



An Exelon Company

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Direct Dial: 215-841-6841

February 22, 2016

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

RE: Scott Yablonski v. PECO Energy Company
PUC Docket No.: C-2015-2503739

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Motion Objecting to Standing* 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

SL/ld

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SCOTT YABLONSKI :
v. : DOCKET NO. C-2015-2503739
: :
PECO ENERGY COMPANY :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.102, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion of PECO Energy Company, within 20 days from service of this notice, a ruling may be entered against you. All 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:
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, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, February 22, 2016.



Shawane L. Lee
Counsel for PECO Energy Company
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Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SCOTT YABLONSKI :
v. : DOCKET NO. C-2015-2503739
PECO ENERGY COMPANY :

**MOTION OF PECO ENERGY COMPANY OBJECTING TO
STANDING OF SCOTT YABLONSKI**

PECO Energy Company ("PECO Energy"), hereby objects to the standing of Complainant, Scott Yablonski and states the following:

1. Complainant, Scott Yablonski filed a formal complaint against PECO Energy alleging that he had an agreement with PECO to have a gas line run to his house at 292 Mingo Road, Royersford, PA for natural gas.
2. Mr. Yablonski stated that he paid \$1,212 as the agreement requested; however, when he met with PECO's subcontractor (Hinkles and McCoy) the subcontractor did not show up to do the work and increased the cost of installation to \$16,991.00.
3. PECO filed an Answer to Mr. Yablonski's formal complaint, attaching the Gas Service Agreement between PECO and ratepayer, Paige Henzie.
4. The case proceeded to an in person hearing before Administrative Law Judge Cynthia Williams Fordham on February 5, 2016.
5. At the hearing, Mr. Yablonski appeared to prosecute his case; however, PECO's ratepayer, Paige Henzie was not present.
6. PECO presented Exhibit "1" - a Montgomery County tax record showing the owner of 292 Mingo Road is Paige Henzie and Charles M.
7. PECO presented Exhibit "2" - the Gas Service Agreement between PECO and Paige Henzie for gas service at 292 Mingo Road.

8. PECO presented Exhibit “3” – a check from Paige Henzie made payable to PECO dated 3/5/13 in the amount of \$1,212.00.

9. PECO presented Exhibit “4” – a screenshot from PECO’s Customer Information Management system (CIMS) showing the ratepayer for service at 292 Mingo Road is Paige Henzie.

10. PECO requested that Mr. Yablonski present his driver’s license or other government issued document to demonstrate that he resided at 292 Mingo Road.

11. Mr. Yablonski testified that his driver’s license is not registered at 292 Mingo Road.

12. Mr. Yablonski could not produce any document or identification to show that he resided at 292 Mingo Road.

13. Accordingly, pursuant to 52 Pa. Code § 5.103(b), PECO made an oral motion objecting to Mr. Yablonski’s standing to prosecute the complaint and requested dismissal of the case.

14. At the hearing, ALJ Fordham requested that Mr. Yablonski submit evidence of his standing no later than February 17, 2016.

15. ALJ Fordham issued a Prehearing Order on February 12, 2016, requesting the same.

16. To date, neither PECO nor this Honorable Commission has received documentation from Mr. Yablonski to comply with ALJ Fordham’s February 12, 2016, Prehearing Order.

17. Based on the above, Mr. Yablonski has no standing to bring this action.

18. To have standing a person or entity must have a direct, immediate and substantial interest in the subject matter of the proceeding. William Penn Parking Garage, Inc. v. City of

Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975); Landlord Service Bureau, Inc. v. Equitable Gas Co., 79 Pa. P.U.C. 342 (1993); Re Equitable Gas Co., 76 Pa. P.U.C. 23 (1992); The ALJ found that, in order to bring a complaint before the Commission, the Complainants must first demonstrate that they have standing to bring the action. Nye v. Erie Insurance Exchange, 470 A.2d 98 (Pa. 1983). I.D. at 9-10.

19. The Public Utility Code (Code) at 66 Pa. C.S. § 1403 defines a customer as a natural person in whose name a residential service account is listed or any adult resident at the service address.

20. Mr. Yablonski is not a customer of record at 292 Mingo Road and not PECO's ratepayer - Paige Henzie is PECO's ratepayer.

21. Mr. Yablonski has not provided proof that he resides at the service address.

22. Mr. Yablonski is not a party to the Gas Service agreement at issue.

23. Mr. Yablonski did not issue the check to pay for the Gas Service – it was paid by Paige Henzie.

24. Mr. Yablonski does not own the service address that will be affected by the gas service installation.

25. Mr. Yablonski is not an attorney; and therefore, he cannot represent Paige Henzie's interests.

26. Mr. Yablonski does not have any requests or correspondence from Paige Henzie regarding the concerns raised by Complainant.

27. Mr. Yablonski did not present any documents from Paige Henzie authorizing him to act on her behalf.

28. Mr. Yablonski has no direct interest in the proceeding since he is not the customer, owner of the property and cannot prove that he even resides at the premises.

29. Mr. Yablonski has no immediate interest because gas service is a choice not a requirement for service.

30. Mr. Yablonski has no substantial interest because he did not pay for the gas service and he has not been harmed by the gas service agreement work not proceeding because it is not his property.

31. As Mr. Yablonski has not alleged direct, immediate, and substantial outcome in the proceedings and has not sustained his burden of proof by providing evidence that he has standing to bring the complaint, his case should be dismissed.

WHEREFORE, PECO Energy respectfully requests that this Honorable Commission dismiss the instant complaint as he has not demonstrated standing to bring the formal complaint.

Respectfully Submitted,



Shawane L. Lee
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Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|---------------------|---|---------------------------|
| SCOTT YABLONSKI | : | |
| v. | : | DOCKET NO. C-2015-2503739 |
| | : | |
| PECO ENERGY COMPANY | : | |

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.



Shawane L. Lee

Date: February 22, 2016.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SCOTT YABLONSKI :
v. : DOCKET NO. C-2015-2503739
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 Motion in the above matter upon all interested parties by mailing and emailing a copy, properly addressed and postage prepaid to:

Via First Class Mail:
Scott Yablonski
292 Mingo Road
Royersford, PA 19468

Via Email:
Administrative Law Judge Cynthia Fordham
Pa. Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107



Shawane L. Lee
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
Shawane.Lee@exeloncorp.com

Dated at Philadelphia, Pennsylvania, February 22, 2016.