



An Exelon Company

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

Direct Dial: 215.841.6841

August 11, 2015

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

**RE: Kimyonna McGee v. PECO Energy Company**  
**PUC Docket No.: F-2015-2490727**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *Motion for Judgment on the Pleadings* with regard to the matter referenced above.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service

SL/alb  
Enclosure

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**KIMYONNA MCGEE**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2490727**

**NOTICE TO PLEAD**

*To: Kimyonna McGee*

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: August 11, 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**

**KIMYONNA MCGEE**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2490727**

**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 June 24, 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 July 2, 2015.
3. On July 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 November 17, 2005 under Tier C. New Matter ¶1.
5. PECO averred that Complainant was removed from the program on July 18, 2011. New Matter ¶2.
6. PECO averred that Complainant re-enrolled in CAP on September 9, 2012 under Tier D. New Matter ¶3.

7. PECO averred that Complainant's CAP Tier changed to Tier C on December 10, 2013 based on income reported of \$795.17 per month for 5 adults and 1 child. New Matter ¶4.
8. PECO averred that Complainant is due to recertify in the CAP program on December 10, 2015. New Matter ¶5.
9. PECO averred that Complainant is actively enrolled in the CAP program. New Matter ¶6.
10. PECO averred that the Complainant's balance is \$2,525.20. New Matter ¶7.
11. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶8.
12. 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 ¶11.
13. To date, 20 days have passed since PECO filed its New Matter.
14. 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).
15. 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."
16. 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.

17. 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).

18. 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).

19. 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.

20. 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**

**KIMYONNA MCGEE**

**v.**

**PECO ENERGY COMPANY**

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:  
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**DOCKET NO. F-2015-2490727**

**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  
Kimyonna McGee  
532 S. 56th Street  
Philadelphia, PA 19143



---

Shawane L. Lee

DATED: August 11, 2015

# **EXHIBIT 1**

**Botak, Amy:(PECO)**

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**From:** eServe@pa.gov  
**Sent:** Thursday, July 02, 2015 10:01 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 Form** has been served in this proceeding. This document is docketed as **F-2015-2490727**. 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: 3351437  
PECO ENERGY

Must be returned by July 6, 2015

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Formal Complaint

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

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

1. Customer (Complainant) Information

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

Name Kimyonna McJEE  
Street/P.O. Box 539 S. 56 Street Apt # \_\_\_\_\_  
City Phila State PA Zip 19143  
County \_\_\_\_\_

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

( ) \_\_\_\_\_ (home) (267) 776-5439 (mobile)  
267

E-mail Address (optional): \_\_\_\_\_

Utility Account Number (from your bill) \_\_\_\_\_

**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~~ PECO ENERGY

RECEIVED  
2015 JUN 29 AM 11:02  
PA P.U.C.  
SECRETARY'S BUREAU

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- |  |   |
|--|---|
| <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.

To whome it may concern.  
I & Kimyonna M'gee need elec because I have  
to small Children in the home one of them needs  
a brethen mechen, and I ~~am~~ myself is disable  
I have plats in my baek. I also have a  
brethen problem. I would like to pay my  
bill it was late not un paid. please  
help to get my electric back on. please

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 Kimyong Magee, 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).

Kimyong Magee (Signature of Complainant)      6/24/15 (Date)

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

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

10. Two Ways to File Your Formal Complaint

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

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

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

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

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

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

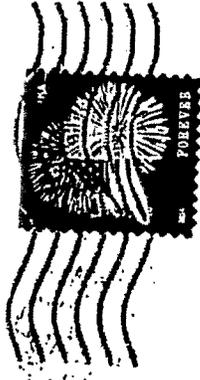
Keep a copy of your Formal Complaint for your records.

Kiralyonna Mcgee  
532 s 56 Street

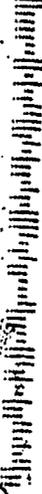
Phila, PA. 19143

Secretary  
Pennsylvania Public Utility

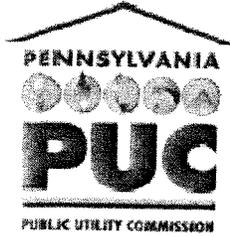
Commission 400 North Street  
Harrisburg, Pennsylvania



17120621499



## **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-2015-2490727
Description:	Kimyonna McGee - PECO Energy Company Answer to the Formal Complaint
Transmission Date:	7/22/2015 10:04:10 AM
Filed On:	7/22/2015 10:04:10 AM
eFiling Confirmation Number:	1600310

**Uploaded File List**

File Name	Document Class	Document Type
Kimyonna McGee - Answer to Formal Complaint.pdf	Communication	Answer to Formal Complaint

PECO ENERGY  
EXHIBIT **2**



An Exelon Company

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

Direct Dial: 215-841-6841

July 22, 2015

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

**RE: Kimyonna McGee v. PECO Energy Company**  
**PUC Docket No.: F-2015-2490727**

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, sweeping underline.

Shawane Lee  
Counsel for PECO Energy Company

SL/ab  
Enclosure

cc: **CALL OF THE DOCKET**



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>KIMYONNA MCGEE</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. F-2015-2490727</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	
	:	

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

On July 2, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Kimyonna McGee (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 Complaint, Complainant alleges that PECO Energy has threatening to terminate her electric service. The Complainant requests a payment agreement and states she has a child in the property with a medical condition. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa.C.S. § 1405(c).

PECO Energy's records indicate that the Complainant has electric service at 532 South 56<sup>th</sup> Street, Philadelphia, PA 19143 under account number 06876-00204. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant enrolled in PECO's Customer

Assistance Program (“CAP”) on November 17, 2005 under Tier C. She was removed from the program on July 18, 2011 and re-enrolled on September 9, 2012 under Tier D. The Complainant’s CAP Tier changed to C on December 10, 2013 based on income reported of \$795.15 per month for 5 adults and 1 child. The Complainant is due to recertify in the program on December 10, 2015. The Complainant is actively enrolled in the CAP program. The Complainant’s entire balance is comprised of CAP arrears.

On June 4, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS”) at case number 003351437. In her informal complaint, the Complainant requested a payment agreement in order to restore her service after it was terminated on May 12, 2015 for a past due balance of \$2,364.30. See Case Details Report #003351437, attached hereto as Exhibit “2”. On June 4, 2015, the BCS issued a Decision Report, dismissing the Complainant’s case pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003351437, attached hereto as Exhibit “3”.

The Complainant’s balance is \$2,525.20. See Exhibit “1”. The Complainant is not entitled to a payment agreement on her balance pursuant to 66 Pa.C.S. § 1405(c) as the entire balance is comprised of CAP arrears.

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.

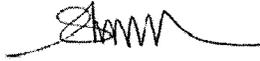
**NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY**

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

1. The Complainant enrolled in PECO's Customer Assistance Program ("CAP") on November 17, 2005 under Tier C.
2. She was removed from the program on July 18, 2011.
3. The Complainant re-enrolled in CAP on September 9, 2012 under Tier D.
4. The Complainant's CAP Tier changed to C on December 10, 2013 based on income reported of \$795.15 per month for 5 adults and 1 child.
5. The Complainant is due to recertify in the program on December 10, 2015.
6. The Complainant is actively enrolled in the CAP program.
7. The Complainant's balance is \$2,525.20.
8. The Complainant's entire balance is comprised of CAP arrears.
10. 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."
11. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.
12. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa. C.S. §1405(c).

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

Respectfully Submitted,



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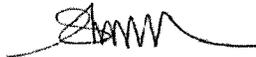
Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>KIMYONNA MCGEE</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. F-2015-2490727</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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: July 22, 2015

\_\_\_\_\_  
Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

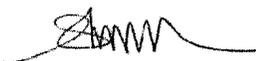
<b>KIMYONNA MCGEE</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. F-2015-2490727</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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:

Kimyonna McGee  
532 South 56<sup>th</sup> Street  
Philadelphia, PA 19143

Dated at Philadelphia, Pennsylvania, July 22, 2015



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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**

\*\*\* Account Information \*\*\*  
 Account Number: 06876-00204  
 Account Status: Final  
 Requested By: KIMYONNA MCGEE  
 (267)294-5419 Extension:  
 Mail To: KIMYONNA MCGEE  
 532 S 56TH ST  
 PHILADELPHIA PA 19143  
 Current Bill: \$0.00  
 Billed Prior: \$2525.20  
 Balance Due: \$2525.20  
 Service Address: 532 S 56TH ST  
 PHILADELPHIA PA 19143  
 Meter Bill Grp: 12  
 Rate: CAP Opt C Electric Residential Service

\*\*\* Current Account Status \*\*\*  
 Credit Amount: \$0.00  
 Deposit Requested: \$0.00  
 Deposit On-Hand: \$0.00

DATE	CHANGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KV
07/16/13	Late Payment Charge	06/16/13 07/16/13			\$16.98		\$16.98					
07/17/13	BUDGET BILLING				\$396.00		\$396.00					
	** Budget Bill Detail **	Actual Bill Amount:			113.97		1232.07					
07/17/13	Regular Bill				\$22.92		\$22.92					
08/13/13	Late Payment Charge	07/16/13 08/14/13			\$364.00		\$364.00					
08/15/13	BUDGET BILLING				\$364.00		\$364.00					
	** Budget Bill Detail **	Actual Bill Amount:			102.80		970.87					
08/15/13	Regular Bill				\$26.83		\$26.83					
08/27/13	Payment				\$364.00		\$364.00					
09/11/13	Late Payment Charge	08/14/13 09/15/13			\$364.00		\$364.00					
09/16/13	BUDGET BILLING				\$364.00		\$364.00					
	** Budget Bill Detail **	Actual Bill Amount:			118.34		725.21					
09/16/13	Regular Bill				\$364.00		\$364.00					
09/23/13	Payment				\$364.00		\$364.00					
10/15/13	BUDGET BILLING				\$364.00		\$364.00					
	** Budget Bill Detail **	Actual Bill Amount:			55.04		416.25					
10/15/13	Late Payment Charge	09/15/13 10/14/13			\$34.20		\$34.20					
10/15/13	Regular Bill				\$30.13		\$30.13					
10/21/13	Payment				\$100.00		\$100.00					
11/12/13	Late Payment Charge	10/14/13 11/12/13			\$364.00		\$364.00					
11/13/13	BUDGET BILLING				\$364.00		\$364.00					
	** Budget Bill Detail **	Actual Bill Amount:			162.34		214.59					
11/13/13	Regular Bill				\$2787.73		\$2787.73					
12/10/13	Payment Agreement				\$46.46		\$46.46					
12/16/13	Payment				\$244.00		\$244.00					
12/16/13	BUDGET BILLING				\$244.00		\$244.00					
	** Budget Bill Detail **	Actual Bill Amount:			357.40		327.99					
12/16/13	DEFERRED PAYMENT AGREEMENT				\$46.46		\$46.46					
12/16/13	Regular Bill				\$2741.27		\$2741.27					
01/13/14	Bill Out DPA due to Default				\$42.62		\$42.62					
01/14/14	Late Payment Charge				\$244.00		\$244.00					
01/17/14	BUDGET BILLING				\$244.00		\$244.00					
	** Budget Bill Detail **	Actual Bill Amount:			365.82		449.81					
01/17/14	Regular Bill				\$244.00		\$244.00					
02/18/14	Late Payment Charge	01/16/14 02/17/14			\$46.28		\$46.28					
02/18/14	Regular Bill				\$46.28		\$46.28					
02/26/14	Payment				\$49.25		\$49.25					
03/18/14	Late Payment Charge	02/17/14 03/18/14			\$244.00		\$244.00					
03/19/14	BUDGET BILLING				\$244.00		\$244.00					
	** Budget Bill Detail **	Actual Bill Amount:			118.27		481.06					
03/19/14	Regular Bill				\$51.14		\$51.14					
03/28/14	Payment				\$118.27		\$118.27					
04/15/14	Late Payment Charge	03/18/14 04/16/14			\$244.00		\$244.00					
04/17/14	BUDGET BILLING				\$244.00		\$244.00					
	** Budget Bill Detail **	Actual Bill Amount:			255.19		492.25					
04/17/14	Regular Bill				\$100.00		\$100.00					
04/29/14	Payment				\$244.00		\$244.00					
05/16/14	BUDGET BILLING				\$244.00		\$244.00					
	** Budget Bill Detail **	Actual Bill Amount:			99.67		347.92					





DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
02/16/15	BUDGET BILLING	01/15/15 02/16/15			\$98.00							
	** Budget Bill Detail **	Actual Bill Amount: 13.14										
02/16/15	Regular Bill											
03/18/15	BUDGET BILLING	02/16/15 03/18/15			\$98.00		\$3626.00	\$3528.00	03/10	532		
	** Budget Bill Detail **	Actual Bill Amount: 11.98										
03/18/15	Regular Bill											
03/30/15	Payment											
04/15/15	BUDGET BILLING	03/18/15 04/15/15			\$163.81		\$3724.00	\$3626.00	04/09	494		
	** Budget Bill Detail **	Actual Bill Amount: 9.72										
04/15/15	Regular Bill											
04/16/15	PPA Forgiven											
04/16/15	Pre-Program Arrears				\$77.74	\$77.74	\$3560.19	\$3560.19	05/07	392		
04/29/15	Payment					\$310.93						
05/14/15	PPA Forgiven					\$77.74						
05/14/15	Pre-Program Arrears				\$77.74							
05/19/15	BUDGET BILLING	04/15/15 05/19/15										
	** Budget Bill Detail **	Actual Bill Amount: 10.19										
05/19/15	Regular Bill											
06/12/15	Budget Bill Settlement						\$3249.26	\$3249.26	06/10	413		
06/12/15	PPA Default					\$879.51						
06/12/15	PPA Defaulted				\$155.45	\$155.45						
06/12/15	BUDGET BILLING	05/19/15 06/11/15										
	** Budget Bill Detail **	Actual Bill Amount: 5.45										
06/12/15	Regular Bill											
06/12/15	Pre-Program Arrears				\$155.45		\$2525.20	\$2525.20	07/06			
06/16/15	Late Payment Charge				\$29.86							

## **EXHIBIT 2**



July 22, 2015

**Case Details Report**

**BCS Case #:** 003351437 **BCS Bill Account #:** 0687600204  
**Customer Name:** KIMYONNA MCGEE  
**Service Address:** 532 S 56TH STREET

**Mailing Address:** PHILADELPHIA, PA 19143

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

**Date Case Opened:** 2015-06-02 **Date Cut Out:** 2015-05-15  
**PAR Case:** Y  
**Investigator Name:** BCS CASE POOL  
**Investigator Phone:** (717) 787-0000 **Universal Service:** Y  
**Service class:** R **Contact Type:** TELEPHONE  
**Previous case #:** 3269880 **Amount in Arrears:** \$2354.11

**# Adults:** 3  
**# Children:** 2  
**Children Ages:** 1, 3  
**Gross Income:** \$1943.00  
**Miscellaneous Info:**

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

**Customer Problem Description:**  
OFFCUST IS ON CAP AND WAS SHUT OFF FOR LATE PAYMENT. REFER TO MEAF FUND. CUST HAS MED COND, BUT CO DENIED MED FORM. CUST NEEDS HELP TO RESTORE SERVICE. THE CELL PHONE NUMBER (267) 776 - 5439 HAS BEEN ALLOWED TO BE SHARED.

**Company Position:**  
05/28/2015 CO WANTS 1600 TO RESTORE.

## **EXHIBIT 3**



July 22, 2015

**BCS Decision Report**

BCS Case #: 003351437      Open Date: 2015-06-02  
Customer Name: KIMYONNA MCGEE  
Service Address: 532 S 56TH STREET

PHILADELPHIA, PA 19143  
BCS Bill Account #: 0687600204      Previous Case #: 3269880  
Violation Type: NO      Chapter Type:  
Decision Type:      Section / Rule:  
Investigator Name: CLARK BERNARD

Decision Issued Date: 2015-06-04  
Case Closed Date: 2015-06-04

Letter Description:  
BLANK LETTER - DECISION

Total Balance: \$2519.75      Balance Date: 2015-06-03  
Amount to Restore Service: \$0.00      Amount to Continue Service: \$0.00  
Date Payment Due:      Regular Budget Amount: \$0.00  
Special Budget Payment: \$0.00      Final Bill Monthly Payment: \$0.00  
Plus Arrears Payment: \$0.00      End of Month Payment: \$0.00  
Current Monthly Payment: \$0.00  
Payment Terms:

PAR Description:

Resolution Description:  
CASE DISMISSED. THE CUSTOMER SHOULD COMPLY WITH THE COMPANY'S  
REQUEST FOR \$2,384.30 TO RESTORE SERVICE (\$2,364.30 BALANCE + \$20.00  
RECONNECTION FEE). THE COMPANY REPORTS THAT THE CUSTOMER HAS  
DEFAULTED ON TWO OR MORE PAYMENT ARRANGEMENTS. 52 PA. CODE ??  
56.191 (C)(2)(I) ALLOWS THE COMPANY TO REQUEST FULL PAYMENT OF THE  
OUTSTANDING BALANCE PLUS A RECONNECTION FEE IF THE CUSTOMER HAS  
DEFAULTED ON TWO OR MORE PAYMENT ARRANGEMENTS. THE CUSTOMER'S  
BALANCE CONTAINS CAP ARREARS. THEREFORE, THE CUSTOMER IS NOT  
ELIGIBLE FOR A PUC PAYMENT ARRANGEMENT PER 1405 (C).

EX-101 3