



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: Lanswell Thompson v. PECO Energy Company**  
**PUC Docket No.: F-2015-2492403**

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 horizontal flourish extending to the right.

Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service

SL/alb  
Enclosure

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LANSWELL THOMPSON**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2492403**

**NOTICE TO PLEAD**

*To: Lanswell Thompson*

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**

**LANSWELL THOMPSON**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2492403**

**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 30, 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 13, 2015.

3. In the Complainant's Formal Complaint, the Complainant ticks the box that says "I would like a payment agreement." The Complainant also states:

**I am suffering from pancreatic and prostate cancer also with a breathing machine. I cannot stay in my house because PECO refuses to let me have a payment arrangement.**

4. The Complainant requests for relief:

**What I would like the PUC to do is to give me a reasonable payment agreement and turn on my electric. I need it for life for my breathing machine (asthma) I have a need for the service because of medical condition (cancer).**

5. On August 3, 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 Tier D1. New Matter ¶1.
7. PECO averred that Complainant re-enrolled in the CAP program on March 11, 2013 under Tier E1. New Matter ¶2.
8. PECO averred that Complainant's Tier changed to Tier D1 on August 22, 2014. New Matter ¶3.
9. PECO averred that Complainant is due to recertify in the CAP program on August 22, 2016. New Matter ¶4.
10. PECO averred that Complainant is actively enrolled in the CAP program. New Matter ¶5.
11. PECO averred that the Complainant's balance is \$2,282.82. New Matter ¶16.
12. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶7.
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 ¶9.
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. Cmwlt. 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, (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.

21. 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**

**LANSWELL THOMPSON**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2492403**

**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  
Lanswell Thompson  
652 N. 56<sup>th</sup> St.  
Philadelphia, PA 19131



---

Shawane L. Lee

DATED: August 24, 2015

**EXHIBIT 1**

**Botak, Amy:(PECO)**

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**From:** eServe@pa.gov  
**Sent:** Monday, July 13, 2015 11:20 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-2015-2492403**. 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 1

BCS: 3351716  
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 KANSUNG H THOMPSON  
Street/P.O. Box 652 N. 56 Apt # \_\_\_\_\_  
City Philadelphia State PA Zip 19131  
County Philadelphia

Telephone Number(s) Where We Can Contact You During the Day:  
267 972 5466 (home) 267 972-5466 (mobile)

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

Utility Account Number (from your bill) 22321-44046

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

**RECEIVED**

JUL 01 2015

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.

Other (explain). *I am suffering from PANCREATIC and PROSTATE CANCER also with a breathing machine. I cannot stay in my house because PECO refuses*

to let me have a payment  
arrangement.

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.

What I would like the PUC to do is to give me ~~at~~ a reasonable payment agreement and turn on my electric I need it for <sup>LIFE</sup> (Survival).  
① for my breathing machine (Asthma). ② I have a need for this service because of my medical condition (Cancer).

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  *AW*

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.

yes I spoke to someone, he told me that was my issue not his, he don't care he is only doing what they told him to -

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:

LANISWELL THOMPSON, 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).

Laniswell Thompson (Signature of Complainant)      06/30/2015 (Date)

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

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

10. Two Ways to File Your Formal Complaint

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

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

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

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

**RECEIVED**  
JUL 01 2015  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

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

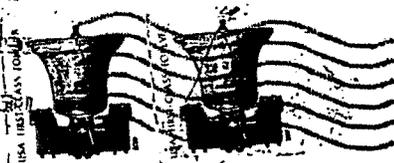
Keep a copy of your Formal Complaint for your records.



Lanswell A. Thompson  
652 N 56th St.  
Philadelphia, PA 19131-4802

PHILADELPHIA, PA 191

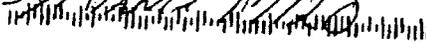
01 JUL 2015 PM



SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET

HARRISBURG, PENNSYLVANIA 17120

17120007999



## **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-2015-2492403
Description:	Lanswell Thompson - PECO Energy Company Answer to Formal Complaint
Transmission Date:	8/3/2015 8:56:02 AM
Filed On:	8/3/2015 8:56:02 AM
eFiling Confirmation Number:	1601744

**Uploaded File List**

File Name	Document Class	Document Type
Lanswell Thompson - Answer to Formal Complaint.pdf	Communication	Answer to Formal Complaint



An Exelon Company

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

Direct Dial: 215-841-6841

August 3, 2015

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

**RE: Lanswell Thompson v. PECO Energy Company**  
**PUC Docket No.: F-2015-2492403**

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".

Shawane Lee  
Counsel for PECO Energy Company

SL/ab  
Enclosure

cc: **CALL OF THE DOCKET**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

LANSWELL THOMPSON  
Complainant

v.

PECO ENERGY COMPANY  
Respondent

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DOCKET NO. F-2015-2492403

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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 3, 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**

**LANSWELL THOMPSON**  
**Complainant**

v.

**PECO ENERGY COMPANY**  
**Respondent**

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**DOCKET NO. F-2015-2492403**

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

On July 13, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Lanswell Thompson (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 requests a payment agreement and states that he has pancreatic and prostate cancer with a breathing machine. 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 652 North 56<sup>th</sup> Street, Philadelphia, PA 19131 under account number 22321-44046. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant initially enrolled in PECO's

Customer Assistance Program (“CAP”) on CAP Tier D1. The Complainant re-enrolled in the program on March 11, 2013 under Tier E1. The Complainant’s tier level changed to Tier D1 on August 22, 2014. The Complainant is scheduled to recertify in the program on August 22, 2016. The Complainant is actively enrolled in the CAP program. The Complainant’s entire balance is comprised of CAP arrears.

On June 2, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS”) at case number 003351716, requesting a payment agreement after his service was terminated for non-payment. On June 8, 2015, the BCS issued a Decision Report, dismissing the Complainant’s case pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003351716, attached hereto as Exhibit “2”.

The Complainant’s balance is \$2,282.82. 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.

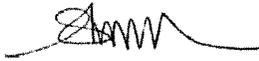
**NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY**

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 CAP Tier D1.
2. The Complainant re-enrolled in the program on March 11, 2013 under Tier E1.
3. The Complainant's tier level changed to Tier D1 on August 22, 2014.
4. The Complainant is scheduled to recertify in the program on August 22, 2016.
5. The Complainant is actively enrolled in the CAP program.
6. The Complainant's balance is \$2,282.82.
7. The Complainant's entire balance is comprised of CAP arrears.
8. 66 Pa.C.S. § 1405(c) provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."
9. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.
10. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa. C.S. §1405(c).

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

Respectfully Submitted,



---

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LANSWELL THOMPSON**  
**Complainant**

v.

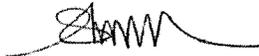
**PECO ENERGY COMPANY**  
**Respondent**

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**DOCKET NO. F-2015-2492403**

**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 3, 2015

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LANSWELL THOMPSON**  
**Complainant**

v.

**PECO ENERGY COMPANY**  
**Respondent**

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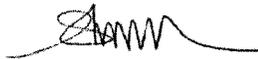
**DOCKET NO. F-2015-2492403**

**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:

Lanswell Thompson  
652 North 56<sup>th</sup> Street  
Philadelphia, PA 19131

Dated at Philadelphia, Pennsylvania, August 3, 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**



DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
01/14/15	BUDGET BILLING	12/11/14 01/14/15			\$201.00					
	** Budget Bill Detail **				Actual Bill Amount: 373.71					
						BB Deferred Amount: 58.29				
01/14/15	Regular Bill						\$2496.64	\$2295.64	02/05	2856
02/13/15	BUDGET BILLING	01/14/15 02/13/15			\$239.00					
	** Budget Bill Detail **				Actual Bill Amount: 285.49					
						BB Deferred Amount: 104.78				
02/13/15	Regular Bill						\$2515.64	\$2276.64	03/10	2273
03/17/15	BUDGET BILLING	02/13/15 03/17/15			\$248.00					
	** Budget Bill Detail **				Actual Bill Amount: 324.35					
						BB Deferred Amount: 181.13				
03/17/15	Regular Bill						\$2763.64	\$2515.64	04/08	2437
03/26/15	INTERIM Payment				\$248.00					
04/01/15	Payment Agreement				\$248.00					
04/01/15	DEFERRED PAYMENT AGREEMENT				\$2263.64					
04/14/15	BUDGET BILLING	03/17/15 04/14/15			\$248.00					
	** Budget Bill Detail **				Actual Bill Amount: 152.23					
						BB Deferred Amount: 85.36				
04/14/15	Regular Bill						\$579.98		05/06	1258
04/15/15	Regular Bill									
04/15/15	Out of DPA due to Default				\$1931.66					
05/13/15	BUDGET BILLING	04/14/15 05/13/15			\$248.00					
	** Budget Bill Detail **				Actual Bill Amount: 102.61					
						BB Deferred Amount: -60.03				
05/13/15	Regular Bill						\$2759.64	\$2511.64	06/04	921
06/03/15	Payment				\$31.18					
06/09/15	Late Payment Charge				\$207.00					
06/17/15	BUDGET BILLING	05/13/15 06/12/15			\$31.18					
	** Budget Bill Detail **				Actual Bill Amount: 46.12					
						BB Deferred Amount: -220.91				
06/17/15	Regular Bill						\$2517.82	\$-20.00	07/09	474
07/09/15	Budget Bill Settlement									
07/09/15	BUDGET BILLING	06/12/15 07/07/15			\$215.00					
	** Budget Bill Detail **				Actual Bill Amount: 5.91					
						BB Deferred Amount: 0.00				
07/09/15	Regular Bill						\$2282.82	\$2044.64	07/31	

## **EXHIBIT 2**



August 3, 2015

**BCS Decision Report**

BCS Case #:	003351716	Open Date:	2015-06-02
Customer Name:	LANSWELL THOMPSON		
Service Address:	652 N 56TH STREET		

BCS Bill Account #:	PHILADELPHIA, PA 19131	Previous Case #:	
Violation Type:	8888888888	Chapter Type:	
Decision Type:	NO	Section / Rule:	
Investigator Name:	W		
	KENNETH SHAFFER		

Decision Issued Date: 2015-06-08  
Case Closed Date: 2015-06-04

Letter Description:  
BLANK LETTER - DECISION

Total Balance:	\$2699.61	Balance Date:	2015-06-03
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$2511.64
Date Payment Due:		Regular Budget Amount:	\$212.00
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 \$1971.60 TO RESTORE SERVICE.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).

PECO ENERGY  
EXHIBIT 2