



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: Linda Boggess v. PECO Energy Company
PUC Docket No.: C-2015-2483633

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, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

SL/alb

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LINDA BOGGESS

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-2015-2483633

NOTICE TO PLEAD

To: Linda Boggess

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**

LINDA BOGGESS

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-2015-2483633

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 15, 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 22, 2015.

3. On May 27, 2015, PECO filed an Answer, New Matter and Notice to Plead. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2.

4. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on January 19, 2012 under Tier E1. New Matter ¶1.

5. PECO averred that upon Complainant's enrollment, her Pre-Program balance was set aside for forgiveness. New Matter ¶2.

6. PECO averred that Complainant recertified on January 30, 2014 under Tier E1. New Matter ¶3.

7. PECO averred that Complainant is actively enrolled in the CAP program. New Matter ¶4.

8. PECO averred that Complainant is due to recertify in the CAP program on January 30, 2016. New Matter ¶5.

9. PECO averred that the Complainant's balance is \$1,999.46. New Matter ¶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. Cmwlth. 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**

LINDA BOGGESS

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-2015-2483633

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**

LINDA BOGGESS

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-2015-2483633

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
Linda Boggess
651 Spruce St
Bristol, PA 19007



Shawane L. Lee

DATED: June 19, 2015

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Friday, May 22, 2015 10:41 AM
To: Lee, Shawane L.:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL] 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-2015-2483633**.
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 1

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 LINDA M. BOGGESS
Street/P.O. Box 651 Spruce St. Apt #
City Bristol State PA Zip 19007
County Bucks

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

(215) 788-3836 (home) () (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 3032501709

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

RECEIVED
2015 MAY -8 AM 9:43
PA P.U.C.
SECRETARY'S BUREAU

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.

Philadelphia Electric Company (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. *I called them when I received the notice and they refused to give me ANY payment arrangements even when I explained about my cancers, the surgeries, the radiation treatments and Chemotherapy. I also told them about my 3 recent hospital stays.*
- I would like a payment agreement. *I really need a payment arrangement, with the upcoming biopsy and all the uncovered expenses. I do not have the resources to pay my back payments I also have a bi pap and electric hospital bed.*
- 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 hope they would understand I got in this situation through no fault of my own. I would like them to see that these are special circumstances, a situation not of my doing or neglect. I just want to be given a chance to catch up.

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

6. Protection From Abuse (PFA)

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

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

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

YES

NO

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

7. Prior Utility Contact

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

YES

NO

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

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

YES

NO

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

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

I tried to speak to them 1st and followed all their guidelines about who next to call. I did every thing PECO told me and they still denied my request for a payment arrangement. Then I called the PUC and they denied ~~to~~ me any assistance because they said they could not due to some ruling about the CAP program.

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.

Linda M. Boyers

PLEASE SIGN & DATE

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 Linda M. Bogge SS, 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).

Linda M. Bogge
(Signature of Complainant)

5/15/2015
(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

RECEIVED
MAY 21 AM 10:55
PA P.U.C.
SECRETARY'S BUREAU

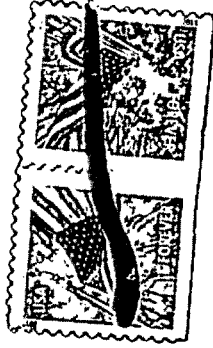
Note: Formal Complaints sent by fax or e-mail will not be accepted.

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

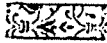
Keep a copy of your Formal Complaint for your records.



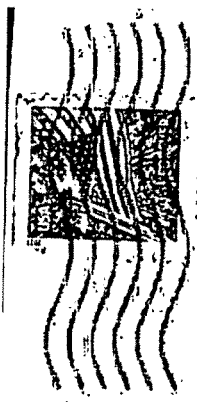
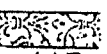
Linda W. Boggess
651 Spruce St.
Bristol, PA 19007-3711



Secretary
Pa. Public Utility Comm.
400 North St.
Harrisburg, Pa. 17120



Linda W. Bogges
651 Spruce St.
Bristol, PA 19007-3711



PHILADELPHIA, PA 190
19 MAY 2015 FNS 1

*Commonwealth of Pennsylvania
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265*

17105326565

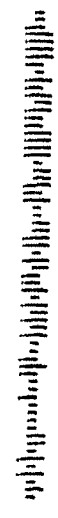
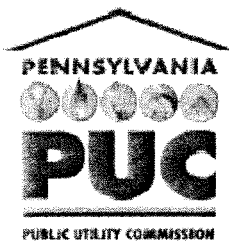


EXHIBIT 2



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

[Login to eFiling](#) | [Contact Us](#) | [Search](#)

- [My Filings](#)
- [New Filing](#)
- [Modify Account](#)
- [POR Search](#)
- [eService Directory](#)
- [Subscriptions](#)
- [Technical Assistance](#)
- [eFiling FAQs](#)
- [Log Off](#)

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-2015-2483633
Description:	Linda Boggess - PECO Energy Answer to Formal Complaint
Transmission Date:	5/27/2015 2:41:33 PM
Filed On:	5/27/2015 2:41:33 PM
eFiling Confirmation Number:	1593455

Uploaded File List

File Name	Document Class	Document Type
Linda Boggess - Answer to the Formal Complaint.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
EXHIBIT 7



An Exelon Company

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

Direct Dial: 215-841-6841

May 27, 2015

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

RE: Linda Boggess v. PECO Energy Company
PUC Docket No.: C-2015-2483633

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

LINDA BOGGESS
Complainants
v.
PECO ENERGY COMPANY
Respondent

:
:
:
:
:
:
:
:
:
:
:

DOCKET NO. C-2015-2483633

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 27, 2015.



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LINDA BOGGESS	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2015-2483633
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On May 22, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Linda Boggess (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 she has a medical condition and requires a payment agreement. The Complainant states that she does not have the resources to pay back payments and wants to be given a chance to catch up on her bill. PECO Energy requests dismissal pursuant to 66 Pa.C.S. § 1405(c).

The Complainant has electric service at 651 Spruce Street, Bristol, PA 19007 under account number 30325-01709. See Account Activity Statement, attached hereto as Exhibit "1".

The Complainant was originally enrolled in PECO's Customer Assistance Program ("CAP") on January 19, 2012 under Tier E1. Upon the Complainant's enrollment, her Pre-Program balance was set aside for forgiveness. On January 30, 2014, the Complainant recertified in the program under Tier E1. The Complainant is actively enrolled in the CAP program. The Complainant is due to recertify in the program on January 30, 2016. The Complainant's entire balance is comprised of CAP arrears.

On April 10, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003333233, requesting a payment agreement on her balance to avoid termination. See Case Details Report #003333233, attached hereto as Exhibit "2". On April 15, 2015, the BCS issued a Decision Report, dismissing the complaint pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003333233, attached hereto as Exhibit "3".

The Complainant's balance is \$1,999.46. 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.

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 January 19, 2012 under Tier E1.
2. Upon the Complainant's enrollment, her Pre-Program balance was set aside for forgiveness.
3. On January 30, 2014, the Complainant recertified in the program under Tier E1.
4. The Complainant is actively enrolled in the CAP program.
5. The Complainant is due to recertify in the program on January 30, 2016.
6. The Complainant's current balance is \$1,999.46.
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**

LINDA BOGGESS	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2015-2483633
	:	
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 27, 2015



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LINDA BOGGESS	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2015-2483633
	:	
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:

Linda Boggess
651 Spruce Street
Bristol, PA 19007

Dated at Philadelphia, Pennsylvania, May 27, 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”

CUAR038

PECO Account Activity Statement

Date: 05/26/15
Page: 1 of 3

*** Account Information ***

Account Number: 30325-01709
Account Status: Active
Requested By: LINDA M BOGESS
(215) 788-3830 Extension:

Mail To: LINDA M BOGESS
651 SPRUCE ST
BRISTOL PA 19007

Current Bill: \$306.00
Billed Prior: \$1693.46
Balance Due: \$1999.46
Service Address: 651 SPRUCE ST
BRISTOL PA 19007

*** Current Account Status ***

Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Meter Bill Grp: 03
Rate: CAP Option E1 Gas Residential Heating Svc
CAP Opt E1 Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF
06/04/13	BUDGET BILLING	05/02/13 06/03/13			\$305.00		\$305.00				
		** Budget Bill Detail **		Actual Bill Amount: 351.02	BB Deferred Amount: -186.67		\$610.00		07/05	2194	30
06/04/13	Regular Bill					\$306.00					
06/05/13	Payment					\$20.00					
07/03/13	A/C Saver										
07/03/13	BUDGET BILLING	06/03/13 07/02/13			\$305.00		\$305.00				
		** Budget Bill Detail **		Actual Bill Amount: 416.56	BB Deferred Amount: -75.11		\$589.00		08/05	2724	19
07/03/13	Regular Bill					\$305.00					
07/08/13	Payment					\$20.00					
08/02/13	A/C Saver										
08/02/13	BUDGET BILLING	07/02/13 08/01/13			\$305.00		\$305.00				
		** Budget Bill Detail **		Actual Bill Amount: 485.05	BB Deferred Amount: 104.94		\$569.00		09/04	3224	14
08/02/13	Regular Bill					\$305.00					
08/06/13	Payment					\$20.00					
09/03/13	A/C Saver										
09/03/13	BUDGET BILLING	08/01/13 09/02/13			\$305.00		\$305.00				
		** Budget Bill Detail **		Actual Bill Amount: 489.79	BB Deferred Amount: 289.73		\$549.00		10/04	3081	18
09/03/13	Regular Bill					\$305.00					
09/04/13	Payment					\$206.10					
09/11/13	PPA Forgiven										
09/11/13	Pre-Program Arrears										
10/02/13	A/C Saver										
10/02/13	BUDGET BILLING	09/02/13 10/01/13			\$345.00		\$345.00				
		** Budget Bill Detail **		Actual Bill Amount: 343.76	BB Deferred Amount: 288.49		\$569.00		11/04	2120	21
10/02/13	Regular Bill					\$305.00					
10/08/13	Payment					\$206.10					
10/11/13	PPA Forgiven										
10/11/13	Pre-Program Arrears										
10/31/13	BUDGET BILLING	10/01/13 10/30/13			\$206.10		\$206.10				
		** Budget Bill Detail **		Actual Bill Amount: 269.67	BB Deferred Amount: 213.16		\$609.00		12/02	1615	25
10/31/13	Regular Bill					\$305.00					
11/05/13	Payment					\$206.10					
11/11/13	PPA Forgiven										
11/11/13	Pre-Program Arrears										
12/03/13	BUDGET BILLING	10/30/13 12/02/13			\$206.10		\$206.10				
		** Budget Bill Detail **		Actual Bill Amount: 235.54	BB Deferred Amount: 103.70		\$649.00		01/03	1118	65
12/03/13	Regular Bill					\$345.00					
12/04/13	Payment					\$206.10					
12/09/13	PPA Forgiven										
12/09/13	Pre-Program Arrears										

PECO ENERGY
EXHIBIT 2

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF
09/03/14	BUDGET BILLING	08/03/14 09/02/14			\$327.00		\$794.91	\$140.91	10/06	2925	21
09/03/14	Regular Bill	** Budget Bill Detail **	Actual Bill Amount:	431.80	BB Deferred Amount:	142.59					
09/04/14	Payment				\$4.61	\$156.60					
09/09/14	Late Payment Charge					\$20.00					
10/02/14	A/C Saver										
10/02/14	BUDGET BILLING	09/02/14 10/01/14			\$327.00		\$984.73	\$291.61	11/03	2061	21
10/02/14	DEFFERED PAYMENT AGREEMENT	** Budget Bill Detail **	Actual Bill Amount:	305.35	BB Deferred Amount:	120.94					
10/02/14	Regular Bill				\$34.81						
10/07/14	Payment										
10/13/14	Late Payment Charge										
10/11/14	BUDGET BILLING	10/01/14 10/30/14			\$3.85	\$361.81	\$988.58	\$260.35	12/03	843	31
10/31/14	DEFFERED PAYMENT AGREEMENT	** Budget Bill Detail **	Actual Bill Amount:	140.65	BB Deferred Amount:	-65.41					
10/31/14	Regular Bill				\$327.00						
11/05/14	Payment				\$34.81						
11/10/14	PPA Forgiven					\$355.66					
11/10/14	Bill Out DPA due to Default				\$104.41	\$206.10					
11/10/14	Late Payment Charge				\$2.88						
11/10/14	Pre-Program Arrears				\$206.10						
12/03/14	BUDGET BILLING	10/30/14 12/02/14			\$327.00		\$1057.21	\$399.36	01/05	938	91
12/03/14	Regular Bill	** Budget Bill Detail **	Actual Bill Amount:	215.98	BB Deferred Amount:	-176.43					
12/15/14	Payment				\$70.72	\$360.00					
01/06/15	BUDGET BILLING	12/02/14 01/05/15			\$107.93		\$767.93	\$697.21	02/06	965	116
01/06/15	Regular Bill	** Budget Bill Detail **	Actual Bill Amount:	247.15	BB Deferred Amount:	0.00					
02/05/15	BUDGET BILLING	01/05/15 02/04/15			\$306.00		\$1073.93	\$697.21	03/09	886	87
02/05/15	Regular Bill	** Budget Bill Detail **	Actual Bill Amount:	207.67	BB Deferred Amount:	-98.33					
03/06/15	BUDGET BILLING	02/04/15 03/05/15			\$306.00		\$1379.93	\$767.93	04/08	814	136
03/06/15	Regular Bill	** Budget Bill Detail **	Actual Bill Amount:	239.12	BB Deferred Amount:	-165.21					
03/16/15	Late Payment Charge				\$7.53						
04/06/15	BUDGET BILLING	03/05/15 04/05/15			\$306.00		\$1693.46	\$1081.46	05/07	723	75
04/06/15	Regular Bill	** Budget Bill Detail **	Actual Bill Amount:	164.66	BB Deferred Amount:	-306.55					
05/05/15	BUDGET BILLING	04/05/15 05/04/15			\$306.00		\$1999.46	\$1379.93	06/05	684	48
05/05/15	Regular Bill	** Budget Bill Detail **	Actual Bill Amount:	134.76	BB Deferred Amount:	-477.79					

EXHIBIT “2”

EXHIBIT “3”

