

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

Direct Dial: 215.841.6841

July 25, 2016

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

**RE: Stacy 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 Amended 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.

**PECO ENERGY COMPANY**

**Respondent**

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**DOCKET NO. C-2016-2546528**

**NOTICE TO PLEAD**

*To: Stacey Keller*

Pursuant to 52 Pa. Code §§5.102(b) and 5.103(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Amended 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: July 25, 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>STACEY KELLER</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2016-2546528</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**AMENDED 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,



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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>STACEY KELLER</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2016-2546528</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 Amended 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, 4<sup>th</sup> Floor, Suite 4063  
Philadelphia, PA 19107



---

Shawane L. Lee

DATED: July 25, 2016

# **EXHIBIT “1”**

**Botak, Amy:(PECO)**

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**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** has been served in this proceeding. This document is docketed as **C-2016-2546528**.  
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: Stacey T Keller
Street/P.O. Box: 40 Butler Ave A
City: Phila State: PA Zip: 19140
County: US

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

267-819-7149 (home) (mobile)

E-mail Address (optional): Staceygrove40@gmail.com

Utility Account Number (from your bill): 56643-27061

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
Street/P.O. Box: 37629
City: Phila 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 an Exelon Company

RECEIVED
2015 MAY 16 AM 11:45
PA P.U.C.
SECRETARY'S BUREAU

3. Type of Utility Service

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

- ELECTRIC                       WASTEWATER/SEWER  
 GAS                                 TELEPHONE/TELECOMMUNICATIONS (local, long distance)  
 WATER                             MOTOR CARRIER (e.g. taxi, moving company, limousine)  
 STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

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.

**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 come to a Payment agreement with them please.

**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.

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:

1. Stacey T Keller, 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).

Stacey T Keller 0-7-16  
(Signature of Complainant) (Date)

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

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

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.

Stacey Keller  
2242 Ruffner St  
Phila PA 19140



Pd 21¢

RECEIVED

SEP 16 1985

REGISTRATION BUREAU

Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
P.O. Box 3265, Harrisburg PA 17105-3265

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**EXHIBIT "2"**



**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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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-2016-2546528
Description:	Stacy Keller - PECO Energy Company Answer to Formal Complaint
Transmission Date:	6/6/2016 3:37:25 PM
Filed On:	6/6/2016 3:37:25 PM
eFiling Confirmation Number:	1636814

**Uploaded File List**

File Name	Document Class	Document Type
Stacy Keller - Answer to Formal Complaint.pdf	Communication	Answer to Formal Complaint

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

Direct Dial: 215-841-6841

June 6, 2016

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

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

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,



Shawane Lee  
Counsel for PECO Energy Company

SL/ab  
Enclosure

cc: *Scheduling Recommendation: Call of the Docket*

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**STACEY KELLER**

**Complainant**

**v.**

**PECO ENERGY COMPANY**

**Respondent**

**DOCKET NO. C-2016-2546528**

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**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 6, 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**

**STACEY KELLER**  
Complainant

v.

**PECO ENERGY COMPANY**  
Respondent

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**DOCKET NO. C-2016-2546528**

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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 Stacey Keller (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 states that PECO is threatening to terminate or has already terminated her service. The Complainant requests a 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 2118 W. Westmoreland Street, Philadelphia, PA under account number 96439-22015. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant discontinued service at this address on November 5, 2014. She left a final unpaid balance in the amount of \$2,346.56.

The Complainant established service at 2242 Ruffner Street, Philadelphia, PA under account number 56643-27061 on February 5, 2015. See Account Activity Statement, attached hereto as Exhibit "2". On February 6, 2015, the Complainant's \$2,346.56 unpaid balance from 2118 W. Westmoreland Street transferred into the Complainant's new account.

The Complainant has been actively enrolled in PECO's Customer Assistance Program since February 2, 2011 at her previous service addresses. The Complainant last enrolled on May 13, 2015 under Tier D. She is scheduled to recertify in the program on May 13, 2017.

On April 22, 2016, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003431346, requesting a payment agreement on her balance. See Case Details Report #003431346, attached hereto as Exhibit "3". On April 27, 2016, the BCS issued a Decision Report, dismissing the Complainant's case pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003431346, attached hereto as Exhibit "4".

The Complainant's balance is \$5,676.00. 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 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 February 2, 2011 at a previous service address.
2. The Complainant was enrolled in CAP under Tier D at her service address 2118 West Westmoreland Street, Philadelphia PA on February 5, 2014.
3. The Complainant recertified in the program on October 28, 2014.
4. The Complainant was removed from CAP on November 5, 2014, when she discontinued service at 2118 West Westmoreland Street.
5. The Complainant reenrolled in CAP for service at 2242 Ruffner Street, Philadelphia, PA on February 5, 2015 under Tier D.
6. The Complainant is scheduled to recertify in the program on May 13, 2017.
7. The Complainant is actively enrolled in CAP.
8. The Complainant's balance is \$5,676.00.
9. The Complainant's balance is comprised of CAP arrearages.
10. 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."
11. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.

12. 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

STACEY KELLER  
Complainant

v.

PECO ENERGY COMPANY  
Respondent

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DOCKET NO. C-2016-2546528

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 6, 2016

---

Shawane L. Lee

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

STACEY KELLER

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2016-2546528

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:

Stacey Keller  
2242 Ruffner Street  
Philadelphia, PA 19140

Dated at Philadelphia, Pennsylvania, June 6, 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"**

PCO Account Activity Statement

\*\*\* Account Information \*\*\*

Account Number: 96439-22015  
 Account Status: Final  
 Requested By: STRACT KOLLER  
 STRACT KOLLER (267) 819-7149 Extension:

Mail To:  
 STRACT KOLLER  
 2242 RUTHER ST  
 PHILA PA 19140

Current Bill:  
 Billed Prior: \$0.00  
 Balance Due: \$0.00  
 Service Address:  
 2118 W ROSTROBERLAND ST  
 PHILADELPHIA PA 19140

\*\*\* Current Account Status \*\*\*

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

Date: 06/06/16  
 Page: 1 of 1

Header Bill Opt: 02  
 Rate: CAP Opt C Electric Residential Heating Svc

DATE	CHARGE TYPE	BILLING PERIOD	ROAD	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD DATE	DOB DATE	END	CCP	EW
06/30/14	ELECTRIC SERVICE	06/01/14 06/30/14	73999	105687417	\$90.61		\$1998.32	07/22	900			
06/30/14	REG-ADDITIONAL METER		419	123539900	\$28.23		\$1.36					
07/01/14	Late Payment Charge				\$122.31		\$2150.22	08/22	1117			
07/31/14	ELECTRIC SERVICE	07/31/14 08/28/14	2839	123539900	\$103.36		\$2285.00	09/19	1003			
07/31/14	Regular Bill				\$1.55		\$2181.64	09/19	1003			
08/28/14	ELECTRIC SERVICE	08/28/14 09/29/14	3384	123539900	\$70.35		\$2356.90	10/21	845			
09/29/14	Regular Bill				\$156.00		\$2286.55	10/21	845			
10/28/14	ELECTRIC SERVICE	10/28/14 11/05/14			\$503.34		\$659.34	11/19	191			
10/28/14	REGULAR PAYMENT AGREEMENT				\$1853.56		\$2369.74	12/01	136			
11/05/14	BUDGET BILLING				\$102.00		\$2366.56					
11/05/14	DEBTOR PAYMENT AGREEMENT				\$7.74							
12/08/14	Late Payment Charge				\$35.54							
01/07/15	Late Payment Charge				\$7.74							
02/06/15	Payment				\$35.54							
02/06/15	Transfer				\$102.00							

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**EXHIBIT "2"**

PCDC Account Activity Statement

\*\*\* Account Information \*\*\*

Account Number: 56643-27061  
 Account Status: Active  
 Requested By: STACEY KILLER  
 STACEY KILLER  
 (267)819-7149 Extension:

Mail To:  
 STACEY KILLER  
 2242 RUTHER ST  
 PHILADELPHIA PA 19140

Current Bill:  
 Billed Prior: \$170.27  
 Balance Due: \$5505.73  
 Service Address: 2242 RUTHER ST  
 PHILADELPHIA PA 19140

\*\*\* Current Account Status \*\*\*

Credit Amount: \$0.00  
 Deposit Requested: \$50.00  
 Deposit On-Hand: \$0.00

Date: 06/06/16  
 Page: 1 of 2

Header Bill Grp: 01  
 Rate: Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	PAID AMOUNT	DATE	TRF	CCY	BY
02/03/15	DEPOSIT				\$50.00		\$50.00					
02/04/15	Regular Bill				\$2346.56	\$70.82	\$2275.74		02/20			
02/09/15	Credit					\$2267.74						
02/09/15	Payment Agreement											
03/05/15	(CARRIED) DEPOSIT				\$25.00							
03/05/15	CONNECTION CHARGE - STANDARD				\$6.00							
03/05/15	DEFERRED PAYMENT AGREEMENT				\$96.60							
03/10/15	ELECTRIC SERVICE											
03/23/15	Regular Bill				\$737.12							
04/02/15	ELECTRIC SERVICE											
04/02/15	(CARRIED) DEPOSIT											
04/02/15	DEFERRED PAYMENT AGREEMENT				\$617.69							
04/06/15	Regular Bill				\$25.00							
04/29/15	ELECTRIC SERVICE				\$98.60							
04/29/15	DEPOSIT				\$2070.54							
04/29/15	Regular Bill				\$298.63							
05/04/15	Late Payment Charge											
05/13/15	CARRIED DEPOSIT											
05/13/15	Deposit Refund				\$13.62							
05/13/15	Deposit Interest					\$50.00						
05/29/15	Payment Agreement					\$0.21						
05/29/15	ELECTRIC SERVICE											
05/29/15	DEFERRED PAYMENT AGREEMENT											
06/22/15	Regular Bill				\$60.45							
06/22/15	Payment				\$63.98							
06/29/15	Bill Out DPA due to Default					\$70.00						
06/29/15	ELECTRIC SERVICE				\$3710.63							
06/29/15	DEFERRED PAYMENT AGREEMENT				\$75.85							
06/29/15	Late Payment Charge				\$63.98							
07/10/15	Payment Agreement				\$0.94							
07/21/15	Payment											
07/26/15	Late Payment Charge											
07/29/15	ELECTRIC SERVICE											
07/29/15	DEFERRED PAYMENT AGREEMENT											
07/29/15	Regular Bill				\$0.09							
08/24/15	Payment				\$56.76							
08/27/15	ELECTRIC SERVICE											
08/27/15	DEFERRED PAYMENT AGREEMENT				\$3710.63							
09/23/15	Regular Bill				\$63.98							
09/23/15	Bill Out DPA due to Default					\$70.00						
09/28/15	Late Payment Charge				\$3582.67							
09/28/15	Payment				\$1.75							
09/28/15	Payment Agreement											
09/28/15	ELECTRIC SERVICE											
09/28/15	Regular Bill				\$3582.67							
10/27/15	Payment				\$66.26							

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PECO Account Activity Statement

Date: 06/06/16  
Page: 2 of 2

DATE	CHARGE TYPE	DELETED PERIOD	READ	ENTER @	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BILLING PERIOD	DOB	DOB	CCP	BY
10/27/15	ELECTRIC SERVICE											
10/27/15	DEFERRED PAYMENT AGREEMENT	09/28/15 10/27/15	17566	125205991	\$178.02		\$178.02					
11/23/15	Regular Bill				\$63.98		\$63.98					
11/24/15	Out DPA due to Default				\$3518.69		\$3518.69			11/10		1641
11/25/15	Late Payment Charge				\$54.90		\$54.90					
11/25/15	ELECTRIC SERVICE				\$275.64		\$275.64					
11/30/15	Regular Bill	10/27/15 11/25/15	19866	125205991								
11/30/15	Payment					\$260.00	\$260.00					
11/30/15	Payment Agreement					\$3318.69	\$3318.69	\$4091.23	\$3815.59	12/21		2300
12/29/15	Late Payment Charge											
12/30/15	ELECTRIC SERVICE				\$4.13		\$4.13					
12/30/15	DEFERRED PAYMENT AGREEMENT	11/25/15 12/30/15	23092	125205991	\$405.95		\$405.95					
12/31/15	Regular Bill				\$63.98		\$63.98					
12/31/15	LINELAP Payment					\$170.00	\$170.00	\$806.60	\$336.67	01/21		3226
02/01/16	Out DPA due to Default				\$3456.71		\$3456.71					
02/01/16	ELECTRIC SERVICE	12/30/15 02/01/16	27991	125205991	\$644.44		\$644.44					
03/01/16	Regular Bill				\$463.47		\$463.47					
03/01/16	ELECTRIC SERVICE	02/01/16 03/01/16	31376	125205991	\$8735.75		\$8735.75	\$4091.31	\$4735.75	02/23		4699
03/30/16	Regular Bill				\$3199.22		\$3199.22					
03/30/16	ELECTRIC SERVICE	03/01/16 03/30/16	33895	125205991	\$306.51		\$306.51					
04/28/16	Regular Bill				\$220.36		\$220.36					
04/28/16	ELECTRIC SERVICE	03/30/16 04/28/16	35814	125205991	\$5505.73		\$5505.73	\$5199.22	\$5199.22	04/21		2519
05/27/16	Payment					\$220.36	\$220.36					
05/27/16	ELECTRIC SERVICE	04/28/16 05/27/16	36952	125205991	\$5726.09		\$5726.09	\$5505.73	\$5505.73	05/20		1919
05/27/16	Regular Bill				\$170.27		\$170.27					
					\$5676.00		\$5676.00	\$5505.73	\$5505.73	06/21		1138

**EXHIBIT "3"**



June 6, 2016

**Case Details Report**

**BCS Case #:** 003431346  
**Customer Name:** STACY KELLER  
**Service Address:** 2242 RUFFNER ST

**BCS Bill Account #:** 8888888888

**Mailing Address:** PHILADELPHIA, PA 19140

**Home Phone:** (267) 809-9220

**Business Phone:** 0 -

**Business name:**

**Alternate contact:** BOTH ARE CELL PHONES. HOME = MOTHER

**Date Case Opened:** 2016-04-22

**Date Cut Out:** 2016-04-28

**PAR Case:** Y

**Investigator Name:** BCS CASE POOL

**Investigator Phone:** (717) 787-0000

**Service class:** R

**Universal Service:** Y

**Contact Type:** TELEPHONE

**Previous case #:**

**Amount in Arrears:** \$5223.00

**# Adults:** 1

**# Children:** 3

**Children Ages:** 6, 3, 2

**Gross Income:** \$1743.33

**Miscellaneous Info:**

BOTH ARE CELL PHONES. HOME = MOTHER

**Complaint Reason:**

ON - PAR NEEDED (# 61)

**Customer Problem Description:**

CUSTOMER WANTS A PAR. HAS NO PRIOR. IS NOT ON CAP RATE. THE CELL PHONE NUMBER (267) 819 - 7149 HAS BEEN ALLOWED TO BE SHARED.

**Company Position:**

04/20/2016 CO GAVE EXTENSION FORM 4/24/2016 TO 4/28/2016. CO NEEDS \$1000 TO PREVENT TERM

**EXHIBIT "4"**



June 6, 2016

**BCS Decision Report**

BCS Case #: 003431346 Open Date: 2016-04-22  
Customer Name: STACY KELLER  
Service Address: 2242 RUFFNER ST

PHILADELPHIA, PA 19140  
BCS Bill Account #: 888888888 Previous Case #:  
Violation Type: NO Chapter Type:  
Decision Type: W Section / Rule:  
Investigator Name: BUREAU OF  
CONSUMER SERVICE

Decision Issued Date: 2016-04-27  
Case Closed Date: 2016-04-25

**Letter Description:**

Total Balance:	\$0.00	Balance Date:	
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Due 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 Description:**

**Resolution Description:**  
CASE CLOSED - DISMISSED PER 1405C - THE DATE OF COMPLAINT RESOLUTION  
AND EXPIRATION OF THE STAY OF TERMINATION IS 5/2/2016