

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: Stacy T. Keller v. PECO Energy Company
PUC Docket No.: C-2016-2546528

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**

STACEY KELLER	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2016-2546528
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

To: Stacey Keller

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**

STACEY KELLER	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2016-2546528
	:	
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 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 6, 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 D at her service address 2118 West Westmoreland Street, Philadelphia, PA on February 5, 2014. New Matter ¶2.

5. PECO averred that the Complainant recertified in the program on October 28, 2014. New Matter ¶3.

6. PECO averred that the Complainant was removed from CAP on November 5, 2014, when she discontinued service at 2118 West Westmoreland Street. New Matter ¶4.

7. PECO averred that the Complainant reenrolled in CAP for service at 2242 Ruffner Street, Philadelphia, PA on February 5, 2015 under Tier D. New Matter ¶5.

8. PECO averred that the Complainant is scheduled to recertify in the program on May 13, 2007. New Matter ¶6.

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

10. PECO averred that the Complainant's balance is \$5,676.00. New Matter ¶8.

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

12. 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 ¶¶10-11.

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

14. 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).

15. 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."

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, (c) the 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 relief Complainant seeks.

20. 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**

STACEY KELLER	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2016-2546528
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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
Stacey Keller
2242 Ruffner Street
Philadelphia, PA 19140

Administrative Law Judge Angela T. Jones
Pennsylvania Public Utility Commission
801 Market Street, 4th Floor, Suite 4063
Philadelphia, PA 19107



Shawane L. Lee

DATED: June 30, 2016

EXHIBIT “1”

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Tuesday, May 24, 2016 11:21 AM
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** has been served in this proceeding. This document is docketed as **C-2016-2547114**.
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.

PECO ENERGY
1

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

RECEIVED

2016 APR 25 Aft 10: 56

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.

PA P.U.C. SECRETARY'S BUREAU

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 Lyan Gillis

Street/P.O. Box 71 Erection Lane Apt # _____

City Levittown State PA Zip 19054

County Bucks County

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

Please correspond (home) (mobile)
in writing. I am disabled.

E-mail Address (optional): I don't want to say the wrong thing, tripped up. All the facts are here in print.

Utility Account Number (from your bill) 58119-00401 ~~PECO Account #~~

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 PECO PAYMENT PROCESSING

Street/P.O. Box P.O. Box 37629

City Philadelphia State PA Zip 19101-0629

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 PAYMENT PROCESSING

P.O. Box 37629
Philadelphia, PA. 19101-0629

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> 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 of average usage, not more than 300 they were charging me for a month.

- 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.

TO Please have them drop the charges of their demand of \$1,081.05 with the shutoff notice I received April 2, 2016. And give me a budget billing in the amount of average usage, not more than 300. a month, like they are ^{are charging} My usage has been reduced all the way to \$153.00 (March 2016) for a winter month and I average \$85.00 on off heating season for 8 months. TO give me a credit for overpays

In 2014 I paid \$3,384.34
My usage was 2,362.46

1,021.88 in excess I paid

PLEASE SEND ME A COPY OF THE LETTER YOU WRITE TO PECO. I am having legal help.

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.

I am disabled. And receive 1,001.00 a month on Social Security and I am 56 years old.

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.

*I spoke to several representatives,
They finally told me the supervisor would call
me on April 18, 2016. But did not call me.
I waited.*

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 I have written 4 letters to *Legal Aid's
advocate
managing attorney
Executive Director
& President of the
Board of
Directors, on April 18th
& April 23, 2016
I have not heard
or notified yet.*

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, Lynn Gillis, 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).

Lynn Gillis
(Signature of Complainant)

4-23-2016
(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

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.

RECEIVED

2016 APR 19 AM 9:55

SECRETARY'S BUREAU

Lynn Gillis
77 Everham Lane
Levittown, PA. 19054

April 16, 2016

Dear Associates of P.U.C.

Recently I had requested
you investigate my complaint
with my utility company.

Now I would like to
file a Federal complaint.
They have acted with corruption
and this is out of control.

Enclosed you will find
proof that in the year 2014
I paid 3,600 in electricity and
my usage was 2,200. I deserve
a credit not a shut off notice.

I just paid them 300 on March
19th and they sent me a shut
off notice April 2. I have a

small extension for a little more
time for you to please help me.

They are demanding 1,081.05

that is 1,381.05 in a 5 week period

0112

**TEN DAY SHUT OFF NOTICE
(AVISO DE SUSPENSION DE SERVICIO EN 10 DIAS)**

EMERGENCY

Account Number: 5811600408
For Service To: 71 EVERTURN LA
Date Prepared: March 28, 2016

Post Due Amt: \$1,841.12
New Billing: \$0.00
Total Amount: \$1,841.12

I have a small citation

Your Electric/Gas Service May Be Shut Off!
Because your bill is past due, we will shut off the service to 71 EVERTURN LA on or after 3:00 p.m. on April 12, 2016. If this date is a Friday, the service shut off will occur on, or soon after, the next business day.

We will NOT shut off your electric/gas service if you do ONE of the following:

- Pay \$1,841.12 in full before April 12, 2016, this includes any amount you owe on your payment plan. This notice is effective for 60 days.
- Pay the catch up amount on your agreement if it has defaulted. Call 1-800-480-1533 for the amount.
- Show us a paid receipt for the past due amount.
- You may be eligible for a payment agreement or special assistance program. Call 1-800-480-1533 right away if you dispute this bill or to provide us with household income and occupant information to determine your eligibility.
- To talk about your bill, please call our office at 1-800-480-1533.

WE MUST RECEIVE YOUR PAYMENT BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.

If we shut off your electric/gas service, you may have to pay all of the following before we can turn service on:

- Past Due Amount of **\$1,841.12**
- Deposit Past Due Amount of **\$0.00**
- Agreement Unbilled Balance **\$0.00**
- Total **\$1,841.12**

*If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**If your service is shut off, you may have to make substantial payments in order to have your service restored. In addition to any balance owed, you will have to pay a Reconnection Charge of between \$20.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is seriously ill. **WE WILL NOT SHUT OFF YOUR SERVICE** during such an illness provided you:

1. Have your licensed physician, nurse practitioner, or physician assistant certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off. Attention! Get on an energy saving program. If called on to disconnect, favor do have a 1-800-480-1533.

Send payment in the enclosed envelope or pay your bill at an authorized payment location or PECO Energy's Main Office (20th & Market Streets Philadelphia). To pay by credit card or check by phone, call 1-877-682-6864. The service provider will charge a convenience fee of \$2.50.

See other side for more information

When copying in person please bring the notice with you

PLEASE - PLEASE - OBSERVE
 they were dropped while in 2013 no on my acct + they then
 DROPPED THE
 CARRIERS

Date: 03/04/16
 Page: 1 of 3

*** Account Information ***

Account Number: 00110-0000
 Account Status: Active
 Billing To: 71 SWINGWAY LN
 LEVETOWN VA 22644

*** Current Account Status ***

Current Bill: 0100.00
 Billing Period: 02/01/15 - 02/28/15
 Balance Due: 0204.33
 Service Address: 71 SWINGWAY LN
 LEVETOWN VA 22644
 Current Amount: 00.00
 Unpaid Amount: 00.00
 Unpaid On-Account: 00.00
 Meter Bill Cap: 00
 Meter: 020 020 020 Electric Residential Service

Paid in 2014 → 3,384.34

USAGE → 2362.46

DATE	CHARGE TYPE	RELATION PERIOD	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARDED	DATE	AMOUNT
01/27/13	Auto Payment Charge							
01/28/13	METER SERVICE	01/27/13 01/28/13	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 00.00						
01/29/13	Regular Bill							
01/29/13	Payment Agreement							
01/29/13	Payment							
01/29/13	Account Maintenance Check							
01/29/13	METER SERVICE	01/29/13 01/29/13	0000.00	0000.00				
	** Budget Bill Detail **	Actual Bill Amount: 07.00						
01/30/13	DEFERRED CREDIT FOR CREDIT							
01/30/13	DEFERRED CREDIT FOR CREDIT							
01/30/13	Regular Bill							
01/30/13	Payment							
01/30/13	METER SERVICE	01/30/13 01/30/13	0000.00	0000.00				
	** Budget Bill Detail **	Actual Bill Amount: 00.00						
01/31/13	DEFERRED CREDIT FOR CREDIT							
01/31/13	Regular Bill							
01/31/13	BILL FOR 070 due to Default							
01/31/13	Auto Payment Charge							
01/31/13	Payment							
01/31/13	Auto Payment Charge							
01/31/13	METER SERVICE	01/31/13 01/31/13	0000.00	0000.00				
	** Budget Bill Detail **	Actual Bill Amount: 207.00						
01/31/13	Regular Bill							
01/31/13	Payment							
01/31/13	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/13 02/02/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 130.00						
01/31/14	Regular Bill							
01/31/14	Payment							
01/31/14	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/14 01/31/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 000.00						
01/31/14	Regular Bill							
01/31/14	Auto Payment Charge							
01/31/14	Payment							
01/31/14	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/14 01/31/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 074.00						
01/31/14	Regular Bill							
01/31/14	Auto Payment Charge							
01/31/14	Payment							
01/31/14	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/14 01/31/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 404.00						
01/31/14	Regular Bill							
01/31/14	Payment							
01/31/14	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/14 02/01/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 330.00						
01/31/14	Regular Bill							
01/31/14	Payment							
01/31/14	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/14 01/31/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 1000.00						
01/31/14	Regular Bill							
01/31/14	Payment							
01/31/14	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/14 01/31/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 330.00						
01/31/14	Regular Bill							
01/31/14	Payment							
01/31/14	Auto Payment Charge							
01/31/14	METER SERVICE	01/31/14 01/31/14	000.00	000.00				
	** Budget Bill Detail **	Actual Bill Amount: 1000.00						

Should have
 credit of
 1,021.88
 overpay
 not
 shut off
 notice.
 + These
 payments
 all were
 2 weeks
 in advance
 + they
 still
 sent
 7
 shut
 off
 notice

with the acct

Name: **LYNN E GILLIS**
 Account Number: **99119-00403**
 Phone Number: **267-343-9875**
 Service Address: **71 EVERTURN LA, LEVITTOWN**

Billing Summary

Bill Date		01/04/2016
Budget bill charges from previous bill		\$1.08
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$198.00
Deferred payment agreement		\$198.00
Deferred payment agreement		\$82.98
Deferred payment agreement		\$80.01
Late payment charge		\$80.01
Total Other Charges		\$87.08
		\$1,571.12
Current Period Charges		
Electric		
Budget billing amount		
	\$298.08	
Total New Charges		\$198.00
Total Amount Due on 01/28/2016	\$298.08	\$1,769.12

General Information

Next scheduled meter reading: February 03, 2016
 PECO, 2001 Market Street, Philadelphia, PA 19103-1300. If you have any questions or concerns, please call 1-800-494-4900 before the due date. If done after business hours, please call 1-800-494-4900 ext. 4000 for after hours assistance.

- Customer Self Service - Manage Your Account 24/7**
- **www.pECO.com/online** - Go paperless: receive and pay your bill
 - **www.pECO.com/transfer** - Start, stop and transfer your service
 - **www.pECO.com/energy** - Save energy and money
 - Pay by phone with credit/debit card at 1-877-493-6384 (\$2.35 fee)

Message Center

From PECO:
 You are on the Customer Assistance Program (CAP) Rate. You are saving money by paying a CAP rate.
 Your charges contain estimated total state taxes of \$21.74, including \$18.88 for State Gross Receipts Tax.
 Your Total Account Balance of \$1,769.12 includes your Total Amount Due and all other Arrangement/Agreement balances that are on this account.

When paying in person, please bring the entire bill.

(continued on next page)



Name: **LYNN E GILLIS**
 Account Number: **89119-00408**
 Phone Number: **267-243-0873**
 Service Address: **71 EVERTURN LA, LEVITTOWN**

Billing Summary

Bill Date		02/03/2016
Budget bill charges from previous bill		\$1.06
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$223.00
Budget bill charges from previous bill		\$188.00
Budget bill charges from previous bill		\$188.00
Deferred payment agreement		\$80.01
Deferred payment agreement		\$80.01
Late payment charge		\$82.98
Total Other Charges		\$87.06
		\$1,761.12
Current Period Charges		
Electric		
Budget billing amount	1 3 286. 2/3 3386.15 3/3 205.0 1 3386.15	\$180.00
Total New Charges		\$180.00
Total Amount Due on 02/28/2016		\$1,941.12

General Information

Next scheduled meter reading: March 07, 2016
 PECO, 2301 Market Street, Philadelphia, PA 19103-1300. If you have any questions or concerns, please call 1-800-494-4000 before the due date. Si tiene alguna pregunta, favor de llamar al numero 1-800-494-4000 antes de la fecha de vencimiento.

Message Center

From PECO:
 You are on the Customer Assistance Program (CAP) Rate. You are saving money by paying a CAP rate.
 New charges contain estimated total state taxes of \$30.03, including \$23.31 for State Gross Receipts Tax.
 Your Total Account Balance of \$1,941.12 includes your Total Amount Due and all other Arrangements/Agreements balances that are on this account.
 Your budget billing amount was reviewed this month. Based on our review your budget billing amount will not change. Thank you.

Customer Self Service - Manage Your Account 24/7

- [www.peco.com/online](#) - Go paperless: receive and pay your bill
- [www.peco.com/customer-service](#) - Chat, call and transfer your service
- [www.peco.com/energy](#) - Save energy and money
- Pay by phone with credit/debit card at 1-877-494-4004 (\$2.35 fee)

When paying in person, please bring the entire bill.

(continued on next page)



An Exelon Company

Return only this portion with your check made payable to PECO. Please write your account number on your check.

- Check here to enroll in Power Pay automatically account debit and complete form on reverse side.
- Check here to pledge a donation to MEAF and complete form on reverse side.

To pay by phone call 1-877-494-4004. A convenience fee will apply.

0211000100 4328 7460 022 0224-0227 421-01-01-01-02 5 78



LYNN E GILLIS
 71 EVERTURN LN
 LEVITTOWN, PA 19384-2723

Account Number
89119-00408

Payment Receipt Stamp

Payment Amount

Please pay this amount by 02/28/2016

\$1,941.12

PECO - PAYMENT PROCESSING
 PO BOX 37829
 PHILADELPHIA PA 19101-0829



58119000010000

Name:

Account Number:

- Customer Self Service - Monitor Your Service
- Online Account Access - On your phone
- Online Account Access - On your computer
- Pay by phone with automatic billing

Budget Billing Deferred

Last Month's Deferred Balance

Total Current Charges

Current Budget

This Month's Deferred Balance

Meter Information

Meter ID	Meter Number	Location
0000	10007220	General Service

Total kWh Used 1,522

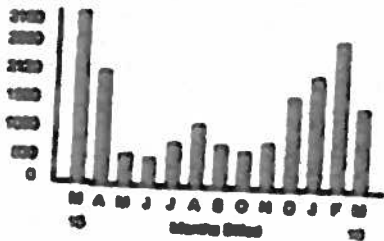
I have reduced usage this past winter

Electric Residential Service CAP Cost to you

- Customer Charge
- Generation Charge
- Transmission Charge
- Distribution Charge
- CAP Adjustment

Total Current Charges

12-Month Usage (Total kWh)



Your Usage Profile

Period	Usage	Avg Daily Usage	Days	Avg Daily Usage
Current Month	1,522	47.7	32	30
Last Month	2,787	87.0	32	30
Last Year	2,779	86.9	32	30

Avg kWh per Month	1,268
Total Annual kWh Usage	15,216



DO NOT MAIL THIS PORTION WITH YOUR PAYMENT

Lynn Gillis
71 Evertum Lane
Leontown, PA 19054



1000



1712

U.S. POSTAGE
LEONTOWN, PA
APR 23 1984

\$1.38

PERMIT 1001-00

Secretary
P. U. C.
400 North Street
Harrisburg, PA. 17120

* URGENT *

EXHIBIT “2”



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 200 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-2016-2547114
Description:	Lynn Gillis - PECO Energy Company Answer to Formal Complaint
Transmission Date:	6/3/2016 1:41:29 PM
Filed On:	6/3/2016 1:41:29 PM
eFiling Confirmation Number:	1636493

Uploaded File List

File Name	Document Class	Document Type
Lynn Gillis - Answer to the Formal Complaint.pdf	Communication	Answer to Formal Complaint

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

6/3/2016



An Exelon Company

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19101-6699

Direct Dial: 215-941-6941

June 3, 2016

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

RE: Lynn Gillis v. PECO Energy Company
FUC Docket No.: C-2016-2547114

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*

Account Activity Statement, attached hereto as Exhibit "1". The Complainant enrolled in PECO's Customer Assistance Program (CAP) on October 3, 2006 under Tier E. The Complainant last recertified in CAP under Tier E1 on December 29, 2014. The Complainant is scheduled to recertify in the program on December 29, 2016. The Complainant is actively enrolled in CAP. The Complainant's entire balance is comprised of CAP arrears.

The Complainant's balance is \$1,973.46. See Exhibit "1". The Complainant is enrolled in budget billing -- her current budget bill is \$190.00. 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 (CAP) on October 3, 2006 under Tier E.

2. The Complainant last recertified in CAP under Tier E1 on December 29, 2014.
3. The Complainant is scheduled to recertify in the program on December 29, 2016.
4. The Complainant is actively enrolled in CAP.
5. The Complainant's balance is \$1,973.46.
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: 215.568.3389

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LYNN GILLIS

Complainant

v.

PECO ENERGY COMPANY

Respondent

:
:
:
:
:
:
:

DOCKET NO. C-2016-2547114

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

LYNN GILLIS

Complainant

v.

PECO ENERGY COMPANY

Respondent

:
:
:
:
:
:
:

DOCKET NO. C-2016-2547114

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:

Lynn Gillis
71 Everturn Lane
Levittown, PA 19054

Dated at Philadelphia, Pennsylvania, June 3, 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

Transaction ID	Product Line	Cost Center	Entry Method	Year	Posting Type	Month / End	Rate	Qty	Transaction Amount	Balance Forward	Current Charges	Am. Due	Bill Due	Total Charges	Working Deferred	Original Amt
06/28/2013	ELECTRIC SERVICE		CV/28/2013 - 07/02/2013	2013	ACTUAL	11/30/12	909		\$909.00	\$1,029.18	\$172.98	\$1,202.16	07/28/2013	\$1,202.16	123	\$37.68
07/02/2013	BUDGET BILLS	PAYMENT							\$909.00	\$1,029.18	\$172.98	\$1,202.16	07/28/2013	\$1,202.16	123	\$37.68
07/02/2013	RECEIVED PAYMENT								\$909.00	\$1,029.18	\$172.98	\$1,202.16	07/28/2013	\$1,202.16	123	\$37.68
07/02/2013	ELECTRIC SERVICE		06/28/2013 - 07/02/2013	2013	ACTUAL	11/30/12	630		\$630.00	\$309.82	\$133.85	\$1,023.51	11/28/2013	\$599.06	123	\$37.48
07/02/2013	BUDGET BILLS	PAYMENT							\$630.00	\$309.82	\$133.85	\$1,023.51	11/28/2013	\$599.06	123	\$37.48
07/02/2013	RECEIVED PAYMENT								\$630.00	\$309.82	\$133.85	\$1,023.51	11/28/2013	\$599.06	123	\$37.48
07/02/2013	ELECTRIC SERVICE		07/02/2013 - 11/27/2013	2013	ACTUAL	11/30/12	630		\$630.00	\$309.82	\$133.85	\$1,023.51	11/27/2013	\$599.06	123	\$37.48
07/02/2013	BUDGET BILLS	PAYMENT							\$630.00	\$309.82	\$133.85	\$1,023.51	11/27/2013	\$599.06	123	\$37.48
07/02/2013	RECEIVED PAYMENT								\$630.00	\$309.82	\$133.85	\$1,023.51	11/27/2013	\$599.06	123	\$37.48
07/02/2013	ELECTRIC SERVICE		11/27/2013 - 01/02/2014	2014	ACTUAL	11/30/12	630		\$630.00	\$1,023.17	\$133.85	\$1,023.17	01/24/2014	\$2,079.14	53	\$1.08
07/02/2013	BUDGET BILLS	PAYMENT							\$630.00	\$1,023.17	\$133.85	\$1,023.17	01/24/2014	\$2,079.14	53	\$1.08
07/02/2013	RECEIVED PAYMENT								\$630.00	\$1,023.17	\$133.85	\$1,023.17	01/24/2014	\$2,079.14	53	\$1.08
07/02/2013	ELECTRIC SERVICE		01/02/2014 - 02/02/2014	2014	ACTUAL	11/30/12	303		\$303.00	\$2,023.82	\$112.00	\$2,135.82	02/28/2014	\$2,489.00	140	\$36.00
07/02/2013	BUDGET BILLS	PAYMENT							\$303.00	\$2,023.82	\$112.00	\$2,135.82	02/28/2014	\$2,489.00	140	\$36.00
07/02/2013	RECEIVED PAYMENT								\$303.00	\$2,023.82	\$112.00	\$2,135.82	02/28/2014	\$2,489.00	140	\$36.00
07/02/2013	ELECTRIC SERVICE		02/02/2014 - 03/02/2014	2014	ACTUAL	11/30/12	303		\$303.00	\$2,023.82	\$112.00	\$2,135.82	03/28/2014	\$2,489.00	140	\$36.00
07/02/2013	BUDGET BILLS	PAYMENT							\$303.00	\$2,023.82	\$112.00	\$2,135.82	03/28/2014	\$2,489.00	140	\$36.00
07/02/2013	RECEIVED PAYMENT								\$303.00	\$2,023.82	\$112.00	\$2,135.82	03/28/2014	\$2,489.00	140	\$36.00
07/02/2013	ELECTRIC SERVICE		03/02/2014 - 04/02/2014	2014	ACTUAL	11/30/12	307		\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	BUDGET BILLS	PAYMENT							\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	RECEIVED PAYMENT								\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	ELECTRIC SERVICE		04/02/2014 - 04/02/2014	2014	ACTUAL	11/30/12	307		\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	BUDGET BILLS	PAYMENT							\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	RECEIVED PAYMENT								\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	ELECTRIC SERVICE		04/02/2014 - 04/02/2014	2014	ACTUAL	11/30/12	307		\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	BUDGET BILLS	PAYMENT							\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	RECEIVED PAYMENT								\$307.00	\$2,023.82	\$112.00	\$2,235.82	04/24/2014	\$1,153.82	717	\$83.81
07/02/2013	ELECTRIC SERVICE		04/02/2014 - 07/31/2014	2014	ACTUAL	11/30/12	643		\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	BUDGET BILLS	PAYMENT							\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	RECEIVED PAYMENT								\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	ELECTRIC SERVICE		07/31/2014 - 07/31/2014	2014	ACTUAL	11/30/12	643		\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	BUDGET BILLS	PAYMENT							\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	RECEIVED PAYMENT								\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	ELECTRIC SERVICE		07/31/2014 - 07/31/2014	2014	ACTUAL	11/30/12	643		\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	BUDGET BILLS	PAYMENT							\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11
07/02/2013	RECEIVED PAYMENT								\$643.00	\$1,726.82	\$79.00	\$1,726.82	07/28/2014	\$2,181.82	583.11	\$38.11

Examination On 09/11/2015	Product Type	Credit Inquiry	Other Period	Read	Special Type	Other Equip C	Unit	CO	Transaction Amount	Balance Required	Current Charge	Acct Due	Est Due On	Total Balance Due on Date	Missing Deferred Acct
		PAYMENT							431.63					11,971.46	