

Legal Department

Exelon Business Services Company
2301 Market Street/ S23-1
P.O.Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.5544
Fax 215.568.3389
www.exeloncorp.com

Business Services
Company

ORIGINAL

Direct Dial: 215.841.6841

May 16, 2006

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

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MAY 16 2006

**Re: Mary Ann Keller v. PECO Energy Company
PUC Docket No. C-20066251**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

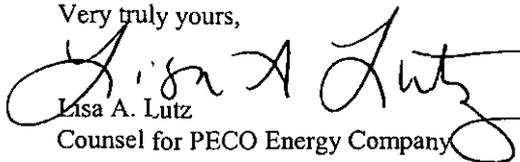
Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

- Answer and New Matter (original and 3 copies)
- Petition (original and 3 copies)
- Preliminary Objections (original and 3 copies)
- Motion to Dismiss (original and 3 copies)
- Reply to Motion/Petition (original and 3 copies)
- Exceptions (original and 9 copies)
- Reply Exceptions (original and 9 copies)
- Brief (original and 9 copies)
- Reply Brief (original and 9 copies)

**DOCUMENT
FOLDER**

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,


Lisa A. Lutz
Counsel for PECO Energy Company

LAL/zr

Enc.

SCHEDULING RECOMMENDATION: CALL OF THE DOCKET NON-CALL OF THE DOCKET

49

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MAY 16 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU
PA PUBLIC UTILITY COMMISSION

MARY ANN KELLER

v.

PECO ENERGY COMPANY

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DOCKET NO. C-20066251

ANSWER AND NEW MATTER OF RESPONDENT,
PECO ENERGY COMPANY

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.61, responds to the Complaint and states:

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.

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JUN 08 2006

**DOCUMENT
FOLDER**

- 4. Denied. PECO Energy denies that Complainant is unable to pay her electric bill

and strict proof thereof is hereby demanded at time of hearing. PECO Energy avers that Complainant's account balance is \$840.59. The Complainant's average monthly bill is currently \$155.00. Complainant's payment history includes many partial payments.

A decision of the Bureau of Consumer Services ("BCS") issued on or about March 22, 2006, set a payment agreement of a special monthly budget amount of \$198.00. A copy of the BCS decision is attached as Exhibit A.

- 5. This paragraph is a request for relief and no answer is required.
- 6. PECO Energy is without sufficient information to confirm or deny this statement.
- 7. Admitted.

NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY

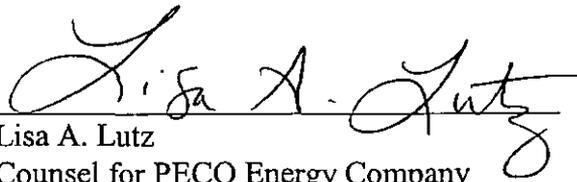
PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. The Complainant is enrolled in the Customer Assistance Program ("CAP"). The Complainant receives a 25% discount on the first 500 kilowatts of electric service and about a 20% discount on gas service each month.

2. PECO Energy avers that no further payment arrangements should be granted to Complainant. Section 1405(c) of the Public Utility Code 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."

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint. PECO Energy further requests that your Honorable Commission enter an Interim Order directing payment of current undisputed consumption charges, pursuant to 66 Pa. Code §1410(2).

Respectfully Submitted,



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1, P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841; Fax: 215.568.3389
Lisa.Lutz@exeloncorp.com

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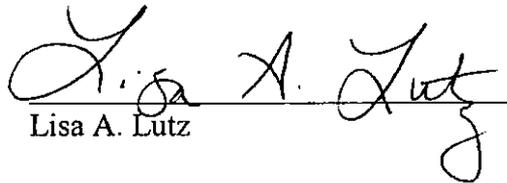
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DOCKET NO. C-20066251

VERIFICATION

I, Lisa A. Lutz, 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: May 16, 2006


Lisa A. Lutz

ORIGINAL

Date: 5/4/06

PA. Public Utility Commission
Bureau Of Consumer Services
Inbound Closing Report

Case Number: 2036643
Customer Name: MARYANN KELLER
Address: 565 TIMBERLAKE RD
UPPER DARBY PA 19082-0

Opened On: 2/21/06
Utility Type: Electric Distributor
Account Number: 500621062032
Company Name: PECO Energy

Prior Case: 1970357

Total Balance: \$658.23 Balance Date: 2/24/06

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: Y

Oral Written: W

Investigator: MEURON, PAUL

PUC Decision Issued Dt: 3/22/06

PUC Case Closed Dt: 3/22/06

Decision Recvd Dt: 3/22/06 12:25PM

Letter Description: CAP ACCEPTANCE LETTER

To Restore Service Pay: \$0.00

To Continue Service Pay: \$0.00 By:

Terms:

Special Budget Amount: \$198.00

Regular Budget Amount: \$198.00 Plus Arrears Payment: \$0.00

Final Bill Monthly Payment: \$0.00

Current Bill Monthly Payment: \$0.00

End Of Month Payment: \$0.00

Par Description:

Resolution:

VERBAL UPDATE CUST IS ON CAP CASE CLOSED WITH CAP ACCEPT LETTER

Exhibit A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

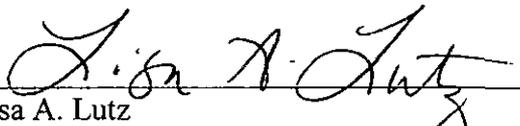
MARY ANN KELLER :
 :
 v. : DOCKET NO. C-20066251
 :
 PECO ENERGY COMPANY :

CERTIFICATE OF SERVICE

I, Lisa A. Lutz, hereby certify that I have this day served a copy of PECO Energy Company's Answer and New Matter in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

MARY ANN KELLER
565 Timberlake Road
Upper Darby, PA 19082

Dated at Philadelphia, Pennsylvania, May 16, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841;
Fax: 215.568.3389
Lisa.Lutz@exeloncorp.com

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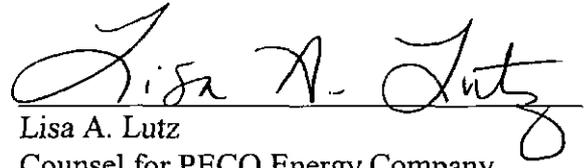
NOTICE TO PLEAD

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 Motion to Dismiss of PECO Energy Company, within 10 days from service of this notice, and if you do not file a written response denying or corrected the enclosed New Matter within 20 days from service of this notice, the facts set forth by PECO Energy Company in the New Matter may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion to Dismiss and 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, Lisa A. Lutz, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Lisa A. Lutz, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, May 16, 2006.



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6841
lisa.lutz@exeloncorp.com

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PECO ENERGY COMPANY'S MOTION TO DISMISS COMPLAINT

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.101 respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

1. On or about April 12, 2006, Complainant filed a formal complaint with the Pennsylvania Public Utility Commission requesting the Commission to set or approve a new payment agreement on Complainant's utility account.

2. On or about April 26, 2006, PECO Energy was served the above-mentioned formal Complaint.

3. Pursuant to 52 Pa. Code § 5.101(b), PECO is filing an Answer and New Matter to the Complaint contemporaneously with this Motion.

4. Complainant currently participates in the residential utility discount Customer Assistance Program ("CAP") and receives a monthly discount on her utility charges.

5. Complainant is requesting further payment arrangements that the Commission cannot establish. Section 1405(c) of the Public Utility Code provides that customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated

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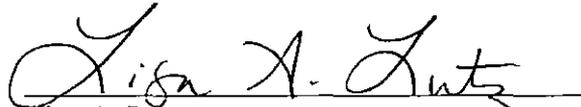
MAY 16 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

or approved by the Commission. 66 Pa. C.S. § 1405(c); Walton v. PECO Energy Company, Pa. PUC Docket Z-01593807, Initial Decision issued January 11, 2005.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complaint because further payment agreements on Complainant's outstanding utility account is not properly before this Honorable Commission.

Respectfully Submitted,

A handwritten signature in black ink that reads "Lisa A. Lutz". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
lisa.lutz@exeloncorp.com

**BEFORE THE
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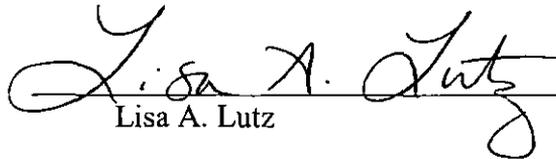
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Date: May 16, 2006


Lisa A. Lutz

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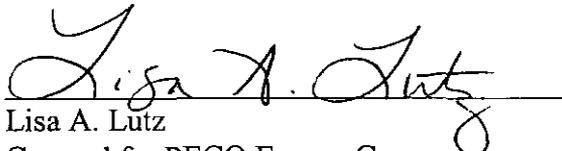
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MARY ANN KELLER
565 Timberlake Road
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Dated at Philadelphia, Pennsylvania, May 16, 2006.



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