



An Exelon Company

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

Direct Dial: 215.841.6841

June 19, 2015

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

RE: Everton Bogle v. PECO Energy Company
PUC Docket No.: F-2015-2481751

Dear Ms. Chiavetta:

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

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

Very truly yours,

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

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

SL/alb

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EVERTON BOGLE

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2015-2481751

NOTICE TO PLEAD

To: Everton Bogle

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: June 19, 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**

EVERTON BOGLE

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2015-2481751

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 May 1, 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 May 12, 2015.
3. On May 20, 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 May 11, 2010 under Tier E. New Matter ¶1.
5. PECO averred that Complainant was removed from the CAP program on June 15, 2012 under Tier E for failing to recertify. New Matter ¶2.

6. PECO averred that Complainant last recertified in the program under Tier D on September 19, 2013. New Matter ¶3.

7. PECO averred that the Complainant's next scheduled recertification date is September 19, 2015. New Matter ¶4.

8. PECO averred that the Complainant's balance is \$4,695.91. New Matter ¶5.

9. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶6.

10. 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 ¶8.

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

12. PECO has not been served with a response to its New Matter, and therefore it requests that the facts stated therein be deemed admitted. 52 Pa.Code §5.63(b) (providing that facts in new matter may be deemed admitted if there is no reply).

13. Under 66 Pa.C.S. §1405(c), the Commission is precluded from establishing a payment agreement for customers participating in CAP. Section 1405(c) states as follows: "Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."

14. The Commission's regulations at 52 Pa. Code §5.102(a) permits any party to move for summary judgment or judgment on the pleadings after the pleadings are closed, but within such time as to not delay a hearing. Under 52 Pa. Code §5.102(d)(1), the presiding officer will grant the motion if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law.

15. The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

16. The provision at 52 Pa. Code §5.102(c) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d. 557 (Pa. Cmwlth. 1989).

17. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, (b) the entire past due balance is CAP arrears, (c) the sole relief Complainant seeks is a Commission-ordered payment agreement.
- b. Under 66 Pa.C.S. §1405(c), the Commission is prohibited from ordering a payment agreement for an account holder whose past due balance consists of CAP arrears. Therefore, the Commission cannot grant the sole relief Complainant seeks.

18. Because no factual dispute exists and the Complaint fails to state a claim for which relief can be granted, PECO is entitled to judgment as a matter of law.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice, as it relates to a request for a prohibited payment agreement on CAP arrears, and the Complaint therefore fails to state a claim upon which relief can be granted.

Respectfully submitted,



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EVERTON BOGLE

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2015-2481751

VERIFICATION

I, Shawane 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.



Shawane L. Lee

Date: June 19, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EVERTON BOGLE

v.

PECO ENERGY COMPANY

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:
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:
:

DOCKET NO. F-2015-2481751

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
Everton Bogle
1104 Duncan Ave
Yeadon, PA 19050



Shawane L. Lee

DATED: June 19, 2015

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Tuesday, May 12, 2015 11:21 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 Form** has been served in this proceeding. This document is docketed as **F-2015-2481751**. 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 **2**

Timely

BCS: 3320641
PECO ENERGY

Must be returned by May 12, 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.

I. 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 Everton Boege

Street/P.O. Box 11049 Duncan Ave Apt #

City Yeadon State PA Zip 19050

County Delaware

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

602-444-8106 (home) () (mobile)

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

Utility Account Number (from your bill) 7727000902

RECEIVED
2015 MAY 11 AM 11:30
PA P.U.C. SECRETARY'S BUREAU

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 Co. P.O. Box 13439 Philadelphia PA 19162

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.

Put me on Payment Plan which I could now
Afford! Thank You!

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.

*They claimed I Break The payment Plan
and they was not willing to Put me back on it?*

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 _____ *MMR*

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 Everton Boebe, 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).

Everton Boebe _____ 5/1/2015
(Signature of Complainant) (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

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

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

FROM: EVERTON BOOKS
1104 DUNCAN AVE
YEADON, PA, 19050

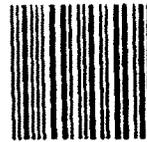
RECEIVED

2015 MAY 11 AM 11:30

PA P.U.C.
SECRETARY'S BUREAU



1000



17120

U.S. POSTAGE
PAID
YEADON, PA
19050
MAY 08, 15
AMOUNT

\$0.70

00055023-01

PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

1712030214

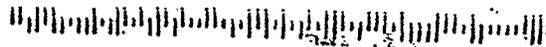
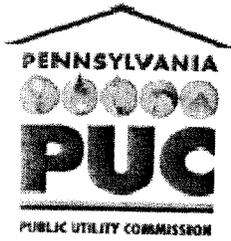


EXHIBIT 2



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-2015-2481751
Description:	Everton Bogle - PECO Energy Company Answer to Formal Complaint
Transmission Date:	5/20/2015 2:41:06 PM
Filed On:	5/20/2015 2:41:06 PM
eFiling Confirmation Number:	1592708

Uploaded File List

File Name	Document Class	Document Type
Everton Bogle - Answer to Formal Complaint.pdf	Communication	Answer to Formal Complaint



An Exelon Company

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

Direct Dial: 215-841-6841

May 20, 2015

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

RE: Everton Bogle v. PECO Energy Company
PUC Docket No.: F-2015-2481751

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy's 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*

PENNSYLVANIA PUBLIC UTILITY COMMISSION

EVERTON BOGLE :
Complainant :
v. : DOCKET NO. F-2015-2481751
PECO ENERGY COMPANY :
Respondent :
:

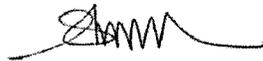
NOTICE TO PLEAD

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, May 20, 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**

EVERTON BOGLE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2015-2481751
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On May 12, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Everton Bogle (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 Energy is threatening or has already shut off his service. The Complainant requests a payment agreement and wants to be put on a payment plan he can afford. The PECO Energy avers that the Complainant should be dismissed pursuant to 66 Pa. C.S. §1405(c).

The Complainant had service at 1104 Duncan Avenue, Yeadon, PA 19050 under account number 77270-00902. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on May

11, 2010 under Tier E. The Complainant was removed from CAP on June 15, 2012 for failing to recertify. The Complainant reenrolled in CAP on September 19, 2013 under Tier D. The Complainant is next scheduled to recertify in the program on September 19, 2015. The Complainant's entire balance is comprised of CAP arrears. See CAP History, attached hereto as Exhibit '2'.

On April 1, 2014, PECO Energy sent a ten day termination notice for a past due balance of \$2,692.52. On April 21, 2014, the service was terminated after proper notice for nonpayment of \$2,806.93. On March 2, 2015, PECO's Revenue Protection department found unauthorized usage at property and a cut order was issued. PECO imposed a \$1,180.00 tampering fee to the Complainant's account.

On March 18, 2015, the Complainant filed BCS Case #003325641, requesting a payment agreement to restore service in his name. See Case Details Report #003325641, attached hereto as Exhibit "3". On March 27, 2015, the BCS dismissed the Complainant's case as follows:

Company is requesting 5,513.60 to have service established and turned on in his name. Advised this amount includes past due amount of 4,333.60 plus 1180.00 tampering fee. No good faith effort to pay. Advised serviced was terminated on 4/21/14 after proper notice was given.

See BCS Decision Report #003325641, attached hereto as Exhibit "4".

PECO Energy avers that it properly terminated the Complainant's service after not receiving payment for a past due balance. The Complainant's balance is \$4,695.91. See Exhibit "1". The entire balance is comprised of CAP arrears. See Exhibit "3". Accordingly, the Complainant is not entitled to a PUC ordered payment agreement to restore his service as his 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 another payment agreement. PECO Energy avers that the BCS Decision Report #003325641, dismissing Complainant’s complaint pursuant to 66 Pa. C.S. §1405(c) should be upheld.

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

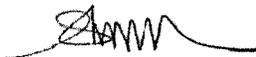
PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. The Complainant was enrolled in PECO Energy’s Customer Assistance Program (“CAP”) on May 11, 2010 under Tier E.
2. The Complainant was removed from CAP on June 15, 2012 for failing to recertify.
3. The Complainant reenrolled in CAP on September 19, 2013 under Tier D.
4. The Complainant is next scheduled to recertify in the program on September 19, 2015.

5. The Complainant's balance is \$4,695.91.
6. The Complainant's entire balance is comprised of CAP arrears.
7. The Complainant is not entitled to a PUC ordered payment agreement as his balance is comprised of CAP arrears.
8. 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."
9. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



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

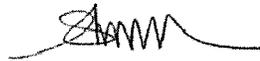
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EVERTON BOGLE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2015-2481751
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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 20, 2015



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

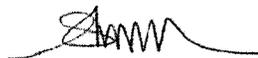
EVERTON BOGLE	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2015-2481751
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Everton Bogle
1104 Duncan Avenue
Yeadon, PA 19050

Dated at Philadelphia, Pennsylvania, May 20, 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

EXHIBIT “1”

PECO Account Activity Statement

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF
11/07/13	BUDGET BILLING	10/09/13 11/06/13			\$95.00						
	** Budget Bill Detail **	Actual Bill Amount: 47.03									
11/07/13	Regular Bill					BB Deferred Amount: -183.20					
11/18/13	Payment Agreement						\$2541.07	\$2446.07	12/02	384	25
11/19/13	Payment					\$2281.20					
12/10/13	BUDGET BILLING	11/06/13 12/09/13			\$95.00	\$134.00					
	** Budget Bill Detail **	Actual Bill Amount: 118.57									
12/10/13	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: -159.63					
12/10/13	Regular Bill				\$38.66						
01/07/14	Bill Out DPA due to Default						\$259.53	\$125.87	01/02	449	118
01/07/14	Late Payment Charge				\$2242.54						
01/13/14	BUDGET BILLING	12/09/13 01/12/14			\$0.58	\$77.00					
	** Budget Bill Detail **	Actual Bill Amount: 211.55									
01/13/14	Regular Bill					BB Deferred Amount: -25.08					
02/11/14	Late Payment Charge						\$2579.65	\$2502.65	02/04	478	226
02/12/14	BUDGET BILLING	01/12/14 02/11/14			\$35.87	\$77.00					
	** Budget Bill Detail **	Actual Bill Amount: 208.93									
02/12/14	Regular Bill					BB Deferred Amount: 106.85					
03/11/14	Late Payment Charge						\$2692.52	\$2615.52	03/06	397	228
03/13/14	BUDGET BILLING	02/11/14 03/12/14			\$37.41	\$77.00					
	** Budget Bill Detail **	Actual Bill Amount: 184.62									
03/13/14	Regular Bill					BB Deferred Amount: 214.47					
04/09/14	Late Payment Charge						\$2806.93	\$2729.93	04/04	390	192
04/11/14	BUDGET BILLING	03/12/14 04/10/14			\$38.57	\$77.00					
	** Budget Bill Detail **	Actual Bill Amount: 132.87									
04/11/14	Regular Bill					BB Deferred Amount: 270.34					
05/12/14	BUDGET BILLING	04/10/14 05/11/14			\$122.00		\$2922.50	\$2845.50	05/05	358	125
	** Budget Bill Detail **	Actual Bill Amount: 75.57									
05/12/14	Late Payment Charge					BB Deferred Amount: 223.91					
05/12/14	Regular Bill				\$39.73						
06/10/14	Late Payment Charge						\$3084.23	\$2962.23	06/03	139	69
06/11/14	BUDGET BILLING	05/11/14 06/10/14			\$41.56	\$122.00					
	** Budget Bill Detail **	Actual Bill Amount: 46.27									
06/11/14	Regular Bill					BB Deferred Amount: 148.18					
07/08/14	Late Payment Charge						\$3247.79	\$3125.79	07/03		36
07/11/14	BUDGET BILLING	06/10/14 07/10/14			\$43.39	\$122.00					
	** Budget Bill Detail **	Actual Bill Amount: 23.62									
07/11/14	Regular Bill					BB Deferred Amount: 49.80					
08/11/14	BUDGET BILLING	07/10/14 08/10/14			\$122.00		\$3413.18	\$3291.18	08/04		15
	** Budget Bill Detail **	Actual Bill Amount: 23.40									
08/11/14	Late Payment Charge					BB Deferred Amount: -48.80					
08/11/14	Regular Bill				\$45.22						
09/09/14	Late Payment Charge						\$3580.40	\$3458.40	09/02		17
09/10/14	BUDGET BILLING	08/10/14 09/09/14			\$46.32	\$76.00					
	** Budget Bill Detail **	Actual Bill Amount: 21.22									
09/10/14	Regular Bill					BB Deferred Amount: -103.58					
10/07/14	Late Payment Charge						\$3702.72	\$3626.72	10/02		14
10/09/14	BUDGET BILLING	09/09/14 10/08/14			\$46.23	\$76.00					
	** Budget Bill Detail **	Actual Bill Amount: 28.38									
10/09/14	Regular Bill					BB Deferred Amount: -151.20					
11/05/14	Late Payment Charge						\$3824.95	\$3748.95	10/31		22
11/07/14	BUDGET BILLING	10/08/14 11/06/14			\$45.93	\$76.00					
	** Budget Bill Detail **	Actual Bill Amount: 53.68									
11/07/14	Regular Bill					BB Deferred Amount: -173.52					
12/08/14	Late Payment Charge						\$3946.88	\$3870.88	12/01		53
12/10/14	BUDGET BILLING	11/06/14 12/09/14			\$46.09	\$76.00					
	** Budget Bill Detail **	Actual Bill Amount: 159.69									
12/10/14	Regular Bill					BB Deferred Amount: -89.83					
01/07/15	Late Payment Charge						\$4068.97	\$3992.97	01/02		191
01/13/15	BUDGET BILLING	12/09/14 01/12/15			\$50.05	\$81.00					
	** Budget Bill Detail **	Actual Bill Amount: 154.49									
01/13/15	Regular Bill					BB Deferred Amount: -16.34					
02/10/15	Late Payment Charge						\$4200.02	\$4119.02	02/04		210
02/12/15	BUDGET BILLING	01/12/15 02/11/15			\$52.58	\$81.00					
	** Budget Bill Detail **	Actual Bill Amount: 145.52									
						BB Deferred Amount: 48.18					

PECO Account Activity Statement

Date: 05/15/15
Page: 3 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF
02/12/15	Regular Bill										
03/11/15	Late Payment Charge										
03/13/15	BUDGET BILLING	02/11/15 03/12/15			\$54.05		\$4333.60	\$4252.60	03/06		197
	** Budget Bill Detail **	Actual Bill Amount: 157.64			\$81.00						
03/13/15	Regular Bill					BB Deferred Amount: 124.82					
04/13/15	BUDGET BILLING	03/12/15 04/12/15			\$81.00		\$4468.65	\$4387.65	04/06		216
	** Budget Bill Detail **	Actual Bill Amount: 87.16				BB Deferred Amount: 130.98					
04/13/15	Late Payment Charge										
04/13/15	Regular Bill				\$55.26						
05/12/15	BUDGET BILLING	04/12/15 05/11/15			\$91.00		\$4604.91	\$4523.91	05/05		115
	** Budget Bill Detail **	Actual Bill Amount: 39.54				BB Deferred Amount: 79.52					
05/12/15	Regular Bill						\$4695.91	\$4604.91	06/03		45

Amount billed on actual reads unless indicated.

EXHIBIT “2”

CAP History

Name: EVERTON S BOGLE

Account: 77270-00902

Address: 1104 DUNCAN AVE
YEADON PA 19050

Case: Docket# F-2015-2481751

CAP Program for Account 77270-00902

Account Edit Help

Status					
Date Taken	CAP Rate	FPL %	Recertification Date	End Date	CAP Status
09/19/13	D	56.00	09/19/15	11	Enrolled in Program
05/11/10	E	121.00	05/11/12	06/15/12	Removed from Program

View CAP History for Account 77270-00902

Account Edit Help

Activity Date	CAP Activity	CAP Rate
12/12/12	Sent CAP Application Packet	
10/15/12	Sent CAP Application Packet	
06/15/12	Removed From Program	
04/26/12	Re-Certification Letter Sent	
04/11/12	Re-Certification Letter Sent	
12/31/10	CAP Rate Change	CAP Opt E Electric Residential Service
05/11/10	Enrolled	zCAP Opt E Electric Residential Service

View CAP History for Account 77270-00902

Account Edit Help

Activity Date	CAP Activity	CAP Rate
03/21/14	Sent CAP Application Packet	
09/19/13	Enrolled	CAP Opt D Electric Residential Service
08/02/13	Sent CAP Application Packet	

CAP enrolled 05/11/10 Tier E. CAP removed 06/15/12 for failure to recertify. CAP re-enrolled 09/19/13 Tier D with monthly income of \$541.67 for 1 adult, 56%FPL. Next scheduled recertification date is 09/19/15. Balance is CAP Arrears.

EXHIBIT “3”

May 20, 2015

Case Details Report

BCS Case #: 003325641
Customer Name: EVERTON BOGLE
Service Address: 1104 DUNCAN AVE

BCS Bill Account #: 8888888888

Mailing Address: YEADON, PA 19050

Home Phone: (267) 444-8106
Business Phone: () -
Business name: SAME
Alternate contact:

Date Case Opened: 2015-03-18
PAR Case: Y
Investigator Name: BCS CASE POOL
Investigator Phone: (717) 787-0000
Service class: R
Previous case #: 3036652

Date Cut Out: 9999-12-31

Universal Service: Y
Contact Type: TELEPHONE
Amount in Arrears: \$4320.60

Adults: 2
Children: 0
Children Ages:
Gross Income: \$1300.00
Miscellaneous Info:

Complaint Reason:
APPLICANT / DEPOSITS- SERVICE IS OFF (# 64)

Customer Problem Description:
CUSTOMER REQUEST A PAYMENT ARRANGMENT TO PLACE SERVICES IN CUSTOMERS NAME AND RESTORE.

Company Position:
03/17/2015 PECO WANTS \$ 4320.60 TO RESTORE SERVICES AND PLACE IN CUSTOMERS NAME.

EXHIBIT “4”



May 20, 2015

BCS Decision Report

BCS Case #: 003325641
Customer Name: EVERTON BOGLE
Service Address: 1104 DUNCAN AVE

Open Date: 2015-03-18

BCS Bill Account #: YEADON, PA 19050
8888888888
Violation Type: NO
Decision Type: W
Investigator Name: DENNIS SCATTON

Previous Case #: 3036652
Chapter Type:
Section / Rule:

Decision Issued Date: 2015-03-27
Case Closed Date: 2015-03-26

Letter Description:
NO GOOD FAITH, UPHOLD CO POSITION FOR RECONNECT.

Total Balance: \$4593.47
Amount to Restore Service: \$0.00
Date Payment Due:
Special Budget Payment: \$0.00
Plus Arrears Payment: \$0.00
Current Monthly Payment: \$0.00
Payment Terms:

Balance Date: 2015-03-25
Amount to Continue Service: \$0.00
Regular Budget Amount: \$0.00
Final Bill Monthly Payment: \$0.00
End of Month Payment: \$0.00

PAR Description:

Resolution Description:
DECISION SENT TO EVERTON BOGLE ADVISING CO IS REQUESTING 5,513.60 TO HAVE SERVICE ESTABLISHED AND TURNED ON IN HIS NAME. ADV THIS AMOUNT INCLUDES PAST DUE AMOUNT OF 4,333.60 PLUS 1180.00 TAMPERING FEE. NO GOOD FAITH EFFORT TO PAY. ADV SERVICE WAS TERMINATED ON 4/21/14 AFTER PROPER NOTICE WAS GIVEN. ADV ON 3/2/15 REVENUE PROTECTION FOUND METER OFF, BUT HAZARD CONDITION ELECTTRIC WIRE USED FOR TAMPERING. THE WIRE WAS CUT AT THE SPAN AND MADE SAFE. ADV INFORMAL COMPLAINT IS DISMISSED. ADV CLOSING CASE INFORMALLY.