



An Exelon Company

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October 1, 2015

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

**RE: Angela DeLeon v. PECO Energy Company**  
**PUC Docket No.: F-2012-2287367**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Reply Exceptions* 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/ab



## REPLY EXCEPTIONS

PECO Energy Company (“PECO”) hereby replies to the Exceptions filed by Angela Deleon (“Complainant”) in the above-referenced matter on September 22, 2015. On February 4, 2012, Complainant filed a formal complaint against PECO. In her formal complaint, Complainant disputed her billing; removal from the Customer Assistance Program (“CAP”) and her budget billing charges. Respondent, PECO Energy filed an Answer on February 29, 2012, averring that the Complainant’s bills were based on actual readings and the Complainant was removed from the CAP program for failing to recertify. A telephonic hearing was initially held before Administrative Law Judge Conrad Johnson (“ALJ Johnson”) on January 9, 2013. At the hearing PECO presented twelve (12) exhibits and the Complainant presented several bills from 2010 through 2011. Because of the amount of exhibits at issue, the parties agreed to have the hearing in person. The case was assigned to Administrative Law Judge Cynthia Williams Fordham (“ALJ Fordham”) and the hearing proceeded on March 5, 2013. ALJ Fordham issued an Initial Decision on July 20, 2015, wherein she held *inter alia*:

1. That the Complaint filed by Angela Deleon against PECO Energy Company at docket no. F-2012-2287367 is dismissed in its entirety.

The Commission should sustain the Initial Decision of ALJ Fordham. Complainant excepts to the decision issued by ALJ Fordham because she continues to dispute her billing and wants to re-litigate her billing dispute through her Exceptions. The Complainant additionally excepts to ALJ Fordham’s Initial Decision because PECO submitted thirteen (13) exhibits at the Initial Hearing instead of twelve (12) exhibits as the company did at the hearing before ALJ Johnson.

The record reflects that the Complainant established gas and electric service at 510 Beech Street, Pottstown, PA. See PECO Ex 1. While at this address, the Complainant had significant payment issues and did not pay for \$11,715.76 in gas and electric service. Tr. 99. The Complainant enrolled in CAP on September 29, 2008 and PECO set aside the Complainant's \$11,715.76 balance for possible forgiveness if the Complainant paid her current bill in full and on time every month. Tr. 99, PECO Ex 10. PECO forgave the Complainant's \$11,715.76 balance on April 23, 2009. Tr. 99. As a part of the CAP requirements, PECO requested that the Complainant recertify in the program. The Complainant failed to recertify and was removed from the program on November 29, 2010. Tr. 100. PECO re-enrolled the Complainant in CAP on March 25, 2011, when the company received her income verification and application. Tr. 101. In addition to CAP, the Complainant enrolled in PECO's budget billing program. Tr. 101. At the Complainant's request she was removed from budget billing and then asked to be reinstated to budget billing. Tr. 75, 76, 106, 108.

The Complainant now complains in her exceptions there are inconsistencies with the bill amounts dating back to January 2009, the amounts she paid, her budget billing and her CAP enrollment. The Complainant asks the Commission to review the bills she submitted as exhibits, the budget billing amounts posted and the payments she made. The Complainant's request should be dismissed. The Complainant was given an opportunity to present her bills and testimony at the hearing to support her billing allegations. There is a 167-page transcript demonstrating several hours of testimony where the Complainant and ALJ Fordham walked through the bills and billing statements to determine whether the Complainant's billing was correct. Indeed, ALJ Fordham included a chart in her Initial Decision where she carefully plotted the budget bill amounts, the actual bills, balances and the payments made during the

billing periods in dispute to show there is no incorrect billing. After careful analysis, ALJ Fordham correctly determined:

The Complainant failed to demonstrate that the bills were incorrect. The bills and account statements provided by the parties demonstrate that the Complainant was removed from the CAP program in November 2010 and reenrolled in the program in March 2011. In addition, the Respondent removed the Complainant from budget billing for failure to pay two bills on time. The Respondent also showed that it reviewed the Complainant's account on a quarterly basis to adjust the budget amount. The bills are correct as rendered.

See Angela DeLeon v. PECO Energy, Docket No. F-2012-2287367 (Order entered, July 20, 2015).

In this case, the record and testimony reflects that the Complainant incurred the balance in dispute and has no evidence to prove that PECO billed her incorrectly. Accordingly, the Complainant's exceptions should be denied.

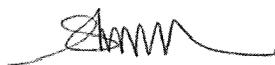
The Complainant additionally excepts to ALJ Fordham's Initial Decision because she claims that PECO's counsel presented thirteen (13) exhibits at the hearing instead of twelve (12) exhibits. The Complainant claims that PECO did not present Exhibit 13 to her or ALJ Conrad at the telephonic hearing on January 9, 2013. In her exceptions, the Complainant states the following:

On March 26, 2013 hearing with Judge Fordham, she did mention to us Ms. Lee and I saw is 12 exhibits, then she said or ask how many exhibits it is? I responded 12 exhibits Your Honor. She Ms. Lee said 13<sup>th</sup>, I reply is 12 exhibits. During Ms. Lee questioning or witnesses she got up and put a package on my table and kept walking to her witness to give her something. After the case or hearing was over she never pick it up and it stayed there. I started put in way my papers the Judge had left the report, my daughter and I was putting away my papers when I look at the package it was exhibit 13 that was never presented to Judge Conrad Johnson and myself before the hearing. I called next day and told Judge Fordham assistant about the incident to report it to the Judge. Know this exhibits is included in the Initial Decision as Exhibit 13. Please inquire why she never presented it to the court.

Prior to the January 9, 2013, telephonic hearing before ALJ Conrad, PECO submitted twelve (12) hearing exhibits and sent the packet of exhibits to the Complainant and ALJ Conrad. Subsequently, the hearing was moved to ALJ Fordham. Pursuant to ALJ Fordham's March 12, 2013, pre-hearing order, the parties were instructed to bring copies of the documents they wanted to present as evidence at the in-person hearing. ALJ Fordham stated in her pre-hearing order ***"Please note that I already have three copies of PECO exhibits 1-12"***. At the in-person hearing, PECO chose to submit an additional exhibit - Exhibit "13" comprised of the Complainant's billing statements in chronological order. During the witnesses' testimony, PECO's counsel gave the Complainant a packet of Exhibits 1-13 and left them with the Complainant (as required) to take home with her. The transcript reflects that PECO presented and referred to the bills at Exhibit 13 during the witnesses' testimony. Consequently, the Complainant has no legitimate exception or issue in this regard. PECO presented an additional exhibit that was referred to at the hearing and the Complainant was provided with a copy of the exhibit. ALJ Fordham correctly made reference to Exhibit 13 and included it in her Initial Decision. The Complainant's exception should be denied.

For the reasons set forth above, PECO respectfully requests that the Commission deny the Complainant's Exceptions and issue an Order upholding the Initial Decision in its entirety.

Respectfully submitted,



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