



An Exelon Company

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

Direct Dial: 215.841.6841

August 24, 2015

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

RE: Brenda Smith v. PECO Energy Company
PUC Docket No.: C-2015-2493947

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 long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

SL/alb
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BRENDA SMITH

v.

PECO ENERGY COMPANY

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:
:

DOCKET NO. C-2015-2493947

NOTICE TO PLEAD

To: Brenda Smith

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 24, 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**

BRENDA SMITH

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2493947

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 July 10, 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 21, 2015.

3. In the Complainant's Formal Complaint, the Complaint states:

I was placed back on CAP due to income and was told once placed back on CAP I would not be terminated and an arrangement could be made. I was later told that I had to pay ½ of the entire balance to keep service even after I was placed on the program.

4. The Complainant requests for relief:

I would like PUC to assist in making a payment arrangement for the balance and not have my service terminated.

5. On August 4, 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.

6. PECO averred in its New Matter that Complainant initially enrolled in its Customer Assistance Program (CAP) on March 6, 2013 under Tier C. New Matter ¶1.

7. PECO averred that PECO isolated \$1,388.51 of Complainant's pre-program arrears for possible forgiveness if the Complainant paid her current bill in full and on time every month. New Matter ¶2.

8. PECO averred that Complainant was scheduled to recertify in the CAP program on March 6, 2015. New Matter ¶3.

9. PECO averred that Complainant was removed from the program on March 12, 2015 for failing to recertify. New Matter ¶4.

10. PECO averred that Complainant re-enrolled in the CAP program on July 16, 2015 under Tier C. New Matter ¶5.

11. PECO averred that Complainant is actively enrolled in the CAP program. New Matter ¶6.

12. PECO averred that the Complainant's balance is \$7,263.66. New Matter ¶7.

13. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶8.

14. 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 ¶10.

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

16. 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).

17. 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.”

18. 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.

19. 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).

20. 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).

21. 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.

22. 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**

BRENDA SMITH

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2493947

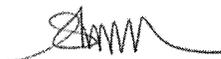
CERTIFICATE OF SERVICE

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

Brenda Smith
P.O. Box 172
Pine Forge, PA 19548

Administrative Law Judge Darlene D. Heep
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
VIA FIRST CLASS MAIL & EMAIL



Shawane L. Lee

DATED: August 24, 2015

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Tuesday, July 21, 2015 2:40 PM
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-2015-2493947**.
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 Brenda Smith

Street/P.O. Box P.O. Box 177 Apt # _____

City Pine Forge State PA Zip 19548

County Montgomery

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

() _____ (home) (267) 258-4931 (mobile)

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

Utility Account Number (from your bill) 11621-84064

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 Brenda Smith

Street/P.O. Box 212 Main St

City Green Lane State PA Zip 18054

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO

3. Type of Utility Service

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

- ELECTRIC WASTEWATER/SEWER
- GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
I was placed back on CAP Due to income and was told once placed back on CAP I would not be terminated & an arrangement could be made. I was later told that I had to pay 1/2 of the entire balance to keep service even after I was placed on the program
- 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.

I would like PUC to assist in making a payment arrangement for the balance and not have my service terminated

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

NOT SURE

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 am unable to pay 50% of the bill being on SSD. They will not take any other payment option.

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 _____

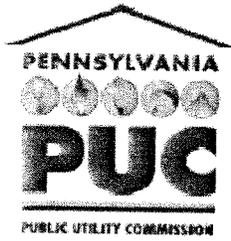
City _____ State _____ Zip _____

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.

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-2015-2493947
Description:	Brenda Smith - PECO Energy Company Answer to the Formal Complaint
Transmission Date:	8/4/2015 2:13:43 PM
Filed On:	8/4/2015 2:13:43 PM
eFiling Confirmation Number:	1601990

Uploaded File List

File Name	Document Class	Document Type
Brenda Smith - Answer to the 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

August 4, 2015

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

RE: Brenda Smith v. PECO Energy Company
PUC Docket No.: C-2015-2493947

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy's Answer to the Formal Complaint* with regard to the matter referenced above.

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

Very truly yours,

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

Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

cc: *Call of the Docket*

PENNSYLVANIA PUBLIC UTILITY COMMISSION

BRENDA SMITH :
Complainant :
v. : DOCKET NO. C-2015-2493947
PECO ENERGY COMPANY :
Respondent :
:

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed NEW MATTER of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to NEW MATTER, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Rosemarie Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Shawane L. Lee, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, August 4, 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**

BRENDA SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2015-2493947
	:	
PECO ENERGY COMPANY	:	
Respondent	:	
	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On July 21, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Brenda Smith (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 states that she was placed on the Customer Assistance Program (CAP) and told that once placed on the program she could have a payment arrangement and would not be terminated. The Complainant states that she is now being told she has to pay half the entire balance to keep her service on. The Complainant requests a payment agreement to stop her service termination. 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 previously had service at 435 North Manatawny Street, Pottstown, PA under account number 66821-31135. The Complainant initially enrolled in PECO's Customer Assistance Program ("CAP") on March 6, 2013 under Tier C. PECO isolated \$1,388.51 of Complainant's pre-program arrears for possible forgiveness if the Complainant paid her current bill in full and on time every month. The Complainant was scheduled to recertify in the program on March 6, 2015. She was removed from the program on March 12, 2015 for failing to recertify. The Complainant left an unpaid balance at this service address in the amount of \$6,838.04. See Account Activity Statement, attached hereto as Exhibit "1".

Complainant established electric service at 212 Main Street, Green Lane, PA 18054 under account number 11621-84064 on April 1, 2015. See Account Activity Statement, attached hereto as Exhibit "2". On May 4, 2015, the Complainant's \$6,838.04 unpaid balance from 435 North Manatawny Street transferred to the Complainant's active account for service under account number 11621-84064. See Exhibit "2". On July 16, 2015, the Complainant reenrolled in the CAP program under Tier C. The Complainant is actively enrolled in the CAP program. The Complainant's entire balance is comprised of CAP arrears.

On June 17, 2015, a ten day notice was mailed to the Complainant for a balance of \$7,034.81 with a termination date of July 3, 2015. On June 23, 2015 and June 24, 2015, a 72 hour notice was left in a voicemail message on both dates. On July 20, 2015, the Complainant contacted the company to verify that her information had been received for CAP. She was advised that the account was not eligible for a payment agreement and that 50% of her \$7,957.91 balance need to be paid by July 21, 2015.

On July 22, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS”) at case number 003367500. See Case Details Report #003367500, attached hereto as Exhibit “3”. In her informal complaint, Complainant stated that she was told if she submitted a CAP application her service would not be interrupted. The Complainant stated that the company now wants half of the past due amount immediately or her service will be terminated. On July 27, 2015, the BCS issued a Decision Report stating: ENROLLED IN CAP, CURRENT BILL OF \$203.55 IS DUE ON 8/4/15. See BCS Decision Report #003367500, attached hereto as Exhibit “4”.

The Complainant’s balance is \$7,263.66. 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 initially enrolled in PECO's Customer Assistance Program ("CAP") on March 6, 2013 under Tier C.
2. PECO isolated \$1,388.51 of Complainant's pre-program arrears for possible forgiveness if the Complainant paid her current bill in full and on time every month.
3. The Complainant was scheduled to recertify in the program on March 6, 2015.
4. She was removed from the program on March 12, 2015 for failing to recertify.
5. On July 16, 2015, the Complainant reenrolled in the CAP program under Tier C.
6. The Complainant is actively enrolled in the CAP program.
7. The Complainant's balance is \$7,263.66.
8. The Complainant's entire balance is comprised of CAP arrears.
9. 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."
10. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.
11. 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**

BRENDA SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2015-2493947
	:	
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: August 4, 2015

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

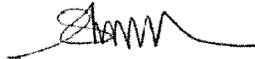
BRENDA SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2015-2493947
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Brenda Smith
PO Box 172
Pine Forge, PA 19548

Dated at Philadelphia, Pennsylvania, August 4, 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

FORMER ACCOUNT

PECO Account Activity Statement

Date: 07/27/15
Page: 1 of 3

*** Account Information ***

Account Number: 66821-31135
Account Status: Final
Mail To: BRENDA SMITH
212 MAIN ST
GREENLANE PA 18054

*** Current Account Status ***

Current Bill: \$0.00
Billed Prior: \$0.00
Balance Due: \$0.00
Service Address: 435 N MANATAWNY ST
POTTSTOWN PA 19464
Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Meter Bill Grp: 14
Rate: Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KV
10/17/12	ELECTRIC SERVICE	10/05/12 10/16/12	70725	105783310	\$75.38							
10/17/12	CONNECTION CHARGE - STANDARD				\$6.00							
10/17/12	Regular Bill						\$81.38		11/08	441		
11/13/12	Late Payment Charge				\$0.86							
11/15/12	ELECTRIC SERVICE	10/16/12 11/14/12	72126	105783310	\$238.28							
11/15/12	Regular Bill						\$320.52	\$82.24	12/07	1401		
12/12/12	Late Payment Charge				\$4.70							
12/18/12	ELECTRIC SERVICE	11/14/12 12/17/12	73886	105783310	\$297.51							
12/18/12	Regular Bill						\$622.73	\$325.22	01/09	1760		
01/15/13	Late Payment Charge				\$9.16							
01/22/13	ELECTRIC SERVICE	12/17/12 01/21/13	76602	105783310	\$410.94							
01/22/13	Regular Bill						\$1042.83	\$631.89	02/13	2716		
02/19/13	Late Payment Charge				\$15.32							
02/20/13	ELECTRIC SERVICE	01/21/13 02/19/13	78776	105783310	\$330.36							
02/20/13	Regular Bill						\$1388.51	\$1058.15	03/14	2174		
03/06/13	Transfer To PPA						\$1388.51					
03/21/13	PPA Forgiven						\$115.71					
03/21/13	BUDGET BILLING	02/19/13 03/20/13			\$89.00							
03/21/13	Pre-Program Arrears											
03/21/13	Regular Bill	** Budget Bill Detail ** Actual Bill Amount: 185.43			\$115.71	BB Deferred Amount: 96.43						
04/17/13	Late Payment Charge				\$1.34							
04/19/13	Payment						\$89.00					
04/19/13	PPA Forgiven						\$115.71					
04/19/13	BUDGET BILLING	03/20/13 04/18/13			\$103.00							
04/19/13	Pre-Program Arrears											
04/19/13	Regular Bill	** Budget Bill Detail ** Actual Bill Amount: 237.79			\$115.71	BB Deferred Amount: 231.22						
05/20/13	Payment						\$103.00					
05/20/13	PPA Forgiven						\$115.71					
05/20/13	BUDGET BILLING	04/18/13 05/19/13			\$103.00							
05/20/13	Late Payment Charge											
05/20/13	Pre-Program Arrears											
05/20/13	Regular Bill	** Budget Bill Detail ** Actual Bill Amount: 153.80			\$0.02	BB Deferred Amount: 282.02						
06/17/13	Payment						\$103.00					
06/17/13	PPA Forgiven						\$115.71					
06/18/13	Late Payment Charge				\$0.02							
06/18/13	PPA Forgiven						\$103.00					
06/18/13	Pre-Program Arrears											
06/19/13	BUDGET BILLING	05/19/13 06/18/13			\$103.00							
06/19/13	Regular Bill	** Budget Bill Detail ** Actual Bill Amount: 224.99			\$115.71	BB Deferred Amount: 404.01						
07/15/13	Late Payment Charge				\$1.57							
07/19/13	BUDGET BILLING	06/18/13 07/18/13			\$103.00							
07/19/13	Regular Bill	** Budget Bill Detail ** Actual Bill Amount: 332.25			\$103.00	BB Deferred Amount: 633.26						
07/19/13	Regular Bill						\$208.95	\$105.95	08/12	2883		

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
07/29/13	Payment											
08/19/13	PPA Forgiven											
08/19/13	BUDGET BILLING	07/18/13 08/18/13			\$228.00	\$104.50						
	** Budget Bill Detail **	Actual Bill Amount: 275.61				\$115.71						
08/19/13	Late Payment Charge											
08/19/13	Pre-Program Arrears				\$1.55							
08/19/13	Regular Bill				\$115.71							
08/22/13	Payment						\$334.00	\$106.00	09/10	2499		
09/17/13	Late Payment Charge				\$3.42							
09/18/13	BUDGET BILLING	08/18/13 09/17/13			\$228.00							
	** Budget Bill Detail **	Actual Bill Amount: 260.94					\$460.97	\$232.97	10/10	2313		
09/18/13	Regular Bill				\$228.00							
10/15/13	BUDGET BILLING	09/17/13 10/15/13			\$228.00							
	** Budget Bill Detail **	Actual Bill Amount: 160.45					\$695.81	\$467.81	11/06	1578		
10/15/13	Late Payment Charge				\$6.84							
10/15/13	Regular Bill				\$461.00							
11/05/13	Payment											
11/11/13	Returned Electronic Check				\$228.00							
11/13/13	PPA Forgiven				\$115.71							
11/13/13	BUDGET BILLING	10/15/13 11/13/13			\$228.00							
	** Budget Bill Detail **	Actual Bill Amount: 168.01					\$923.81	\$695.81	12/05	1627		
11/13/13	Pre-Program Arrears				\$279.00							
11/13/13	Regular Bill				\$17.87							
12/19/13	BUDGET BILLING	11/13/13 12/19/13			\$279.00							
	** Budget Bill Detail **	Actual Bill Amount: 391.81					\$1202.81	\$923.81	01/10	3008		
12/19/13	Regular Bill				\$279.00							
01/15/14	Late Payment Charge				\$17.87							
01/23/14	BUDGET BILLING	12/19/13 01/23/14			\$279.00							
	** Budget Bill Detail **	Actual Bill Amount: 484.01					\$1499.68	\$1220.68	02/14	3626		
01/23/14	Regular Bill				\$279.00							
02/18/14	BUDGET BILLING	01/23/14 02/18/14			\$279.00							
	** Budget Bill Detail **	Actual Bill Amount: 344.62					\$1778.68	\$1499.68	03/12	2738		
02/18/14	Regular Bill				\$22.06							
02/19/14	Late Payment Charge				\$26.25							
03/18/14	Late Payment Charge				\$349.00							
03/19/14	BUDGET BILLING	02/18/14 03/19/14			\$349.00							
	** Budget Bill Detail **	Actual Bill Amount: 286.55					\$2175.99	\$1826.99	04/10	2488		
03/19/14	Regular Bill				\$349.00							
04/17/14	BUDGET BILLING	03/19/14 04/17/14			\$349.00							
	** Budget Bill Detail **	Actual Bill Amount: 230.78					\$2524.99	\$2175.99	05/12	2094		
04/17/14	Regular Bill				\$349.00							
05/16/14	BUDGET BILLING	04/17/14 05/16/14			\$349.00							
	** Budget Bill Detail **	Actual Bill Amount: 166.70					\$2873.99	\$2524.99	06/09	1661		
05/16/14	Regular Bill				\$349.00							
06/17/14	BUDGET BILLING	05/16/14 06/17/14			\$349.00							
	** Budget Bill Detail **	Actual Bill Amount: 155.53					\$3222.99	\$2873.99	07/09	1606		
06/17/14	Regular Bill				\$47.21							
07/15/14	Late Payment Charge				\$306.00							
07/17/14	BUDGET BILLING	06/17/14 07/17/14			\$306.00							
	** Budget Bill Detail **	Actual Bill Amount: 250.05					\$3576.20	\$3270.20	08/08	2342		
07/17/14	Regular Bill				\$51.80							
08/13/14	Late Payment Charge				\$306.00							
08/15/14	BUDGET BILLING	07/17/14 08/15/14			\$306.00							
	** Budget Bill Detail **	Actual Bill Amount: 264.08					\$3934.00	\$3628.00	09/08	2438		
08/15/14	Regular Bill				\$3934.00							
08/29/14	Payment Agreement				\$306.00							
09/16/14	BUDGET BILLING	08/15/14 09/16/14			\$65.57							
	** Budget Bill Detail **	Actual Bill Amount: 254.12					\$371.57	\$3628.00	09/08	2438		
09/16/14	DEFERRED PAYMENT AGREEMENT											
09/16/14	Regular Bill											
10/13/14	Bill Out DPA due to Default								10/08	2410		

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KNH	CCF	KW
10/15/14	BUDGET BILLING	09/16/14 10/15/14			\$306.00							
	** Budget Bill Detail **	Actual Bill Amount: 140.91			BB Deferred Amount: 98.63							
10/15/14	Regular Bill						\$4546.00	\$4240.00	11/06	1532		
11/13/14	BUDGET BILLING	10/15/14 11/13/14			\$270.00							
	** Budget Bill Detail **	Actual Bill Amount: 133.77			BB Deferred Amount: -37.60							
11/13/14	Regular Bill				\$222.70							
12/05/14	Transfer Debit (#68299-01505)				\$0.23							
12/10/14	Late Payment Charge				\$270.00							
12/16/14	BUDGET BILLING	11/13/14 12/16/14										
	** Budget Bill Detail **	Actual Bill Amount: 193.81			BB Deferred Amount: -113.79							
12/16/14	Regular Bill				\$270.00							
01/20/15	BUDGET BILLING	12/16/14 01/20/15										
	** Budget Bill Detail **	Actual Bill Amount: 345.21			BB Deferred Amount: -38.58							
01/20/15	Regular Bill				\$9.75							
02/17/15	Late Payment Charge				\$270.00							
02/18/15	BUDGET BILLING	01/20/15 02/18/15										
	** Budget Bill Detail **	Actual Bill Amount: 196.44			BB Deferred Amount: -112.14							
02/18/15	Regular Bill				\$694.25							
03/12/15	PPA Default				\$694.25							
03/12/15	PPA Defaulted				\$24.31							
03/17/15	Pre-Program Arrears				\$209.00							
03/17/15	Late Payment Charge											
03/19/15	BUDGET BILLING	02/18/15 03/19/15										
	** Budget Bill Detail **	Actual Bill Amount: 275.08			BB Deferred Amount: -46.06							
03/19/15	Regular Bill				\$51.80							
04/06/15	BUDGET BILLING	03/19/15 04/04/15										
	** Budget Bill Detail **	Actual Bill Amount: 97.86			BB Deferred Amount: 0.00							
04/06/15	Regular Bill											
05/04/15	Transfer (to 11621-84064)				\$6838.04							

EXHIBIT 2

*** Account Information ***

Account Number: 11621-84064
 Account Status: Active

Mail To:
 BRENDA SMITH
 212 MAIN ST
 GREEN LANE
 PA 18054

*** Current Account Status ***

Current Bill: \$203.55
 Billed Prior: \$7060.11
 Balance Due: \$7263.66
 Service Address: 212 MAIN ST
 GREEN LANE PA 18054

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00
 Meter Bill Grp: 03
 Rate: CAP Opt C Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
04/08/15	CONNECTION CHARGE - STANDARD				\$6.00		\$6.00					
04/08/15	Regular Bill											
05/04/15	Transfer Debit from 66821-31135				\$6,898.04		\$6,898.04		04/30			
05/06/15	Regular Bill						\$6844.04	\$6844.04	05/28			
05/07/15	ELECTRIC SERVICE	04/01/15 04/06/15	10113	122072371	\$63.03		\$6307.07	\$6.00	05/29	420		
05/07/15	Regular Bill											
05/08/15	ELECTRIC SERVICE	04/06/15 04/22/15	10955	122072371	\$127.74		\$7034.81	\$6844.04	06/01	842		
05/08/15	Regular Bill											
06/03/15	Late Payment Charge				\$98.73							
06/08/15	Late Payment Charge				\$2.79							
06/09/15	ELECTRIC SERVICE	04/22/15 05/05/15	11592	122072371	\$41.70							
06/09/15	ELECTRIC SERVICE	05/05/15 06/04/15	13237	122072371	\$113.71							
06/09/15	ELE-NRG Retail Solutions				\$188.53							
06/09/15	Late Payment Charge				\$0.95							
06/09/15	Regular Bill						\$7481.22	\$7137.28	07/01	2342		
07/02/15	ELECTRIC SERVICE	06/04/15 07/01/15	15157	122072371	\$123.41							
07/02/15	ELE-NRG Retail Solutions				\$149.73							
07/02/15	Regular Bill											
07/07/15	Late Payment Charge				\$105.88							
07/13/15	ELECTRIC SERVICE	07/01/15 07/10/15	15825	122072371	\$43.90		\$7754.36	\$7481.22	07/27	1860		
07/13/15	ELE-NRG Retail Solutions				\$53.77							
07/13/15	Regular Bill						\$7957.91	\$7587.10	08/04	668		
07/23/15	Transfer TO PPA					\$694.25						

All Readings Are Actual Unless Otherwise Noted.

EXHIBIT 3

EXHIBIT 4



August 4, 2015

#4

BCS Decision Report

BCS Case #: 003367500
Customer Name: BRENDA SMITH
Service Address: 212 MAIN STREET

Open Date: 2015-07-22

GREEN LANE, PA 18054
BCS Bill Account #: 1162184064
Violation Type: NO
Decision Type: W
Investigator Name: VALERIE FISHER

Previous Case #:
Chapter Type:
Section / Rule:

Decision Issued Date: 2015-07-27
Case Closed Date: 2015-07-27

Letter Description:
SHORT BLANK LETTER

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

Balance Date: 2015-07-27
Amount to Continue Service: \$0.00
Regular Budget Amount: \$0.00
Final Bill Monthly Payment: \$0.00
End of Month Payment: \$0.00

PAR Description:

Resolution Description:
ENROLLED IN CAP, CURRENT BILL OF \$203.55 IS DUE ON 8/4/15.