/28/14	Sent CAP Application Packet	
09/24/12	CAP Rate Change	CAP Opt D Electric Residential Service
09/05/12	Sent CAP Application Packet	
08/31/12	Sent CAP Application Packet	
07/12/11	Enrolled	CAP Opt E1 Electric Residential Service
06/15/11	Removed From Program	
05/06/11	Re-Certification Letter Sent	

CAP enrolled 04/27/06. Last recertified 07/02/14 Tier E1 with monthly income of \$2618.45 for 2 adults and 2 children, 131%FPL. Account received company's one time CAP in-program arrears forgiveness of \$6,640.05 11/23/11 reducing balance down to

\$1000.00. Next scheduled recertification date was 07/02/16. CAP removed 10/31/14 due to service discontinuance. Balance is CAP Arrears.

**EXHIBIT “3”**



April 30, 2015

**Case Details Report**

BCS Case #: 003319497  
Customer Name: MARIA HINKSON  
Service Address: 5816 FLORENCE AVENUE

BCS Bill Account #: 8888888888

Mailing Address: PHILADELPHIA, PA 19143

Home Phone: (215) 520-3359  
Business Phone: () -  
Business name: DENNIS HUSBAND AUTH  
Alternate contact:

Date Case Opened: 2015-02-10  
PAR Case: Y  
Investigator Name: BCS CASE POOL  
Investigator Phone: (717) 787-0000  
Service class: R  
Previous case #: 2992925

Date Cut Out: 9999-12-31

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

# Adults: 2  
# Children: 3  
Children Ages: 5,11,15  
Gross Income: \$1517.00  
Miscellaneous Info:

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

Customer Problem Description:  
OFFREQUEST A PAYMENT ARRANGEMENT

Company Position:  
02/06/2015 PECO ENERGY WANTS HER TO PAY FULL BALANCE TO RESTORE SERVICES.

**EXHIBIT "4"**



April 30, 2015

**BCS Decision Report**

BCS Case #:	003319497	Open Date:	2015-02-10
Customer Name:	MARIA HINKSON		
Service Address:	5816 FLORENCE AVENUE		

	PHILADELPHIA, PA 19143		
BCS Bill Account #:	8888888888	Previous Case #:	2992925
Violation Type:	NO	Chapter Type:	
Decision Type:		Section / Rule:	
Investigator Name:	CLARK BERNARD		

Decision Issued Date: 2015-02-12  
Case Closed Date: 2015-02-12

Letter Description:  
BLANK LETTER - DECISION

Total Balance:	\$6648.96	Balance Date:	2015-02-11
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Terms:			

PAR Description:

**Resolution Description:**  
CASE DISMISSED. THE CUSTOMER SHOULD COMPLY WITH THE COMPANY'S REQUEST FOR \$6,668.96 TO RESTORE SERVICE (\$6,648.96 BALANCE + \$20.00 RECONNECTION FEE). 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).