

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

Direct Dial: 215.841.6841

March 10, 2016

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

RE: Peyton Holmes v. PECO Energy Company
PUC Docket No.: C-2015-2478698

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *Reply Exceptions of PECO Energy Company filed Nunc Pro Tunc* 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,



Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

SL/ab

REPLY EXCEPTIONS

PECO Energy Company (“PECO Energy”) hereby replies *nunc pro tunc* to the Exceptions filed by Peyton Holmes (“Complainant”) in the above-referenced matter on December 26, 2015. On April 20, 2015, Complainant filed a formal complaint against PECO Energy. In her formal complaint, Complainant claims that PECO Energy transferred a balance to her current PECO account from a closed account at 102 West Wyoming Avenue which she claims was fraudulently opened in her name by her friend Yvette Rodriguez. Respondent, PECO Energy filed an Answer on May 11, 2015, stating that the Complainant had admitted to PECO that she gave Ms. Rodriguez permission to put the account in her name. Accordingly, the Complainant was responsible for the charges. A hearing was held before Administrative Law Cynthia Williams Fordham on August 13, 2015. ALJ Fordham issued an Initial Decision on December 15, 2015, wherein she held inter alia:

Based on the evidence in the record, the undersigned concludes that the Complainant either established service for Ms. Rodriguez or gave Ms. Rodriguez permission to establish service in the Complainant’s name.

The Complainant did not present evidence in the form of documents, such as a police report.....to support the testimony regarding the Wyoming Avenue account.

See ALJ Fordham, Initial Decision, dated 12/15/15, attached hereto as Exhibit “1”.

In her Exceptions, the Complainant now attempts to submit evidence to support her contention that her friend Ms. Rodriguez fraudulently placed service in her name. At the hearing, the Complainant did not present evidence of a police report and did not submit the report as a late filed exhibit. The record reflects that PECO investigated this matter and requested a police report from the Complainant. During the entire dispute process, the

Complainant failed to submit a police report and only submitted a blank Philadelphia Police Department incident report with no details. See PECO Exhibit “8”. Therefore, it is prejudicial to PECO for the report to be considered at this stage in the case. Further, PECO’s business records show that the Complainant admitted she allowed Ms. Rodriguez to put service in her name. PECO Exhibit “8” is a contact history showing a visit the Complainant made to PECO on November 19, 2012. During that visit, she told the customer service representative that she gave someone permission to put service in her name and they were supposed to put it into their own name but they did not. See PECO Exhibit “8”. In addition, the Company Utility Report at PECO Exhibit 8 shows that the Complainant had a conversation with a PECO representative on June 20, 2013, where she told the representative that she applied for service for her friend Ms. Rodriguez at 102 West Wyoming Avenue. Ms. Rodriguez was supposed to pay the bill but she did not; therefore, the Complainant stated Ms. Rodriguez is responsible for the charges. See Utility Report at Exhibit “8”. Finally, PECO’s business records demonstrate that both Complainant and Ms. Rodriguez were reported as household members on the account financial statement for 102 West Wyoming Avenue. See Financial Statement at Exhibit “7”. The hearing record is complete with significant evidence that Complainant allowed Ms. Rodriguez to place service in her name; and therefore, Complainant is responsible for the unpaid charges incurred at 102 West Wyoming Avenue.

In her exceptions, the Complainant attaches court documents, which indicate that in December 2015 (after the August 13, 2015 PUC hearing), she took Ms. Rodriguez to the Philadelphia Municipal Small Claims Court and obtained a judgment against Ms. Rodriguez for the disputed balance. Now that Complainant has obtained the judgment, she has been made whole and can use the judgment money to pay the outstanding balance. Complainant’s

documents prove that this is a dispute between friends that has now been resolved in the civil courts. PECO should not be a party to this matter. PECO properly transferred a balance incurred in the Complainant's name for an account she permitted her friend to open. As ALJ Fordham noted in her Initial Decision "Complainant failed to prove that [PECO] violated the Public Utility Code or the Commission's regulations."

ALJ Fordham 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 Fordham'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,



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

