

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

Direct Dial: 215.841.6841

September 29, 2016

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

RE: Tanine Bennett v. PECO Energy Company
PUC Docket No.: C-2016-2546542

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**

TANINE BENNETT

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2546542

NOTICE TO PLEAD

To: Tanine Bennett

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.

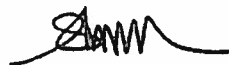
File with:

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 29, 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**

TANINE BENNETT

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2546542

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 with respect to the payment agreement. 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. Further, the Complainant already testified in a parallel case with an identical complaint at a separate docket that she did not pay her bill; and therefore, she is subject to termination. Therefore, PECO is entitled to judgment as a matter of law.

1. On May 18, 2016, Complainant filed a Formal Complaint against Respondent, PECO at docket number C-2016-2546542, requesting to receive a Commission-ordered payment agreement. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

2. PECO was served with the Formal Complaint on May 20, 2016.

3. In Complainant's Formal Complaint, she selected the boxes designating that the utility has or is threatening to terminate service and she is requesting a payment agreement.

4. The Complainant requests for relief:

I am requesting another hearing for a payment arrangement and verify validity of the charges. PECO inaccurately stated I was on a CAPP (sic) agreement and I was not. During the first hearing I did not obtain counsel and was placed at an unfair advantage.

5. On May 24, 2016, PECO was served with another Formal Complaint at docket number C-2016-2547137, requesting a payment agreement. A copy of Complainant's Second Formal Complaint is attached hereto as Exhibit 2.

6. The Formal Complaint at docket number C-2016-2547137 is identical the Formal Complaint at docket number C-2016-2546542.

7. On June 2, 2016, PECO filed an Answer, New Matter and Notice to Plead to both Formal Complaints. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 3.

8. PECO averred that the Complainant was reinstated to CAP on May 13, 2014 under Tier E1. New Matter ¶ 2

9. PECO averred that Complainant is scheduled to recertify in the program on May 13, 2017. New Matter ¶ 3.

10. PECO averred that the entire balance of \$5,349.99 consists of CAP arrears. New Matter ¶ 4.

11. As the entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c) ¶ 5-7.

12. On June 21, 2016, PECO filed a Motion for Judgment on the Pleadings for the case at docket number C-2016-2547137.

13. On July 14, 2016, Administrative Law Judge Angela T. Jones issued an Order, which granted PECO's Motion for Judgment on the Pleadings and dismissed the Complainant's request for a payment agreement. ALJ Jones retained for hearing the Complainant's remaining claim of a threatened service termination. See Order, attached hereto as Exhibit "4".

14. On August 5, 2016, the Complainant and PECO appeared at an in person hearing before ALJ Jones to litigate the remaining threatened service termination claim. See Transcript dated, 8/5/16, attached hereto as Exhibit "5".

15. During the hearing, the Complainant testified as follows regarding her threatened termination claim:

Judge Jones: Were you paying your bills?

Ms. Bennett: No, I was not paying the bills regularly, no, I was not.

Judge Jones: Okay. All right. So you agree that you were not paying your bills?

Ms. Bennett: Right.

Judge Jones: Okay.

Judge Jones: If they threatened termination of service, and you agree that you weren't paying your bills, and through your testimony you're telling me that they threatened termination of service because of nonpayment of bills, then there is no issue.

Ms. Bennett: I couldn't pay them what I didn't have.

Judge Jones: Okay. But there's still no issue. You agree that you weren't paying. They said we're going to terminate your service because you're not paying.

Ms. Bennett: Correct.

Judge Jones: So they're allowed to do that. There is no violation as far as I can see from what you've told me of the Commission's regulations or the law because you said you weren't paying.

Ms. Bennett: Yeah, I didn't have anything to pay them.

Judge Jones: Okay. So they're allowed to threaten service. If they've given you service and you haven't paid, they're allowed to threaten termination if you

haven't paid. So there's no issue. That's what I'm telling you.

See Transcript at pp. 23-25, Exhibit "5".

16. 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."

17. To date, over 20 days have passed since PECO filed its New Matter.

18. 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).

19. 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.

20. 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).

21. 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).

22. 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.
- 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 regarding the payment agreement.
- c. There is no factual dispute that (a) Complainant testified that she did not pay her PECO bill, (b) if a customer does not pay their bill, PECO can threaten termination.

23. Because no factual dispute exists regarding the prohibited payment agreement and PECO's threatened termination of the Complainant's service, 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 the Complaint 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**

TANINE BENNETT

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2546542

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: September 29, 2016

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TANINE BENNETT

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2016-2546542

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:

Tanine Bennett
407 Sansom Street
Upper Darby, PA 19082

Dated at Philadelphia, Pennsylvania, September 29, 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”

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Friday, May 20, 2016 4:40 PM
To: Lee, Shawane L:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL] PA PUC eServe Notice

Importance: High

Dear Shawane L Lee,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2016-2546542**.

You may view this document at

Formal Complaint

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

PECO ENERGY
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 Tanine BENNETT
Street/P.O. Box 407 Sansom St. Apt #
City Upper Merion State PA. Zip 19082
County Delaware

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

(215) 219-2127 (home) () (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 55108316053

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

RECEIVED
MAY 18 AM 10:41
PA. P.U.C.
SECRETARY'S BUREAU

3. Type of Utility Service

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

- | | |
|--|---|
| <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 am requesting another hearing for a payment arrangement and verify validity of ~~the~~ charges. PECO inaccurately stated I was on a CAPP agreement and I was NOT. During the first hearing I did not obtain counsel and was placed at an unfair advantage.

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, TANINE BENNETT, 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).

Tanine Bennett
(Signature of Complainant)

5/16/16
(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.

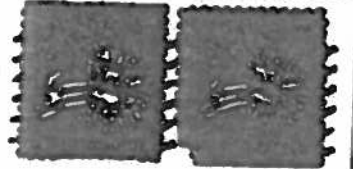
If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

PANINE HARRIS
407 SANDWICH ST.
UPPER DORRIS, PA. 19082

PHILADELPHIA PA 190

15 MAY 2015 PM 9 L



SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMM.
400 NORTH ST.
HARRISBURG, PA. 17120

17120-007555



EXHIBIT “2”

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Tuesday, May 24, 2016 12:01 PM
To: Lee, Shawane L:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL] PA PUC eServe Notice

Importance: High

Dear Shawane L Lee,

A(n) Formal Complaint has been served in this proceeding. This document is docketed as **C-2016-2547137**.

You may view this document at

Formal Complaint

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Tanine Harris
Street/P.O. Box 407 Sanson St. Apt #
City Upper Merion State PA Zip 19082
County Delaware

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

215 219-2627 (home) () (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 5568316053

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

RECEIVED

MAY 19 2016

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

3. Type of Utility Service

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input checked="" 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.
After I pay towards my bill, they continue to send me shut off notices.

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).

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I am requesting assistance with obtaining a payment arrangement.

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

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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.

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Verification:

Tanine Bennett, 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).

Tanine Bennett

(Signature of Complainant)

5/19/16

(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.

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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 “3”



**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

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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-2016-2546542
Description:	Tanine Bennett - PECO Energy Company Answer to Formal Complaint
Transmission Date:	6/2/2016 2:06:47 PM
Filed On:	6/2/2016 2:06:47 PM
eFiling Confirmation Number:	1636295

Uploaded File List

File Name	Document Class	Document Type
Tanine Bennett - Answer with New Matter.pdf	Communication	Answer to Formal Complaint



An Exelon Company

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

Direct Dial: 215-841-6841

June 2, 2016

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

RE: Tanine Bennett v. PECO Energy Company
PUC Docket No.: C-2016-2546542

Dear Ms. Chiavetta:

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

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

Very truly yours,

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

Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

cc: ***Scheduling Recommendation: Call of the Docket***

PENNSYLVANIA PUBLIC UTILITY COMMISSION

TANINE BENNETT

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2016-2546542

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed **NEW MATTER** of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to **NEW MATTER**, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

File with:

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

With a copy to:

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

Dated at Philadelphia, PA, June 2, 2016



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6841
Shawane.lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TANINE BENNETT
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2546542

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On May 20, 2016, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Tanine Bennett (hereafter "Complainant") in the above captioned docket.

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

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

In her Complaint, Complainant alleges that PECO Energy is threatening to terminate her service. The Complainant requests a hearing and challenges whether she is on a Customer Assistance Program (CAP) agreement. The Complainant requests a payment agreement and says that she had an unfair advantage at the previous PUC hearing because she had no attorney. PECO Energy avers that the Complainant is enrolled in the CAP program. Her entire balance is comprised of CAP arrears; therefore, she is not entitled to a PUC payment agreement and her complaint should be dismissed pursuant to 66 Pa.C.S. § 1405(c).

PECO Energy's records indicate that the Complainant has electric service at 407 Sansom Street, Upper Darby, PA 19082 under account number 55683-16053. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant enrolled in PECO's Customer Assistance Program ("CAP") on May 9, 2012 under Tier E1. The Complainant was reinstated to the CAP program on May 13, 2014 under Tier E1. The Complainant is scheduled to recertify in the program on May 13, 2017. The Complainant's entire balance is comprised of CAP arrears.

On April 28, 2016, PECO sent the Complainant a ten-day termination notice for a past due balance of \$5,189.56. The company made a 72 hour notice call on May 5, 2016 and May 11, 2016, advising that the Complainant's service would be terminated. The Complainant's service was not terminated as a result of her filing the present formal complaint.

The Complainant filed a previous formal complaint at docket number C-2015-2488809, stating that PECO did not give her correct information concerning her CAP account and did not correctly calculate her household income. She filed the complaint after PECO sent her a ten day termination notice and 72 hour termination for a past due balance of \$3,439.21. On November 9, 2015, Administrative Law Judge David A. Salapa issued an Initial Decision dismissing the Complainant's complaint. See *Tanina Bennett v. PECO*, Docket No. C-2015-2488809 (Initial Decision entered November 9, 2015), attached hereto as Exhibit "2". The Commission issued a Final Order adopting ALJ Salapa's Initial Decision on January 28, 2016.

The Complainant's balance is \$5,349.99. See Exhibit "1". The Complainant does not pay her bill on time or in full each month. Further, the Complainant misses monthly payments. The Complainant is actively enrolled in the CAP program. The Complainant is not entitled to a payment agreement on her balance pursuant to 66 Pa.C.S. § 1405(c) as the entire balance is comprised of CAP arrears.

5. Denied.

6. Admitted

7. Admitted.

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

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

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

NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY

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

1. The Complainant enrolled in PECO's Customer Assistance Program ("CAP") on May 9, 2012 under Tier E1.
2. The Complainant was reinstated to the CAP program on May 13, 2014 under Tier E1.
3. The Complainant is scheduled to recertify in the program on May 13, 2017.
4. The Complainant's balance is \$5,349.99
5. The Complainant's entire balance is comprised of CAP arrears.
6. The Complainant is actively enrolled in the CAP program.
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
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TANINE BENNETT
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2546542

VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.



Date: June 2, 2016

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TANINE BENNETT
Complainant

v.

PECO ENERGY COMPANY
Respondent

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DOCKET NO. C-2016-2546542

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:

Tanine Bennett
407 Sansom Street
Upper Darby, PA 19082

Dated at Philadelphia, Pennsylvania, June 2, 2016



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
Shawane.Lee@exeloncorp.com

EXHIBIT “4”

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tanine Harris

v.

PECO Energy Company

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C-2016-2547137

**ORDER GRANTING IN PART THE MOTION
FOR JUDGMENT ON THE PLEADINGS AND SUSTAINING
THE NOTICE FOR HEARING**

HISTORY OF THE PROCEEDING

On May 19, 2016, Tanine Harris (Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent or Company). Complainant alleged that the utility is threatening to shut off electric service or has already terminated the electric service. Complainant also requested a payment arrangement. As relief, Complainant requests assistance to obtain an affordable payment arrangement.

The Complaint was served on the Respondent electronically by the Commission's Secretary on May 24, 2016.¹

On June 2, 2016, the Respondent filed its Answer and New Matter, properly accompanied by a notice to plead. In its Answer, the Respondent averred that the Complainant has electric service at 407 Sansom Street, Upper Darby, Pennsylvania (service address) and was enrolled in the Company's Customer Assistance Program (CAP) on May 9, 2011. The Complainant was reinstated in the CAP program on May 13, 2014. The Complainant is

¹ PECO has signed a waiver of the Section 702 requirements for service of formal complaints, 66 Pa.C.S. 702, and has agreed to electronic service instead under the Commission's Waiver of 702 program. Service is listed in the Audit History of the case as having been effected on May 24, 2016.

scheduled to recertify in the CAP program on May 13, 2017. The Complainant's entire balance is comprised of CAP arrears.

In its Answer the Respondent stated that on April 28, 2016, the Company sent a ten-day termination notice for an outstanding balance due in the amount of \$5,189.56. The Company made a 72-hour notice phone call on May 5, 2016, and again on May 11, 2016, to inform the Complainant about approaching termination of service. The Complainant's service was not terminated due to the filing of the instant formal Complaint.

In New Matter, the Respondent alleged that the Complainant was enrolled in its CAP when she resided at the service address. Complainant is currently enrolled in CAP and is scheduled to recertify on May 13, 2017. Complainant's entire account arrearage is CAP arrears. PECO cites Section 1405(c) of the Public Utility Code (Code), 66 Pa.C.S. § 1405(c) which states, "Customer assistance program rates shall be timely paid and shall not be the subject of payment arrangements negotiated or approved by the commission." Therefore, the Respondent averred, "the PUC has no jurisdiction to give the Complainant a payment arrangement." PECO New Matter at 5, ¶ 8. The Respondent contended that the Complainant's Complaint should be dismissed.

On June 21, 2016, the Respondent filed its Motion for Judgment on the Pleadings (MJOP), which was properly accompanied by a notice to plead. The Respondent stated that 20 days have passed since PECO filed its New Matter and the Company has not been served with a response to it. Consequently, pursuant to 52 Pa.Code § 5.63(b), Respondent requested that the facts in its New Matter be deemed admitted.

The Respondent contended that the undisputed facts are: (a) Complainant is enrolled in CAP; and (b) the entire balance due consists of CAP arrears. A payment arrangement as a remedy to the Complaint sought by the Complainant under the Public Utility Code cannot be granted by the Commission. Therefore, the Respondent requests that the Complaint be dismissed.

By Hearing Notice issued June 17, 2016, the Complaint along with the MJOP was assigned to the undersigned Administrative Law Judge (ALJ).

Pursuant to 52 Pa.Code § 5.102(b) the Complainant's answer to the MJOP was due on July 11, 2016. The Complainant has filed no responsive pleadings. The matter is ripe for ruling.

DISCUSSION

The Complainant requests a payment arrangement. The Complainant also indicates that the utility is threatening to shut off her electric service or has already terminated his service. PECO moves to dismiss the Complaint because the Commission cannot grant a payment arrangement on CAP arrears.

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.102 govern motions for judgment on the pleadings. The Commission will grant a motion for judgment on the pleadings only if the pleadings show there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law. 52 Pa.Code § 5.102(d)(1). Only in a case where the moving party's right to prevail is so clear that a trial would be a fruitless exercise should judgment on the pleadings be granted. *Williams v. Lewis*, 466 A.2d 682 (Pa.Super. 1983); *Service Employees International Union, Local 69, AFL-CIO v. The Peoples Natural Gas Company, d/b/a Dominion Peoples*, Docket No. C-20028539 (Order entered December 19, 2003). In ruling on a motion for judgment on the pleadings, the tribunal must consider as true all well-pleaded averments of the party against whom the motion is directed and consider against him only those facts admitted. Judgment on the pleadings should be entered only when the case is clear and free from doubt. *Reuben v. O'Brien*, 496 A.2d 913 (Pa.Super 1985).

The facts alleged in the Complaint are that the Respondent is threatening to terminate service or has already terminated service to the Complainant and the Complainant requests a payment arrangement. The facts alleged and deemed to be admitted in the Respondent's New Matter are: (1) the Complainant was enrolled in the CAP program at the

service address; (2) the Complainant is scheduled to recertify for CAP on May 13, 2017; (3) the Complainant is presently enrolled in the CAP; and (4) the Complainant's entire account arrearage is CAP arrears. These facts are deemed admitted. 52 Pa.Code § 5.63(b).

1. Payment Arrangement

The Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401-1418, as amended by Act 155 of 2014, reenacting the Responsible Utility Customer Protection Act, applies to this proceeding. Although the Commission has the authority to establish payment arrangements, this authority is limited by the strict guidelines set forth in the statute. 66 Pa.C.S. §§ 1401-1418.

The Commission's statute states at Section 1405(c) of the Code, "Customer assistance program rates shall be timely paid and shall not be the subject of payment arrangements negotiated or approved by the commission." 66 Pa.C.S. § 1405(c). Pursuant to Section 1405(c) of the Code, the Commission is precluded from establishing a payment arrangement for customers participating in CAP.

It has been established that the Complainant is participating in CAP and the entire balance due consists of CAP arrears. It has also been established that the Complainant's entire arrearage as of the filing of the Answer and New Matter is in the amount of \$5,349.99 is comprised of CAP arrears.

The Complainant requested as relief to his Complaint a payment arrangement from the Commission. Pursuant to Section 1405(c) of the Code, the Commission is precluded from supplying the relief requested by the Complainant. The Respondent is entitled to judgment as a matter of law on the issue of a possible payment arrangement.

Therefore, Respondent's motion for judgment on the pleadings is granted insofar as it seeks to dismiss the request for a payment arrangement.

2. Termination of Service

Complainant alleged as rationale for the Complaint that the Respondent threatened to terminate or has already terminated Complainant's electric service. Section 1501 of the Code states, in relevant part, "Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service ... necessary and proper for the accommodation, convenience, and safety of its patrons, employees, and the public." 66 Pa.C.S. § 1501. The allegation regarding termination of service is viable to determine whether Respondent acted reasonably or adequately in providing service to the Complainant under Section 1501 of the Code.

This issue was not addressed in the Respondent's New Matter and not supported in the Motion for Judgment on the Pleadings. Consequently, the Complainant will be given an opportunity to pursue this claim at an evidentiary hearing.

3. Disposition

The Respondent's motion for judgment on the pleadings is granted regarding the dismissal of the request for a payment arrangement, but is denied regarding the dismissal of the Complaint in its entirety.

This matter will be set for hearing on the sole issue of whether PECO should have threatened to terminate or should have completed termination of electric service at 407 Sansom Street, Upper Darby, Pennsylvania. The Complainant is cautioned that no evidence regarding his request for a payment arrangement will be entertained at the evidentiary hearing.

In the meantime, if Complainant should wish to end this litigation prior to the evidentiary hearing, she may do so by either: (a) giving PECO permission to file a certificate of satisfaction, which will end the proceeding; or (b) filing a written petition requesting leave to withdraw her Complaint and setting forth the reasons for withdrawal. This petition must be filed

with the Commission's Secretary, served upon PECO counsel and upon the undersigned presiding officer. 52 Pa.Code § 5.94.

The parties are encouraged to seek an amicable resolution of this matter.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Judgment on the Pleadings filed by PECO Energy Company in the case captioned Tanine Harris v. PECO Energy Company, at Docket No. C-2016-2547137, is granted insofar as it seeks to dismiss the count seeking a payment arrangement.
2. That the Motion for Judgment on the Pleadings filed by PECO Energy Company in the case captioned Tanine Harris v. PECO Energy Company, at Docket No. C-2016-2547137, is denied insofar as it seeks to dismiss the Complaint.
3. That this matter remains set for hearing.

Dated: July 14, 2016

Angela T. Jones
Administrative Law Judge

Harris v. PECO
Docket No. C-2016-2547137

SERVICE LIST

TANINE HARRIS
407 SANSOM STREET
UPPER DARBY PA 19082
215.219.2627

SHAWANE L LEE ESQUIRE
EXELON BUSINESS SERVICES COMPAN LLC
LEGAL DEPT S23-1
2301 MARKET STREET
PHILADELPHIA PA 19103-1338
215.841.6841
Accepts E-service
Representing PECO Energy Company

EXHIBIT “5”

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

----- X
Tanine Harris v. PECO
Energy Company.

Docket No.
C-2016-2547137

Requests Payment Arrangement.
Initial Hearing.

----- X

Pages 1 through 32

Jefferson Hearing Room
State Office Building
801 Market Street
Philadelphia, Pennsylvania

Friday, August 5, 2016

Met, pursuant to notice, at 11:03 a.m.

BEFORE:

ANGELA T. JONES, Administrative Law Judge

APPEARANCES:

SHAWANE S. LEE, Esquire
S-23
2301 Market Street
Philadelphia, Pennsylvania 19103
(For PECO Energy)

TANINE HARRIS
407 Sansom Street
Upper Darby, Pennsylvania 19082
(Pro Se)

Commonwealth Reporting Company, Inc.
700 Lisburn Road
Camp Hill, Pennsylvania 17011

PEC RG
EXHIB - 5

WITNESS INDEX

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Tanine Harris	--	--	--	--

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FORM 1

EXHIBIT INDEX

NUMBER

FOR IDENTIFICATION

IN EVIDENCE

(None)

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FORM 1

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE ANGELA T. JONES: We
3 are on the record. This is the time and place for
4 the matter of Tanine Harris versus PECO Energy
5 Company at Docket Number C-2016-2547137.

6 I am Administrative Law Judge Angela T. Jones
7 appointed by the Commission to preside over this
8 matter.

9 I note for the record the appearance of Ms.
10 Shawane Lee, Esquire representing PECO Energy
11 Company. Ms. Lee is accompanied by one witness. I
12 note for the record the appearance of Ms. Tanine
13 Harris. She is representing herself.

14 I note for the record that we scheduled this
15 case as part of what we call, call of the docket.
16 There was a previous case prior to this case because
17 that person came in prior to Ms. Harris. So we took
18 the cases in the order that the complainants
19 appeared. That is why this case is now being heard
20 something after 11 o'clock when scheduled for 9:30.

21 With all that being said, are there any
22 preliminary matters that the parties wish for me to
23 hear at this time?

24 MS. HARRIS: Yes.

25 JUDGE JONES: Yes, Ms. Harris.

1 on child support, income letter, her submitting
2 documentation.

3 It's PECO's position that we're here on
4 termination, recent termination when she filed
5 complaint. So we're going over old territory here.
6 I could read you Judge Salapa's findings of fact if
7 it helps.

8 JUDGE JONES: At this point I'm not ready to
9 hear Judge Salapa's findings of fact. And I note
10 that that was part of your motion on the complaint,
11 so I do have Judge Salapa's initial decision.

12 What I'm trying to get at is the
13 justification for the threat of termination of
14 service. If there is a threat for termination of
15 service via nonpayment of bills and there is an
16 agreement, then that's one thing. If there is not
17 an agreement, then that's a different thing.

18 So I'm trying to decide whether PECO was
19 justified to threaten termination of service based
20 on the premise that this complainant has given me is
21 nonpayment of bills.

22 So I guess right now you're objection is
23 overruled. I will pursue my line of questioning,
24 but that's what I'm trying to get at.

25 And Ms. Harris, let me withdraw my question

1 pending for you and ask, were you paying your bills?

2 THE WITNESS: No, I was not paying the bills
3 regularly, no, I was not.

4 JUDGE JONES: Okay. All right. So you agree
5 that you were not paying your bills?

6 THE WITNESS: Right.

7 JUDGE JONES: Okay.

8 THE WITNESS: So what they told me was --
9 because at the time I wasn't working and then my
10 husband was just coming home, it was a catastrophe
11 at home. So they told me to apply for LI-HEAP.

12 JUDGE JONES: I don't need to know that.

13 MS. HARRIS: Okay.

14 JUDGE JONES: If they threatened termination
15 of service, and you agree that you weren't paying
16 your bills, and through your testimony you're
17 telling me that they threatened termination of
18 service because of nonpayment of bills, then there
19 is no issue.

20 THE WITNESS: I couldn't pay them what I
21 didn't have.

22 JUDGE JONES: Okay. But there's still no
23 issue. You agree that you weren't paying. They
24 said we're going to terminate your service because
25 you're not paying.

1 THE WITNESS: Correct.

2 JUDGE JONES: So they're allowed to do that.
3 There is no violation as far as I can see from what
4 you've told me of the Commission's regulations or
5 the law because you said you weren't paying.

6 THE WITNESS: Yeah, I didn't have anything to
7 pay them.

8 JUDGE JONES: Okay. So they're allowed to
9 threaten service. If they've given you service and
10 you haven't paid, they're allowed to threaten
11 termination if you haven't paid. So there's no
12 issue. That's what I'm telling you.

13 THE WITNESS: Okay.

14 JUDGE JONES: Is there anything else you want
15 to tell me about your complaint regarding
16 threatening termination?

17 THE WITNESS: No, that was my issue.

18 JUDGE JONES: Okay. Ms. Lee. The witness is
19 available for cross-examination.

20 MS. LEE: Your Honor, I have no questions.

21 JUDGE JONES: Okay. Ms. Harris, you can step
22 down.

23 (Witness excused.)

24 JUDGE JONES: Ms. Harris, I assume that since
25 you came by yourself, you have no other witness to

1 present for your case?

2 MS. HARRIS: No.

3 JUDGE JONES: Does that end your case then as
4 far as your presentation?

5 MS. HARRIS: Yes.

6 JUDGE JONES: Ms. Lee, I'm ready for
7 presentation of PECO.

8 MS. LEE: Your Honor, as you just stated, she
9 testified that --

10 JUDGE JONES: You choose not to present any
11 witness?

12 MS. LEE: Correct, Your Honor.

13 JUDGE JONES: You rest?

14 MS. LEE: Yes, Your Honor, based upon the
15 complainant's testimony. Thank you.

16 JUDGE JONES: You're welcome.

17 Ms. Harris, we have come to the end of your
18 evidenciary hearing. I'd like to, as you probably
19 are aware, I like to give people information so that
20 they're not caught off guard. So I want to tell you
21 what's going to happen next.

22 I'm going to adjourn. That's the end of the
23 testimony for your case. This lady over here to my
24 right, your left, has been typing everything that's
25 been said on the record. That's needed for me to