



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: Staci Johnson v. PECO Energy Company
PUC Docket No.: C-2015-2482371

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**

STACI JOHNSON

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2482371

NOTICE TO PLEAD

To: Staci Johnson

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**

STACI JOHNSON

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2482371

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 07, 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 15, 2015.
3. On May 22, 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, 1999 at a former address. New Matter ¶1.
5. PECO averred that Complainant's CAP status transferred to her current address on April 15, 2013 under Tier C. New Matter ¶2.
6. PECO averred that Complainant was removed from the program on August 13, 2014 for failing to recertify. New Matter ¶3.

7. PECO averred that the Complainant was reinstated into the CAP program on August 22, 2014 under Tier C. ¶4.

8. PECO averred that the complainant is actively enrolled in the CAP program. ¶5.

9. PECO averred that Complainant is due to recertify in the CAP program on August 22, 2016. ¶6.

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

11. 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.

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

13. 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).

14. 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."

15. 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.

16. 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).

17. 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. Cmwlt. 1989).

18. 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.

19. 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**

STACI JOHNSON

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2482371

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**

STACI JOHNSON

v.

PECO ENERGY COMPANY

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:
:
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DOCKET NO. C-2015-2482371

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
Staci Johnson
1980 Plymouth St
Philadelphia, PA 19138



Shawane L. Lee

DATED: June 19, 2015

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Friday, May 15, 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** has been served in this proceeding. This document is docketed as **C-2015-2482371**.
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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

RECEIVED

Filing this form begins a legal proceeding and you will be a party to the case. MAY 11 2015
If you do not wish to be a party to the case, consider filing an informal complaint.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 Staci Johnson

Street/P.O. Box 1980 Plymouth St. Apt # _____

City Philadelphia State PA. Zip 19138

County Philadelphia

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

(267) 977 0360 (home) () (mobile)

E-mail Address (optional): Staci.kim3@yahoo.com

Utility Account Number (from your bill) 9689504004

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

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.
ON BACK OF SHEET →
- 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).

I was on the CAP Program in the beginning of 1/14, and on 10/14, I was taken off the CAP because they said it would be cheaper for me to be on the budget at 59.00 a month, and it change to \$65.00 a month as of 1/15, I was never told that I would have to pay \$65.00 + each bill otherwise I would have never agreed to it. I was paying 70.00 to 75.00 instead of the \$65.00 and then I receive a shut off notice in April 2015 to shut off on the 26th of that month and I couldn't figure out what Peco was talking about because I had been paying my bill every month and when I called they told me I should have been paying the 65.00 + the bill, I can't afford that I only receive 733.00 a month, with 2 children. An no other income. My Elec. was my only form for Heat + cooking. I a disabled mother at 50 yrs old. I have never heard of anything like that where you have to pay the budget and a bill. otherwise I would have stayed on the cap. I tried everything with explaining to peco and other entities that I could possibly get either Liheap or crisis which went to my gas, even though my gas was off because of a plumbing issue, which is now fixed. I even called the Mayor of Phila, State Representative Dwight Evans, because I need help. an I have been paying my bill. All I ask is for some consideration in this matter to be reasonable.

Thank you
Steve Cramer

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 the PUC to investigate why I was taken off the cap and put on the budget that was supposed to be cheaper for me. OR to make some kind of agreement about this situation and to make some kind of agreement that makes sense. Because I have been paying my bill. And not shut my elec. off, I need it for my medical. 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.

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 STACI JOHNSON, 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).

Staci Johnson
(Signature of Complainant)

5/7/2015
(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.

1980 Plymouth St.
Philadelphia, Pa. 19138



7011 1570 0002 4430 1501

UNITED STATES
POSTAL SERVICE

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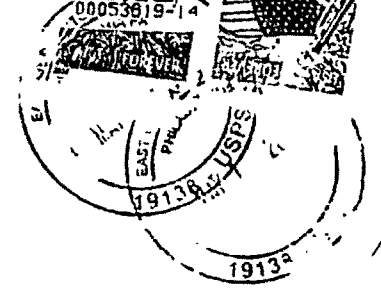


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Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

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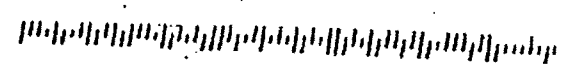
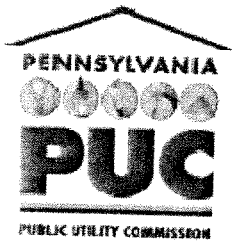


EXHIBIT 2



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-2015-2482371
Description:	Staci Johnson - PECO Energy Company Answer to the Formal Complaint
Transmission Date:	5/22/2015 8:28:11 AM
Filed On:	5/22/2015 8:28:11 AM
eFiling Confirmation Number:	1592870

Uploaded File List

File Name	Document Class	Document Type
Staci Johnson - 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 22, 2015

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

RE: Staci Johnson v. PECO Energy Company
PUC Docket No.: C-2015-2482371

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 stylized flourish at the end.

Shawane Lee
Counsel for PECO Energy Company

SL/ab

cc: *Scheduling Recommendation: CALL OF THE DOCKET*

PENNSYLVANIA PUBLIC UTILITY COMMISSION

STACI JOHNSON
Complainants
v.
PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2015-2482371

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 22, 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**

STACI JOHNSON

Complainants

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2015-2482371

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On May 15, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Staci Johnson (hereafter "Complainant") in the above captioned docket.

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

1. Admitted.
2. Admitted.
3. Admitted.

4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint. In her formal Complaint, the Complainant states that PECO has terminated or is threatening to terminate her service. The Complainant states that PECO removed her from the Customer Assistance Program ("CAP") and placed her on the company's budget billing program. The Complainant alleges that the bills on the budget billing program are unaffordable for her and she should have remained enrolled in CAP. PECO Energy requests dismissal pursuant to 66 Pa.C.S. § 1405(c).

The Complainant has electric service at 1980 Plymouth Street, Philadelphia, PA 19138 under account number 96895-04004. See Account Activity Statement, attached hereto as Exhibit “1”. The Complainant was originally enrolled in PECO’s Customer Assistance Program (“CAP”) on May 11, 1999 at a former address. The Complainant’s CAP status transferred to her current address on April 15, 2013 under Tier C. On August 13, 2014, the Complainant was removed from the CAP program for failing to recertify in the program. On August 22, 2014, the Complainant was reinstated into the CAP program under Tier C. The Complainant is actively enrolled in the CAP program. The Complainant is due to recertify in the program on August 22, 2016. See CAP History, attached hereto as Exhibit “2”. The Complainant’s entire balance is comprised of CAP arrears. Pursuant to PECO’s CAP tariff, the Complainant is required to be enrolled in the budget billing program under Tier C. See CAP Rider, attached hereto as Exhibit “3”.

On April 21, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS”) at case number 003336943, requesting a payment agreement on her \$912.65 balance to avoid termination. See Case Details Report #003336943, attached hereto as Exhibit “4”. On April 21, 2015, the BCS issued a Decision Report, dismissing the complaint pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003336943, attached hereto as Exhibit “5”.

The Complainant’s balance is \$1,088.67. See Exhibit “1”. The Complainant is actively enrolled in PECO’s CAP program. The Complainant is not entitled to a PUC ordered payment agreement on her balance as the 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 a payment agreement. By way of further response, consistent with PECO's tariff, the Complainant is required to be enrolled in the budget billing program under CAP Tier C. See Exhibit "3".

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 originally enrolled in PECO's Customer Assistance Program ("CAP") on May 11, 1999 at a former address.
2. The Complainant's CAP status transferred to her current address on April 15, 2013 under Tier C.
3. On August 13, 2014, the Complainant was removed from the CAP program for failing to recertify in the program.
4. On August 22, 2014, the Complainant was reinstated into the CAP program under Tier C.

5. The Complainant is actively enrolled in the CAP program.
6. The Complainant is due to recertify in the program on August 22, 2016.
7. The Complainant's entire 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.
10. 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,



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**

STACI JOHNSON
Complainants

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2015-2482371

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 22, 2015



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STACI JOHNSON

Complainants

v.

PECO ENERGY COMPANY

Respondent

:
:
:
:
:
:
:

DOCKET NO. C-2015-2482371

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:

Staci Johnson
1980 Plymouth Street
Philadelphia, PA 19138

Dated at Philadelphia, Pennsylvania, May 22, 2015.



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

EXHIBIT “1”

PECO Account Activity Statement

*** Account Information ***

Account Number: 96895-04004
Account Status: Active
Mail To: STACI JOHNSON
1980 PLYMOUTH ST
PHILADELPHIA PA 19138

*** Current Account Status ***

Current Bill: \$150.61
Billed Prior: \$938.06
Balance Due: \$1088.67
Service Address: 1980 PLYMOUTH ST
PHILADELPHIA PA 19138
Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Meter Bill Grp: 07
Rate: CAP Opt C Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/01/13	Payment											
05/09/13	ELECTRIC SERVICE	04/11/13 05/08/13	48008	105637857	\$11.53	\$60.00						
05/09/13	CONNECTION CHARGE				\$6.00							
05/09/13	Regular bill											
05/13/13	Transfer Debit (7414 N 21ST ST)						-\$42.47		05/31	442		
06/10/13	ELECTRIC SERVICE	05/08/13 06/09/13	48829	105637857	\$182.31							
06/10/13	Regular Bill				\$38.48							
07/03/13	Payment											
07/09/13	Late Payment Charge					\$50.00	\$178.32	\$139.84	07/02	821		
07/10/13	ELECTRIC SERVICE	06/09/13 07/09/13	49750	105637857	\$1.66							
07/10/13	Regular Bill				\$43.90							
08/06/13	Payment											
08/06/13	Late Payment Charge					\$50.00	\$173.88	\$129.98	08/01	921		
08/08/13	ELECTRIC SERVICE	07/09/13 08/07/13	50782	105637857	\$1.56							
08/08/13	Regular Bill				\$60.21							
09/04/13	Late Payment Charge						\$185.65	\$125.44	08/30	1032		
09/09/13	ELECTRIC SERVICE	08/07/13 09/08/13	51784	105637857	\$2.46							
09/09/13	Regular Bill				\$58.56							
10/08/13	ELECTRIC SERVICE	09/08/13 10/07/13	52521	105637857	\$30.62		\$246.67	\$188.11	10/01	1002		
10/08/13	Late Payment Charge				\$3.34							
10/08/13	Regular Bill											
10/09/13	Late Charge cancelled						\$280.63	\$250.01	10/30	737		
10/09/13	Payment					\$3.34						
10/09/13	Late Payment Charge					\$50.00						
11/05/13	Payment				\$0.88							
11/05/13	Late Payment Charge					\$50.00						
11/06/13	ELECTRIC SERVICE	10/07/13 11/05/13	53213	105637857	\$2.55							
11/06/13	Regular Bill				\$23.67							
12/03/13	Payment						\$204.39	\$180.72	12/02	692		
12/09/13	ELECTRIC SERVICE	11/05/13 12/09/13	54326	105637857	\$91.31	\$50.00						
12/09/13	Late Payment Charge				\$2.18							
12/09/13	Regular Bill											
01/07/14	Late Payment Charge						\$247.88	\$156.57	12/31	1113		
01/10/14	ELECTRIC SERVICE	12/08/13 01/09/14	55658	105637857	\$3.55							
01/10/14	Regular Bill				\$123.92							
02/04/14	Payment											
02/10/14	Late Payment Charge					\$65.00	\$375.35	\$251.43	02/03	1332		
02/11/14	ELECTRIC SERVICE	01/09/14 02/10/14	56926	105637857	\$4.47							
02/11/14	Regular Bill				\$113.87							
03/03/14	Payment Agreement											
03/05/14	Payment				\$428.69		\$428.69	\$314.82	03/05	1268		
03/12/14	BUDGET BILLING	02/10/14 03/11/14			\$59.00	\$50.00						

** Budget Bill Detail ** Actual Bill Amount: 83.00

BB Deferred Amount: 24.00

2000 ENERGY SERVICE COMPANY
 PHILADELPHIA, PA 19103

PECO Account Activity Statement

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
03/12/14	DEFERRED PAYMENT AGREEMENT											
03/12/14	Regular Bill				\$10.21							
04/08/14	Bill Out DPA due to Default						\$19.21		04/03	1103		
04/08/14	Late Payment Charge				\$418.48							
04/10/14	BUDGET BILLING				\$0.29							
	** Budget Bill Detail **	03/11/14 04/09/14			\$59.00							
		Actual Bill Amount: 64.02										
04/10/14	Regular Bill											
04/15/14	Payment						\$496.98	\$437.98	05/02	967		
04/15/14	Payment Agreement					\$19.21						
05/07/14	Late Payment Charge				\$418.48							
05/08/14	BUDGET BILLING				\$0.89							
	** Budget Bill Detail **	04/09/14 05/07/14			\$59.00							
		Actual Bill Amount: 15.04										
05/08/14	DEFERRED PAYMENT AGREEMENT											
05/08/14	Regular Bill				\$10.21							
06/04/14	Bill Out DPA due to Default						\$129.39	\$60.18	05/30	587		
06/04/14	Late Payment Charge				\$408.27							
06/05/14	Payment				\$1.70							
06/09/14	BUDGET BILLING					\$50.00						
	** Budget Bill Detail **	05/07/14 06/08/14			\$59.00							
		Actual Bill Amount: 29.48										
06/09/14	Regular Bill											
07/08/14	Late Payment Charge						\$548.36	\$489.36	07/01	743		
07/09/14	BUDGET BILLING				\$7.38							
	** Budget Bill Detail **	05/08/14 07/08/14			\$59.00							
		Actual Bill Amount: 61.76										
07/09/14	Regular Bill											
08/01/14	Payment						\$614.74	\$555.74	07/31	1053		
08/05/14	Late Payment Charge					\$75.00						
08/07/14	BUDGET BILLING				\$7.27							
	** Budget Bill Detail **	07/08/14 08/06/14			\$59.00							
		Actual Bill Amount: 86.45										
08/07/14	Regular Bill											
09/03/14	Late Payment Charge						\$606.01	\$547.01	08/29	1222		
09/08/14	BUDGET BILLING				\$8.57							
	** Budget Bill Detail **	08/06/14 09/07/14			\$64.00							
		Actual Bill Amount: 90.08										
09/08/14	Regular Bill											
10/07/14	BUDGET BILLING						\$678.58	\$614.58	09/30	1261		
	** Budget Bill Detail **	09/07/14 10/06/14			\$64.00							
		Actual Bill Amount: 16.55										
10/07/14	Late Payment Charge											
10/07/14	Regular Bill											
11/04/14	Late Payment Charge						\$752.33	\$688.33	10/29	661		
11/05/14	BUDGET BILLING				\$10.17							
	** Budget Bill Detail **	10/06/14 11/04/14			\$64.00							
		Actual Bill Amount: 73.52										
11/05/14	Regular Bill											
12/01/14	Payment						\$826.50	\$762.50	12/01	1060		
12/08/14	BUDGET BILLING					\$80.00						
	** Budget Bill Detail **	11/04/14 12/07/14			\$64.00							
		Actual Bill Amount: 181.43										
12/08/14	Late Payment Charge											
12/08/14	Regular Bill				\$10.08							
01/06/15	Payment						\$820.58	\$756.58	12/30	1741		
01/06/15	Late Payment Charge					\$70.00						
01/09/15	BUDGET BILLING				\$10.45							
	** Budget Bill Detail **	12/07/14 01/08/15			\$64.00							
		Actual Bill Amount: 218.08										
01/09/15	Regular Bill											
02/02/15	Payment						\$825.03	\$761.03	02/02	1979		
02/09/15	Late Payment Charge					\$75.00						
					\$10.28							

PECO Account Activity Statement

Date: 05/19/15
Page: 3 of 3

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
02/10/15	BUDGET BILLING	01/08/15 02/09/15			\$64.00							
	** Budget Bill Detail **	Actual Bill Amount: 278.61										
02/10/15	Regular Bill					BB Deferred Amount: 460.02						
03/09/15	Payment						\$824.31	\$760.31	03/04	2379		
03/10/15	Late Payment Charge					\$60.00						
03/11/15	BUDGET BILLING	02/09/15 03/10/15			\$10.34							
	** Budget Bill Detail **	Actual Bill Amount: 262.34			\$138.00							
03/11/15	Regular Bill					EB Deferred Amount: 594.36						
04/07/15	Late Payment Charge						\$912.65	\$774.65	04/02	2327		
04/09/15	BUDGET BILLING	03/10/15 04/08/15			\$12.41							
	** Budget Bill Detail **	Actual Bill Amount: 126.14			\$138.00							
04/09/15	Regular Bill					EB Deferred Amount: 572.50						
05/01/15	Payment						\$1063.06	\$925.06	05/01	1402		
05/06/15	Late Payment Charge					\$125.00						
05/07/15	BUDGET BILLING	04/08/15 05/07/15			\$12.61							
	** Budget Bill Detail **	Actual Bill Amount: 35.73			\$138.00							
05/07/15	Regular Bill					BB Deferred Amount: 470.23						
							\$1088.67	\$950.67	05/29	788		

EXHIBIT "2"

CAP RATE HISTORY

CUSTOMER: STACI JOHNSON
CURRENT ADDRESS: 1980 PLYMOUTH STREET, PHILADELPHIA
ACCOUNT # 96895-04004
DOCKET# C-2015-2482371

Account 96895-04004 for STACI JOHNSON PECO

Account Edit Object Actions Help

Customer Name: STACI JOHNSON

Premise Address: 1980 PLYMOUTH ST PHILADELPHIA PA 19138

Primary Phone: (267) 977-0360 Extension: Unlisted: No

Alternate Phone: Extension: Unlisted: No

Bill Account Information

Bill Account: 96895-04004 **Master Bill Account:**

Account Status: Active **Collection Status:** Not in Collections

View CAP History for Account 96895-04004

Account Edit Help

Activity Date	CAP Activity	CAP Rate
08/22/14	Enrolled	CAP Opt C Electric Residential Service
08/13/14	Removed From Program	
06/20/14	Re-Certification Letter Sent	
06/05/14	Re-Certification Letter Sent	
04/15/13	Transferred To	CAP Opt C Electric Residential Service

- Initially enrolled 5/11/99 at former address
- 4/15/13 CAP RATE status transferred to current address
- 8/13/14 Removed for failure to recertify
- 8/22/14 Re-instated for CAP RATE ...currently receiving 86% discount on the 1st 650kwhs of electric usage ; budget billing is mandatory on this Tier
- Entire balance billed at CAP RATE discount

**Former address: 7414 N 21ST ST PHILADELPHIA PA 19138 (SERVICE PERIOD 9/16/96 TO 4/14/13);
 final account balance \$182.31 transferred to current address on 5/13/13

View CAP History for Account 81437-00101

Activity Date	CAP Activity	CAP Rate
04/15/13	Transferred From	CAP Opt C Electric Residential Service
07/05/12	Re-Certification completed	CAP Opt C Electric Residential Service
06/07/12	Re-Certification Letter Sent	
05/23/12	Re-Certification Letter Sent	
12/31/10	CAP Rate Change	CAP Opt C Electric Residential Service
06/22/10	Re-Certification completed	zCAP Opt C Electric Residential Service

Account Edit Help

Activity Date	CAP Activity	CAP Rate
06/09/10	Re-Certification Letter Sent	
05/25/10	Re-Certification Letter Sent	
06/24/08	Re-Certification completed	zCAP Opt C Electric Residential Service
06/10/08	Re-Certification Letter Sent	
07/11/06	CAP Rate Change	zCAP Opt C Electric Residential Service
07/11/06	Re-Certification completed	zCAP Opt C Electric Residential Service
05/06/05	Comments Added	zCAP Opt C Electric Residential Service
05/06/05	Re-Certification completed	zCAP Opt C Electric Residential Service
12/08/04	Re-Certification not complete	zCAP Opt C Electric Residential Service

View CAP History for Account 81437-00101

Activity Date	CAP Activity	CAP Rate
12/08/04	Re-Certification Letter Sent	zCAP Opt C Electric Residential Service
10/10/04	Re-Certification not complete	zCAP Opt C Electric Residential Service
09/05/04	Re-Certification Required	zCAP Opt C Electric Residential Service
10/10/03	Re-Certification completed	zCAP Opt C Electric Residential Service
09/25/03	Re-Certification Letter Sent	zCAP Opt C Electric Residential Service
08/25/03	Re-Certification Letter Sent	zCAP Opt C Electric Residential Service
09/23/02	Re-Certification completed	zCAP Opt C Electric Residential Service
08/31/01	Re-Certification completed	zCAP Opt C Electric Residential Service
08/08/00	Re-Certification completed	zCAP Opt C Electric Residential Service
05/11/99	Enrolled	zCAP Opt C Electric Residential Service

EXHIBIT “3”

Customer Assistance Program (CAP) Rider

AVAILABILITY:

To payment-troubled customers who are currently served under or otherwise qualify for Rate R, or RH (excluding multiple dwelling unit buildings consisting of two to five dwelling units). Customers must apply for the rates contained in this rider and must demonstrate annual household gross income at or below 150% of the Federal Poverty guidelines. In addition, these customers will not be able to obtain Competitive Energy Supply.

Based on the applicable level of income and other criteria, the following CAP Rate categories (A through E1) apply:

CAP A - PECO Cares Program: Customers with annual household gross incomes at or below 25% of the Federal poverty income guidelines with documented extenuating circumstances will be eligible for CAP A which provides for Residential Rate R customers a nominal bundled rate of \$12/month for all usage up to 1,000 KWH; for usage above 1,000 KWH the CAP D rate structure will apply. For Residential Heating customers Rate RH, CAP A provides a nominal bundled rate of \$30/month for all usage up to 2,000 KWH in the Winter¹/1,000 KWH in the Summer¹; for usage above 2,000/1,000 KWH the CAP D rate structure will apply.

Extenuating circumstances shall include those individuals who demonstrate an inability to pay the billed rate of CAP B as a result of unique circumstances such as:

- Health related matters:
 - o Injury or illness
 - o High medical bills
 - o Medically related usage
 - o Death in the family
- Sudden loss of employment
- Households that include at risk individuals such as:
 - o Children below 8 years of age
 - o Disabled persons
 - o Infirm elderly
- Inability to maintain at least two CAP B payment arrangements
- High usage related to shelter conditions which are not treatable by LIURP

¹ Winter refers to the 9 months (October – June); Summer refers to the 3 peak usage summer months (July-September).

Program Provisions: The CAP A Rate is limited to 7,500 customers and these customers will be re-certified annually. CAP A customers will be targeted to receive LIURP treatments; and they will be assigned to a PECO Cares Representative to maximize the assistance available to them. In addition, these customers will not be able to obtain Competitive Energy Supply.

(C)

Rate R	CAP B	CAP C	CAP D	CAP D1	CAP E	CAP E1
Federal Poverty Income Rate	<=25%	26-50%	51-75%	76-100%	101-125%	126-150%
Discount	92%	85%	69%	63%	39%	27%
Max Discount Amount Winter Bill						
650 kWh	\$94.59	\$87.39	\$70.94	\$64.77	\$40.10	\$27.76
Max Discount Amount Jul - Sept						
750 kWh	\$108.14	\$99.91	N/A	N/A	N/A	N/A
Max Discount Amount Jun - Sept						
650 kWh	N/A	N/A	\$70.94	\$64.77	\$40.10	\$27.76
Max Discount Amount June						
650 kWh	\$94.59	\$87.39	N/A	N/A	N/A	N/A
Monthly Minimum Bill	\$12.00	N/A	N/A	N/A	N/A	N/A
Must be on Budget Billing	Yes	Yes	No	No	No	No



(C) Denotes Change

EXHIBIT “4”

May 21, 2015

Case Details Report

BCS Case #: 003336943
Customer Name: STACI JOHNSON
Service Address: 1980 PLYMOUTH STREET

BCS Bill Account #: 9689504004

Mailing Address: PHILADELPHIA, PA 19138

Home Phone: () -
Business Phone: () -
Business name:
Alternate contact:

Date Case Opened: 2015-04-21
PAR Case: Y
Investigator Name: BCS CASE POOL
Investigator Phone: (717) 787-0000
Service class: R
Previous case #:

Date Cut Out: 9999-12-31

Universal Service: N
Contact Type: TELEPHONE
Amount in Arrears: \$912.65

Adults: 2
Children: 1
Children Ages: 16
Gross Income: \$733.00
Miscellaneous Info:

Complaint Reason:
ON - PAR NEEDED (# 61)

Customer Problem Description:
CUSTOMER WANT PAR WITH PUC

Company Position:
04/20/2015 CO. REQUEST PAST DUE BALANCE OF 912.65 BE PAID IN FULL TO
CONTINUE SERVICE ON

EXHIBIT "5"



May 21, 2015

BCS Decision Report

BCS Case #: 003336943 Open Date: 2015-04-21
Customer Name: STACI JOHNSON
Service Address: 1980 PLYMOUTH STREET

PHILADELPHIA, PA 19138
BCS Bill Account #: 9689504004 Previous Case #:
Violation Type: NO Chapter Type:
Decision Type: W Section / Rule:
Investigator Name: BUREAU OF
CONSUMER SERVICE

Decision Issued Date: 2015-04-24
Case Closed Date: 2015-04-22

Letter Description:

Total Balance:	\$0.00	Balance Date:	
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 CLOSED - DISMISSED PER 1405C - THE DATE OF COMPLAINT RESOLUTION
AND EXPIRATION OF THE STAY OF TERMINATION IS 4/29/2015