



An Exelon Company

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October 29, 2015

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

RE: Ena Blackwood v. PECO Energy Company
PUC Docket No.: F-2014-2455548

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, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

SL/ab

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ENA BLACKWOOD

COMPLAINANT

v.

PECO ENERGY COMPANY,

RESPONDENT

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Docket Nos. F-2014-2455548

REPLY EXCEPTIONS OF PECO ENERGY COMPANY

**Shawane L. Lee, Esquire
2301 Market Street
Philadelphia, PA 19103
215.841.6841
Shawane.Lee@exeloncorp.com
Counsel for PECO Energy Company**

DATE: October 29, 2015

REPLY EXCEPTIONS

PECO Energy Company (“PECO Energy”) hereby replies to the *untimely* Exceptions filed by Ena Blackwood (“Complainant”) in the above-referenced matter on October 6, 2015. On November 17, 2014, Complainant filed a formal complaint against PECO Energy. In her formal complaint, Complainant ticked off boxes, stating there are incorrect charges on her bill and that PECO has terminated or is threatening to terminate her service. The Complainant wrote a statement in the relief section of the complaint, stating that she is 70 years old and would like to be compensated for her health. Respondent, PECO Energy filed an Answer on December 14, 2014, denying the allegations in the complaint and averred that the Complainant had a history of account delinquency and filing informal and formal complaints with the Public Utility Commission.

A hearing was held before Administrative Law Judge Christopher Pell (“ALJ Pell”) on April 13, 2015. During the hearing, the Complainant was incoherent and unable to present her case in any meaningful way. Accordingly, ALJ Pell asked the Complainant various questions to assist her with her case. The Complainant disputed her billing and the payments PECO had reflected on her account. To prove her case, the Complainant presented several money order receipts. During the hearing, PECO was able to demonstrate that each money order receipt was accounted for on the account activity statement presented at PECO Exhibit 1. ALJ Pell issued an Initial Decision on July 16, 2015, dismissing the Complainant’s formal complaint. In the Initial Decision, ALJ Pell stated:

Regarding the remainder of the complainant’s unpaid balance..., the complainant could not offer a clear explanation as to why she believes there are incorrect charges on her bill, or why her balance is incorrect. I explained to the complainant at the outset of the hearing that it is her burden in this matter to show that there are incorrect charges on her bill. However, after I asked her numerous

times for an explanation, it became clear that she cannot substantiate her claim that there are incorrect charges on her bill.

In her Exceptions, the Complainant states that she disagrees with the \$2,560.00 that PECO says she owes. The Complainant also claims that PECO sent her name to the credit bureau and has her enrolled in the Customer Assistance Program (CAP). The Complainant's exceptions are procedurally improper and should be dismissed under that basis alone. Pursuant to 52 Pa. Code 5.533(b), "[e]ach exception must . . . identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision," and "[s]upporting reasons for the exceptions shall follow each specific exception." Complainant's attempt to further litigation in this matter by simply disagreeing with the outcome of the Initial Decision without identifying any specific error of law or abuse of discretion fails to satisfy the requirements is procedurally improper and should be dismissed summarily. Further, Complainant's exceptions are without merit.

First, the Complainant alleges that PECO has her enrolled in CAP and she would like to be removed from the program. There is nothing in the record that reflects the Complainant is enrolled in CAP. ALJ Pell's Initial Decision does not state the Complainant is enrolled in CAP. In fact, the record reflects that prior to her service termination the Complainant had a gas and electric supplier. See Findings of Fact 5 – 10. The fact the Complainant had suppliers proves she was not enrolled in CAP as pursuant to the current regulations, CAP customers may not enroll with suppliers. Therefore, the Complainant's exception in this regard is without merit.

Second, the Complainant states that PECO sent her name to the credit bureau. There is nothing in the record that reflects that PECO reported the Complainant to the credit bureau. The Complainant did not present any proof at the hearing through testimony or otherwise that this

allegation is true. In fact, PECO does not report to the credit bureaus and there is no company practice or policy in place reporting customers with delinquent balances. Accordingly, the Complainant's exception is without merit.

Finally, the Complainant disputes a \$2,560 she states PECO says she owes. The Complainant's evidence on this issue consists solely of assertions. At the hearing, she did not offer anything (except money order receipts) to demonstrate that her balance was incorrect. Complainant excepts to the decision issued by ALJ Pell, because she simply disagrees with the ALJ's decision and believes she submitted adequate proof to the ALJ to support her position. The record clearly demonstrates that the Complainant had a \$2,678.33 balance for which PECO Energy properly terminated her service. Tr. 80-81. PECO Ex. 1.

The remaining allegations in the Complainant's exceptions are unintelligible and do not warrant a response, or serve as a basis for overturning ALJ Pell's Initial Decision. ALJ Pell correctly concluded, that the Complainant has not met her burden of proof in this matter pursuant to 66 Pa. C.S. § 332(a). Accordingly, ALJ Pell's decision to dismiss the Complainant's case against PECO Energy should be upheld.

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

Respectfully submitted,



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ENA BLACKWOOD

COMPLAINANT

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PECO ENERGY COMPANY,

RESPONDENT

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Docket Nos. F-2014-2455548

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: October 29, 2015

Shawane L. Lee

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ENA BLACKWOOD

COMPLAINANT

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Docket Nos. F-2014-2455548

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a true copy of the foregoing Reply Exceptions upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Ena Blackwood
24 New Street
Upper Darby, PA 19082**

Dated at Philadelphia, Pennsylvania, October 29, 2015.



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