

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

Direct Dial: 215.841.6841

June 14, 2016

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

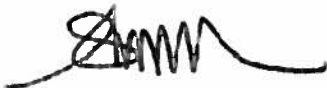
RE: Howard Smith v. PECO Energy Company
PUC Docket No.: C-2016-2541759

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,



Shawane Lee
Counsel for PECO Energy Company

SL/alb
Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2541759

NOTICE TO PLEAD

To: Howard Smith

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 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: June 14, 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**

HOWARD SMITH

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2541759

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 complaint inasmuch as Complainant requests a payment arrangement. No factual dispute has been raised in the pleadings with respect to the payment agreement. Pursuant to 66 Pa.C.S. §1405(c), Complainant is ineligible for a Commission-ordered payment agreement, and thus Complainant fails to state a claim upon which relief can be granted. Therefore, PECO is entitled to judgment as a matter of law regarding the prohibited payment agreement.

1. On or about April 25, 2016, Complainant filed a Formal Complaint against Respondent, PECO, requesting to receive a Commission-ordered payment agreement. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

2. PECO was served with a Formal Complaint on April 26, 2016.

3. In Complainant's Formal Complaint, he states the reason for the complaint as "the utility is threatening to shut off service or has already shut off service."

4. The Complainant requests for relief:

I would like to get a payment plan I can afford.

5. On May 5, 2016 PECO filed an Answer, New Matter and Notice to Plead. A copy of PECO'S Answer to Formal Complaint is attached hereto as Exhibit 2.

6. PECO averred in its New Matter that Complainant was initially enrolled in its Customer Assistance Program (CAP) on October 6, 2009 under Tier E. New Matter ¶ 1

7. PECO averred that Complainant was recertified in the program on July 29, 2010. New Matter ¶ 2.

8. PECO averred that the Complainant recertified in the program under Tier D on December 9, 2013. New Matter ¶ 3.

9. PECO averred that Complainant's CAP tier rate changed to Tier B on November 10, 2015. New Matter ¶ 4.

10. PECO averred that Complainant remains actively enrolled in the CAP program. New Matter ¶ 5

11. PECO averred that the entire balance of \$3,985.19 consists of CAP arrears. New Matter ¶ 6-7.

12. As the entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). ¶ 9.

13. Under 66 Pa.C.S. §1405(c), the Commission is precluded from establishing a payment agreement for customers participating in CAP. Section 1405(c) states as follows: "Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."

14. To date, 27 days have passed since PECO filed its New Matter.

15. 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).

16. 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.

17. 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).

18. 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).

19. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, (b) the entire past due balance is CAP arrears.
- b. Under 66 Pa.C.S. §1405(c), the Commission is prohibited from ordering a payment agreement for an account holder whose past due balance consists of CAP arrears. Therefore, the Commission cannot grant the relief Complainant seeks regarding the payment agreement.

20. Because no factual dispute exists regarding the prohibited payment agreement and the Complaint fails to state a claim for which relief can be granted, PECO is entitled to judgment as a matter of law with respect to the requested payment agreement.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice, as it relates to a request for a payment agreement on CAP arrears, 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**

HOWARD SMITH

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2541759

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: June 14, 2016

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2541759

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:

Howard Smith
2404 South Millick Street
Philadelphia, PA 19142

Dated at Philadelphia, Pennsylvania, June 14, 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"

Botak, Army:(PECO)

From: eServe@pa.gov
Sent: Tuesday, April 26, 2016 8:42 AM
To: Lee, Shawane L:(PECO)
Cc: Botak, Army:(PECO)
Subject: [EXTERNAL] PA PUC eServe Notice

Importance: High

Dear Shawane L Lee,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2016-2541799**.
You may view this document at

[Formal Complaint](#)

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

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.*

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 howard smith _____

Street/P.O. Box 2404 s millick street _____ Apt # _____

City philadelphia _____ State pa _____ Zip 19142 _____

County usa _____

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

(215) 7605630 _____ (home) () _____
(mobile)

E-mail Address (optional): teamstruik@gmail.com

Utility Account Number (from your bill) 8114604034 _____

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 _____

Street/P.O. Box _____

City _____ State _____ Zip _____

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—

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> GAS | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> WATER | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> STEAM HEAT | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

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 did a informal first they deny it but I was filling complaint due to all my customer assistance already being paid to them by LIHEAP AND CRISIS and PECO refuse to give me proper payment agreement and I was told to file a complaint from LIHEAP .

- 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).

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 resolve this matter just like the LIHEAP people told me to do get a payment plan I can afford because I took care of my part by doing LIHEAP AND CRISIS.

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.
Yes I have talked to them plenty of times there is confusion between them and LIHEAP.

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 Howard Smith, 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).

HSMITH

(Signature of Complainant)

(Date) 4/28/2016

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.

EXHIBIT "2"



**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

CONSUMER INFO UTILITY & INDUSTRY FILING & RESOURCES ABOUT PUC CONTACT US

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- [New Filings](#)
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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-2016-2541759
Description:	Howard Smith - PECO Energy Company Answer to the Formal Complaint
Transmission Date:	5/5/2016 9:59:23 AM
Filed On:	5/5/2016 9:59:23 AM
eFiling Confirmation Number:	1632173

Uploaded File List

File Name	Document Class	Document Type
Howard Smith - Answer to the Formal Complaint.pdf	Communication	Answer to Formal Complaint



An Exelon Company

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

Direct Dial: 215-841-6841

May 5, 2016

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

RE: Howard Smith v. PECO Energy Company
PUC Docket No.: C-2016-2541799

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy's Answer to the Formal Complaint*.

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: *Scheduling Recommendation: Call of the Docket*

PENNSYLVANIA PUBLIC UTILITY COMMISSION

HOWARD SMITH

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2016-2541759

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.63(a), 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, May 5, 2016



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6841
Shawane.lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2016-2541759

**ANSWER OF RESPONDENT,
PECO ENERGY COMPANY**

On April 26, 2016, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Howard Smith (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. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint.

In his Complaint, Complainant states that PECO is threatening to terminate or has already terminated his service. The Complainant states that PECO refuses to give him a proper payment agreement. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa.C.S. § 1405(c).

PECO Energy's records indicate that the Complainant established electric service at 2404 South Millick Street, Philadelphia, PA 19142 under account number 81146-04034. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant initially enrolled in

PECO's Customer Assistance Program ("CAP") under Tier E on October 6, 2009. The Complainant recertified in the program on July 29, 2010. The Complainant recertified in the program on Tier D on December 9, 2013. The Complainant's CAP Tier rate changed to Tier B on November 10, 2015. The Complainant is actively enrolled in CAP. The Complainant's entire balance is comprised of CAP arrears.

On April 14, 2016, a \$354.00 LIHEAP payment posted to the Complainant's account. On April 20, 2016, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") requesting a payment agreement on his balance. At the time, he reported a monthly income of \$780.00 for one adult in the household. See Case Details Report #00343007, attached hereto as Exhibit "2". On April 22, 2016, the BCS issued a Decision Report, dismissing the Complainant's case pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #00343007, attached hereto as Exhibit "3".

The Complainant's balance is \$3,985.19. See Exhibit "1". The Complainant is not entitled to a payment agreement on his balance pursuant to 66 Pa.C.S. § 1405(c) as the entire balance is comprised of CAP arrears.

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

1. The Complainant initially enrolled in PECO's Customer Assistance Program ("CAP") under Tier E on October 6, 2009.
2. The Complainant recertified in the program on July 29, 2010.
3. The Complainant recertified in the program on Tier D on December 9, 2013.
4. The Complainant's CAP Tier rate changed to Tier B on November 10, 2015.
5. The Complainant is actively enrolled in CAP under Tier B.
6. The Complainant's balance is \$3,985.19.
7. The Complainant's entire balance is comprised of CAP arrears. .
8. 66 Pa.C.S. § 1405(c) provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."
9. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.
10. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa. C.S. §1405(c).

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

Respectfully Submitted,



**Shawans 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**

HOWARD SMITH
Complainant

v.

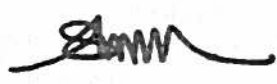
PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2541759

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 5, 2016.

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2016-2541759

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:

**Howard Smith
2404 South Millick Street
Philadelphia, PA 19142**

Dated at Philadelphia, Pennsylvania, May 5, 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"

FECO Account Activity Statement

*** Account Information ***

Account Number: 91146-04034
Account Status: Active
Requested By: HOWARD SMITH
(215)760-5630 Extension:

Mail To:
HOWARD SMITH
2404 S HILLICK ST
PHILADELPHIA PA 19142

*** Current Account Status ***

Current Bill: \$262.42
Billed Prior: \$3722.77
Balance Due: \$3985.19
Service Address:
2404 S HILLICK ST
PHILADELPHIA PA 19142

Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00

Water Bill Grp: 13
Rate: CAP Opt B Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DOB RATE	ENR	OCY	EN
03/10/14	Bill Out DPA due to Default											
05/08/14	Payment				\$2323.96							
05/15/14	BUDGET BILLING	04/16/14 05/15/14				\$130.00						
	** Budget Bill Detail **	Actual Bill Amount: 31.07			\$09.00							
05/15/14	DEFERRED PAYMENT AGREEMENT											
05/15/14	Regular Bill				\$40.77							
06/09/14	Payment						\$129.54		06/06			608
06/16/14	BUDGET BILLING	05/15/14 06/16/14				\$130.00						
	** Budget Bill Detail **	Actual Bill Amount: 07.62			\$77.00							
06/16/14	DEFERRED PAYMENT AGREEMENT											
06/16/14	Regular Bill				\$40.77							
07/14/14	Payment						\$117.31		07/08			1030
07/14/14	Bill Out DPA due to Default					\$90.00						
07/15/14	Payment Agreement				\$2201.67							
07/16/14	Payment					\$2201.67						
07/16/14	BUDGET BILLING	06/16/14 07/16/14				\$27.31						
	** Budget Bill Detail **	Actual Bill Amount: 160.20			\$77.00							
07/16/14	DEFERRED PAYMENT AGREEMENT											
07/16/14	Regular Bill				\$40.77							
08/11/14	Payment						\$117.77		08/07			1667
08/12/14	Bill Out DPA due to Default					\$117.00						
08/13/14	Late Payment Charge				\$2160.90							
08/14/14	BUDGET BILLING	07/16/14 08/14/14				\$29.20						
	** Budget Bill Detail **	Actual Bill Amount: 141.20			\$77.00							
08/14/14	Regular Bill											
08/20/14	Payment Agreement						\$2267.07	\$2190.87	09/05			1400
09/15/14	BUDGET BILLING	08/14/14 09/15/14				\$2267.07						
	** Budget Bill Detail **	Actual Bill Amount: 158.62			\$77.00							
09/15/14	DEFERRED PAYMENT AGREEMENT											
09/15/14	Regular Bill				\$66.70							
10/13/14	Bill Out DPA due to Default						\$143.70		10/07			1544
10/14/14	BUDGET BILLING	09/15/14 10/14/14				\$2201.17						
	** Budget Bill Detail **	Actual Bill Amount: 42.25			\$94.00							
10/14/14	Late Payment Charge											
10/14/14	Regular Bill				\$32.38							
10/21/14	Payment Agreement						\$2471.25	\$2377.25	11/05			729
10/22/14	Payment					\$2201.17						
11/11/14	Late Payment Charge					\$143.70						
11/12/14	BUDGET BILLING	10/14/14 11/12/14				\$1.41						
	** Budget Bill Detail **	Actual Bill Amount: 28.98			\$94.00							
11/12/14	DEFERRED PAYMENT AGREEMENT											
11/12/14	Regular Bill											
11/21/14	Payment						\$208.49	\$127.79	12/04			605
12/09/14	Bill Out DPA due to Default					\$126.38						
12/09/14	Late Payment Charge				\$3134.47							
12/15/14	BUDGET BILLING	11/12/14 12/15/14				\$2.01						
	** Budget Bill Detail **	Actual Bill Amount: 45.76			\$94.00							
12/15/14	Regular Bill											
01/13/15	Late Payment Charge						\$2392.59	\$2298.59	01/06			732
01/16/15	BUDGET BILLING	12/15/14 01/16/15				\$32.37						
	** Budget Bill Detail **	Actual Bill Amount: 71.60			\$94.00							
01/16/15	Regular Bill						\$2510.96	\$2424.96	02/10			901

PECO ENERGY
EXHIBIT

DATE	CHARGE TYPE	BILLING PERIOD	READ	SEVER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARDED	EST DATE	EST	OCF	EST
02/17/15	BUDGET BILLING	01/16/15 02/17/15			\$70.00							
	** Budget Bill Detail **	Actual Bill Amount: 65.40										
02/17/15	Late Payment Charge											
02/17/15	Regular Bill				\$33.40							
03/17/15	Late Payment Charge						\$2622.36	\$2552.36	03/11		860	
03/19/15	BUDGET BILLING	02/17/15 03/19/15			\$33.95							
	** Budget Bill Detail **	Actual Bill Amount: 78.84										
03/19/15	Regular Bill				\$70.00							
04/15/15	Late Payment Charge						\$2726.31	\$2656.31	04/10		969	
04/16/15	BUDGET BILLING	03/19/15 04/16/15			\$35.26							
	** Budget Bill Detail **	Actual Bill Amount: 31.19										
04/16/15	Regular Bill				\$70.00							
05/13/15	Late Payment Charge						\$2031.57	\$2761.57	05/08		635	
05/15/15	BUDGET BILLING	04/16/15 05/15/15			\$35.15							
	** Budget Bill Detail **	Actual Bill Amount: 66.47										
05/15/15	Regular Bill				\$70.00							
05/20/15	LINEAP Payment						\$2936.72	\$3066.72	06/08		885	
05/29/15	Payment Agreement					\$500.00						
05/29/15	DEFERRED PAYMENT AGREEMENT					\$2436.72						
06/12/15	Bill Out DPA due to Default				\$105.15							
06/15/15	Late Payment Charge				\$2331.57							
06/16/15	BUDGET BILLING	05/15/15 06/16/15			\$29.07							
	** Budget Bill Detail **	Actual Bill Amount: 187.97										
06/16/15	Regular Bill				\$70.00							
07/16/15	Late Payment Charge						\$2535.79	\$2465.79	07/08		1740	
07/16/15	BUDGET BILLING	06/16/15 07/16/15			\$32.88							
	** Budget Bill Detail **	Actual Bill Amount: 245.67										
07/16/15	Regular Bill				\$70.00							
08/12/15	Late Payment Charge						\$2638.67	\$2568.67	08/07		2133	
08/14/15	BUDGET BILLING	07/16/15 08/14/15			\$34.20							
	** Budget Bill Detail **	Actual Bill Amount: 279.05										
08/14/15	Regular Bill				\$70.00							
09/15/15	BUDGET BILLING	08/14/15 09/15/15			\$70.00		\$2742.87	\$2672.87	09/08		2364	
	** Budget Bill Detail **	Actual Bill Amount: 291.54										
09/15/15	Late Payment Charge											
09/15/15	Regular Bill				\$35.25							
10/13/15	Late Payment Charge						\$2048.12	\$2778.12	10/07		2411	
10/14/15	BUDGET BILLING	09/15/15 10/14/15			\$36.30							
	** Budget Bill Detail **	Actual Bill Amount: 97.02										
10/14/15	Regular Bill				\$169.00							
11/10/15	Payment Agreement						\$3053.42	\$2884.42	11/05		1097	
11/10/15	DEFERRED PAYMENT AGREEMENT											
11/12/15	BUDGET BILLING	10/14/15 11/12/15			\$610.68							
	** Budget Bill Detail **	Actual Bill Amount: 93.01										
11/12/15	DEFERRED PAYMENT AGREEMENT				\$141.00							
11/12/15	Regular Bill				\$40.71							
11/24/15	Bill Out DPA due to Default						\$792.39		12/04		1225	
12/09/15	Late Payment Charge				\$2402.03							
12/11/15	Payment Agreement				\$40.96							
12/14/15	Payment					\$2402.03						
12/15/15	Returned Electronic Check					\$792.39						
12/15/15	BUDGET BILLING	11/12/15 12/15/15			\$792.39							
	** Budget Bill Detail **	Actual Bill Amount: 278.06										
12/15/15	DEFERRED PAYMENT AGREEMENT				\$141.00							
12/15/15	Regular Bill				\$40.71							
01/11/16	Bill Out DPA due to Default						\$1015.06	\$40.96	01/06		2475	
01/12/16	Late Payment Charge				\$2361.32							
01/19/16	BUDGET BILLING	12/15/15 01/19/16			\$44.00							
	** Budget Bill Detail **	Actual Bill Amount: 292.39										
01/19/16	Regular Bill				\$141.00							
02/16/16	Late Payment Charge						\$3561.38	\$3420.38	02/10		2561	
					\$46.12							

PECO Account Activity Statement

Date: 04/28/16

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DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	MIN	OCT	EN
02/17/16	BUDGET BILLING	01/19/16 02/17/16			\$210.00							
	** Budget Bill Detail **	Actual Bill Amount: 76.43				ED Deferred Amount: 624.23						
02/17/16	Regular Bill						\$3017.50	\$3607.50	03/10	1098		
03/15/16	Late Payment Charge				\$49.27							
03/17/16	BUDGET BILLING	02/17/16 03/17/16			\$210.00							
	** Budget Bill Detail **	Actual Bill Amount: 43.70				ED Deferred Amount: 457.93						
03/17/16	Regular Bill						\$4076.77	\$3066.77	04/08	889		
04/13/16	Late Payment Charge				\$52.42							
04/24/16	WIREPAY Payment					1154.60						
04/15/16	BUDGET BILLING	03/17/16 04/15/16			\$210.00							
	** Budget Bill Detail **	Actual Bill Amount: 29.13				ED Deferred Amount: 277.06						
04/15/16	Regular Bill						\$3985.19	\$3775.19	05/09	790		

EXHIBIT "2"

May 4, 2016

Case Details Report

BCS Case #: 003430007
Customer Name: HOWARD SMITH
Service Address: 2404 SOUTH MILLICK ST.

BCS Bill Account #: 8114604034

Mailing Address: PHILADELPHIA, PA 19142

Home Phone: 0 -
Business Phone: 0 -
Business name: SM
Alternate contact:

Date Case Opened: 2016-04-20
PAR Case: Y
Investigator Name: BCS CASE POOL
Investigator Phone: (717) 787-0000
Service class: R
Previous case #:

Date Cut Out: 2016-04-23

Universal Service: N
Contact Type: TELEPHONE
Amount in Arrears: \$3817.50

Adults: 1
Children: 0
Children Ages:
Gross Income: \$780.00
Miscellaneous Info:

Complaint Reason:
ON - PAR NEEDED (# 61)

Customer Problem Description:
NO CAP ARREARS; WANTS PAR TO KEEP ON.

Company Position:
04/19/2016 PAY 1400.00 TO KEEP ON.

EXHIBIT "3"



May 4, 2016

BCS Decision Report

BCS Case #: 003430007 **Open Date:** 2016-04-20
Customer Name: HOWARD SMITH
Service Address: 2404 SOUTH MILLICK ST.

PHILADELPHIA, PA 19142
BCS Bill Account #: 8114604034 **Previous Case #:**
Violation Type: NO **Chapter Type:**
Decision Type: W **Section / Rule:**
Investigator Name: BUREAU OF
CONSUMER SERVICE

Decision Issued Date: 2016-04-22
Case Closed Date: 2016-04-20

Letter Descriptions:

Total Balance:	\$0.00	Balance Date:	
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Terms:			

PAR Descriptions:

Resolution Descriptions:

CASE CLOSED - DISMISSED PER 1405C - THE DATE OF COMPLAINT RESOLUTION AND EXPIRATION OF THE STAY OF TERMINATION IS 4/27/2016