



An Exelon Company

Legal Department
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November 7, 2017

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

**RE: Danann Jones v. PECO Energy Company
PUC Docket No. F-2017-2629446**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy's Motion to File Answer to Complainant's Formal Complaint Nunc Pro Tunc* 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANANN JONES	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2017-2629446
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**PECO ENERGY'S MOTION TO FILE ANSWER TO COMPLAINANT'S
FORMAL COMPLAINT NUNC PRO TUNC**

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §1.2 respectfully petitions this Honorable Commission to accept the attached Answer to Complainant's Formal Complaint for filing *nunc pro tunc*.

1. On October 17, 2017, the Public Utility Commission served PECO Energy with a formal complaint filed by the Complainant, Danann Jones.
2. Pursuant to 52 Pa. Code § 5.61(a), PECO's Answer to the Complainant's formal complaint was due for filing on or before November 6, 2017, when PECO was served with notice of the complaint.
3. Due to an administrative oversight, PECO is filing the Answer one (1) day beyond the notice of service of the complaint.
4. PECO respectfully requests that this Honorable Commission accept the filing of PECO Energy's Answer *nunc pro tunc*.
5. 52 Pa. Code § 1.1 et seq. governs the rules of administrative practice and procedure before the Public Utility Commission.

6. 52 Pa. Code § 1.2 states that the procedural rules of Title 52 shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The section further states that the "presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties."

7. Furthermore, the Pennsylvania Commonwealth Court has held that the PUC has authority to waive procedural defects when they do not affect the substantive rights of the parties. Info. Connections, Inc. v. Pennsylvania Public Utility Commission, 630 A.2d 498 (Pa. Cmwlth. 1993).

8. PECO Energy respectfully submits that the late filing of its answer was due to an administrative oversight.

9. More importantly, the acceptance of its Answer *nunc pro tunc* does not affect the substantive rights of the Complainant in this matter.

10. Further, the hearing in this matter has not been scheduled; therefore, there is no delay in the adjudication of this case.

11. Accordingly, PECO Energy respectfully requests that PECO's Answer be accepted for filing *nunc pro tunc* so that this matter can be decided on the merits.

WHEREFORE, PECO Energy Company respectfully requests that PECO's
Response to Complainant's Answer be accepted for filing *nunc pro tunc*.

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

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Complainant	:	
	:	
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VERIFICATION

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



Date: November 7, 2017

Shawane L. Lee

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	:	
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CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Motion to File Answer to Complainant's Formal Complaint *Nunc Pro Tunc* in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Danann Jones
15 Garrett Road, Apartment 308
Upper Darby, PA 19082

November 7, 2017



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

ATTACHMENT 1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On October 17, 2017, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Danann Jones (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 Formal Complaint, the Complainant states that her bills are too high. PECO Energy avers that the company investigated the Complainant's high bill concerns and they are unfounded. Specifically, PECO Energy's records reveal the following:

The Complainant established electric service at 15 Garrett Road, Apartment 308, Upper Darby, PA 19082 under account number 37136-00164. See Account Activity Statement, attached hereto s Exhibit "1".

On June 14, 2017, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS) at case number 003535521, disputing her bill. The Complainant stated that her meter had been replaced in May 2017 and had not been working since September 2016. The Complainant stated that her bill went from \$53.00 to \$111.00 per month. See Case Details Report #003535521, attached hereto as Exhibit “2”.

On July 13, 2017, a PECO technician went to the Complainant’s property for a field investigation. The technician performed an appliance analysis, which justified the Complainant’s potential to use the service. The technician verified the electric meter and obtained an actual reading, which verified the last billed reading to be correct. The technician dropped load and secured an idle disc, which verified no grounds, dissipation, or foreign wiring existed at the time of the field visit. A passing load test of the electric meter was performed, which confirmed accuracy of meter. There was no meter mix up. The technician determined the Complainant has been properly billed for her usage. On September 25, 2017, the BCS issued a decision report, stating the Complainant’s bills are correct. See BCS Decision Report #00353552, attached hereto as Exhibit “3”.

The Complainant’s current balance is \$858.72. See Account Activity Statement, attached hereto as Exhibit “1”. PECO Energy avers that the company investigated the Complainant’s high bill concerns during the July 13, 2017, field visit. The bills are correct and there are no high bill issues. By way of further response, PECO Energy avers that the Complainant is not entitled to a payment agreement pursuant to 66 Pa. C.S. §1405(c) as her balance is comprised of CAP arrears.

5. Denied.

6. Admitted.

7. Denied.

8. Denied. 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.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
Tel: (215) 841-6841
Fax: (215) 568-3389

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15 Garrett Road, Apartment 308
Upper Darby, PA 19082

Dated at Philadelphia, Pennsylvania, November 7, 2017.



Shawane L. Lee
Counsel for PECO Energy Company
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