

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

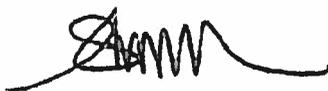
RE: Louis Gibson v. PECO Energy Company
PUC Docket No.: C-2016-2563331

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**

LOUIS GIBSON

Complainant

v.

PECO ENERGY COMPANY

Respondent

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:
:

DOCKET NO. C-2016-2563331

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 Motion for Judgment on the Pleadings 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 Motion for Judgment on the Pleadings, 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, September 29, 2016.



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUIS GIBSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2016-2563331
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**RESPONDENT, PECO ENERGY COMPANY'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Respondent, PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

I. PROCEDURAL HISTORY:

1. On or about August 20, 2016, Complainant, Louis Gibson filed a Formal Complaint with the Pennsylvania Public Utility Commission ("PUC").
2. On August 24, 2016, PECO Energy was served the above-mentioned Formal Complaint. A copy of Complainant's Formal Complaint is attached hereto as (Exhibit 1).
3. On September 9, 2016, PECO Energy filed an Answer & New Matter to the Formal Complaint. A copy of PECO Energy's Answer & New Matter is attached hereto as (Exhibit 2).
4. Pursuant to 52 Pa. Code § 5.63, Complainant had twenty days from the filing date of PECO's New Matter on September 9, 2016, to respond.

5. To date, twenty (20) days has passed since PECO filed its New Matter on September 9, 2016. As Complainant has failed to timely respond to the New Matter, PECO is filing this Motion seeking Judgment on the Pleadings.

II. RELEVANT FACTS:

6. In his Complaint, the Complainant alleges that PECO is threatening to terminate or has already terminated his service.

7. The Complainant alleges that he has an account with PECO for commercial electric service under account number 09428-76075.

8. The account for electric commercial service is for the ratepayer The Gibson Entertainment Group, LLC.

9. The Complainant requests that the Public Utility Commission (“PUC”) have PECO Energy honor a payment agreement for this account.

III. LEGAL ARGUMENT

A. Standard of Review

10. 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.

11. 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.

12. 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).

13. 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).

B. The Complainant's Complaint should be dismissed because The Gibson Entertainment Group is a commercial customer; and the Complainant is required to be represented by counsel.

14. The Complainant has brought this case on behalf of The Gibson Entertainment Group who is a commercial customer receiving commercial service at the address at issue.

15. The Gibson Entertainment Group was incorporated as a Limited Liability Corporation in the Commonwealth of Pennsylvania on March 19, 2012. See Pennsylvania Department of State Corporation Search, attached hereto as (Exhibit 3).

16. As a commercial customer and corporation, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.

17. The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney

in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

18. On March 12, 2014, PECO Energy filed an Answer with New Matter to the Complainant's Complaint. See (Exhibit 2).

19. Once PECO Energy filed the Answer with New Matter the current PUC matter became adversarial. See 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. I. Berman and Cross, Inc.

20. To date, the Complainant Corporation has not had counsel enter an appearance for this matter.

21. Accordingly, PECO Energy requests that the Commission dismiss the Complainant's Complaint for failure to be represented by counsel.

The Complainant's portion of the Complaint, requesting a payment agreement should be dismissed because it is a commercial customer and the PUC cannot issue payment agreements to commercial customers.

22. In the Formal Complaint, the Complainant is requesting that the PUC order PECO Energy to honor a payment agreement. See (Exhibit 1).

23. The Complainant checks the box that states "I would like a payment agreement." See (Exhibit 1).

24. It is well-established law that commercial customers are not entitled to the payment agreement provisions codified under of 66 Pa.C.S §1405 and 52 Pa. Code.Chp 56.

25. While the Commission is authorized under the Public Utility Code to establish payment arrangements that provide for the eventual payment of a residential customer's entire outstanding balance, Mill v. Pa. Public Utility Commission, 67 Pa. Commonwealth Ct.

597, 602, n. 4, 447 A.2d. 1100 (1982), neither the Commission's regulations nor the Public Utility Code establishes a similar right for a commercial or industrial customer.

26. In this case, the Complainant is a corporation and commercial customer, requesting a payment agreement on an outstanding balance.

27. The Complainant's request for a payment agreement should be dismissed as the Complainant is a commercial customer and the PUC has no jurisdiction to order PECO Energy to give the Complainant a payment agreement.

28. PECO Energy avers that this Honorable Commission should decline to offer the Complainant a payment agreement, and dismiss that portion of the Complainant's Complaint.

IV. CONCLUSION

29. PECO Energy 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).

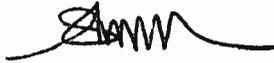
30. The Complainant has had no attorney enter an appearance; and therefore, the Complaint should be dismissed.

31. The Complainant's request for a payment agreement should be dismissed as a matter of law.

32. 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 Complainant's Complaint because Complainant is not legally entitled to the relief requested.

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**

LOUIS GIBSON

Complainant

v.

PECO ENERGY COMPANY

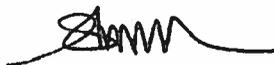
Respondent

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DOCKET NO. C-2016-2563331

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**

LOUIS GIBSON

Complainant

v.

PECO ENERGY COMPANY

Respondent

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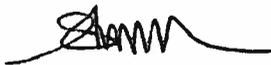
DOCKET NO. C-2016-2563331

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:

Louis Gibson
63 Llangollen Lane
Newtown Square, PA 19073

Dated at Philadelphia, Pennsylvania, September 29, 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 “1”

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Wednesday, August 24, 2016 2:01 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-2016-2563331**. 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

PECO Refusing to Honor \$300 Monthly
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

PUC Agreement!

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 Louis Gibson

Street/P.O. Box 103 Llangollen Lane Apt #

City Newtown Square State PA Zip 19073

County Delaware

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

() (home) () (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 0942976075

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 RECEIVED

City State Zip AUG 20 2016

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

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

PECO Energy

3 different Shut OFF Notices w/ diff amounts
VERY STRESSFUL

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

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. I had a payment agreement from PUC that PECO agreed to reinstate on 8/1

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.

If I am hurt I will sue all responsible

This is NOT Fair
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).

Peeco through PUC instituted an agreement of \$300 total/month. It was implemented late due to I only get paid on 12/1

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 disabled from military service
I have a 100% impairment rating
My Dr. filled out a life time stop
shot off medical Notice. I rely on
electricity for life. I would like
Peco to honor PUC agreement
of \$ 300/months with nothing
extra & without fail This stresses
too much! Threatens my life & health

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

several times

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.

They say they'll honor
PUC agreement one day &
the next time Jim threatened w/ shut off
Back & Push threaten my health & life
& create stress

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

No ONE Would take my Informal Complaint!

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: *SO I'm sending this by certified mail w/ signature*

I, Louis Gibson, 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).

Louis Gibson
(Signature of Complainant)

8/16/16
(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.



DEPARTMENT OF VETERANS AFFAIRS

Regional Office
9427 Garners Ferry Rd
Columbia SC 29228

November 16, 2011

In Reply Refer To: NCC319PAS

GIBSON L

Dear Mr. Gibson:

We are giving you this certificate so you may receive commissary store and exchange privileges from the Armed Forces.

This is to certify that Louis Gibson is an honorably discharged Veteran of the Marines and receives benefits at the 100% rate. The Veteran has not been scheduled for future examinations.

Do You Have Questions Or Need Assistance?

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833.
Use the Internet	Send electronic inquiries through the Internet at http://iris.va.gov .
Write	Put your full name and VA file number on the letter. Please send all correspondence to the address below: Philadelphia Regional Office P.O. Box 8079 5000 Wissahickon Avenue Philadelphia, PA 19101 FAX: (215) 381-3549

Sincerely yours,

Wayne R. Oswald

Wayne R. Oswald
National Call Center Manager



**Department of
Veterans Affairs**

20 WASHINGTON PL.
NEWARK NJ 07102



March 25, 2016

Veteran's Name:
Gibson, Louis

LOUIS GIBSON

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-3439, and is considered an official record of your VA entitlement.

--America is Grateful to You for Your Service--

Our records contain the following information:

Personal Claim Information:

Your VA claim number is:
You are the Veteran

Military Information:

Your character(s) of discharge and service date(s) include:

Marine Corps, Honorable, 03-Jan-2005 - 31-May-2006

(You may have additional periods of service not listed above)

VA Benefits Information:

Service-connected disability: Yes

Your combined service-connected evaluation is: 100 PERCENT.

The effective date of the last change to your current award was: 01-DEC-2014

Your current monthly award amount is: \$7,441.54

Are you considered to be totally and permanently disabled due to your service-connected disabilities: Yes

Have you received a Specially Adapted Housing (SAH) and/or Special Home Adaptation (SHA) grant: Yes

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/state/va.htm>.

Need Additional Information or Verification?

If you have any questions about this letter or need additional verification of VA benefits, please call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal relay number is 711. Send electronic inquiries through the Internet at <https://vha.va.gov>.

Sincerely yours,

**TEN DAY SHUT OFF NOTICE
(AVISO DE SUSPENSION DE SERVICIO EN 10 DIAS)**

Account Number: 0942370075
For Service To: 63 LLANGOLLEN LA
Date Prepared: August 08, 2016

Past Due Amt: \$329.48
New Billing: \$302.19
Total Amount: \$631.67

Your Electric/Gas Service May Be Shut Off

Because your bill is past due, we will shut off the service to 63 LLANGOLLEN LA on or after 8:00 a.m. on August 22, 2016. If this date is a Friday, the service shut off will occur on, or soon after, the next business day.

We will NOT shut off your electric/gas service if you do ONE of the following:

- Pay \$329.48 in full before August 22, 2016, this includes any amount you owe on your payment plan. This notice is effective for 60 days.
- Pay the catch up amount on your agreement if it has defaulted. Call 1-800-460-1533 for the amount.
- Show us a paid receipt for the past due amount.
- You may be eligible for a payment agreement or special assistance programs. Call 1-800-460-1533 right away if you dispute this bill or to provide us with household income and occupant information to determine your eligibility.
- To talk about your bill, please call our office at 1-800-460-1533.

WE MUST RECEIVE YOUR PAYMENT BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.

If we shut off your electric/gas service, you may have to pay all of the following before we can turn service on:

- Past Due Amount of **\$329.48**
- Deposit Past Due Amount of **\$658.96**
- Agreement Unbilled Balance **\$1,929.23**
- Total **\$2,917.67**

*If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**If your service is shut off, you may have to make substantial payments in order to have your service restored. In addition to any balance owed, you will have to pay a Reconnection Charge of between \$20.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is seriously ill. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician, nurse practitioner, or physician assistant certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
- 'AND'**
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Attention! Call us on message may be important. If called we will extend, favor do them a 1-800-460-1533.

Send payment in the enclosed envelope or pay your bill at an authorized payment location or PECO Energy's Main Office (20th & Market Streets Philadelphia). To pay by credit card or check by phone, call 1-877-420-0094. The service provider will charge a convenience fee of \$2.95.

See other side for more information

When paying in person, please bring the entire bill



0112

TEN DAY SHUT OFF NOTICE (AVISO DE SUSPENSION DE SERVICIO EN 10 DIAS)

Account Number: 6942876973
For Service To: 63 LLANGOLLEN LA
Date Prepared: August 16, 2016

Past Due Amt: \$2,757.00
New Billing: \$0.00
Total Amount: \$2,757.00

Your Electric/Gas Service May Be Shut Off

Because your bill is past due, we will shut off the service to 63 LLANGOLLEN LA on or after 8:00 a.m. on August 29, 2016. If this date is a Friday, the service shut off will occur on, or soon after, the next business day.

We will NOT shut off your electric/gas service if you do ONE of the following:

- Pay \$2,757.00 in full before August 29, 2016, this includes any amount you owe on your payment plan. This notice is effective for 60 days.
- Pay the catch up amount on your agreement if it has defaulted. Call 1-888-480-1533 for the amount.
- Show us a paid receipt for the past due amount.
- You may be eligible for a payment agreement or special assistance programs. Call 1-888-480-1533 right away if you dispute this bill or to provide us with household income and occupant information to determine your eligibility.
- To talk about your bill, please call our office at 1-888-480-1533.

WE MUST RECEIVE YOUR PAYMENT BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.

If we shut off your electric/gas service, you may have to pay all of the following before we can turn service on:

- Past Due Amount of **\$2,228.21**
- Deposit Past Due Amount of **\$500.00**
- Agreement Unbilled Balance **20.00**
- Total **\$2,748.21**

*If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**If your service is shut off, you may have to make substantial payments in order to have your service restored. In addition to any balance owed, you will have to pay a Reconnection Charge of between \$20.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is seriously ill. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician, nurse practitioner, or physician assistant certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
'AND'
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Atencion! Este es un mensaje muy importante. Si usted no lo entiende, favor de llamar a 1-888-480-1533.

Send payment in the enclosed envelope or pay your bill at an authorized payment location or PECO Energy's Main Office (316 & Market Streets Philadelphia). To pay by credit card or check by phone, call 1-877-622-6264. The service provider will charge a convenience fee of \$2.25.

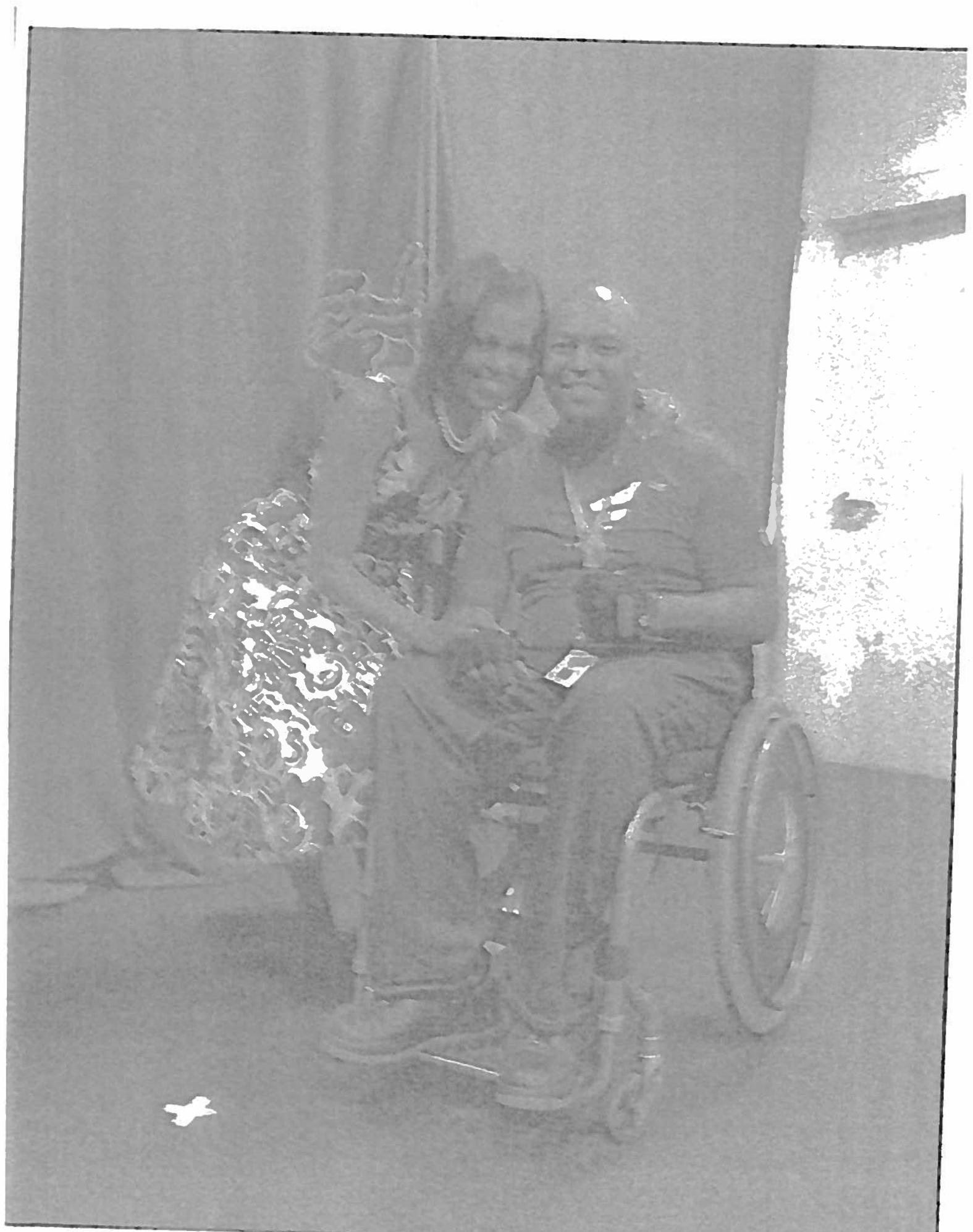


EXHIBIT “2”



PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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

If your filing ~~exceeds 200 pages~~, you are required to submit ~~one~~ paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Please print a copy of this page and attach it to the paper copy of your filing as the first page.

eFiling Confirmation	
Docket Number:	C-2016-2563331
Description:	Louis Gibson - PECO Energy Company Answer to Formal Complaint
Transmission Date:	9/9/2016 9:25:49 AM
Filed On:	9/9/2016 9:25:49 AM
eFiling Confirmation Number:	1649636

Uploaded File List

File Name	Document Class	Document Type
Louis Gibson - Answer.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
EXHIBIT 2



An Exelon Company

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

Direct Dial: 215-841-6841

September 9, 2016

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

RE: Louis Gibson v. PECO Energy Company
PUC Docket No.: C-2016-2563331

Dear Ms. Chiavetta:

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

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

Very truly yours,

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

Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

cc: *Scheduling Recommendation: Call of the Docket*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUIS GIBSON

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2016-2563331

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On August 24, 2016, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Louis Gibson (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.

Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint. In his Complaint, Complainant alleges that PECO is threatening to terminate or has already terminated his service. Complainant states that he had a PUC payment agreement where he paid \$300.00 per month that PECO agreed to reinstate on August 1st. The Complainant states that he is disabled and relies on electricity for life. The Complainant requests that PECO honor the PUC agreement of \$300.00 per month with nothing extra. PECO Energy avers that the Complainant's request for a payment agreement be dismissed pursuant to 66 Pa. C.S. §1405(d).

PECO Energy's records reveal that the Complainant has an account for electric service in the name of The Gibson Entertainment Firm, LLC at 63 Llangollen Lane, Newtown Square, PA under account number 09428-76075. See Account Activity Statement, attached hereto as Exhibit "1".

The Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003439085, requesting a payment agreement on his \$1,992.44 balance. See Case Details Report #003439085, attached hereto as Exhibit "2". On May 17, 2016, the BCS issued a Decision Report, granting a payment agreement on the Complainant's \$1,992.44 balance. Under the agreement, the Complainant was to pay a monthly budget bill of \$265.00 plus \$34.00 per month in arrears. See BCS Decision Report #003439085, attached hereto as Exhibit "3". The agreement defaulted on August 15, 2016. See Exhibit "1".

The Complainant's service is currently on as he submitted a medical certificate on July 8, 2016.

The Complainant's current balance is \$3,055.09. See Exhibit "1". The Complainant is not entitled to a payment agreement on his balance pursuant to 66 Pa. C.S. §1405(d) as he has defaulted on a previous PUC payment agreement issued at case number 003439085.

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

1. The Complainant is a limited liability corporation registered with the Pennsylvania Department of State on March 19, 2012. See Department of State Documentation, attached hereto as Exhibit "4".
2. As a corporation, the Complainant is required to be represented by counsel in adversarial proceedings before the Commission. The proceedings become adversarial at the time when respondent files its Answer.
3. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; In Re: Checker Cab, 49 Pa. PUC 159, 160 (1975), Moore v. J. Berman and Cross, Inc., Pa. PUC 427, 428 (1975).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter.

Respectfully Submitted,



**Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(215) 841-6841
Fax: 215.568.3389**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUIS GIBSON

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2016-2563331

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 9, 2016



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUIS GIBSON

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2016-2563331

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:

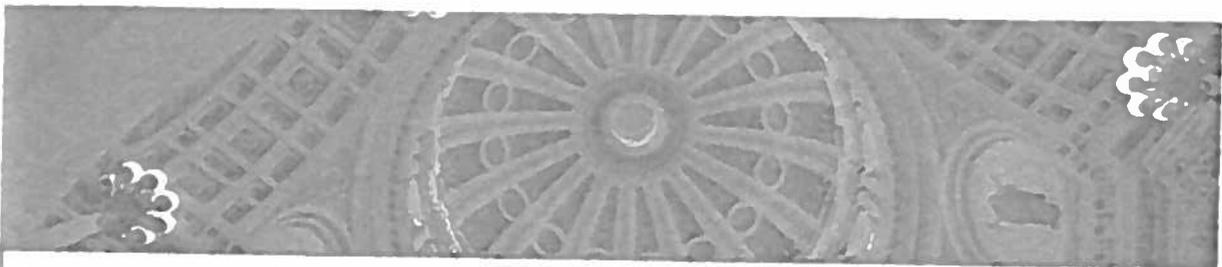
**Louis Gibson
63 Llangollen Lane
Newtown Square, PA 19073**

Dated at Philadelphia, Pennsylvania, September 9, 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 “3”



Corporations ▾ Search Business Entities (corpsearch.aspx) Search UCC Transactions (uccsearch.aspx) Forms ▾
 Contact Corporations (<http://www.dca.pa.gov/BusinessCharities/Pages/default.aspx>) Login (./Account/ValidateUser)
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Order Business Documents

Date: 03/08/2016

Business Name History

Name	Name Type
The Gibson Entertainment Firm, LLC	Current Name

Business Entity Details

Name	The Gibson Entertainment Firm, LLC
Entity Number	4003443
Entity Type	Limited Liability Company
Status	Active
Citizenship	Domestic
Entity Creation Date	03/19/2012
Effective Date	03/19/2012
State Of Inc	PA
Address	473 King of Prussia Road Radnor PA 19087 DELAWARE

Officers

Filed Documents

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