

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

Direct Dial: 215.841.6841

September 8, 2016

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

RE: Patricia Brown v. PECO Energy Company
PUC Docket No.: F-2016-2558605

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**

PATRICIA BROWN	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2016-2558605
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

To: Patricia Brown

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 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: September 8, 2016



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
Tel. (215) 841-6841
Fax. (215) 568-3389
shawane.lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PATRICIA BROWN	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2016-2558605
	:	
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 July 25, 2016, Complainant filed a Formal Complaint against Respondent, PECO, requesting to receive a Commission-ordered payment agreement. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.
2. PECO was served with the Formal Complaint on July 27, 2016.
3. On August 9, 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 E1 on May 2, 2012. New Matter ¶1.

5. PECO averred that the Complainant last recertified in the program on April 15, 2016. New Matter ¶2.

6. PECO averred that the Complainant is scheduled to recertify in the program on April 15, 2018. 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 \$3,086.38. 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 ¶¶7-8.

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 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.

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**

PATRICIA BROWN	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2016-2558605
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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

Patricia Brown
204 Wilcox Street
Trainer, PA 19061

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



Shawane L. Lee

DATED: September 8, 2016

EXHIBIT “1”

Must be returned by August 1, 2018

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 Patricia Brown

Street/P.O. Box 204 Wilcox St. Apt # _____

City Trainer State PA Zip 19061

County Delaware

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

(610) 494-6429 (home) (610) 818-7328 *Patricia cannot take calls at work (mobile) - William*

E-mail Address (optional): tugger@317@gmail.com

Utility Account Number (from your bill) 6183538058

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 _____

RECEIVED
MIL JUL 25 AM 11:05
PA.P.U.C.
SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO

3. Type of Utility Service

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

- ELECTRIC 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.
My gross income for ~~two~~ weeks is \$1,363.20.
My husband's gross monthly income is \$733. Our son Kevin is currently unemployed.
- I would like a payment agreement.
I am on budget billing. the budget billing amount is about half of my net pay for two weeks.
- 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). William has COPD and has suffered two strokes, he also had an arterial bypass on his right leg. He is permanently disabled.
I have asthma.

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.

The budget billing amount to be lowered to a manageable amount for me to pay.
would like a telephonic hearing if possible.

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:

I Patricia Brown, 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).

Patricia K. Brown
(Signature of Complainant)

7/14/16

(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.

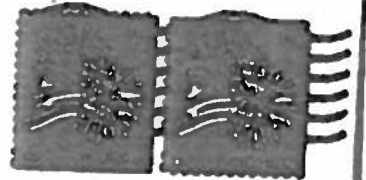
If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

P.K. Brown
204 Wilcox St.
Trainer, Pa. 19061

PHILADELPHIA PA 190

23 JUL 2015 PM 6 1



Secretary
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building 2nd floor
Harrisburg, Pa. 17120

17120-009399



EXHIBIT “2”



**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

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

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- [New Filings](#)
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eFiling Successfully Transmitted



Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

If your filing exceeds 252 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-2016-2558605
Description:	Patricia Brown - PECO Energy Company Answer to Formal Complaint
Transmission Date:	8/9/2016 2:12:29 PM
Filed On:	8/9/2016 2:12:29 PM
eFiling Confirmation Number:	1645550

Uploaded File List

File Name	Document Class	Document Type
Patricia Brown- Answer to Formal Complaint.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
UNIT **2**



An Exelon Company

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

Direct Dial: 215-841-6841

August 9, 2016

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

RE: Patricia Brown v. PECO Energy Company
PUC Docket No.: F-2016-2558605

Dear Ms. Chiavetta:

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

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee".

Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

cc: *Scheduling Recommendation: Call of the Docket*

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PATRICIA BROWN

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. F-2016-2558605

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, August 9, 2016



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19103
215-841-6841
Shawane.lee@exeloncorp.com

PECO Energy's records indicate that the Complainant established electric service at 204 Wilcox Street, Trainer, PA under account number 61835-38058. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant enrolled in PECO Energy's Customer Assistance Program ("CAP") on May 2, 2012 under Tier E1. The Complainant last recertified in the program on April 15, 2016. The Complainant is scheduled to recertify in the program on April 15, 2018. The Complainant is actively enrolled in CAP. The Complainant's entire balance is comprised of CAP arrears.

On June 8, 2016, the Complainant's service was terminated for a past due balance of \$2,858.38. On June 10, 2016, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003448540, requesting a payment agreement on her \$3,031.77 balance to have her service restored. See Case Details Report #003448540, attached hereto as Exhibit "2". PECO restored the Complainant's service on June 10, 2016, after the company received a medical certification. On June 16, 2016, the BCS issued a Decision Report, dismissing the Complainant's case pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003448540, attached hereto as Exhibit "3".

PECO Energy avers that the Complainant remains enrolled in budget billing with a current budget bill of \$169.00, which is based on her average bill. Budget Billing procedures are enumerated at 52 Pa. Code § 56.14 as follows:

52 Pa. Code § 56.14. Budget billing. A gas, electric and steam heating public utility shall provide its residential customers, on a year-round rolling enrollment bases, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills.

PECO Energy avers that the Complainant has been properly billed under the company's budget billing program. Pursuant to 17.6 of PECO Energy's tariff:

17.6 BUDGET BILLING.

(a) At the option of a customer receiving residential service under Rates R, R-H, RS-2, OP, POL and GS, an estimated total bill for all service to be received by the customer over a twelve-month period may be budgeted over the period and an average bill rendered monthly for payment each month. Any difference between the budgeted amounts so paid and the actual charges for a twelve-month budget period will at the customer's option, either be amortized over the next twelve months or incorporated into the 12th month bill. Absent an indication of preference from the customer, the debit or credit will be amortized. Budget billing may be discontinued upon the customer's request at which time any difference between budget billing amounts and actual charges becomes due and payable. If a monthly budget bill is not paid, a late fee will be added to the unpaid balance of actual charges on the next billing date in accordance with Rule 17.3 and 17.5. Any such late fee will be calculated based on the lesser of budget billing arrears and actual charged arrears. The Company may also arrange budget billing for creditworthy commercial and industrial customers.

See Section 17.6 of PECO Energy's tariff.

Consistent with Section 17.6, the budget bill payment amount is an average of the usage over the previous 12 months. Budget billing defers a balance at times when the payment amount requested is lower than the monthly usage or a credit when the payment amount is higher than the monthly usage. The monthly payment amount is adjusted quarterly to ensure the billed amount is consistent with actual usage so that settlement at the end of 12 months does not adversely impact the customer. PECO Energy avers that the Complainant was billed correctly and in compliance with Section 17.6 of the company's tariff.

The Complainant's balance is \$3,086.38. 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 Energy's Customer Assistance Program ("CAP") on May 2, 2012 under Tier E1.
2. The Complainant last recertified in the program on April 15, 2016.
3. The Complainant is scheduled to recertify in the program on April 15, 2018.
4. The Complainant is actively enrolled in CAP.
5. The Complainant's balance is \$3,086.38.
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

PATRICIA BROWN
Complainant

v.

PECO ENERGY COMPANY
Respondent

DOCKET NO. F-2016-2558605

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⋮
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⋮
⋮
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: August 9, 2016

Shawane L. Lee

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PATRICIA BROWN
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
:
:
:
:
:

DOCKET NO. F-2016-2558605

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:

Patricia Brown
204 Wilcox Street
Trainer, PA 19061

Dated at Philadelphia, Pennsylvania, August 9, 2016



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

EXHIBIT "1"

PECO Account Activity Statement

Account Information ***

Account Number: 61835-38058
Account Status: Active
Requested By: PATRICIA BROWN
(610)818-5828 Extension:
Svc

Mail To: PATRICIA BROWN
204 WILCOX ST
TRAINER PA 19061

*** Current Account Status ***

Current Bill: \$169.00
Billed Prior: \$2917.38
Balance Due: \$3086.38
Service Address: 204 WILCOX ST
TRAINER PA 19061

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

Motor Bill Grp: 17
Rate: CAP Opt El Electric Residential Heating

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
10/08/14	Transfer Debit									
10/20/14	ELECTRIC SERVICE	10/01/14 10/20/14	2379	123506882	\$2058.30					
10/20/14	CONNECTION CHARGE - STANDARD				\$40.54					
10/20/14	Regular Bill				\$6.00					
11/18/14	ELECTRIC SERVICE	10/20/14 11/18/14	3353	123506882	\$127.31		\$46.54		11/12	292
11/18/14	Late Payment Charge				\$0.61					
11/18/14	Regular Bill									
12/09/14	Payment Agreement						\$2233.02	\$2105.71	12/10	974
12/19/14	BUDGET BILLING	11/18/14 12/19/14			\$55.00					
	** Budget Bill Detail **				Actual Bill Amount: 262.97					
12/19/14	DEFERRED PAYMENT AGREEMENT				BB Deferred Amount: 207.97					
12/19/14	Regular Bill				\$54.46					
01/08/15	LINEAP Payment						\$109.46		01/12	1944
01/20/15	Bill Out DPA due to Default					\$50.00				
01/23/15	BUDGET BILLING	12/19/14 01/23/15			\$2178.56					
	** Budget Bill Detail **				\$71.00					
01/23/15	Regular Bill	Actual Bill Amount: 355.69			BB Deferred Amount: 492.66					
02/13/15	Payment						\$2309.02	\$2238.02	02/17	2641
02/13/15	Payment Agreement					\$130.46				
02/23/15	BUDGET BILLING	01/23/15 02/23/15			\$2178.56					
	** Budget Bill Detail **				\$71.00					
02/23/15	DEFERRED PAYMENT AGREEMENT	Actual Bill Amount: 377.47			BB Deferred Amount: 799.13					
02/23/15	Regular Bill				\$54.46					
03/23/15	Bill Out DPA due to Default						\$125.46		03/17	2806
03/24/15	BUDGET BILLING	02/23/15 03/24/15			\$2124.10					
	** Budget Bill Detail **				\$71.00					
03/24/15	Regular Bill	Actual Bill Amount: 279.38			BB Deferred Amount: 1007.51					
03/27/15	Payment						\$2320.56	\$2249.56	04/15	2129
03/27/15	Payment Agreement				\$125.46					
					\$2124.10					

PECO ENERGY

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PBCO Account Activity Statement

Date: 08/02/16

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DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
04/22/15	BUDGET BILLING	03/24/15 04/22/15			\$71.00					
	** Budget Bill Detail **		Actual Bill Amount: 158.90							
04/22/15	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 1095.41				
04/22/15	Regular Bill				\$54.46					
04/27/15	Payment						\$196.46	\$71.00	05/14	1187
05/07/15	LINEAP Payment					\$71.00				
05/21/15	CANCELED BUDGET BILLING	04/22/15 05/21/15				\$125.46				
05/21/15	DEFERRED PAYMENT AGREEMENT				\$232.00	\$94.06		\$957.47		
05/21/15	Regular Bill				\$54.46					
05/29/15	Adjustment						\$286.46			
05/29/15	BUDGET BILLING	04/22/15 05/21/15				\$232.00			06/12	680
	** Budget Bill Detail **		Actual Bill Amount: 94.06		\$209.00					
05/29/15	Regular Bill					BB Deferred Amount: 980.47				
06/22/15	Payment						\$263.46			
06/22/15	BUDGET BILLING	05/21/15 06/22/15				\$263.46			06/22	680
	** Budget Bill Detail **		Actual Bill Amount: 123.16		\$209.00					
06/22/15	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 894.63				
06/22/15	Regular Bill				\$54.46					
07/20/15	Bill Out DPA due to Default						\$263.46			
07/21/15	Late Payment Charge				\$1960.72				07/14	803
07/22/15	CANCELED BUDGET BILLING	06/22/15 07/22/15			\$33.30					
07/22/15	Late Payment Charge				\$209.00	\$137.47		\$823.10		
07/22/15	Regular Bill				\$30.16					
07/31/15	Payment						\$2496.64	\$2287.64	08/13	902
07/31/15	Payment Agreement					\$263.46				
08/04/15	Adjustment					\$1960.72				
08/04/15	Late Payment Charge					\$209.00				
08/04/15	BUDGET BILLING	06/22/15 07/22/15				\$63.46				
	** Budget Bill Detail **		Actual Bill Amount: 137.47		\$188.00					
08/04/15	Regular Bill					BB Deferred Amount: 844.10				
08/20/15	BUDGET BILLING	07/22/15 08/20/15					\$188.00		08/26	902
	** Budget Bill Detail **		Actual Bill Amount: 142.67		\$188.00					
08/20/15	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 798.77				
08/20/15	Regular Bill				\$54.46					
09/11/15	Payment						\$430.46			
09/21/15	BUDGET BILLING	08/20/15 09/21/15				\$430.46			09/11	938
	** Budget Bill Detail **		Actual Bill Amount: 150.26		\$242.00					
09/21/15	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 707.03				
09/21/15	Regular Bill				\$54.46					
10/19/15	Bill Out DPA due to Default						\$296.46			
10/20/15	BUDGET BILLING	09/21/15 10/20/15							10/13	971
	** Budget Bill Detail **		Actual Bill Amount: 76.02		\$1851.80					
10/20/15	Late Payment Charge				\$217.00					
10/20/15	Regular Bill					BB Deferred Amount: 566.05				
					\$31.22					
							\$2396.48	\$2179.48	11/12	538

PECO Account Activity Statement

Date: 08/02/16

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DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH
10/30/15	Payment									
10/30/15	Payment Agreement					\$296.46				
11/17/15	Late Payment Charge					\$1851.80				
11/18/15	BUDGET BILLING	10/20/15 11/18/15			\$3.26					
	** Budget Bill Detail **	Actual Bill Amount: 87.03			\$217.00					
11/18/15	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 436.08				
11/18/15	Regular Bill				\$54.46		\$522.94	\$251.48	12/10	624
12/08/15	LINEAP Payment									
12/15/15	Bill Out DPA due to Default					\$120.00				
12/21/15	BUDGET BILLING	11/18/15 12/21/15			\$1797.34					
	** Budget Bill Detail **	Actual Bill Amount: 142.52			\$223.00					
12/21/15	Regular Bill					BB Deferred Amount: 355.60				
12/31/15	LINEAP Payment						\$2423.28	\$2200.28	01/12	1059
01/04/16	Payment Agreement					\$199.00				
01/04/16	DEFERRED PAYMENT AGREEMENT					\$2224.28				
01/19/16	Bill Out DPA due to Default				\$223.00					
01/25/16	BUDGET BILLING	12/21/15 01/25/16			\$2001.28					
	** Budget Bill Detail **	Actual Bill Amount: 238.29			\$223.00					
01/25/16	Regular Bill					BB Deferred Amount: 370.89				
02/09/16	Payment						\$2447.28	\$2224.28	02/16	1810
02/09/16	Payment Agreement					\$223.00				
02/23/16	BUDGET BILLING	01/25/16 02/23/16			\$223.00					
	** Budget Bill Detail **	Actual Bill Amount: 220.47			\$223.00					
02/23/16	DEFERRED PAYMENT AGREEMENT					BB Deferred Amount: 368.36				
02/23/16	Regular Bill				\$55.59		\$501.59	\$223.00	03/16	1652
03/21/16	Bill Out DPA due to Default				\$1945.69					
03/23/16	BUDGET BILLING	02/23/16 03/23/16			\$223.00					
	** Budget Bill Detail **	Actual Bill Amount: 145.46				BB Deferred Amount: 290.82				
03/23/16	Regular Bill						\$2670.28	\$2447.28	04/14	1104
04/13/16	Payment									
04/21/16	BUDGET BILLING	03/23/16 04/21/16			\$169.00					
	** Budget Bill Detail **	Actual Bill Amount: 116.95			\$169.00					
04/21/16	Regular Bill					BB Deferred Amount: 238.77				
04/22/16	Late Payment Charge						\$2616.28	\$2447.28	05/13	837
05/18/16	Late Payment Charge				\$35.28					
05/20/16	BUDGET BILLING	04/21/16 05/20/16			\$37.82					
	** Budget Bill Detail **	Actual Bill Amount: 83.62			\$169.00					
05/20/16	Regular Bill					BB Deferred Amount: 153.39				
06/10/16	RECONNECT FEE - CUT-OUT NON-PAY						\$2858.38	\$2689.38	06/13	580
06/24/16	BUDGET BILLING	05/20/16 06/24/16			\$20.00					
	** Budget Bill Detail **	Actual Bill Amount: 108.63			\$169.00					
06/24/16	Regular Bill					BB Deferred Amount: 93.02				
07/07/16	LINEAP Payment						\$3047.38	\$2858.38	07/18	731
07/21/16	BUDGET BILLING	06/24/16 07/21/16			\$130.00					
	** Budget Bill Detail **	Actual Bill Amount: 139.30			\$169.00					
07/21/16	Regular Bill					BB Deferred Amount: 63.32				
							\$3086.38	\$2917.38	08/12	915

EXHIBIT "2"

July 28, 2016

Case Details Report

BCS Case #: 003448540
Customer Name: PATRICIA BROWN
Service Address: 204 WILCOX STREET

BCS Bill Account #: 6183538058

Mailing Address: TRAINER, PA 19061

Home Phone: (610) 818-5828
Business Phone: 0-
Business name: WILLIAM HUSBAND AUTH
Alternate contact:

Date Case Opened: 2016-06-10
PAR Case: Y
Investigator Name: BCS CASE POOL
Investigator Phone: (717) 787-0000
Service class: R
Previous case #:

Date Cut Out: 2016-06-08

Universal Service: Y
Contact Type: TELEPHONE
Amount in Arrears: \$2600.00

Adults: 2
Children: 0
Children Ages:
Gross Income: \$2206.33
Miscellaneous Info:

Complaint Reason:
OFF - SERVICE IS TERMINATED/SUSPENDED - DISPUTE (# 76)

Customer Problem Description:
CUSTOMER REQUEST THE COMPANY PROCESS THE MED CERT TO HAVE SERVICES RESTORED AND A PAYMENT ARRANGEMENT.

Company Position:
06/10/2016 PECO WANTS \$ 2600.00 TO RESTORE SERVICES COMPANY STATES COMPANY HAS NOT PROCESSED THE MED CERT.

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EXHIBIT "3"

July 23, 2016

BCS Decision Report

BCS Case #: 003448540 Open Date: 2016-06-10
Customer Name: PATRICIA BROWN
Service Address: 204 WILCOX STREET

BCS Bill Account #: TRAINER, PA 19061
6183538058
Violation Type: NO
Decision Type: W
Investigator Name: JULIE CARLIN
Previous Case #:
Chapter Type:
Section / Rule:

Decision Issued Date: 2016-06-16
Case Closed Date: 2016-06-14

Letter Description:
BLANK LETTER - DECISION

Total Balance:	\$3031.77	Balance Date:	2016-06-13
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Term:			

PAR Description:

Resolution Description:
DECISION ISSUED. TERMINATION WAS VALID DUE TO NON-PAYMENT OF THE PAST-DUE BALANCE. SERVICE WAS RESTORED WITHIN 24 HOURS OF THE RECEIPT OF THE MEDICAL CERTIFICATE, SO THE SERVICE WAS RESTORED WITHIN THE PERMISSIBLE TIMEFRAME IN ACCORDANCE WITH THE REGULATIONS. THE CUSTOMER IS ON CAP AND OWES CAP ARREARS SO THE PUC CANNOT ISSUE A PAR UNDER THE LAW. CASE DISMISSED.