



An Exelon Company

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

Direct Dial: 215.841.6841

November 4, 2015

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

RE: K&J Pizza v. PECO Energy Company
PUC Docket No.: C-2015-2501838

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *Respondent, PECO Energy Company's 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 stylized flourish at the end.

Shawane Lee
Counsel for PECO Energy Company

cc: Eranda Vero, ALJ (via e-mail and first class mail)
Certificate of Service

SL/alb
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

K & J PIZZA	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2501838
	:	
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 Motion for Judgment on the Pleadings of PECO Energy Company within 10 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Motion for Judgment on the Pleadings, 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, November 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**

K & J PIZZA	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2501838
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**RESPONDENT, PECO ENERGY COMPANY'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint or in the alternative set a date certain for the Complainant to have counsel enter an appearance for the following reasons:

I. PROCEDURAL HISTORY:

1. On or about September 1, 2015, Complainant, K & J Pizza through its corporate officer, Tony Moss, filed a Formal Complaint with the Pennsylvania Public Utility Commission (“PUC”) against PECO Energy.
2. On September 4, 2015, the above-mentioned Formal Complaint was served on PECO Energy. A copy of Complainant’s Formal Complaint is attached hereto as (Exhibit 1).
3. On September 23, 2015, PECO Energy filed an Answer and New Matter to the Formal Complaint. A copy of PECO Energy’s Answer and New Matter is attached hereto as (Exhibit 2).
4. The hearing for this matter is scheduled to take place on December 7, 2015.

II. RELEVANT FACTS:

5. In their Complaint, the Complainant alleges that PECO Energy added a bill from another business to K & J Pizza's account and is holding them responsible for the balance.

6. PECO Energy avers that the Complainant, K & J Pizza has an account for gas and electric commercial service under account number 05254-00306.

7. PECO Energy avers that the Complainant operates a business at the service address 2601 Jenkintown Road, Glenside, PA.

8. PECO Energy avers that the Complainant is operating the commercial business K & J Pizza at the service address.

9. PECO Energy avers that the commercial business operating at the premises was incorporated in the Commonwealth of Pennsylvania on December 4, 2006. See Pennsylvania Department of State, Corporation Search, attached hereto as Exhibit (3).

III. LEGAL ARGUMENT

A. Standard of Review

10. 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.

11. 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.

12. 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).

13. 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).

B. The Complainant's Complaint should be dismissed because K & J Pizza is a corporate commercial customer; and the Complainant is required to be represented by counsel.

14. The Complainant, K & J Pizza is a commercial customer operating a business at the service address at issue.

15. K & J Pizza was incorporated in the Commonwealth of Pennsylvania on December 4, 2006. See Pennsylvania Department of State Corporation Search, attached hereto as (Exhibit 3).

16. As a commercial customer and corporation, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.

17. The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney

in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

18. On September 23, 2015, PECO Energy filed an Answer and New Matter to the Complainant's Complaint. See (Exhibit 2).

19. Once PECO Energy filed the Answer, the current PUC matter became adversarial. See 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc.

20. To date, the Complainant corporate commercial customer has not had counsel enter an appearance for this matter.

21. Accordingly, PECO Energy requests that the Commission dismiss the Complainant's Complaint for failure to be represented by counsel, or in the alternative, designate a date certain the Complainant must have counsel enter an appearance.

IV. CONCLUSION

22. The Complainant has had no attorney enter an appearance; and therefore, the Complaint against PECO Energy should be dismissed, or in the alternative, a date certain set for Complainant's counsel to enter an appearance.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complainant's Complaint or set a date certain for Complainant's counsel to enter an appearance.

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**

K & J PIZZA

Complainant

v.

PECO ENERGY COMPANY

Respondent

:
:
:
:
:
:

DOCKET NO. C-2015-2501838

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: November 4, 2015

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

K & J PIZZA	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2501838
	:	
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:

K & J Pizza
c/o Tony Moss
404 Willard Road
Hatboro, PA 19040

Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
(via email only & first class mail)

Dated at Philadelphia, Pennsylvania, November 4, 2015



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

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.

RECEIVED
2015 SEP -1 PM 03 32
SECRETARY'S BUREAU
NAPUC

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 Tony Moss - Jerry Smoff
Street/P.O. Box 26404 Willow Rd Apt # _____
City Hatboro State PA Zip 19040
County Montgomery

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

(215) 939-3461 (home) (215) 884-4408 (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) _____

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 K & J PIZZA
Street/P.O. Box 2601 Jenkintown Rd
City Glenside State PA Zip 19040

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 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).

Pezo had add some other Restaurant Bill TO our
corporation Kd's Pizzeria. we never have any other Businesses
only Kd's Pizzeria 2 TOL ID 233009930

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 to dispute this charge take
out of my bill because is not our corporation
Bill our (llc. comp Tax ID 233 00 9830
since ~~1998~~ and we never have any other
restaurant. its only KDJ PIZZA 2601 Jenkintown
Avenue there is no 1333 Easton Rd r ever
1333

Owner
+ Tony
Gerry Simons

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

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.

They are not helpful people they said. I have
talk with 1335 Eastern Business with no file
please need your help

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:

I, Tony & Terry Simotich 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).

Tony & Terry (Signature of Complainant) 8/26/15 (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

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.



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG



KEVIN J. BOYLE, MEMBER
102A EAST WING
P.O. BOX 202172
HARRISBURG, PENNSYLVANIA 17120-2172

RECEIVED

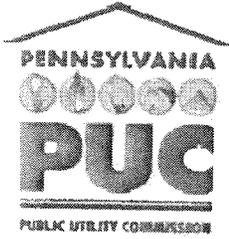
2015 SEP -1 PM 3:32

PA PUC
SECRETARY'S BUREAU

Public Utility Commission
Keystone Building
(North 302), 400 North St.

MESSENGER!

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-2015-2501838
Description:	K & J Pizza - PECO Energy Company Answer to Formal Complaint
Transmission Date:	9/23/2015 9:28:23 AM
Filed On:	9/23/2015 9:28:23 AM
eFiling Confirmation Number:	1607318

Uploaded File List

File Name	Document Class	Document Type
K & J Pizza - Answer to 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

September 23, 2015

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

RE: K & J Pizza v. PECO Energy Company
PUC Docket No.: C-2015-2501838

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. At this time, PECO is requesting that this matter kindly be put on the expedited hearing list.

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

SL/ab
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

K & J PIZZA

v.

PECO ENERGY COMPANY

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:
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:

DOCKET NO. C-2015-2501838

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, September 23, 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**

K & J PIZZA	:	
	:	
v.	:	DOCKET NO. C-2015-2501838
	:	
PECO ENERGY COMPANY	:	

**ANSWER & NEW MATTER OF RESPONDENT
PECO ENERGY COMPANY**

On September 4, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by K & J Pizza (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. Denied. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint. In its formal complaint, the Complainant, K & J Pizza, alleges that it operates a business at 2601 Jenkintown Road, Glenside, PA. The Complainant alleges that PECO Energy added an electric bill from another business to their bill. The Complainant disputes the charges and claims they are not responsible for the bill transferred to them because they are not affiliated with that business. PECO Energy avers that the balance was properly transferred under the company's internal matching process, which identifies K & J Pizza as a responsible party for the balance.

Preliminarily, PECO Energy avers that the Complainant is a commercial customer operating a restaurant at the address at issue. The Complainant filed a fictitious corporate

name with the Department of State, Corporations on December 4, 2006. See Complainant's fictitious name corporate registration with the Pennsylvania Department of State, attached hereto as Exhibit "1". As a commercial customer, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.¹

PECO Energy's records reveal that the Complainant, K & J Pizza established a commercial account for gas and electric service at 2601 Jenkintown Road, Glenside, PA under account number 05254-00306 on July 7, 1999. See Account Activity Statement, attached hereto as Exhibit "2". The Complainant makes electronic payments to the account with checking account number ending "6634". See PECO payment record, attached hereto as Exhibit "3". This account is currently active.

K & J Pizza also established an account for commercial electric service at 1333B Easton Road, Roslyn, PA under account number 08356-31019 on October 5, 2009. See Account Activity Statement, attached hereto as Exhibit "4". While at this service address, on October 28, 2009, the Complainant, through its owner "Tony", filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 002612569. In the Complainant's informal complaint, the Complainant disputed a security deposit assessed to the account when they established service at this address. See Case Details Report #002612569, attached hereto as Exhibit "5". On December 16, 2009, the BCS issued a Decision Report, dismissing the Complainant's informal complaint, stating: "Security Deposits are Valid." See BCS Decision Report #002612569, attached hereto as Exhibit "6".

¹ The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975). Accordingly, PECO request that the Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter.

In addition, while at this address, the Complainant made electronic payments to the account with *bank account number ending in "6634"*. See PECO Payment Transaction data, attached hereto as Exhibit "7". **This is the same exact account number K & J Pizza uses to make payments on the current account at 2601 Jenkintown Road.** On August 30, 2014, the Complainant discontinued service at this address on August 30, 2014. There was a final balance owed on the account in the amount of \$1,018.62. See Exhibit "3".

On September 29, 2014, the final \$1,018.62 unpaid balance from 1333B Easton Road, Roslyn, PA under account number 08356-31019 transferred to the Complainant's active account for service at 2601 Jenkintown Road under account number 05254-00306. See Exhibit "2".

On March 10, 2015, the Complainant contacted the company and disputed the balance transfer. The Complainant stated that they never had a business at 1333B Easton Road. On March 24, 2015, PECO Energy sent the Complainant a Utility Company Report, advising that the investigation was being closed and would be reopened once the Complainant sent the company verification they did not have a business at that address. See Utility Company Report, dated 3/24/15, attached hereto as Exhibit "8".

On April 28, 2015, the Complainant filed an informal complaint with the BCS at case number 003339449, disputing responsibility for the outstanding balance transferred from 1333B Easton Road. The Complainant claimed that he "believes that the outstanding balance belongs to the business Milano Pizza that is no longer in business and the business is near to his business." See Case Details Report #003339449, attached hereto as Exhibit "9". During the investigation of the informal complaint, PECO Energy found that the Complainant has a website at <http://milanosroslyn.com> which states the following:

Milano's and it's friendly staff have merged shops with K & J Pizza located at 2601 Jenkintown Road in Glenside. Please come and enjoy the same great food at our new location. Visit the K & J Website to order online today!

See Milano's II Pizzeria & Family Restaurant website, attached hereto as Exhibit "10". In addition, PECO found a check from Milano's Pizzeria & Family Restaurant with the address 1335 Easton Road, Roslyn, PA, which made payment on account number 08356-31019 for K & J Pizza. See Check and Payment data, dated 5/19/14, attached hereto as Exhibit "11". On June 29, 2015, the BCS issued a Decision Report, stating:

THIS IS A NON-RESIDENTIAL ACCT. THE PUC DOES NOT HAVE THE AUTHORITY TO ISSUE A DECISION ON A NON RESIDENTIAL ACCT. THE COMPANY CONFIMRED THIS CUSTOMER IS ALSO ASSOCIATED WITH A BUSINESS UNDER THE NAME OF MILANO PIZZA, WHICH THIS CUSTOMER HAD PREVIOUSLY DENIED.

See BCS Decision Report #003339449, attached hereto as Exhibit "12".

The Complainant's current balance is \$4,344.57. See Exhibit 1. PECO Energy avers that the company properly transferred the unpaid \$1,018.62 balance from the Complainant's finaled account number 08356-31019 for K & J Pizza at 1333B Easton Road, Roslyn, PA to the Complainant's active account for service at 2601 Jenkintown Road consistent with the company's Internal Matching process. PECO Energy's "Internal Matching" process automatically searches for an active account in the ratepayer's name. PECO Energy's Customer Information Management System matches inactive accounts by searching for first the primary and then the secondary customers who match by customer name, or name and social security number/employee identification number, or name and drivers license number. This process ensures that final bills follow their owners and increases the likelihood of payment.

Pursuant to Section 5.1 of PECO Energy's Tariff,

5.1 PAYMENT OBLIGATION. The Company may, at its discretion, determine liability for a past due balance by:

- 1) Use of Company records that contain information previously provided to the Company;
- 2) Information contained on a valid mortgage, lease, deed or renter's license;
- 3) Use of commercially available public records databases;
- 4) Government and property ownership records

In this case, the company verified that the employee identification numbers provided by K & J Pizza for both restaurants matched. Additionally, PECO Energy's payment records show that K & J Pizza used the same checking account to make payment for the service on the accounts at both 2601 Jenkintown Road and 1333B Easton Road. Further, when K & J Pizza had service at 1333B Easton Road, the owner "Tony" (the same person who has filed the instant formal complaint denying affiliation with 1333B Easton Road) filed an informal complaint with the BCS. Accordingly, the Complainant is the same entity – there is no other restaurant - the Complainant is responsible for the transferred balance.

5. This paragraph is a request for relief and no answer is required.
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, pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. Complainant is a commercial customer operating a restaurant at the address at issue.

2. The Complainant filed a fictitious corporate name with the Department of State, Corporations on December 4, 2006. See Complainant's fictitious name corporate registration with the Pennsylvania Department of State, attached hereto as Exhibit "1".

As a commercial customer, Complainant is required to be represented by counsel in adversarial proceedings before the Commission. The proceedings become adversarial at the time when respondent files its Answer.

3. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter. Additionally, the complaint should be dismissed because Complainant is not legally entitled to relief requested.

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**

K & J PIZZA

v.

PECO ENERGY COMPANY

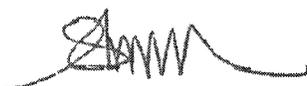
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DOCKET NO. C-2015-2501838

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: September 23, 2015



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

K & J PIZZA	:	
	:	
v.	:	DOCKET NO. C-2015-2501838
	:	
PECO ENERGY COMPANY	:	

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:

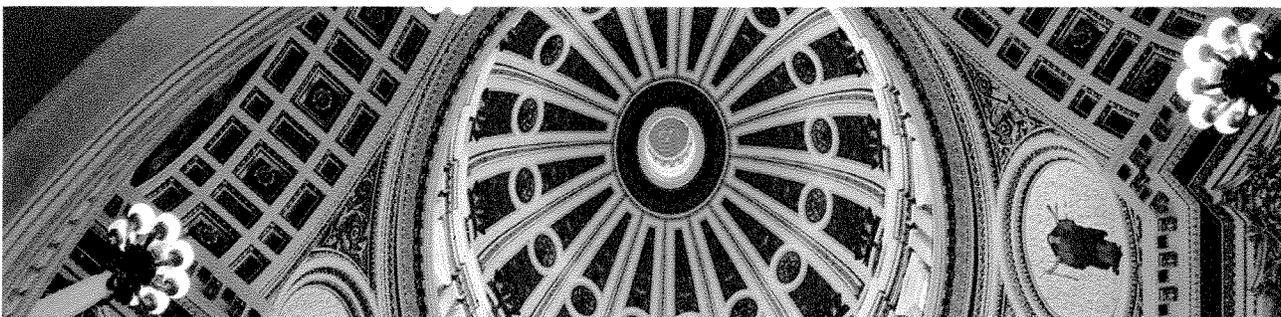
K & J Pizza
c/o Tony Moss
404 Willard Road
Hatboro, PA 19040

Dated at Philadelphia, Pennsylvania, September 23, 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 “3”



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Select Business Entity

Search Results for term *K & J Pizza* type: *Starting with*

Show entries

Filter Records

Business Entity Name	Name Type	Address	Entity Number	Entity Type	Status	Citizenship
K & J PIZZA	Current Name	2601 Jenkintown rd Glenside MONTGOMERY PA 19038	3694845	Fictitious Names	Active	Domestic

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Order Business Documents



Date: 11/03/2015

Business Name History

Name	Name Type
K & J PIZZA	Current Name

Business Entity Details

Name	K & J PIZZA
Entity Number	3694845
Entity Type	Fictitious Names
Status	Active
Citizenship	Domestic
Entity Creation Date	12/04/2006
Effective Date	12/04/2006
State Of Inc	PA
Address	2601 Jenkintown rd Glenside PA 19038

Officers

Name	Khaled Mostafa
Title	OWNER

Address

Filed Documents

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