



An Exelon Company

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

Direct Dial: 215.841.6841

August 19, 2015

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

RE: Amir Williams v. PECO Energy Company
PUC Docket No.: C-2015-2491953

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**

AMIR V. WILLIAMS

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2491953

NOTICE TO PLEAD

To: Amir V. Williams

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 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**

AMIR V. WILLIAMS

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2491953

MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to 52 Pa. Code §5.102, PECO Energy Company ("PECO") 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 with respect to the payment agreement. 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 regarding this issue.

1. On or about July 7, 2015, Complainant filed a Formal Complaint against Respondent, PECO, requesting to receive a Commission-ordered payment agreement. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.
2. PECO was served with the Formal Complaint on July 10, 2015.
3. On July 29, 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 18, 2003 under Tier B. New Matter ¶1.
5. PECO averred that Complainant was removed from the program on April 29, 2011 for failure to recertify. New Matter ¶2.

6. PECO averred that Complainant re-enrolled in the program May 23, 2011 under Tier E. New Matter ¶3.

7. PECO averred that Complainant was removed from the program on June 7, 2013 for failing to recertify. New Matter ¶4.

8. PECO averred that Complainant re-enrolled in the program February 13, 2014 under Tier E1. New Matter ¶5.

9. PECO averred that Complainant is due to recertify in the CAP program on February 13, 2016. New Matter ¶6.

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

11. PECO averred that the Complainant's balance is \$557.40. New Matter ¶8.

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

13. 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.

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

15. 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).

16. 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."

17. 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.

18. 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).

19. 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).

20. 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.
- 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 relief Complainant seeks regarding the payment agreement.

21. Because no factual dispute exists regarding the prohibited payment agreement and the Complaint fails to state a claim for which relief can be granted, PECO is entitled to judgment as a matter of law with respect to the requested payment agreement.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice, as it relates to a request for a 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**

AMIR V. WILLIAMS

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2491953

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

Amir V. Williams

Administrative Law Judge Marta Guhl
Pennsylvania Public Utility Commission
Suite 4063, 801 Market Street
Philadelphia, PA 19107
Via Email and First Class Mail



Shawane L. Lee

DATED: August 19, 2015

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Friday, July 10, 2015 10:40 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-2015-2491953**.
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.

RECEIVED

JUL 07 2015

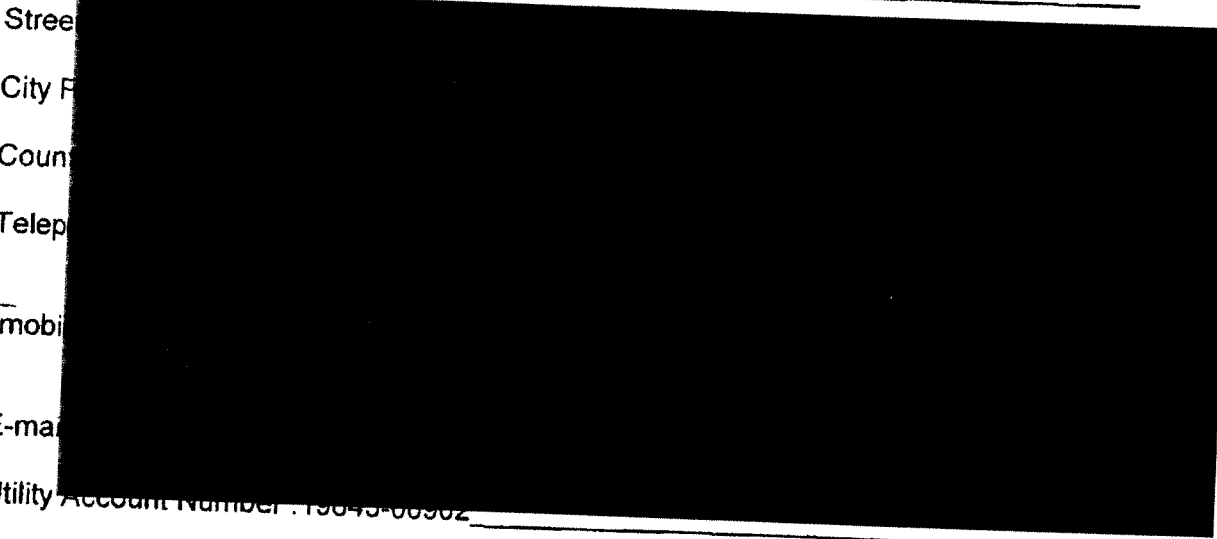
To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

Name: Mr. Amir V. Williams



Street

City

County

Telephone

(mobile)

E-mail

Utility Account Number: 19843-00502

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 N/A

Street/P.O. Box

City State Zip N/A

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.

P.E.C.O. Philadelphia Electric Company - AN EXCELON Co.

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 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.
- X Other (explain). I agreed to pay a past out-standing balance of \$421.54 a month with a past due arrangement of \$18.00 a month plus current charges. I mailed/emailed and faxed in

the CAP Rate enrollment form. My current bill again does not reflect the CAP Rate agreed upon charges and/or reductions and/or my agreed upon settlement terms.

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 request that my informal agreement to be enforced with my full enrollment in P.E.C.O.'s CAP-Rate program as agreed upon at the time of settlement on 01/13/2014. *

* Additional PAPER WORK AND
LEGAL CITATIONS to follow before
the FORMAL HEARING.

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.

Complaint for Damages
will be filed in the
appropriate Court of Law with
"Just Standing."

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 X

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 X

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 X

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.

CONTACTED P. E. CO. AS RENTY AS 07/07/2015
FOR PAYMENT ARRANGEMENT IT WAS DECLINED!
SERVICE WILL BE TERMINATED ON 07/10/2015

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

Ms. Dana McCollum of P.E.C.O. has not returned my phone calls.

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.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at lawclinichb@mail.widener.edu.

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

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

T. B. N.

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: Mr. Amir V. Williams *Mr. Amir Van Williams*

Mr. Amir V. Williams, 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).

Mr. Amir V. Williams

Mr. Amir V. Williams

(Signature of Complainant)

(Date) *07/07/2015*

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. Filing

You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

If you do not electronically file your Formal Complaint, **mail** the completed form (along with any attachments) to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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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.



UNITED STATES POSTAL SERVICE



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U.S. POSTAGE

JUL 07 '15

\$5.75

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Mr. Amir Williams



For Domestic and International Use



From



Mr. Amir Williams

TO Secretary
PENNSYLVANIA Public Utility
Comm.
400 NORTH ST.
Commonwealth Keystone Bldg
Harrisburg Pa 17120

Flat Rate
Mailing Envelope

For Domestic and International Use

Visit us at usps.com



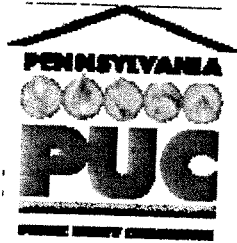
USPS TRACKING #



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Label 400 Jan 2013
7860-16-000-7140

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-2015-2491953
Description:	Amir V. Williams - PECO Energy Answer and New Matter to Formal Complaint
Transmission Date:	7/29/2015 2:16:26 PM
Filed On:	7/29/2015 2:16:26 PM
eFiling Confirmation Number:	1601234

Uploaded File List

File Name	Document Class	Document Type
Amir V Williams - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

EXHIBIT 2



An Exelon Company

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19103

Direct Dial: 215-841-6841

July 29, 2015

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

RE: Amir V. Williams v. PECO Energy Company
PUC Docket No.: C-2015-2491953

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Answer and New Matter 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

Scheduling Recommendation: **CALL OF THE DOCKET**

SL/lo

PENNSYLVANIA PUBLIC UTILITY COMMISSION

AMIR V. WILLIAMS

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2015-2491953

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, July 29, 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

AMIR V. WILLIAMS
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2015-2491953

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On July 10, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Amir Williams (hereafter "Complainant") in the above captioned docket.

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

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint.

In his Complaint, Complainant alleges that he does not see a Customer Assistance Program ("CAP") rate reflected on his bills. The Complainant additionally states that he had a payment agreement where he was to pay \$18.00 per month plus current charges on a \$421.54 balance. PECO Energy avers that the Complainant's formal complaint should be dismissed pursuant to 66 Pa.C.S. § 1405(c).

PECO Energy's records indicate that the Complainant has electric service at 5600 Ogontz Avenue, Apartment A-31, Philadelphia, PA under account number 19645-00902. See Account

Activity Statement, attached hereto as Exhibit "1". The Complainant enrolled in PECO's Customer Assistance Program ("CAP") on November 18, 2003 under Tier B. The Complainant was removed from the program on April 29, 2011 for failing to recertify. The Complainant re-enrolled in the program on May 23, 2011 under Tier E. The Complainant was removed from the program on June 7, 2013, for failing to recertify. The Complainant re-enrolled in the program on February 13, 2014 under Tier E1. The Complainant is scheduled to recertify in the program on February 13, 2016. The Complainant is actively enrolled in the CAP program under Tier E1. The Complainant's entire balance is comprised of CAP arrears.

The Complainant's balance is \$557.40. See Exhibit "1". The Complainant is actively enrolled in the CAP program. The Complainant is not entitled to a payment agreement on his 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 18, 2003 under Tier B.
2. The Complainant was removed from the program on April 29, 2011 for failing to recertify.
3. The Complainant re-enrolled in the program on May 23, 2011 under Tier E.
4. The Complainant was removed from the program on June 7, 2013, for failing to recertify.
5. The Complainant re-enrolled in the program on February 13, 2014 under Tier E1.
6. The Complainant is scheduled to recertify in the program on February 13, 2016.
7. The Complainant is actively enrolled in the CAP program.
8. The Complainant's balance is \$557.40.
9. 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,



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**

AMIR V. WILLIAMS
Complainant

v.

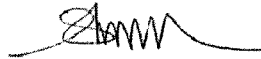
PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2015-2491953

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 29, 2015

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AMIR V. WILLIAMS
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2015-2491953

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:

Amir V. Williams

Dated at Philadelphia, Pennsylvania, July 29, 2015



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

EXHIBIT "1"

PECO Account Activity Statement

Date: 07/21/15

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*** Account Information ***

Account Number: 19645-00902
 Account Status: Active
 Requested By: AMTR WILLIAMS
 (267)259-3533 Extension:

Mail To:
 AMIR WILLIAMS
 PO BOX 28053
 PHILADELPHIA PA 19131

Current Bill:
 Billed Prior: \$492.40
 Balance Due: \$557.40
 Service Address:
 5600 OGONTZ AV
 APT A-31
 PHILADELPHIA PA 19141

Current Account Status ***
 Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 14
 Rate: CAP Opt E1 Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
08/19/13	BUDGET BILLING	07/18/13 - 08/18/13			\$53.00					
** Budget Bill Detail ** Actual Bill Amount: 83.80 BB Deferred Amount: 87.18										
08/19/13	Late Payment Charge				\$7.07		\$680.24	\$627.24	09/10	522
09/17/13	Late Payment Charge				\$7.87					
** Budget Bill Detail ** Actual Bill Amount: 86.27 BB Deferred Amount: 85.45										
09/18/13	Regular Bill	08/18/13 - 09/17/13			\$88.00		\$776.11	\$688.11	10/10	513
** Budget Bill Detail ** Actual Bill Amount: 70.67 BB Deferred Amount: 68.12										
10/17/13	Regular Bill	09/17/13 - 10/16/13			\$88.00	\$249.88	\$364.35	\$276.35	11/08	412
** Budget Bill Detail ** Actual Bill Amount: 83.33 BB Deferred Amount: 63.45										
11/15/13	Regular Bill	10/16/13 - 11/14/13			\$2.10					
** Budget Bill Detail ** Actual Bill Amount: 83.33 BB Deferred Amount: 63.45										
12/16/13	Late Payment Charge				\$88.00		\$349.45	\$261.45	12/09	494
** Budget Bill Detail ** Actual Bill Amount: 100.63 BB Deferred Amount: 77.08										
12/18/13	BUDGET BILLING	11/14/13 - 12/17/13			\$3.42					
** Budget Bill Detail ** Actual Bill Amount: 83.99 BB Deferred Amount: 74.07										
01/22/14	Regular Bill	12/17/13 - 01/21/14			\$87.00	\$439.87	\$439.87	\$352.87	01/09	590
** Budget Bill Detail ** Actual Bill Amount: 83.99 BB Deferred Amount: 74.07										
01/22/14	BUDGET BILLING				\$18.33					
** Budget Bill Detail ** Actual Bill Amount: 51.35 BB Deferred Amount: 61.42										
02/20/14	Deferred Payment Agreement	01/21/14 - 02/19/14			\$421.54	\$526.87	\$105.33		02/13	490
** Budget Bill Detail ** Actual Bill Amount: 51.35 BB Deferred Amount: 61.42										
02/13/14	Regular Bill				\$421.54					
** Budget Bill Detail ** Actual Bill Amount: 44.02 BB Deferred Amount: 41.44										
03/05/14	Payment	02/19/14 - 03/20/14			\$64.00	\$74.13	\$74.13		03/14	369
** Budget Bill Detail ** Actual Bill Amount: 44.02 BB Deferred Amount: 41.44										
03/21/14	Regular Bill				\$10.13				04/14	331



PECO Account Activity Statement

Date: 07/21/15
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DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DOE DATE	KWH
04/21/14	Bill Out DPA due to Default	03/20/14 04/20/14			\$496.48	\$64.00	\$149.37	\$75.24	05/13	394
04/21/14	BUDGET BILLING									
** Budget Bill Detail ** Actual Bill Amount: 51.68 BB Deferred Amount: 29.12										
04/21/14	DEFERRED PAYMENT AGREEMENT				\$10.13					
04/21/14	Late Payment Charge				\$1.11					
05/06/14	Regular Bill									
05/06/14	Payment									
05/06/14	Payment Agreement									
05/20/14	BUDGET BILLING	04/20/14 05/19/14								
** Budget Bill Detail ** Actual Bill Amount: 54.48 BB Deferred Amount: 19.60										
05/20/14	DEFERRED PAYMENT AGREEMENT				\$64.00					
05/20/14	Late Payment Charge				\$10.13					
05/20/14	Regular Bill				\$0.96					
06/16/14	Bill Out DPA due to Default				\$486.35		\$140.20	\$66.07	06/11	418
06/17/14	Late Payment Charge				\$9.29					
06/19/14	BUDGET BILLING	05/19/14 06/17/14								
** Budget Bill Detail ** Actual Bill Amount: 47.63 BB Deferred Amount: 3.23										
06/19/14	Regular Bill				\$64.00					
07/09/14	Payment Agreement									
07/10/14	Payment									
07/16/14	Late Payment Charge				\$140.20					
07/18/14	BUDGET BILLING	06/17/14 07/17/14								
** Budget Bill Detail ** Actual Bill Amount: 65.33 BB Deferred Amount: 4.56										
07/18/14	DEFERRED PAYMENT AGREEMENT				\$64.00					
07/18/14	Regular Bill				\$10.13					
08/18/14	Bill Out DPA due to Default				\$466.09		\$148.38	\$74.25	08/11	564
08/18/14	BUDGET BILLING	07/17/14 08/17/14								
** Budget Bill Detail ** Actual Bill Amount: 66.40 BB Deferred Amount: 6.96										
08/18/14	DEFERRED PAYMENT AGREEMENT				\$64.00					
08/18/14	Late Payment Charge				\$10.13					
08/25/14	Regular Bill				\$2.07					
09/11/14	Payment				\$148.38					
09/12/14	Payment				\$76.00					
09/12/14	Payment Agreement				\$100.00					
09/17/14	BUDGET BILLING	08/17/14 09/16/14								
** Budget Bill Detail ** Actual Bill Amount: 66.16 BB Deferred Amount: 9.12										
09/17/14	DEFERRED PAYMENT AGREEMENT				\$64.00					
09/17/14	Regular Bill				\$7.96					
10/14/14	Bill Out DPA due to Default				\$358.33		\$71.96		10/09	585
10/14/14	Late Payment Charge				\$1.08					
10/16/14	BUDGET BILLING	09/16/14 10/15/14								
** Budget Bill Detail ** Actual Bill Amount: 53.24 BB Deferred Amount: -1.64										
10/16/14	Regular Bill				\$64.00					
11/04/14	Payment Agreement									
11/05/14	Payment				\$358.33					
11/12/14	Late Payment Charge				\$71.96					
11/13/14	BUDGET BILLING	10/15/14 11/13/14								
** Budget Bill Detail ** Actual Bill Amount: 64.92 BB Deferred Amount: -0.72										
11/13/14	DEFERRED PAYMENT AGREEMENT				\$64.00					
11/13/14	Regular Bill				\$7.96					
					\$137.98					
					\$66.02					
					12/05					
					573					

