



An Exelon Company

Legal Department
2301 Market Street / S23-1
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May 9, 2016

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

RE: Leroy James Watters v. PECO Energy Company
PUC Docket No.: C-2016-2533996

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *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 long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

SL/alb
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LEROY JAMES WATTERS III
Complainant

v.

PECO ENERGY COMPANY
Respondent

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:
:
:
:
:
:

DOCKET NO. C-2016-2533996

NOTICE TO PLEAD

To: Leroy James Watters III

Pursuant to 52 Pa. Code §§5.101 and 5.61(a)(1), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion for Judgment on the Pleadings within 20 days from service of this notice, the facts set forth by PECO Energy Company may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane Lee, and where applicable, the Administrative Law Judge presiding over the issue.

Failure to respond to this Motion could result in the dismissal of your case.

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, Esquire
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated: May 9, 2016



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19101-8699
Tel. (215) 841-6841
Fax. (215) 568-3389
shawane.lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LEROY JAMES WATTERS III	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2016-2533996
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

MOTION FOR JUDGMENT ON THE PLEADINGS

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.102, respectfully requests that your Honorable Commission dismiss the instant Amended Complaint as Complainant has not demonstrated standing to bring the formal complaint. Therefore, PECO is entitled to judgment as a matter of law and this matter should be dismissed.

1. On or about March 11, 2016, Complainant, LeRoy James Watters, III, Chair West Norriton E.A.C. filed a Formal Complaint against Respondent, PECO. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

2. PECO was served with the Formal Complaint on March 15, 2016.

3. In Complainant's Formal Complaint, he states that the utility service is regarding West Norriton Township. The Complainant ticked the box "Other" and claims that PECO is not completing pole work and states:

A new pole is placed because damaged by vehicle or rotted. All wires are moved to new pole. Old pole is cut off just above all communication cables. PECO never contacts the cable companies and have cables moved to new pole and old dangerous pole removed.

4. The Complainant requests for relief:

PECO must contact all the cable companies and have all the cables moved to new pole and remove old pole. Pick up old poles left by the road side. Some since Hurricane Sandy. Other conditions include rusted transformers, split and splintered cross arms, tops of poles split, etc.. All must be fix (sic) in West Norriton Township but this exist in Lower Providence also.

5. On March 28, 2016, Complainant, LeRoy Watters, III filed an Amended Complaint. See Amended Complaint, attached hereto as Exhibit "2".

6. PECO was served with the Amended Complainant on March 30, 2016.

7. In the Complainant's Amended Complaint, he alleged:

Throughout West Norriton Township...PECO is not completing pole work. A new pole is placed by PECO because of damage by vehicle or rotted. All electric work is done on new pole. Old pole is cut off just above all communication cables.

See Exhibit "2".

8. In his request for relief, the Complainant states:

PECO needs to contact all cable companies and have them move their cables off old pole to new pole and remove old pole. PECO must remove old poles laying along road side. This condition also exists in naboring (sic) townships.

See Exhibit "2".

9. On March 30, 2016, PECO received a Notice to Withdraw the Formal Complaint from Jason Babst, Township Manager of West Norriton Township, which PECO filed with the Commission on March 29, 2016. See Withdrawal, attached hereto as Exhibit "3".

10. On March 30, 2016, PECO filed correspondence with the Commission, advising that the company had no objection to West Norriton Township's withdrawal of the formal complaint. See Correspondence, attached hereto as Exhibit "4".

11. On April 18, 2016, PECO filed an Answer with New Matter to Complainant's Amended Complaint. See Answer with New Matter to Amended Complaint, attached hereto as Exhibit "5".

12. In PECO's New Matter, PECO averred that Complainant has no standing to bring the Amended Complaint to remove of utility poles in "naboring (sic) townships and "throughout West Norriton Township." New Matter ¶1.

13. PECO averred that the Complainant has not alleged that he is having a utility pole replacement or removal issue at his service address that is affecting him as a PECO customer. New Matter ¶3.

14. PECO averred that the Complainant is not an attorney; and therefore, he cannot represent the interests of West Norriton Township. New Matter ¶4.

15. PECO averred that Complainant has not presented any requests or correspondence from West Norriton Township regarding the concerns raised by Complainant. New Matter ¶5.

16. PECO averred that Complainant has not presented any documents from West Norriton Township authorizing him to act on behalf of the township. New Matter ¶6.

17. PECO averred that the Complainant has no direct interest in the proceeding since he has not alleged that a utility pole is affecting his residence or service address – his interest is with regard to poles "throughout West Norriton Township" and in "naboring (sic) townships." New Matter ¶7.

18. PECO averred that the Complainant has no immediate interest because he has not alleged that a utility pole is affecting his property or service in any way. New Matter ¶8.

19. PECO averred that the Complainant has no substantial interest because he cannot demonstrate that he has been harmed by the utility poles in the neighboring townships or in his township. New Matter ¶9.

20. PECO averred that the Complainant has not alleged a 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.

21. To date, 20 days have passed since PECO filed its New Matter.

22. PECO has not been served with a response to its New Matter, and therefore it requests that the facts stated therein be deemed admitted. 52 Pa.Code §5.63(b) (providing that facts in new matter may be deemed admitted if there is no reply).

23. 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. 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.

24. 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).

25. 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. Cmwlt. 1989).

26. The pleadings in this case reveal the following:

- a. The Complainant does not represent West Norriton Township and has no authority to bring the Amended Complaint on behalf of the township.
- b. The Complainant has not alleged a service or reliability issue affecting his service address.
- c. The Complainant has no direct, immediate and substantial outcome in the proceedings as he has not alleged that the utility poles at issue are affecting his service or property.

27. 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.

28. As the Complainant, LeRoy Watters has not alleged a 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 Amended Formal Complaint should be dismissed.

29. **WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Amended Complaint with prejudice as the Complainant has no standing to bring the complaint, and the Complaint therefore fails to state a claim upon which relief can be granted.

Respectfully submitted,



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LEROY JAMES WATTERS III
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2533996

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: May 9, 2016

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LEROY JAMES WATTERS III	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2016-2533996
	:	
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:

LeRoy James Watters III
1 East Indian Lane
Norristown, PA 19403

Dated at Philadelphia, Pennsylvania, May 9, 2016



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

RECEIVED

2016 MAR 11 AM 9:47

PA P.U.C. SECRETARY'S BUREAU

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.

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 LE Roy James Watters III Chair W.N. EAC.
Street/P.O. Box #1 East Indian La Apt # NA
City Norris town State Pa Zip 19403
County Montg

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

(610) 631-7027 (home) () NA (mobile)

E-mail Address (optional): NA Fax 610-666-7027

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 West Norrition township
Street/P.O. Box 1630 W. Marshall St Jeffersonville
City Norristown State Pa Zip 19403

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 Energy Company

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). Peco is not completing pole work. a new pole is placed because damaged by vehicle or rotted. all el wires are moved to new pole. old pole is cut off just above all communication cables.

Peco Never contacts the cable companies
and Have cables moved to New pole and old
Dangerous Pole Removed

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.

Peco must contact all the cable companies
and Have all the cables moved to New
pole and Remove old ~~poles~~. pick up
old poles left by the Road side. some
since Hurricane Sandy. Other conditions
include Rusted transformers, split + splinted
cross arms, tops of Poles split, etc.
all must be fix in West Norriton township,
But this exist in lower Providence also

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.

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.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at lawclinicb@mail.widener.edu.

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

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, LeRoy James Watters # WNEAC 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).

LeRoy James Watters JR
(Signature of Complainant)

3-3-2016
(Date)

Chair West Norriton Environmental Advisory Council
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:

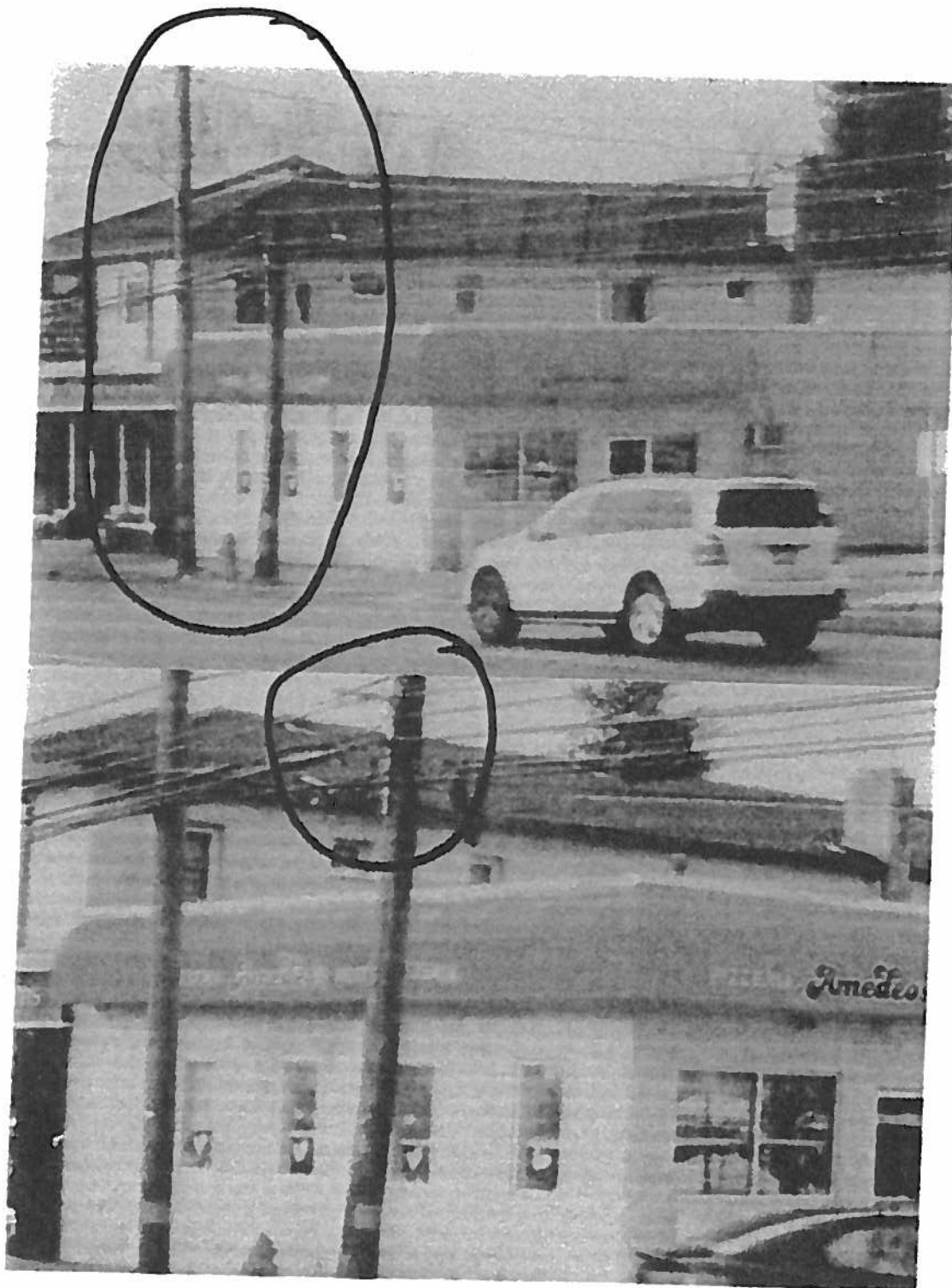
Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

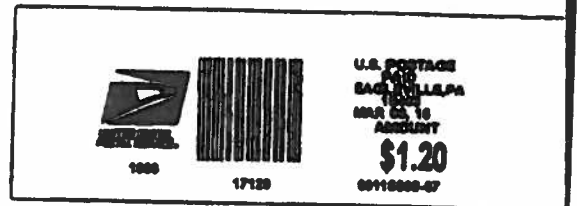
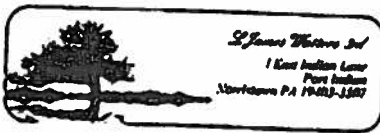
Note: Formal Complaints sent by fax or e-mail will not be accepted.

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.

West main ~~st~~ + Liberty Ave
west Norriton township





Secretary
Pennsylvania Public Utility Commission
400 North St
Harrisburg, Penna 17120

EXHIBIT "2"

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ammended
Revision N

Formal Complaint

DOC # C-2016-2533996

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.

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 LE Roy James Watters III
Street/P.O. Box # 1 East Indian La Apt # NA
City Norristown State Pa Zip 19403
County Montg

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

(610) 631-7027 (home) NA (mobile)

~~E-mail Address (optional):~~ FAX 610-666-7027

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 through out West Norriton township
Street/P.O. Box _____
City Norristown State Pa Zip 19403

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

RECEIVED
016 MAR 28 AM 10:28
PA PUBLIC
SECRETARY'S BUREAU

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). Peco is Not completing pole work. A New pole is placed by Peco, Because of Damage by Vehicle or Rotted. All electric work is Done on New Pole. Old pole is cut off Just Above all communication Cables.

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.

Peco Needs to contact all cable companies and have them move their cables off old pole to New pole and Remove old pole. Peco must Remove old poles laying along Road side. This Condition also exist in Naborning Townships.

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.

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:

LE Roy James Watters III, 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).

LE Roy James Watters III 3-24-2016
(Signature of Complainant) (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.

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Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

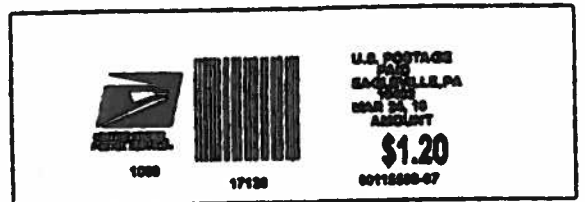
Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

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.



Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

EXHIBIT “3”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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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-2016-2533996
Description:	West Norriton Township - PECO Energy Company Letter - Certificate of Withdrawal
Transmission Date:	3/30/2016 9:16:00 AM
Filed On:	3/30/2016 9:16:00 AM
eFiling Confirmation Number:	1627343

Uploaded File List

File Name	Document Class	Document Type
West Norriton Township - Letter.pdf	Communication	Letter

PECO ENERGY
EXHIBIT 3

**WITHDRAWAL OF
PENNSYLVANIA PUBLIC UTILITY COMMISSION FORMAL COMPLAINT
AGAINST PECO ENERGY COMPANY**

**West Norriton Township v. PECO ENERGY COMPANY
Pa. PUC Docket No. C-2016-2533996**

**We wish to withdraw the above referenced Pennsylvania Public Utility Commission
Formal Complaint against PECO Energy Company.**



West Norriton Township

Jason Babst, Township Manager

3-29-16
Date

EXHIBIT "4"



An Exelon Company

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19101-8699

Direct Dial: 215-841-6841
Fax: 215-568-3389

March 30, 2016

VIA E-FILING

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Fl.
Harrisburg, PA 17120

**RE: West Norriton Township v. PECO Energy Company
PUC Docket No. C-2016-2533996**

Dear Rosemary:

On March 29, 2016, PECO received the Complainant, West Norriton Township's request to withdraw the above-referenced matter. Enclosed is a copy of the Complainant's Petition, requesting withdrawal of the formal complaint. 52 Pa. Code § 5.94(a) states:

Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 20 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

Please be advised that PECO Energy has no objection to the Complainant's withdrawal of the formal complaint. If you have any questions, please contact me at (215) 841-6841.

Respectfully,

Shawane L. Lee
Assistant General Counsel, PECO Energy
Encl.

cc: West Norriton Township, *via first class mail*

PECO ENERGY
EXHIBIT 4

**WITHDRAWAL OF
PENNSYLVANIA PUBLIC UTILITY COMMISSION FORMAL COMPLAINT
AGAINST PECO ENERGY COMPANY**

**West Norriton Township v. PECO ENERGY COMPANY
Pa. PUC Docket No. C-2016-2533996**

**We wish to withdraw the above referenced Pennsylvania Public Utility Commission
Formal Complaint against PECO Energy Company.**



West Norriton Township

Jason Babst, Township Manager

3-29-16
Date

EXHIBIT "5"



**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

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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-2016-2533996
Description:	LeRoy James Watters, III - PECO Energy Company Answer to Amended Complaint with New Matter
Transmission Date:	4/18/2016 11:39:07 AM
Filed On:	4/18/2016 11:39:07 AM
eFiling Confirmation Number:	1629632

Uploaded File List

File Name	Document Class	Document Type
LeRoy James Watters, III - Answer to Amended Complaint.pdf	Communication	Answer to Formal Complaint



An Exelon Company

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19101-8699

Direct Dial: 215-841-6941

April 18, 2016

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

RE: LeRoy James Watters, III v. PECO Energy Company
FUC Docket No.: C-2016-2533996

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy's Answer to the Amended Complaint with New Matter*. At this time, PECO Energy Company is requesting that the above-referenced matter be scheduled for an in person hearing.

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".

Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

cc: Certificate of Service

PENNSYLVANIA PUBLIC UTILITY COMMISSION

LEROY JAMES WATTERS III
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2533996

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, April 18, 2016



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**

LEROY JAMES WATTERS III
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2533996

**ANSWER OF RESPONDENT,
PECO ENERGY COMPANY TO THE AMENDED COMPLAINT**

On March 22, 2016, PECO Energy Company ("PECO Energy") was served with an Amended Formal complaint filed by LeRoy James Watters, III hereafter ("Complainant") in the above captioned docket. Pursuant to 52 Pa. Code § 5.61, PECO responds to the Amended Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant complaint.

In his Amended Complaint, the Complainant states that his complaint is regarding utility service "throughout West Norriton Township." The Complainant claims that PECO is not completing pole work. He states that a new pole is placed by PECO because of vehicle damage or rot. He states that PECO needs to contact all cable companies and have them move their cables off old poles to new poles and remove the old pole. The Complainant states that PECO

must remove old poles along the road side. He states that this condition exists in neighboring townships.

PECO Energy avers that West Norriton Township withdrew the complaint at this docket number on March 29, 2016. As the Complainant does not represent West Norriton Township, he has no standing to bring this complaint; therefore, this Amended Complainant should be dismissed and the docket closed.

5. Denied.

6. Admitted.

7. Denied.

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

1. The Complainant has no standing to bring the Amended Complaint regarding removal of utility poles in "nabording (sic) townships and "throughout West Norriton Township."

2. 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. 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.

3. In this case, the Complainant has not alleged that he is having a utility pole replacement or removal issue at his service address.

4. The Complainant is not an attorney; and therefore, he cannot represent the interests of West Norriton Township.

5. The Complainant has not presented any requests or correspondence from West Norriton Township regarding the concerns raised by Complainant.

6. The Complainant has not presented any documents from West Norriton Township authorizing him to act on behalf of the township.

7. The Complainant has no direct interest in the proceeding since he has not alleged that a utility pole is affecting his residence or service address -- his interest is with regard to poles "throughout West Norriton Township" and in "naboring (sic) townships".

8. The Complainant has no immediate interest because he has not alleged that a utility pole is affecting his property or service in any way.

9. The Complainant has no substantial interest because he cannot demonstrate that he has been harmed by the utility poles in the neighboring townships or in his township.

10. As the Complainant 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 Amended Complaint should be dismissed.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LEROY JAMES WATTERS III
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2533996

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: April 18, 2016

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LEROY JAMES WATTERS III
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2533996

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:

LeRoy James Watters III
1 East Indian Lane
Norristown, PA 19403

Dated at Philadelphia, Pennsylvania, April 18, 2016



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