

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

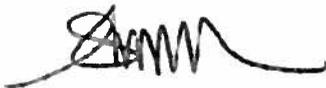
**RE: Michael Adams v. PECO Energy Company**  
**PUC Docket No.: C-2016-2558580**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion for Judgment on the Pleadings* with regard to the matter referenced above.

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

Very truly yours,

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

Shawane Lee  
Counsel for PECO Energy Company

SL/alb  
Enclosure

cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>MICHAEL ADAMS</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2016-2558580</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**NOTICE TO PLEAD**

*To: Michael Adams*

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**

<b>MICHAEL ADAMS</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2016-2558580</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**MOTION FOR JUDGMENT ON THE PLEADINGS**

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.102, respectfully requests that your Honorable Commission dismiss the instant complaint inasmuch as Complainant requests a payment arrangement. No factual dispute has been raised in the pleadings. Pursuant to 66 Pa.C.S. §1405(c), Complainant is ineligible for a Commission-ordered payment agreement, and thus Complainant fails to state a claim upon which relief can be granted. Therefore, PECO is entitled to judgment as a matter of law.

1. On or about July 22, 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 last enrolled in its Customer Assistance Program (CAP) under Tier C on May 20, 2015. New Matter ¶1.

5. PECO averred that the Complainant is scheduled to recertify in the program on May 20, 2017. New Matter ¶2.

6. PECO averred that the Complainant is actively enrolled in CAP. New Matter ¶3.

7. PECO averred that the Complainant's balance is \$4,925.10. New Matter ¶4.

8. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶5.

9. 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 ¶¶6-7.

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

11. 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).

12. 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."

13. 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.

14. 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).

15. 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).

16. 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.

17. 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>MICHAEL ADAMS</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2016-2558580</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

Michael Adams  
3021 New Falls Road, House  
Newportville, PA 19056

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



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Shawane L. Lee

DATED: September 8, 2016

# **EXHIBIT “1”**

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 MICHAEL ADAMS

Street/P.O. Box 3021 NEW FALLS RD APTS HOUSE

City NEWCASTLE State PA Zip 19056

County Bucks

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

( ) (home) (215) 313-4029 (mobile)

E-mail Address (optional): MIKE ADAMS 454@YANOR.COM

Utility Account Number (from your bill) 05483-25024

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 2016 JUN 22 AM 9:40 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):

- |  |   |
|--|---|
| <input checked="" 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.
  
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
  
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
  
- Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I would like my electric turned BACK ON, Due to hot temperatures and winter is coming soon. And I would like to set up a payment arrangement with them to pay my BACK BALANCE.

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.

I HAVE TALKED TO PECO. THEY REFUSE TO TURN MY ELECTRIC BACK ON. I HAVE TO PAY \$4,500 SO THEY CAN TURN IT BACK ON. AND I CAN'T AFFORD THAT. I WISH TO SETUP PAYMENTS.

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 Michael Adams, 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).

Michael Adams  
(Signature of Complainant)

7-19-2016  
(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.

MIKE ADAMS  
3021 NEW FALLS RD.  
NEWPORTVILLE PA. 19056



SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET  
HARRISBURG, PA. 17120

1712030079 0000



# **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 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-2016-2558580
Description:	Michael Adams - PECO Energy Company Answer to Formal Complaint
Transmission Date:	8/9/2016 11:19:25 AM
Filed On:	8/9/2016 11:19:25 AM
eFiling Confirmation Number:	1645499

**Uploaded File List**

File Name	Document Class	Document Type
Michael Adams- Answer to Formal Complaint.pdf	Communication	Answer to Formal Complaint

PECO ENERGY  
EXHIBIT 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: Michael Adams v. PECO Energy Company**  
**PUC Docket No.: C-2016-2558580**

Dear Ms. Chiavetta:

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

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*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL ADAMS**  
Complainant

v.

**PECO ENERGY COMPANY**  
Respondent

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**DOCKET NO. C-2016-2558580**

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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, 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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL ADAMS  
Complainant

v.

PECO ENERGY COMPANY  
Respondent

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DOCKET NO. C-2016-2558580

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ANSWER OF RESPONDENT,  
PECO ENERGY COMPANY

On July 27, 2016, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Michael Adams (hereafter "Complainant") in the above captioned docket.

Pursuant to 52 Pa. Code § 5.61, PECO responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint.

In his Complaint, Complainant alleges that PECO Energy terminated his electric service. The Complainant requests a payment agreement and wants his service restored. 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 Complainant and Robin Rinheimer had electric service at 2611 Laurel Drive, Bristol, PA under account number 93093-12111. See Account Activity Statement, attached hereto as Exhibit "1". The account was enrolled in PECO's Customer Assistance Program ("CAP") under Tier E on February 19, 2014. The service was

discontinued at the property on February 2, 2015. The Complainant and Ms. Rineheimer left an unpaid balance in the amount of \$3,118.15.

On January 7, 2015, Robin Rineheimer established service at 3021 New Falls Road, Newportville, PA under account number 05483-25024. See Account Activity Statement, attached hereto as Exhibit "2". The CAP status transferred to the new address.

On March 3, 2015, PECO transferred the \$3,118.15 unpaid balance to Ms. Rineheimer's new account. On June 4, 2015, the Complainant applied for service at 3021 New Falls Road, New Portville, PA. PECO determined that he was responsible for the balance on the account as he had benefitted from the service at 2611 Laurel Drive and 3021 New Falls Road. The Complainant had been reported as a household member for CAP enrollment.

On April 15, 2016, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003428284, stating that he wanted the service switched into his name but was having issues because of a back balance belonging to his ex-wife. See Case Details Report #003428284, attached hereto as Exhibit "3". On April 22, 2016, the BCS issued a Decision Report, stating that there was a cure to the complaint. The Complainant agreed to accept responsibility for the balance and pay \$4,013.50 under a payment agreement. See BCS Decision Report #003428284, attached hereto as Exhibit "4". On May 20, 2015, PECO processed an agreement on the Complainant's \$3,809.13 balance. On May 20, 2015, the CAP tier changed to Tier C based on a monthly income of \$955.00 for two adults and three children. The Complainant is scheduled to recertify on May 20, 2017. The Complainant's payment agreement defaulted on June 3, 2015.

On June 21, 2016, PECO terminated the Complainant's service for a past due balance of \$4,257.50. On June 22, 2016, the Complainant filed an informal complaint with the BCS at case

number 003451906, requesting a payment agreement to restore his service. See Case Details Report #003451906, attached hereto as Exhibit "5" On June 29, 2016, the BCS issued a Decision Report, dismissing the case pursuant to 66 Pa.C.S. § 1405(c). See BCS Decision Report #003451906, attached hereto as Exhibit "6".

The Complainant's balance is \$4,925.10. See Exhibit "1". The Complainant's electric service remains off. The Complainant is not entitled to a payment agreement on his balance pursuant to 66 Pa.C.S. § 1405(c) as the entire balance is comprised of CAP arrears.

5. Denied.

6. Admitted

7. Admitted.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is required.

**NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY**

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

1. The Complainant last enrolled in PECO's Customer Assistance Program ("CAP") on May 20, 2015 under Tier C.
2. The Complainant is scheduled to recertify in the program on May 20, 2017.
3. The Complainant is actively enrolled in CAP.

4. The Complainant has a \$4,925.10 balance.
5. The Complainant's entire balance is comprised of CAP arrears.
6. 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."
7. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.
8. 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,**



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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL ADAMS  
Complainant

v.

PECO ENERGY COMPANY  
Respondent

DOCKET NO. C-2016-2558580

---

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



**EXHIBIT "1"**

PECO Account Activity Statement

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

Account Number: 92093-12111  
Account Status: Final  
Requested By: ROBIN A RINSHIMER  
(267)234-2660 Extension:

Mail To:  
ROBIN A RINSHIMER  
3021 NEW FALLS RD  
HUNFORDVILLE PA 19056

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

Current Bill: \$0.00  
Billed Prior: \$0.00  
Balance Due: \$0.00  
Service Address: 2611 LAUREL DR  
ERISTOL PA 19007  
Credit Amount: \$0.00  
Deposit Requested: \$0.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 04  
Rate: Supplier Electric Residential Service  
Electric Off-Peak Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARDED	FOR DATE	END	OCF	END
07/11/14	DEFERRED PAYMENT AGREEMENT											
08/04/14	ELECTRIC SERVICE				\$246.33							
08/04/14	ELE-ADDITIONAL METER	07/02/14 08/04/14	9840	113714447	\$261.62							
08/04/14	DEFERRED PAYMENT AGREEMENT		2525	118898343								
08/04/14	Regular Bill											
08/25/14	Payment				\$51.29							
09/02/14	ELECTRIC SERVICE					\$312.91	\$312.91		08/26			1919
09/02/14	ELE-ADDITIONAL METER	08/04/14 09/02/14	11213	113714447	\$209.18							
09/02/14	DEFERRED PAYMENT AGREEMENT		2744	118898343								
09/02/14	Regular Bill											
09/23/14	Payment				\$51.29							
10/02/14	ELECTRIC SERVICE					\$260.47	\$260.47		09/24			1592
10/02/14	ELE-ADDITIONAL METER	09/02/14 10/02/14	12087	113714447	\$139.65							
10/02/14	DEFERRED PAYMENT AGREEMENT		2975	118898343								
10/02/14	Regular Bill											
10/27/14	Payment				\$51.29							
10/30/14	ELECTRIC SERVICE					\$190.94	\$190.94		10/24			1105
10/30/14	ELE-ADDITIONAL METER	10/02/14 10/30/14	12714	113714447	\$104.38							
10/30/14	DEFERRED PAYMENT AGREEMENT		3206	118898343								
10/30/14	Regular Bill											
11/10/14	Payment				\$51.29							
11/18/14	Payment					\$100.00	\$155.67		11/21			858
12/02/14	ELECTRIC SERVICE					\$55.67						
12/02/14	ELE-ADDITIONAL METER	10/30/14 12/02/14	13928	113714447	\$213.10							
12/02/14	DEFERRED PAYMENT AGREEMENT		3531	118898343								
12/02/14	Regular Bill											
12/31/14	Bill Out DPA due to Default											
12/31/14	Late Payment Charge				\$2667.23		\$264.39		12/26			1539
01/05/15	Payment				\$3.97							
01/05/15	ELECTRIC SERVICE					\$100.00						
01/05/15	ELE-ADDITIONAL METER	12/02/14 01/05/15	15216	113714447	\$225.91							
01/05/15	Regular Bill		3863	118898343								
02/02/15	Payment											
02/02/15	ELECTRIC SERVICE					\$164.39	\$3061.50	\$2835.59	01/27			1620
02/02/15	ELE-ADDITIONAL METER	01/05/15 02/02/15	16283	113714447	\$182.17							
02/02/15	Regular Bill		4127	118898343								
02/03/15	Late Payment Charge											
03/03/15	Transfer				\$38.87		\$3079.28	\$2897.11	02/24			1331
						\$3118.15						

**EXHIBIT "2"**

PECO Account Activity Statement

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

Account Number: 05403-25024  
Account Status: Final  
Requested By: MICHAEL ADAMS  
(215)313-4029 Extension:

Mail To: MICHAEL ADAMS  
3021 NEW FALLS RD  
NEWPORTVILLE PA 19056

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

Current Bill: \$111.11  
Billed Prior: \$4813.99  
Balance Due: \$4925.10  
Service Address: 3021 NEW FALLS RD  
NEWPORTVILLE PA 19056  
Credit Amount: \$0.00  
Deposit Requested: \$0.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 07  
Rate: CAP Opt C Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARDED	DUE DATE	ENH	CCP	EM
01/08/15	ELECTRIC SERVICE	01/07/15 01/08/15	53156	110925731	\$2.06							
01/08/15	CONNECTION CHARGE - STANDARD				\$6.00							
02/04/15	Regular Bill						\$8.06		01/30	12		
02/04/15	Late Payment Charge											
02/09/15	ELECTRIC SERVICE	01/08/15 02/09/15	53922	110925731	\$0.03							
02/09/15	Regular Bill				\$94.92							
03/02/15	Payment											
03/03/15	Transfer Debit from account 92093-12111					\$103.01	\$103.01	\$8.09	03/03	766		
03/10/15	ELECTRIC SERVICE	02/09/15 03/10/15	55880	110925731	\$3118.15							
03/10/15	Regular Bill				\$267.65							
04/07/15	Late Payment Charge						\$3385.80	\$3118.15	04/01	1958		
04/08/15	ELECTRIC SERVICE	03/10/15 04/08/15	57368	110925731	\$45.61							
04/08/15	Regular Bill				\$198.43							
05/05/15	Late Payment Charge						\$3629.84	\$3431.41	04/30	1408		
05/07/15	ELECTRIC SERVICE	04/08/15 05/07/15	58396	110925731	\$48.59							
05/07/15	Regular Bill				\$130.70							
05/20/15	Payment Agreement						\$3809.13	\$3678.43	05/29	1028		
05/20/15	DEFERRED PAYMENT AGREEMENT											
06/01/15	Payment				\$761.82	\$3809.13						
06/03/15	Bill Out DPA due to Default					\$50.79						
06/04/15	Payment				\$3047.31							
06/04/15	Late Payment Charge					\$100.00						
06/08/15	BUDGET BILLING				\$48.29							
06/08/15	Regular Bill	05/07/15 06/08/15			\$93.00							
06/30/15	Payment	** Budget Bill Detail ** Actual Bill Amount: 162.20										
07/08/15	BUDGET BILLING						\$3799.63	\$3706.63	06/30	1675		
07/08/15	Regular Bill	06/08/15 07/08/15			\$93.00	\$162.20						
07/28/15	Payment	** Budget Bill Detail ** Actual Bill Amount: 232.38										
08/06/15	BUDGET BILLING						\$3730.43	\$3637.43	07/30	2238		
08/06/15	Regular Bill	07/08/15 08/06/15			\$93.00	\$232.38						
08/17/15	Payment	** Budget Bill Detail ** Actual Bill Amount: 291.50										
09/04/15	BUDGET BILLING						\$3591.05	\$3498.05	08/28	2647		
09/04/15	Regular Bill	08/06/15 09/04/15			\$93.00	\$200.00						
09/30/15	Payment	** Budget Bill Detail ** Actual Bill Amount: 281.26										
10/06/15	BUDGET BILLING						\$3484.05	\$3391.05	09/29	2538		
10/06/15	Regular Bill	09/04/15 10/06/15			\$93.00	\$93.00						
10/29/15	Payment	** Budget Bill Detail ** Actual Bill Amount: 201.95										
11/04/15	BUDGET BILLING						\$3484.05	\$3391.05	10/28	1915		
11/04/15	Regular Bill	10/06/15 11/04/15			\$207.00	\$93.00						
11/30/15	Payment	** Budget Bill Detail ** Actual Bill Amount: 169.21										
12/07/15	BUDGET BILLING						\$3598.05	\$3391.05	11/30	1693		
12/07/15	Regular Bill	11/04/15 12/07/15			\$207.00	\$207.00						
01/04/16	Payment	** Budget Bill Detail ** Actual Bill Amount: 169.44										
01/09/16	BUDGET BILLING						\$3598.05	\$3391.05	12/29	1689		
01/09/16	Regular Bill	12/07/15 01/09/16			\$207.00	\$207.00						
	Payment	** Budget Bill Detail ** Actual Bill Amount: 158.46										
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						
	Payment											
	BUDGET BILLING						\$3598.05	\$3391.05				
	Regular Bill				\$207.00	\$207.00						

FICO Account Activity Statement

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARDED	RUE RATE	EMI	CCY	EN
01/08/16	Regular Bill											
02/08/16	Payment											
02/08/16	Late Payment Charge											
02/09/16	BUDGET BILLING											
	** Budget Bill Detail **	01/08/16 02/09/16			\$43.59	\$207.00	\$3598.05	\$3391.05	02/01	1639		
		Actual Bill Amount: 233.30			\$207.00							
02/09/16	Regular Bill											
03/07/16	Payment											
03/08/16	Late Payment Charge											
03/09/16	BUDGET BILLING											
	** Budget Bill Detail **	02/09/16 03/09/16			\$43.60	\$207.00	\$3641.64	\$3434.64	03/02	2091		
		Actual Bill Amount: 213.36			\$244.00							
03/09/16	Regular Bill											
04/05/16	Late Payment Charge											
04/07/16	BUDGET BILLING											
	** Budget Bill Detail **	03/09/16 04/07/16			\$47.26		\$3722.24	\$3478.24	03/31	1996		
		Actual Bill Amount: 124.05			\$244.00							
04/07/16	Regular Bill											
04/22/16	Payment Agreement											
05/06/16	BUDGET BILLING											
	** Budget Bill Detail **	04/07/16 05/06/16				\$4013.50	\$4013.50	\$3769.50	04/29	1390		
		Actual Bill Amount: 110.22			\$244.00							
05/06/16	DEFERRED PAYMENT AGREEMENT											
05/06/16	Regular Bill											
06/06/16	Bill Out DPA due to Default											
06/07/16	BUDGET BILLING											
	** Budget Bill Detail **	05/06/16 06/07/16			\$3929.89		\$327.61		05/31	1276		
		Actual Bill Amount: 173.07			\$222.00							
06/07/16	Late Payment Charge											
06/07/16	Regular Bill											
07/06/16	Late Payment Charge											
07/12/16	BUDGET BILLING											
	** Budget Bill Detail **	06/07/16 07/11/16			\$57.91		\$4534.08	\$4312.08	06/29	1771		
		Actual Bill Amount: 56.10			\$222.00							
07/12/16	Regular Bill											
07/22/16	BUDGET BILLING											
	** Budget Bill Detail **	07/11/16 07/21/16			\$111.11		\$4813.99	\$4591.99	08/03	1021		
		Actual Bill Amount: 2.81										
07/22/16	Regular Bill											
							\$4925.10	\$4534.08	08/15			

Amount Billed on Actual Readings Unless Indicated

**EXHIBIT "3"**



August 9, 2016

**Case Details Report**

BCS Case #: 003428284  
Customer Name: MICHAEL ADAMS  
Service Address: 3021 NEW FALLS RD

BCS Bill Account #: 8888888888

Mailing Address: NEWPORTVILLE, PA 19056

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

Date Case Opened: 2016-04-15  
PAR Case: Y  
Investigator Name: BCS CASE POOL  
Investigator Phone: (717) 787-0000  
Service class: R  
Previous case #:

Date Cut Out: 9999-12-31

Universal Service: N  
Contact Type: TELEPHONE  
Amount in Arrears: \$0.00

# Adults: 1  
# Children: 0  
Children Ages:  
Gross Income: \$3159.00  
Miscellaneous Info:

Complaint Reason:  
APPLICANT/DEPOSITS - SERVICE IS ON (# 28)

Customer Problem Description:  
CUSTOMER IS TRYING TO GET SERVICE SWITCHED IN HIS NAME BUT IS HAVING ISSUES BECAUSE IT WAS IN HIS EX'S NAME WHO IS NO LONGER AROUND, AND MOST OF THE BACK BALANCES COME FROM PREVIOUS ADDRESS THAT THE EX RESIDED AT BEFORE THEY EVEN MET. THE CELL PHONE NUMBER (215) 313 - 4029 HAS BEEN ALLOWED TO BE SHARED. THE EMAIL ADDRESS MIKEADAMS454@YAHOO.COM HAS BEEN ALLOWED TO BE SHARED.

Company Position:

**Exelon.**

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**04/14/2016 CO. SAYS CUSTOMER BENEFITED FROM THE SERVICE THEREFORE IS RESPONSIBLE FOR THE BILL.**

**August 9, 2016**

**EXHIBIT "4"**



August 9, 2016

**BCS Decision Report**

BCS Case #: 003428284 Open Date: 2016-04-15  
Customer Name: MICHAEL ADAMS  
Service Address: 3021 NEW FALLS RD

NEWPORTVILLE, PA 19056  
BCS Bill Account #: 888888888 Previous Case #:  
Violation Type: NO Chapter Type:  
Decision Type: O Section / Rule:  
Investigator Name: TIMOTHY PLATT

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

Letter Description:  
NO LETTER REQUIRED

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

PAR Description:

Resolution Description:  
CLOSED NO DECISION. NO LETTER CLOSED CURE SUCCESSFUL BASED ON VM AND EMAIL CONFIRMATION INFO OF CURE SUCCESSFUL. CO REPORTS FOLLOWING RESOLUTION: MR. ADAM AGREED TO A 1X PAYMENT AGREEMENT FOR THE BALANCE OF \$4,013.50. THE PAYMENT AGREEMENT WILL BE SET UP FOR 48 MONTHS AT \$83.61 PLUS THE BUDGET BILLING OF \$244 A MONTH. MR. ADAM WILL BEGIN PAYING TOWARDS THE PAYMENT AGREEMENT STARTING IN JUNE. MR. ADAMS HAS ACCEPTED FULL RESPONSIBILITY FOR THE BALANCE AND WILL BE MADE PRIMARY ON THE ACCOUNT AND RATE/PAYER ROBIN RINEHIMER WILL BE MADE SECONDARY UNTIL MR. ADAMS CAN PROVIDE PROOF THAT MS. RINEHIMER NO LONGER RESIDES AT THE PROPERTY. MR. ADAM HAS BEEN ADVISED TO MAKE PAYMENTS ON TIME AND IN FULL TO REMAIN IN GOOD STANDING. APPLICANT NOW PRIMARY CUSTOMER SATISFIED. NO FURTHER ACTION REQUIRED.



August 9, 2016

**BCS Decision Report**

BCS Case #: 003354441 Open Date: 2015-06-10  
Customer Name: ROBBIN RINEHIMER  
Service Address: 3021 NEW FALLS RD

NEWPORTVILLE, PA 19056  
BCS Bill Account #: 0548325024 Previous Case #:  
Violation Type: NO Chapter Type:  
Decision Type: Section / Rule:  
Investigator Name: LINDA SCOTT-  
MCKILLOP

Decision Issued Date: 2015-12-17  
Case Closed Date: 2015-12-15

Letter Description:  
CAP REVIEWED/NO DECISION/BALANCE

Total Balance:	\$4226.99	Balance Date:	2015-12-15
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$93.00
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:  
BILLS DO INCLUDE CURRENT AND PAST DUE CHARGES

**EXHIBIT "5"**



August 9, 2016

**Case Details Report**

BCS Case #: 003451906  
Customer Name: MICHAEL ADAMS  
Service Address: 3021 NEW FALLS RD

BCS Bill Account #: 0548325024

Mailing Address: NEWPORTVILLE, PA 19056

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

Date Case Opened: 2016-06-22  
PAR Case: Y  
Investigator Name: BCS CASE POOL  
Investigator Phone: (717) 787-0000  
Service class: R  
Previous case #: 3428284

Date Cut Out: 2016-06-21

Universal Service: Y  
Contact Type: TELEPHONE  
Amount In Arrears: \$4277.50

# Adults: 3  
# Children: 0  
Children Ages:  
Gross Income: \$3466.67  
Miscellaneous Info:

Complaint Reason:  
STRAIGHT OFF- SVC TERMINATED/SUSPENDED-NO DISPUTE- PAR NEEDED (# 82)

Customer Problem Description:  
CUSTOMER IS OFF AND REQUESTING A PAR. THE CELL PHONE NUMBER (215) 313 - 4029 HAS BEEN ALLOWED TO BE SHARED.

Company Position:  
06/22/2016 PECO WANTS 4277.50 TO RESTORE THE SERVICE.

**EXHIBIT "6"**



August 9, 2016

**BCS Decision Report**

BCS Case #: 003451906 Open Date: 2016-06-22  
Customer Name: MICHAEL ADAMS  
Service Address: 3021 NEW FALLS RD

NEWPORTVILLE, PA 19056  
BCS Bill Account #: 0548325024 Previous Case #: 3428284  
Violation Type: NO Chapter Type:  
Decision Type: Section / Rules  
Investigator Name: MEIKE WJAYA

Decision Issued Date: 2016-06-29  
Case Closed Date: 2016-06-27

Letter Descriptions:  
CAP REVIEWED/VALID/CO OFFER BETTER

Total Balance:	\$4808.28	Balance Date:	2016-06-23
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Terms:			

PAR Descriptions:

Resolution Descriptions:  
DISMISSAL LTR ISSUED. OFF CUST. SERV TERM ON 6/21/2016 DUE TO NON PYMT.  
CO WANTS 4277.50 (4257.50 + 20.00 RC) TO RESTORE. CUST OWED BAL THAT INCL.  
CAP ARREARS; THEREFORE AS PER 1405C, INELIGIBLE FOR PUC PAR. SUSTAINED  
CO'S POSITION TO RESTORE. NO FURTHER ACTION IS REQUIRED. CASE CLOSED.  
LTR SENT.