



An Exelon Company

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: Stephanie Mobley v. PECO Energy Company
PUC Docket No.: C-2016-2546866

Dear Ms. Chiavetta:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long horizontal flourish extending to the right.

Shawane Lee
Counsel for PECO Energy Company

SL/alb
Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHANIE MOBLEY	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2016-2546866
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

To: Stephanie Mobley

Pursuant to 52 Pa. Code §§5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion for Judgment on the Pleadings within 20 days from service of this notice, the facts set forth by PECO Energy Company may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane Lee, and where applicable, the Administrative Law Judge presiding over the issue.

Failure to respond to this Motion could result in the dismissal of your case.

File with:

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

With a copy to:

Shawane L. Lee, Esquire
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated: September 8, 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**

STEPHANIE MOBLEY	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2016-2546866
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

MOTION FOR JUDGMENT ON THE PLEADINGS

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

1. On or about May 23, 2016, Complainant filed a Formal Complaint against Respondent, PECO, requesting to receive a Commission-ordered payment agreement.
2. PECO was served with the Formal Complaint on May 23, 2016.
3. On May 31, 2016, PECO filed an Answer, New Matter and Notice to Plead.
4. PECO averred in its New Matter that Complainant enrolled in its Customer Assistance Program (CAP) under Tier C on October 11, 2010. New Matter ¶1.
5. PECO averred that the Complainant recertified in the program on October 10, 2012. New Matter ¶2.
6. PECO averred that the Complainant's CAP Tier level changed to Tier B on October 8, 2014. New Matter ¶4.

7. PECO averred that the Complainant is scheduled to recertify in the program on October 8, 2016. New Matter ¶5.

8. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶7.

9. PECO averred that the Complainant is actively enrolled in CAP. New Matter ¶8.

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 ¶¶9-10.

11. On July 18, 2016, Administrative Law Judge Angela T. Jones issued an Initial Decision, which granted PECO's Motion for Judgment on the Pleadings and dismissed the Complainant's formal complaint.

12. On or about July 27, 2016, the Complainant filed an Amended Complaint. See Amended Complaint, attached hereto as Exhibit "1".

13. PECO was served with the Amended Complaint on July 28, 2016.

14. On August 12, 2016, PECO filed an Answer, New Matter and Notice to Plead to the Complainant's Amended Complaint. See PECO's Answer to Amended Complaint, attached hereto as Exhibit "2".

15. PECO averred in its New Matter that Complainant enrolled in its Customer Assistance Program (CAP) under Tier C on October 11, 2010. New Matter ¶1.

16. PECO averred that the Complainant recertified in the program on October 10, 2012. New Matter ¶2.

17. PECO averred that the Complainant's CAP Tier level changed to Tier B on October 8, 2014. New Matter ¶4.

18. PECO averred that the Complainant is scheduled to recertify in the program on October 8, 2016. New Matter ¶5.

19. PECO averred that the Complainant's balance is \$3,659.81. New Matter ¶6.

20. PECO averred that the Complainant's entire balance is comprised of CAP arrears. New Matter ¶7.

21. PECO averred that the Complainant is actively enrolled in CAP. New Matter ¶8.

22. 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 ¶¶9-10.

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

24. 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).

25. 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."

26. 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.

27. 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).

28. 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).

29. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, (b) the entire past due balance is CAP arrears, (c) the sole relief Complainant seeks is a Commission-ordered payment agreement.
- b. Under 66 Pa.C.S. §1405(c), the Commission is prohibited from ordering a payment agreement for an account holder whose past due balance consists of CAP arrears. Therefore, the Commission cannot grant the sole relief Complainant seeks.

30. 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 Amended 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**

STEPHANIE MOBLEY	:	
Complainants	:	
	:	
v.	:	DOCKET NO. C-2016-2546866
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

VIA First Class Mail
Stephanie Mobley
2131 Wakeling Street
Philadelphia, PA 19124

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”

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Thursday, July 28, 2016 11:21 AM
To: Lee, Shawane L:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL] PA PUC eServe Notice
Importance: High

Dear Shawane L. Lee,

A(n) Case Related Document has been served in this proceeding. This document is docketed as C-2016-2546866. You may view this document at [Amended 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 Stephanie Mobley _____

Street/P.O. Box 2131 Wakeling St _____ Apt # _____

City Philadelphia _____ State Pa _____ Zip 19124 _____

County Philadelphia _____

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

(____) _____ (home) (267) _____ 5828077 _____
(mobile)

E-mail Address (optional):

stephaniermob@yahoo.com _____

Utility Account Number (from your bill) 50813 63014 _____

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. Name of Utility or Company (Respondent)

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

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.
- 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). I recently had filed a formal complaint but I was in the hospital for a while and did not and was not aware of any correspondence from the matter. I would like to have a reasonable payment arrangement because I cannot afford the one that is available. I just want the

opportunity to present my information and for someone besides the utility company to help me work this thing out. Please allow me the opportunity to present my information

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.

6. 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 the PUC to allow my case to be heard in a hearing as I stated before I did not receive any correspondence about the other complaint so therefore I was unable to respond to anything in a timely manner. I am not trying to waste anyone's time but I am not a well person and cannot afford payment arrangement offered.

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 Stephanie Mobley, 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).

Stephanie Mobley

(Signature of Complainant)

(Date) 7/27/16

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.

EXHIBIT "2"



PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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eFiling Successfully Transmitted



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

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

If your filing exceeds 200 pages, you are required to submit a 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-2016-2546866
Description:	Stephanie Mobley - PECO Energy Company Answer to Amended Formal Complaint
Transmission Date:	8/12/2016 11:36:09 AM
Filed On:	8/12/2016 11:36:09 AM
eFiling Confirmation Number:	1645991

Uploaded File List

File Name	Document Class	Document Type
Stephanie Mobley - Answer to Amended Formal Complaint.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
EXHIBIT



An Exelon Company

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

Direct Dial: 215-841-6841

August 12, 2016

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

RE: Stephanie Mobley v. PECO Energy Company
PUC Docket No.: C-2016-2546866

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy's Answer to Amended 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", with a long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

cc: Honorable Angel T. Jones, ALJ (w/enc)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHANIE MOBLEY

Complainants

v.

PECO ENERGY COMPANY

Respondent

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:
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:
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DOCKET NO. C-2016-2546866

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On July 28, 2016, PECO Energy Company ("PECO Energy") was served with an amended formal complaint filed by Stephanie Mobley (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 amended formal complaint, Complainant states that she filed a formal complaint but she was in the hospital for a while and was not aware of any correspondence in the case. The Complainant requests a reasonable payment agreement and for her case to have a hearing. This amended pleading should be dismissed as Administrative Law Judge Angela T. Jones has already issued an Initial Decision for this docket, dismissing the Complainant's request for a payment agreement. PECO Energy

once again renews its request to dismiss this matter pursuant to 66 Pa. C.S. §1405(c) as the Complainant's balance is comprised entirely of CAP arrears and the PUC cannot issue a payment agreement on her CAP arrears. The Complainant has an active PECO payment agreement, which was processed on July 26, 2016.

The Complainant established service at 2131 East Wakeling Street, Philadelphia, PA 19124. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") on October 11, 2010 under Tier C. The Complaint re-certified in the program on October 10, 2012. The Complainant's Tier level changed on September 24, 2013 to Tier D. The Complainant's CAP Tier level changed to Tier B on October 8, 2014. The Complainant is scheduled to recertify in the program on October 8, 2016. The Complainant's entire balance is comprised of CAP arrears. The Complainant is actively enrolled in CAP under Tier C.

On May 11, 2015, the Complainant filed a formal complaint at docket number C-2015-2481758, requesting a payment agreement. PECO filed a Motion for Judgment on the Pleadings averring that the Complainant's entire balance is comprised entirely of CAP arrears; and therefore, the Commission has no jurisdiction to grant the Complainant a payment agreement. On July 21, 2015, Administrative Law Judge Steven K. Haas ("ALJ Haas") issued an Initial Decision, which granted PECO's Motion for Judgment on the Pleadings and dismissed the case. The Complainant filed exceptions to ALJ Haas' Initial Decision, which was reviewed by the Commission. On November 5, 2015, the Commission adopted ALJ Haas' Initial Decision and dismissed the case in its entirety.

PECO filed a Motion for Judgment on the Pleadings on June 20, 2016. The hearing and motion was assigned to Administrative Law Judge Angela T. Jones ("ALJ Jones"). ALJ Jones

cancelled the August 4, 2016, hearing and on July 18, 2016, she issued an Initial Decision, granting PECO's Motion for Judgment on the Pleadings.

The Complainant's balance is \$3,659.81, which is comprised entirely of CAP arrears. See Exhibit "1". The Complainant is not entitled to a PUC ordered payment agreement on her balance. 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." Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.

By way of further response, the Complainant currently has an active PECO payment agreement, which was issued on July 26, 2016.

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 was enrolled in PECO Energy's Customer Assistance Program ("CAP") on October 11, 2010 under Tier C.
2. The Complaint re-certified in the program on October 10, 2012.
3. On September 24, 2013, the Complainant's CAP Tier changed to Tier B.
4. The Complainant's CAP Tier level changed to Tier B on October 8, 2014.
5. The Complainant is scheduled to recertify in the program on October 8, 2016.
6. The Complainant's balance is \$3,659.81.
7. The Complainant's entire balance is comprised of CAP arrears.
8. The Complainant is actively enrolled in the CAP program.
9. 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."
10. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant and Ms. Moore a payment agreement.
11. 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**

STEPHANIE MOBLEY
Complainants

v.

PECO ENERGY COMPANY
Respondent

:
:
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:
:
:
:

DOCKET NO. C-2016-2546866

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 12, 2016



Shawane L. Lee

EXHIBIT "1"

PECO Account Activity Statement

Date: 06/04/16
Page: 1 of 5

*** Account Information ***

Account Number: 50813-63014
Account Status: Active
Requested By: STRANASIS R ROSLEY
(215)860-1102 Extension:
Bill To: STRANASIS R ROSLEY
2131 WALNUT ST
PHILADELPHIA PA 19124

*** Current Account Status ***

Current Bill: \$114.10
Billed Prior: \$500.00
Balance Due: \$614.10
Service Address: 2131 E WALNUT ST
PHILADELPHIA PA 19124
Water Bill ID: 03
Meter: CAP Opt C Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER @	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	PAID AMOUNT	DATE	TRF	CCP	EN
10/02/12	ENDOFF BILLING	09/30/12 10/01/12			\$82.00		\$82.00					
	** Budget Bill Detail **				\$27.09		\$27.09					
10/02/12	Late Payment Charge											
10/02/12	Regular Bill				\$2082.86	\$160.08	\$2082.86	\$2000.86	10/24			647
10/10/12	Payment Agreement											
10/31/12	PWA Forgiven											
10/31/12	ENDOFF BILLING	10/01/12 10/30/12			\$68.00		\$68.00					
	** Budget Bill Detail **				\$34.71		\$34.71					
10/31/12	Pre-Program Arrears				\$140.08		\$140.08					
10/31/12	Regular Bill				\$2013.44	\$42.30	\$1971.14	\$1971.14	11/26			960
12/03/12	Bill Out Due to Default	10/30/12 12/02/12			\$62.00		\$62.00					
	** Budget Bill Detail **				\$34.71		\$34.71					
12/03/12	Late Payment Charge				\$0.40		\$0.40					
01/02/13	Regular Bill				\$29.69		\$29.69					
01/02/13	Late Payment Charge				\$62.00		\$62.00					
01/02/13	ENDOFF BILLING	12/02/12 01/03/13			\$30.46		\$30.46					
	** Budget Bill Detail **				\$62.00		\$62.00					
02/05/13	Late Payment Charge											
02/05/13	ENDOFF BILLING	01/03/13 02/04/13			\$31.30		\$31.30					
	** Budget Bill Detail **				\$62.00		\$62.00					
02/05/13	Late Payment Charge											
03/06/13	Regular Bill				\$31.30		\$31.30					
03/06/13	Late Payment Charge				\$62.00		\$62.00					
03/06/13	ENDOFF BILLING	02/04/13 03/05/13			\$62.00		\$62.00					
	** Budget Bill Detail **				\$62.00		\$62.00					
03/06/13	Regular Bill				\$31.10		\$31.10					
04/02/13	Late Payment Charge				\$62.00		\$62.00					
04/02/13	ENDOFF BILLING	03/05/13 04/03/13			\$31.30		\$31.30					
	** Budget Bill Detail **				\$62.00		\$62.00					
04/02/13	Late Payment Charge											
05/03/13	Regular Bill				\$31.35		\$31.35					
05/03/13	Late Payment Charge				\$98.00		\$98.00					
05/03/13	ENDOFF BILLING	04/03/13 05/02/13			\$98.00		\$98.00					
	** Budget Bill Detail **				\$98.00		\$98.00					
05/03/13	Regular Bill				\$2713.16		\$2713.16					
05/07/13	Payment Agreement											
05/28/13	Miscellaneous				\$370.00		\$370.00					
05/28/13	Miscellaneous				\$2343.16		\$2343.16					
05/28/13	Debit Transfer Payment				\$2713.16		\$2713.16					
05/28/13	Field In Advance				\$2713.16		\$2713.16					
05/31/13	Payment Agreement											
05/31/13	LIRHAP Payment				\$2343.16		\$2343.16					
05/31/13	ENDOFF BILLING	05/02/13 05/31/13			\$75.00		\$75.00					
	** Budget Bill Detail **				\$39.05		\$39.05					
05/31/13	DEFERRED PAYMENT AGREEMENT											
05/31/13	Regular Bill				\$2304.11		\$2304.11					
06/03/13	Miscellaneous				\$4285.95		\$4285.95		06/24			735



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DATE	CHANGE TYPE	BILLING PERIOD	READ	ENTER	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FWD	BALANCE FWD DATE	EQ	CD	TR
05/28/14	Bill Out DPA due to Default				\$2109.16		\$2109.16					
05/28/14	Late Payment Charge	05/01/14 06/02/14			32.16		\$2141.32					
06/02/14	BUDGET BILLING				\$104.00		\$2245.32					
	** Budget Bill Detail **	Actual Bill Amount: 64.44			ED Deferred Amount: -91.73		\$2153.59					
06/02/14	Regular Bill				\$195.70		\$2349.29					
06/16/14	Payment Agreement				\$2109.16		\$4458.45					
06/16/14	Returned Electronic Check				\$195.70		\$4654.15					
07/01/14	PPA Forgiven				\$140.00		\$4794.15					
07/01/14	BUDGET BILLING				\$104.00		\$4898.15					
	** Budget Bill Detail **	05/02/14 07/01/14			Actual Bill Amount: 136.30		ED Deferred Amount: -69.43					
07/01/14	DEFERRED PAYMENT AGREEMENT				\$91.70		\$4989.85					
07/01/14	Late Payment Charge				\$3.12		\$5022.97					
07/01/14	Pro-Program Arrears				\$140.00		\$5162.97					
07/15/14	Payment				\$211.00		\$5373.97					
07/15/14	Returned Electronic Check				\$2017.46		\$7391.43					
07/28/14	Bill Out DPA due to Default				\$2017.46		\$9408.89					
07/29/14	Late Payment Charge				\$31.25		\$9740.14					
07/30/14	PPA Forgiven				\$140.00		\$9880.14					
07/30/14	PPA: PPE-PROGRAM ARREARS				\$140.00		\$10020.14					
07/31/14	BUDGET BILLING				\$104.00		\$10124.14					
	** Budget Bill Detail **	07/01/14 07/31/14			Actual Bill Amount: 173.33		ED Deferred Amount: -0.10					
08/05/14	Payment				\$300.00		\$10424.14					
08/21/14	Payment Agreement				\$2017.46		\$12441.60					
08/27/14	Biocollimus				\$300.68		\$12742.28					
08/27/14	Returned Electronic Check				\$6.07		\$12736.21					
08/27/14	Late Payment Charge				\$140.00		\$12876.21					
08/27/14	Reverses Pro-Program Arrears				\$104.00		\$12980.21					
08/29/14	PPA Forgiven				\$91.70		\$13071.91					
08/29/14	BUDGET BILLING				\$140.00		\$13211.91					
	** Budget Bill Detail **	07/31/14 08/29/14			Actual Bill Amount: 136.78		ED Deferred Amount: 32.66					
09/29/14	DEFERRED PAYMENT AGREEMENT				\$91.70		\$13303.61					
09/29/14	PPA: PPE-PROGRAM ARREARS				\$140.00		\$13443.61					
09/05/14	Regular Bill				\$435.93		\$13879.54					
09/10/14	Payment				\$1925.76		\$15805.30					
09/29/14	Bill Out DPA due to Default				\$104.00		\$15909.30					
09/30/14	BUDGET BILLING				\$3.43		\$15912.73					
	** Budget Bill Detail **	08/29/14 09/30/14			Actual Bill Amount: 142.47		ED Deferred Amount: 71.15					
09/30/14	Late Payment Charge				\$107.43		\$16020.16					
09/30/14	Regular Bill				\$2563.46		\$18583.62					
10/06/14	Payment Agreement				\$4.36		\$18587.98					
10/06/14	Returned Electronic Check				\$83.00		\$18710.98					
10/23/14	BUDGET BILLING				\$110.00		\$18820.98					
	** Budget Bill Detail **	09/30/14 10/23/14			Actual Bill Amount: 71.81		ED Deferred Amount: 59.96					
11/06/14	Payment				\$82.00		\$18902.98					
11/10/14	Returned Electronic Check				\$2353.46		\$21256.44					
12/01/14	BUDGET BILLING				\$62.72		\$21319.16					
	** Budget Bill Detail **	10/29/14 12/01/14			Actual Bill Amount: 101.62		ED Deferred Amount: 79.78					
12/01/14	DEFERRED PAYMENT AGREEMENT				\$319.71		\$21638.87					
12/01/14	Regular Bill				\$194.99		\$21833.86					

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DATE	CHARGE TYPE	BILLING PERIOD	PAID	AMOUNT	CREDIT AMOUNT	TOTAL	BALANCE FORWARD	DATE	PERIOD	PERIOD	PERIOD	PERIOD	PERIOD	PERIOD
12/29/14	BILL Out DPA due to Default					\$2520.74								
12/30/14	Late Payment Charge					\$7.05								
01/02/15	BUDGET BILLING	12/01/14 01/02/15				\$82.00								
	** Budget Bill Detail **	Actual Bill Amount:				75.58								
02/02/15	Late Payment Charge					\$8.28								
02/03/15	BUDGET BILLING	01/02/15 02/03/15				\$82.00								
	** Budget Bill Detail **	Actual Bill Amount:				69.70								
03/04/15	Regular Bill	02/03/15 03/04/15				\$9.51								
	** Budget Bill Detail **	Actual Bill Amount:				71.12								
03/31/15	Late Payment Charge					\$10.74								
04/02/15	BUDGET BILLING	03/04/15 04/02/15				\$82.00								
	** Budget Bill Detail **	Actual Bill Amount:				39.45								
05/01/15	Regular Bill	04/02/15 05/01/15				\$82.00								
	** Budget Bill Detail **	Actual Bill Amount:				8.51								
05/04/15	Regular Bill	05/01/15 06/02/15				\$61.38								
	** Budget Bill Detail **	Actual Bill Amount:				21.05								
06/02/15	Regular Bill	06/02/15 07/01/15				\$82.00								
	** Budget Bill Detail **	Actual Bill Amount:				46.06								
07/01/15	Regular Bill	07/01/15 07/31/15				\$140.00								
	** Budget Bill Detail **	Actual Bill Amount:				97.77								
09/01/15	Regular Bill	07/31/15 09/01/15				\$82.00								
	** Budget Bill Detail **	Actual Bill Amount:				159.34								
09/30/15	Regular Bill	09/01/15 09/30/15				\$82.00								
	** Budget Bill Detail **	Actual Bill Amount:				165.93								
10/29/15	Regular Bill	09/30/15 10/29/15				\$104.00								
	** Budget Bill Detail **	Actual Bill Amount:				90.96								
11/25/15	Regular Bill	10/29/15 12/01/15				\$49.41								
	** Budget Bill Detail **	Actual Bill Amount:				45.62								
12/01/15	Regular Bill	12/01/15 01/04/16				\$94.00								
	** Budget Bill Detail **	Actual Bill Amount:				-9.90								
01/04/16	Regular Bill	01/04/16 02/03/16				\$52.00								
	** Budget Bill Detail **	Actual Bill Amount:				-72.66								
02/02/16	Regular Bill	01/04/16 02/03/16				\$94.00								
	** Budget Bill Detail **	Actual Bill Amount:				135.00								
02/03/16	Regular Bill	02/03/16 02/03/16				\$51.13								
	** Budget Bill Detail **	Actual Bill Amount:				95.00								
03/03/16	Regular Bill	02/03/16 03/03/16				\$95.00								
	** Budget Bill Detail **	Actual Bill Amount:				-117.21								

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DATE	CHANGE TYPE	BILLING PERIOD	ROAD	ENTER @	CURR AMOUNT	CURR AMOUNT	TOTAL BILL	BILLING PERIOD DATE	TRG	CCP	TR
03/03/16	Regular Bill	03/03/16	04/01/16		\$95.00		\$4109.32	03/28	708		
04/01/16	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount: 38.64								
04/01/16	Regular Bill				\$49.86		\$4204.32	04/25	706		
04/04/16	Late Payment Charge				\$866.80	\$4334.18					
04/25/16	Payment Agreement				\$60.00						
04/25/16	DEFERRED PAYMENT AGREEMENT				\$57.79						
05/02/16	BUDGET BILLING	04/01/16	05/02/16								
05/02/16	DEFERRED PAYMENT AGREEMENT	** Budget Bill Detail **	Actual Bill Amount: 33.68								
05/02/16	Regular Bill				\$3409.59	\$125.00	\$584.59	05/24	750		
05/09/16	Bill Out DVA due to Default				\$60.00	\$225.00					
05/13/16	Payment										
05/18/16	Payment										
06/01/16	BUDGET BILLING	05/02/16	06/01/16								
06/01/16	Late Payment Charge	** Budget Bill Detail **	Actual Bill Amount: 50.56								
06/01/16	Regular Bill				\$33.89		\$4138.07	06/23	906		
06/28/16	Late Payment Charge				\$33.84						
06/30/16	BUDGET BILLING	06/01/16	06/30/16								
06/30/16	Regular Bill	** Budget Bill Detail **	Actual Bill Amount: 87.57								
07/28/16	Payment										
07/28/16	Payment Agreement										
07/27/16	Returned Electronic Check	06/30/16	08/01/16		\$800.00	\$800.00	\$4222.91	07/22	1241		
09/01/16	BUDGET BILLING	** Budget Bill Detail **	Actual Bill Amount: 187.39								
09/01/16	DEFERRED PAYMENT AGREEMENT				\$51.00						
09/01/16	Regular Bill				\$63.10		\$614.10	08/23	1939		