

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

Direct Dial: 215.841.6841

May 30, 2018

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

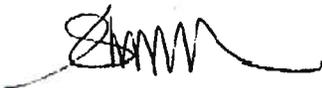
RE: Broad Building, Inc. v. PECO Energy Company
Docket No. C-2018-3000863

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy'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,



Shawane Lee
Counsel for PECO Energy Company

SL/alb
Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BROAD BUILDING, INC.	:	
Complainant	:	
v.	:	DOCKET NO. C-2018-3000863
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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, May 30, 2018



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**

BROAD BUILDING, INC.	:	
Complainant	:	
v.	:	DOCKET NO. C-2018-3000863
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint for failure of the Complainant to have counsel enter an appearance and states the following:

I. PROCEDURAL HISTORY:

1. On or about March 28, 2018, Complainant, Broad Building Incorporated, filed a Formal Complaint with the Pennsylvania Public Utility Commission (“PUC”) against PECO.

2. On April 2, 2018, the above-mentioned Formal Complaint was served on PECO. A copy of Complainant’s Formal Complaint is attached hereto as (Exhibit 1).

3. On April 23, 2018, PECO filed an Answer and New Matter to the Formal Complaint. A copy of PECO’s Answer and New Matter is attached hereto as (Exhibit 2).

4. On May 25, 2018, Administrative Law Judge Marta Guhl issued a Hearing Notice, which specifically states “All others (corporation, partnership, association...) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.”

5. The hearing for this matter is scheduled to take place on June 25, 2018.

II. RELEVANT FACTS:

6. In the Complaint, the Complainant states that it owns a three story building at 1433 Broad Street, Philadelphia. The Complainant states that PECO wants to inspect the meters and since the Complainant refused access, PECO is now sending shut off notices.

7. PECO avers that the Complainant has an account for electric commercial service under account number 93027-01600.

8. PECO avers that the Complainant owns a building under its corporate name, Broad Building, Incorporated at the address 1433 South Broad Street, Philadelphia, PA.

9. PECO avers that the business operating at the premises is a corporation.

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 Broad Building Incorporated is a corporate commercial customer; and the Complainant is required to be represented by counsel.

14. The Complainant, Broad Building Incorporated is a commercial customer operating a business at the service address at issue.

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

16. 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).

17. On April 23, 2018, PECO filed an Answer and New Matter to the Complainant's Complaint. See (Exhibit 2).

18. Once PECO filed the Answer, 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.

19. On May 25, 2018, Administrative Law Judge Marta Guhl issued a Hearing Notice, specifically advising the Complainant that as a corporation, it needed to be represented by counsel and have counsel enter an appearance.

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

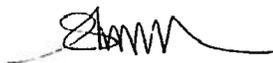
21. Accordingly, PECO requests that the Commission dismiss the Complainant's Complaint for failure to be represented by counsel.

IV. CONCLUSION

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

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complainant's Complaint for Complainant's failure to have counsel enter an appearance.

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**

BROAD BUILDING, INC.	:	
Complainant	:	
v.	:	DOCKET NO. C-2018-3000863
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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: May 30, 2018

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BROAD BUILDING, INC.	:	
Complainant	:	
v.	:	DOCKET NO. C-2018-3000863
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

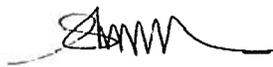
CERTIFICATE OF SERVICE

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:

Broad Building, Incorporated
Attention: A.J Fanelli
1433 South Broad Street
Philadelphia, PA 19147

Administrative Law Judge Marta Guhl
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
(via email & first class mail)

Dated at Philadelphia, Pennsylvania, May 30, 2018



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

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Monday, April 02, 2018 4:02 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-2018-3000863**. You may view this document at

Formal Complaint - Broad Bldg Inc

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 BROAD BLDG, INC

Street/P.O. Box 1433 S. BROAD ST Apt # _____

City PHILA State PA Zip 19147

County PHILA

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

(215) 467 6610 (home) () (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 93027-01600

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

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

RECEIVED
2018 MAR 28 AM 10:43
PA PUC
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 COMPANY

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.

SEE LETTER ATTACHED

- 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.

STOP SERVING SHUT OFF NOTICES.
ALL ELECTRIC METERS ARE WORKING

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.

CANNOT AFFORD ONE

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 A. J. FANELLI - PRESIDENT, 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).

A. J. Fanelli Pres 3-26-18
(Signature of Complainant) (Date)

PRESIDENT
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.

March 20, 2018

Pennsylvania Public Utility Commission

P O BOX 3265

Harrisburg, PA 17105-3265

RECEIVED
2018 MAR 28 AM 10:43
PA PUC
SECRETARY'S BUREAU

RE: Formal Complaint

My name is A. J. Fanelli, President of Broad Bldg., Inc.

Broad Bldg., Inc. owns property at 1433 S. Broad St., Phila., PA 19147 which is a 3 story building with an office on the first floor and apartments on the second and third floors. All 3 apartments are rented and each has their own electric meter. The first floor also has a separate meter. Peco installed all new meters in the building a few years ago and promised me that they would never need to inter the building again after the new meters were installed. All the meter reading would be done remotely. Several months after the new meters were installed Peco was getting estimated readings. They called me made an appointment to change all the meters. They never came on day as promised and I called to reschedule a day and time to change the meters. Again they never showed up to change the meters. Tenants and I were getting shut off notices. I do not live on the property and must travel from Delaware County to meet with anyone needing access to the building. Finally Peco changed the meters. The next year I received a shut off notice saying I denied Peco access to building. After several appointments Peco said they were not getting good readings and that I would need to have an antenna installed. I made another time to have the antenna installed, but Peco called and said they upgraded their equipment and I did not need an antenna. A few months later Peco installed new meters again. All the meters and working fine and Peco is not getting estimated readings.

A few months ago Peco called and wanted again to install new meters. I asked why since they were getting good readings. I was told they only wanted to inspect the meters with no good reason. I refused.

Now, the first floor and all the tenants and getting shut off notices. This would be a hardship since all tenants have electric heat.

Enclosed are copies of some of the recent Ten days shut off notices.

Thank you,

A.J. Fanelli Pres



PECO Energy Company
2301 Market Street, N2-3
Philadelphia, PA 19101

www.exeloncorp.com

An Exelon Company

**TEN DAYS SHUT OFF NOTICE
(AVISO DE SUSPENSION DE SERVICIO EN 10 DIAS)
FOR PECO ENERGY CHARGES ONLY**

Customer: BROAD BLDG INC
Street: 1433 S BROAD ST
Town: PHILADELPHIA PA 19147
Your Electric Service Will Be Shut Off!
Date: December 12, 2017
Account Number: 93027-01600

We will shut off your PECO Energy Service on or after 8:00 a.m. on December 25, 2018 because:

- You have a past due amount of PECO Energy charges in the amount of \$ as of _____.
- You did not give us access to inspect our meter.**
- You did not meet the requirements and/or complete the application for utility service.

Other:

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

Pay \$ in full before, this includes any amount you owe on your payment plan.

This notice is effective for 60 days.

Show us a paid receipt for the past due amount.

Call 1-800-480-1533 right away if you dispute this bill or to provide us with household income and occupant information. You may be eligible for a payment agreement or special assistance programs.

To talk about your bill, please call our office at 1-888-480-1533.

To provide access to our meter, please call our office at 844-542-6163 or 215-430-5797

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

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

Past Due Amount of:

Deposit past Due Amount of _

Agreement Unbilled Balance _

Turn-on charge of up to \$1650.00

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

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 or nurse practitioner 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.



PECO Energy Company
2301 Market Street, N2-3
Philadelphia, PA 19101

www.exeloncorp.com

An Exelon Company

**TEN DAYS SHUT OFF NOTICE
(AVISO DE SUSPENSION DE SERVICIO EN 10 DIAS)
FOR PECO ENERGY CHARGES ONLY**

Customer: MICHAEL SAGE
Street: 1433 S BROAD ST, 3RD FL
Town: PHILADELPHIA PA 19147
Your Electric Service Will Be Shut Off!
Date: December 12, 2017
Account Number: 90048-34065

RECEIVED
2018 MAR 28 AM 10:44
PA PUC
SECRETARY'S BUREAU

ACCESS NEEDED TO METER AT:
BROAD BLDG INC
1433 S BROAD ST PHILADELPHIA PA 19147
ACCOUNT NUMBER: 93027-01600

We will shut off your PECO Energy Service on or after 8:00 a.m. on December 25, 2018 because:

- You have a past due amount of PECO Energy charges in the amount of \$ as of _____.
- You did not give us access to inspect our meter.**
- You did not meet the requirements and/or complete the application for utility service.

Other:

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

Pay \$ in full before, this includes any amount you owe on your payment plan.

This notice is effective for 60 days.

Show us a paid receipt for the past due amount.

Call 1-800-480-1533 right away if you dispute this bill or to provide us with household income and occupant information. You may be eligible for a payment agreement or special assistance programs. To talk about your bill, please call our office at 1-888-480-1533.

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

Past Due Amount of:

Deposit past Due Amount of _

Agreement Unbilled Balance _

Turn-on charge of up to \$1850.00

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

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 or nurse practitioner 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.



Mr A J Fanelli
1433 S Broad St # 1
Philadelphia PA 19147-4919



SECRETARY, P.A.P.C.
400 NORTH STREET
HARRISBURG, PA 17120

17120\$0211 C000

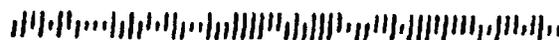


EXHIBIT 2



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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- [Log Off](#)

eFiling Successfully Transmitted

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Print this page for your records.



eFiling Confirmation	
Docket Number:	C-2018-3000863
Description:	Broad Building Inc v. PECO Energy Company Answer and New Matter
Transmission Date:	4/23/2018 9:51:41 AM
Filed On:	4/23/2018 9:51:41 AM
eFiling Confirmation Number:	1718138

Uploaded File List

File Name	Document Class	Document Type
Broad Building - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19103

Direct Dial: 215-841-6841

April 23, 2018

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

RE: Broad Building, Inc. v. PECO Energy Company
Docket No. C-2018-3000863

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Very truly yours,



Shawane Lee
Counsel for PECO Energy Company

Scheduling Recommendation: *Not Call of the Docket Hearing*

SL/ld

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BROAD BUILDING, INC.	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2018-3000863
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PECO ENERGY COMPANY	:	
Respondent	:	

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, April 23, 2018



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19103
215-841-6863
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BROAD BUILDING, INC.	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2018-3000863
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On April 2, 2018, PECO Energy Company ("PECO") was served with a formal complaint filed by Broad Building, Incorporated. (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 the Formal Complaint, the Complainant states that PECO it owns a three story building at 1433 Broad Street, Philadelphia. The Complainant states that PECO installed new meters a few years ago but then stated the company was receiving estimated bills and needed to change the meters or install an antenna. The Complainant alleges that PECO made several appointments and on one particular day, did not show up as promised. The Complainant states that PECO wants to inspect the meters and since the Complainant refused access, PECO is now sending shut off notices.

Preliminarily, PECO avers that the Complainant is a commercial customer operating a business at the premises. The Complainant has a corporate name and is a corporation. As a commercial customer, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.¹ PECO Energy's records reveal the following:

The Complainant, Broad Building, Inc, established commercial electric service at 1433 South Broad Street under account number 93027-01600. See Account Activity Statement, attached hereto as Exhibit "1".

Beginning September 9, 2016, PECO made several calls and sent notices to access the meter to install an antenna and/or change the meter due to communication issues with the meter that results in estimated bills. Recently, on February 15, 2018, PECO contacted the Complainant to schedule a meter change appointment and the Complainant's representative stated he did not want to schedule an appointment because "PECO keeps harassing him." On March 12, 2018, PECO sent a ten-day termination notice for failure to give access to the meter.

PECO has the right to access the company's meter and the right to terminate a customer's service for failure to permit access. Pursuant to Section 10.5, PECO Energy has a right to access the premises of a customer at all reasonable times for the purpose of installing, removing or changing any or all equipment belonging to the company. See Section 10.5 of PECO Electric Service Tariff. Section 18.3 of PECO Energy's tariff, permits the company to terminate a customer for cause if access to the meter is refused. See Section 18.3 of PECO Electric Service Tariff. PECO Energy's Commission approved tariff is prima facie reasonable and has the full

¹ 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). Accordingly, PECO request that the Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter.

force and effect of law. 66 Pa.C.S. § 316; *Kossmann v. PA PUC*, 694 A.2d 1147 (Pa Cmwlct 1997); *Brockway Glass Co. v. PA. PUC*, 437 A.2d 1067 (Pa. Cmwlct 1981). In this case, the Complainant is refusing access to the meter(s); therefore, it is subject to termination consistent with Section 10.5 and 18.3 of PECO's tariff.

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.

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 commercial customer operating a business at the address at issue and is a corporation.

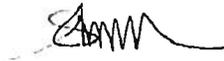
2. As a commercial customer, the Complainant is required to be represented by counsel in adversarial proceedings before the Commission. The proceedings become adversarial at the time when respondent files its Answer.

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. I. Berman and Cross, Inc.,
Pa. PUC 427, 428 (1975).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable
Commission issue a date certain for the Complainant to have counsel enter an appearance.

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**

BROAD BUILDING, INC.

Complainant

v.

PECO ENERGY COMPANY

Respondent

:
:
:
:
:
:
:

DOCKET NO. C-2018-3000863

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: April 23, 2018

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

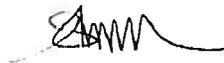
BROAD BUILDING, INC.	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2018-3000863
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Broad Building, Incorporated
Attention: A.J Fanelli
1433 South Broad Street
Philadelphia, PA 19147

Dated at Philadelphia, Pennsylvania, April 23, 2018



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

EXHIBIT “1”

CHARGES

PECO Account Activity Statement

Date: 04/04/18
Page: 1 of 2

*** Account Information ***

Account Number: 93027-01600
Account Status: Active
Requested By: BROAD BLDG INC
(215)467-6610 Extension:

Mktg To: BROAD BLDG INC
1433 S BROAD ST
PHILADELPHIA PA 19147

Current Bill: \$63.02
Billed Prior: \$0.00
Balance Due: \$63.02
Service Address: 1433 S BROAD ST
PHILADELPHIA PA 19147

*** Current Account Status ***

Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Meter Bill Govt: \$0.00
Meter Supplier Electric Commercial Serv 0-1000W

DATE	CHANGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUPLICATE DATE	KWH	KVA
04/07/16	Payment										
04/14/16	ELECTRIC SERVICE	03/12/16-04/12/16	4978	134760026	\$19.50	\$72.64	\$92.14	\$0.00	04/06/16	48	1
04/14/16	ELF-Direct Energy Services				\$37.42		\$92.14	\$0.00	04/06/16	48	1
04/14/16	Regular Bill						\$92.14	\$0.00	04/06/16	48	1
05/06/16	Payment										
05/13/16	ELECTRIC SERVICE	04/12/16-05/12/16	17548	134760026	\$24.00	\$0.00	\$24.00	\$0.00	05/06/16	48	1
05/13/16	ELF-Direct Energy Services				\$20.98		\$24.00	\$0.00	05/06/16	48	1
05/13/16	Regular Bill						\$24.00	\$0.00	05/06/16	48	1
06/06/16	Payment										
06/14/16	ELECTRIC SERVICE	05/12/16-06/12/16	13186	134760026	\$25.75	\$0.00	\$25.75	\$0.00	06/06/16	48	1
06/14/16	ELF-Direct Energy Services				\$29.25		\$25.75	\$0.00	06/06/16	48	1
06/14/16	Regular Bill						\$25.75	\$0.00	06/06/16	48	1
07/06/16	Payment										
07/14/16	ELECTRIC SERVICE	06/12/16-07/12/16	18118	134760026	\$19.48	\$0.00	\$19.48	\$0.00	07/06/16	48	1
07/14/16	ELF-Direct Energy Services				\$16.85		\$19.48	\$0.00	07/06/16	48	1
07/14/16	Regular Bill						\$19.48	\$0.00	07/06/16	48	1
08/05/16	Payment										
08/12/16	ELECTRIC SERVICE	07/12/16-08/12/16	20838	134760026	\$25.84	\$0.00	\$25.84	\$0.00	08/05/16	48	1
08/12/16	ELF-Direct Energy Services				\$26.17		\$25.84	\$0.00	08/05/16	48	1
08/12/16	Regular Bill						\$25.84	\$0.00	08/05/16	48	1
09/06/16	Payment										
09/13/16	ELECTRIC SERVICE	08/12/16-09/12/16	24008	134760026	\$26.07	\$0.00	\$26.07	\$0.00	09/06/16	48	1
09/13/16	ELF-Direct Energy Services				\$28.45		\$26.07	\$0.00	09/06/16	48	1
09/13/16	Regular Bill						\$26.07	\$0.00	09/06/16	48	1
10/05/16	Payment										
10/12/16	ELECTRIC SERVICE	09/12/16-10/12/16	26788	134760026	\$26.04	\$0.00	\$26.04	\$0.00	10/05/16	48	1
10/12/16	ELF-Direct Energy Services				\$29.66		\$26.04	\$0.00	10/05/16	48	1
10/12/16	Regular Bill						\$26.04	\$0.00	10/05/16	48	1
11/05/16	Payment										
11/10/16	ELECTRIC SERVICE	10/10/16-11/10/16	2928	134760026	\$28.12	\$0.00	\$28.12	\$0.00	11/05/16	48	1
11/10/16	ELF-Direct Energy Services				\$28.76		\$28.12	\$0.00	11/05/16	48	1
11/10/16	Regular Bill						\$28.12	\$0.00	11/05/16	48	1
11/14/16	ELECTRIC METER READING		OUT								
11/14/16	ELECTRIC METER READING		IN								
12/05/16	Payment										
12/13/16	ELECTRIC SERVICE	11/03/16-12/03/16	24918	134760026	\$30.69	\$0.00	\$30.69	\$0.00	12/05/16	48	1
12/13/16	ELF-Direct Energy Services				\$30.00		\$30.69	\$0.00	12/05/16	48	1
12/13/16	Regular Bill						\$30.69	\$0.00	12/05/16	48	1
01/04/17	Payment										
01/13/17	ELECTRIC SERVICE	12/03/16-01/13/17	520	134760026	\$20.48	\$0.00	\$20.48	\$0.00	01/04/17	48	1
01/13/17	ELF-Direct Energy Services				\$21.76		\$20.48	\$0.00	01/04/17	48	1
01/13/17	Regular Bill						\$20.48	\$0.00	01/04/17	48	1
02/03/17	Payment										
02/15/17	ELECTRIC SERVICE	01/13/17-02/15/17	266	134760026	\$24.46	\$0.00	\$24.46	\$0.00	02/03/17	48	1
02/15/17	ELF-Direct Energy Services				\$25.00		\$24.46	\$0.00	02/03/17	48	1
02/15/17	Regular Bill						\$24.46	\$0.00	02/03/17	48	1
02/09/17	Payment										

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	KVA
03/16/17	ELECTRIC SERVICE	02/10/17 03/11/17	11002	116094438	\$22.21		\$22.21				
03/16/17	ELE-Direct Energy Services				\$22.21		\$22.21				
02/16/17	Regular Bill				\$22.21		\$22.21				
04/07/17	Payment					\$22.21	\$0.00	\$22.21	04/07/17	273	1
04/14/17	ELECTRIC SERVICE	03/11/17 04/11/17	11508	116094438	\$34.76		\$34.76				
04/14/17	ELE-Direct Energy Services				\$34.76		\$34.76				
04/14/17	Regular Bill				\$34.76		\$34.76				
05/08/17	Payment					\$34.76	\$0.00	\$34.76	05/08/17	271	1
05/15/17	ELECTRIC SERVICE	04/11/17 05/01/17	11498	116094438	\$31.49		\$31.49				
05/15/17	ELE-Direct Energy Services				\$31.49		\$31.49				
05/15/17	Regular Bill				\$31.49		\$31.49				
06/05/17	Payment					\$31.49	\$0.00	\$31.49	06/05/17	269	1
06/14/17	ELECTRIC SERVICE	05/01/17 06/01/17	11418	116094438	\$30.20		\$30.20				
06/14/17	ELE-Direct Energy Services				\$30.20		\$30.20				
06/14/17	Regular Bill				\$30.20		\$30.20				
07/06/17	Payment					\$30.20	\$0.00	\$30.20	07/06/17	267	1
07/14/17	ELECTRIC SERVICE	06/01/17 07/01/17	11338	116094438	\$29.81		\$29.81				
07/14/17	ELE-Direct Energy Services				\$29.81		\$29.81				
07/14/17	Regular Bill				\$29.81		\$29.81				
08/07/17	Payment					\$29.81	\$0.00	\$29.81	08/07/17	265	1
08/14/17	ELECTRIC SERVICE	07/01/17 08/01/17	11248	116094438	\$26.24		\$26.24				
08/14/17	ELE-Direct Energy Services				\$26.24		\$26.24				
08/14/17	Regular Bill				\$26.24		\$26.24				
09/03/17	Payment					\$26.24	\$0.00	\$26.24	09/03/17	263	1
09/12/17	ELE-ADDITIONAL METER	08/01/17 09/04/17	11502	116094438	\$30.74		\$30.74				
09/12/17	ELE-Direct Energy Services				\$30.74		\$30.74				
09/12/17	Regular Bill				\$30.74		\$30.74				
10/04/17	Payment					\$30.74	\$0.00	\$30.74	10/04/17	261	1
10/09/17	ELECTRIC SERVICE	09/04/17 10/04/17	11048	116094438	\$25.42		\$25.42				
10/09/17	ELE-Direct Energy Services				\$25.42		\$25.42				
10/09/17	Regular Bill				\$25.42		\$25.42				
11/06/17	Payment					\$25.42	\$0.00	\$25.42	11/06/17	259	1
11/06/17	ELECTRIC SERVICE	10/05/17 11/07/17	1074	116094438	\$24.92		\$24.92				
11/06/17	ELE-Direct Energy Services				\$24.92		\$24.92				
11/06/17	Regular Bill				\$24.92		\$24.92				
11/28/17	Payment					\$24.92	\$0.00	\$24.92	11/28/17	257	1
12/07/17	ELECTRIC SERVICE	11/02/17 12/05/17	1058	116094438	\$28.08		\$28.08				
12/07/17	ELE-Direct Energy Services				\$28.08		\$28.08				
12/07/17	Regular Bill				\$28.08		\$28.08				
12/25/17	Payment					\$28.08	\$0.00	\$28.08	12/25/17	255	1
01/10/18	ELECTRIC SERVICE	12/05/17 01/09/18	1094	116094438	\$27.60		\$27.60				
01/10/18	ELE-Direct Energy Services				\$27.60		\$27.60				
01/10/18	Regular Bill				\$27.60		\$27.60				
02/01/18	Payment					\$27.60	\$0.00	\$27.60	02/01/18	253	1
02/12/18	ELECTRIC SERVICE	01/09/18 02/09/18	1304	116094438	\$21.96		\$21.96				
02/12/18	ELE-Direct Energy Services				\$21.96		\$21.96				
02/12/18	Regular Bill				\$21.96		\$21.96				
03/05/18	Payment					\$21.96	\$0.00	\$21.96	03/05/18	251	1
03/13/18	ELECTRIC SERVICE	02/09/18 03/09/18	1631	116094438	\$18.86		\$18.86				
03/13/18	ELE-Direct Energy Services				\$18.86		\$18.86				
03/13/18	Regular Bill				\$18.86		\$18.86				