

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

Direct Dial: 215.841.6841

June 30, 2016

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

**RE: Lucretia Smith v. PECO Energy Company**  
**PUC Docket No.: F-2016-2546527**

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 horizontal flourish extending to the right.

Shawane Lee  
Counsel for PECO Energy Company

SL/alb  
Enclosure

cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>LUCRETIA SMITH</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. F-2016-2546527</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**NOTICE TO PLEAD**

*To: Lucretia 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 30, 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**

<b>LUCRETIA SMITH</b>	:	
<b>Complainants</b>	:	
	:	
v.	:	<b>DOCKET NO. F-2016-2546527</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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. 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.

1. On or about May 16, 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 the Formal Complaint on May 20, 2016.

3. On June 3, 2016, PECO filed an Answer, New Matter and Notice to Plead. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2.

4. PECO averred in its New Matter that Complainant enrolled in its Customer Assistance Program (CAP) under Tier B on June 4, 2014. New Matter ¶1.

5. PECO averred that the Complainant's CAP Tier changed to Tier D effective October 13, 2015. New Matter ¶2.

6. PECO averred that the Complainant is scheduled to recertify in the program on October 13, 2017. New Matter ¶3.

7. PECO averred that the Complainant is actively enrolled in CAP. New Matter ¶4.

8. PECO averred that the Complainant's balance is \$2,401.48. New Matter ¶5.

9. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶6.

10. PECO averred that as the entire balance consists of CAP arrears, no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶¶7-9.

11. To date, 20 days has passed since PECO filed its New Matter.

12. 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).

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. 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.

15. 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).

16. 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).

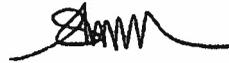
17. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, (b) the entire past due balance is CAP arrears, (c) the sole relief Complainant seeks is a Commission-ordered payment agreement.
- 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 sole relief Complainant seeks.

18. Because no factual dispute exists and the Complaint fails to state a claim for which relief can be granted, PECO is entitled to judgment as a matter of law.

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

<b>LUCRETIA SMITH</b>	:	
<b>Complainants</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. F-2016-2546527</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion for Judgment on the Pleadings upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA First Class Mail  
Lucretia Smith  
1503 Carpenter Street  
Philadelphia, PA 19146



---

Shawane L. Lee

DATED: June 30, 2016

**EXHIBIT “1”**

**Botak, Amy:(PECO)**

---

**From:** eServe@pa.gov  
**Sent:** Friday, May 20, 2016 4:40 PM  
**To:** Lee, Shawane L:(PECO)  
**Cc:** Botak, Amy:(PECO)  
**Subject:** [EXTERNAL] PA PUC eServe Notice  
**Importance:** High

Dear Shawane L Lee,

A(n) **Formal Complaint Form** has been served in this proceeding. This document is docketed as **F-2016-2546527**. You may view this document at [Formal Complaint Form](#)

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.*

Must be returned by May 16, 2016

**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 Lucretia Smith

Street/P.O. Box 1603 Carpenter St Apt # \_\_\_\_\_

City Philadelphia State PA Zip 19140

County Philadelphia

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

267 351 7383 (home)      267 351 7383 (mobile)

E-mail Address (optional): \_\_\_\_\_

Utility Account Number (from your bill) 71427-91014

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.

Philadelphia Electric Company

**RECEIVED**

MAY 16 2016

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).

**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 be placed on a payment agreement and not have my utilities shut off*

**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:

Maureta 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).

Maureta Smith  
(Signature of Complainant)

May 13, 2016  
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/eFiling/default.aspx>.

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

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

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

RECEIVED

MAY 16 2016

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**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.

PRESS FIRMLY TO SEAL



1037



17180

U.S. POSTAGE  
PHILADELPHIA, PA  
MAY 18 11  
AMOUNT  
**\$22.95**  
R23042110720-00



EK047775162US

EK047775162US



UNITED STATES  
POSTAL SERVICE

PRIORITY  
MAIL  
EXPRESS™

WRITE FIRMLY TO MAKE ALL COPIES LEGIBLE

FROM: please return  
TO: please return  
1503 Carpenter Street  
Philadelphia, PA 19106

Signature Required  
Please The sender must check the "Signature Required" box if the addressee is required to sign for the mail. If the addressee does not sign for the mail, the Postal Service will leave the mail in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature or return.  
 No Signature Delivery (addressee must be home)  
Signature Required (signature required for mail, where applicable)  
"Visit us at USPS.com or call 1-800-ASK-USPS" for more information.

TO: please return  
FROM: please return  
Public Utility  
Commission  
1503 Carpenter Street  
Philadelphia, PA 19106

Post Office To Address			
<input type="checkbox"/> 1-day	<input type="checkbox"/> 2-day	<input type="checkbox"/> Priority	<input type="checkbox"/> GPO
PO ZIP Code	Estimated Delivery Date (Guaranteed)	Package	
Days Accepted (Priority)	Estimated Delivery Time	Insurance Fee	GPO Fee
Time Accepted	<input type="checkbox"/> AM <input type="checkbox"/> PM	Return Receipt Fee	



EK047775162US

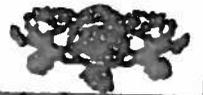
5/17/2016 9:08:53 AM

External Carrier: EXPRESS

Agency floor: PUC

TO PUC SECRETARY BURE

CMPC



VISIT US AT USPS.COM  
ORDER FREE SUPPLIES ONLINE

**EXHIBIT "2"**



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

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

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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:	F-2016-2546527
Description:	Lucretia Smith - PECO Energy Company Answer to Formal Complaint w/ New Matter
Transmission Date:	6/3/2016 10:59:08 AM
Filed On:	6/3/2016 10:59:08 AM
eFiling Confirmation Number:	1636427

Uploaded File List

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

<https://www.puc.state.pa.us/efiling/secure/UploadSummary.aspx?PrevAction=cpayx>

6/3/2016

PECO ENERGY  
2

Legal Department  
2001 Market Street / 323-1  
Philadelphia, PA 19101-8699

Direct Dial: 215-841-6341

June 3, 2016

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

**RE: Lucretia Smith v. PECO Energy Company**  
**PUC Docket No.: F-2016-2546527**

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,



Shawne Lee  
Counsel for PECO Energy Company

SL/ab  
Enclosure

cc: *Scheduling Recommendation: Call of the Docket*

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LUCRETIA SMITH** :  
Complainant :  
 :  
v. : **DOCKET NO. F-2016-2546527**  
 :  
**PECO ENERGY COMPANY** :  
Respondent :  
 :

---

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed **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, June 3, 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**

<b>LUCRETIA SMITH</b>	:	
Complainant	:	
	:	
v.	:	<b>DOCKET NO. F-2016-2546527</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
Respondent	:	
	:	

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**ANSWER OF RESPONDENT,  
PECO ENERGY COMPANY**

On May 20, 2016, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Lucretia 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 her Complaint, Complainant requests a payment agreement to prevent her service from being terminated. 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 1503 Carpenter Street, Philadelphia, PA under account number 71427-91014. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant enrolled in PECO's Customer Assistance program on June 4, 2014, under Tier B. The Complainant's Tier changed to D

effective October 13, 2015. The Complainant is scheduled to recertify in the program on October 13, 2017. The Complainant is actively enrolled in CAP. The Complainant's entire balance is comprised of CAP arrears.

The Complainant's balance is \$2,401.48. See Exhibit "1". The Complainant is not entitled to a payment agreement on her 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 enrolled in PECO's Customer Assistance program on June 4, 2014, under Tier B.
2. The Complainant's CAP Tier changed to Tier D effective October 13, 2015.
3. The Complainant is scheduled to recertify in the program on October 13, 2017.
4. The Complainant is actively enrolled in CAP.

5. The Complainant's balance is \$2,401.48.
6. The Complainant's entire balance is comprised of CAP arrears.
7. 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."
8. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.
9. 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,**



---

**Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.368.3389**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LUCRETIA SMITH :  
Complainant :  
v. : DOCKET NO. F-2016-2546527  
PECO ENERGY COMPANY :  
Respondent :

VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

Date: June 3, 2016



---

Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>LUCRETIA SMITH</b>	:	
Complainant	:	
	:	
v.	:	<b>DOCKET NO. F-2016-2546527</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
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:

Lucretia Smith  
1503 Carpenter Street  
Philadelphia, PA 19146

Dated at Philadelphia, Pennsylvania, June 3, 2016



---

**Shawane L. Lee**  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699  
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**EXHIBIT 1**



Transaction ID	Product Type	Credit Report ID	Bill Cycle Period	Bill	Reading Type	Minor Cycle	ETW	CC	Transaction Amount	Balance Forward	Current Charge	Am't Due	Bill Due On	Total Balance	Reading Degree	Reading Date
11/09/2012	ELECTRIC SERVICE		10/09/2012 - 11/09/2012	1233	ACTUAL	03000000	0		417.85	\$0.00	\$174.85	\$174.85	11/09/2012	\$174.85	205	
12/05/2012	BUDGET BILLING								417.85							
12/12/2012	PUC AGREEMENT								\$33.00							
12/19/2012	ELECTRIC SERVICE		11/09/2012 - 12/11/2012	15207	ACTUAL	03000000	0		\$10.00	\$0.00	\$174.85	\$174.85	01/09/2013	\$111.00	639	
01/09/2013	CALL OUT CHRG								\$33.77							
01/09/2013	LATE PAYMENT CHARGE								\$1.00							
01/09/2013	LATE PAYMENT CHARGE								\$0.77							
01/09/2013	BUDGET BILLING								\$20.77							
01/16/2013	ELECTRIC SERVICE		12/11/2012 - 01/14/2013	12657	ACTUAL	03000000	790		\$104.15	\$1,107.21	\$134.00	\$1,211.36	01/04/2013	\$1,100.00	833	
01/23/2013	LATE PAYMENT CHARGE								\$17.21							
01/30/2013	BUDGET BILLING								\$134.00							
01/30/2013	LATE PAYMENT CHARGE								\$0.15							
01/30/2013	ELECTRIC SERVICE		01/14/2013 - 02/11/2013	42042	ACTUAL	03000000	525		\$0.15	\$1,211.36	\$134.00	\$1,345.51	01/29/2013	\$1,211.00	958	
01/30/2013	BUDGET BILLING								\$134.00							
01/30/2013	LATE PAYMENT CHARGE								\$0.15							
01/30/2013	ELECTRIC SERVICE		02/11/2013 - 02/14/2013	45529	ACTUAL	03000000	617		\$117.00	\$1,345.51	\$134.00	\$1,479.51	02/22/2013	\$1,421.11	717	
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$0.15							
01/30/2013	ELECTRIC SERVICE		02/14/2013 - 03/11/2013	41784	ACTUAL	03000000	525		\$400.00	\$1,479.51	\$134.00	\$1,613.51	02/29/2013	\$1,479.51	529	
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		03/11/2013 - 03/14/2013	42514	ACTUAL	03000000	790		\$134.00	\$1,613.51	\$134.00	\$1,747.51	03/04/2013	\$1,613.51	597	
01/30/2013	BUDGET BILLING								\$134.00							
01/30/2013	LATE PAYMENT CHARGE								\$117.00							
01/30/2013	ELECTRIC SERVICE		03/14/2013 - 04/11/2013	42222	ACTUAL	03000000	790		\$400.00	\$1,747.51	\$134.00	\$1,881.51	03/29/2013	\$1,827.51	410	
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		04/11/2013 - 04/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		04/14/2013 - 05/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		05/11/2013 - 05/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		05/14/2013 - 06/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		06/11/2013 - 06/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		06/14/2013 - 07/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		07/11/2013 - 07/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		07/14/2013 - 08/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		08/11/2013 - 09/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		09/11/2013 - 09/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		09/14/2013 - 10/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		10/11/2013 - 10/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		10/14/2013 - 11/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		11/11/2013 - 11/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		11/14/2013 - 12/11/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		12/11/2013 - 12/14/2013						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		12/14/2013 - 01/11/2014						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		01/11/2014 - 01/14/2014						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		01/14/2014 - 02/11/2014						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		02/11/2014 - 02/14/2014						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		02/14/2014 - 03/11/2014						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		03/11/2014 - 03/14/2014						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE								\$134.00							
01/30/2013	ELECTRIC SERVICE		03/14/2014 - 04/11/2014						\$400.00							
01/30/2013	BUDGET BILLING								\$117.00							
01/30/2013	LATE PAYMENT CHARGE</															

Transaction On	Product Type	Credit Memo	Billing Method	Head	Posting Type	Master Acct	COPI	SY	COF	Transferable Amount	Balance Forward	Current Charge	Acct Due	Bill Due On	Next Cobalt	Posting Days	Budgeted
09/11/2013	ELECTRIC SERVICE		09/11/2013 - 09/09/2013	62007	ACTUAL	62000000	208	0		\$135.15	\$0.00	\$135.15	\$135.15	11/02/2013	\$135.15	037	\$135.15
11/04/2013	BUDGET BILLING									\$135.15							
11/11/2013	PAC AGREEMENT									\$117.00							
11/11/2013	ELECTRIC SERVICE		10/26/2013 - 11/09/2013	67145	ACTUAL	62000000	159	0		\$208.19	\$0.00	\$113.65	\$113.65	11/02/2013	\$113.65	037	\$113.65
12/04/2013	BUDGET BILLING									\$113.65							
12/11/2013	PAC AGREEMENT									\$117.00							
12/11/2013	ELECTRIC SERVICE		11/25/2013 - 12/11/2013	62000	ACTUAL	62000000	178	0		\$279.05	\$0.00	\$115.65	\$115.65	01/23/2014	\$115.65	037	\$115.65
01/03/2014	CALL OUT CNA									\$753.35							
01/03/2014	LAST PAYMENT CHANGE									\$117.00							
01/03/2014	DATE PAYMENT CHANGE									\$117.00							
01/03/2014	DATE PAYMENT CHANGE									\$27.25							
01/03/2014	PAYMENT									\$27.25							
01/03/2014	AGREEMENT									\$753.35							
01/03/2014	PAYMENT									\$115.00							
01/03/2014	PAYMENT									\$115.00							
01/11/2014	RETURNED CHECK									\$115.00							
01/11/2014	BUDGET BILLING									\$117.00							
01/11/2014	RETURNED CHECK 15									\$117.00							
01/11/2014	PAC AGREEMENT									\$20.00							
01/11/2014	ELECTRIC SERVICE		11/11/2013 - 01/04/2014	51174	ACTUAL	62000000	241	0		\$11.00	\$1.90	\$115.65	\$117.55	02/03/2014	\$115.65	1,013	\$117.55
02/07/2014	BUDGET BILLING									\$11.00							
02/07/2014	PAC AGREEMENT									\$117.00							
02/07/2014	ELECTRIC SERVICE		01/14/2014 - 02/11/2014	51143	ACTUAL	62000000	259	0		\$29.00	\$0.00	\$115.65	\$115.65	02/11/2014	\$115.65	1,108	\$117.77
02/07/2014	BUDGET BILLING									\$29.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/12/2014	52003	ACTUAL	62000000	253	0		\$18.00	\$0.00	\$115.65	\$115.65	04/08/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$18.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52003	ACTUAL	62000000	214	0		\$18.00	\$0.00	\$115.65	\$115.65	04/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$18.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52003	ACTUAL	62000000	214	0		\$18.00	\$0.00	\$115.65	\$115.65	04/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$18.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65	07/07/2014	\$117.77	010	\$117.77
02/11/2014	BUDGET BILLING									\$27.00							
02/11/2014	PAC AGREEMENT									\$117.00							
02/11/2014	ELECTRIC SERVICE		02/11/2014 - 02/11/2014	52007	ACTUAL	62000000	148	0		\$27.00	\$0.00	\$115.65	\$115.65				



