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February 26, 2019

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

**RE: Tony O'Quinn v. PECO Energy Company**  
**PUC Docket No.: F-2018-3003101**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the *Reply Exceptions of PECO Energy Company*.

Very truly yours,



Shawane Lee  
Counsel for PECO Energy Company

SL/ab  
Enclosure

cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**TONY O'QUINN**

**COMPLAINANT**

**v.**

**PECO ENERGY COMPANY,**

**RESPONDENT**

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**Docket Nos. F-2018-3003101**

**REPLY EXCEPTIONS OF PECO ENERGY COMPANY**

**Shawane L. Lee, Esquire  
2301 Market Street  
Philadelphia, PA 19103  
215.841.6841  
Shawane.Lee@exeloncorp.com  
Counsel for PECO Energy Company**

**DATE: February 26, 2019**

## REPLY EXCEPTIONS

PECO Energy Company (“PECO”) hereby replies to the Exceptions filed by Tony O’Quinn (“Complainant”) in the above-referenced matter on February 7, 2019. PECO was served with a copy of the Exceptions by the Public Utility Commission on February 22, 2019.

On June 19, 2018, the Complainant filed a formal complaint against PECO. In his formal complaint, the Complainant ticked off the box “incorrect charges are on my bill” and stated “I want accurate amounts of billing charges to appear on my bills.” Respondent, PECO Energy filed an Answer on July 18, 2018, denying the allegations in the complaint and averred that the Complainant is a Customer Assistance Program (CAP) customer enrolled in PECO’s Fixed Credit Option (CAP-FCO). PECO averred that based on the calculation of the Complainant’s income, usage and annual energy burden, he is ineligible for a monthly discount.

A hearing was held before Administrative Law Judge Marta Guhl (“ALJ Guhl”) on September 21, 2018. During the hearing, the Complainant offered three exhibits, which included a CAP application, and a no-income form dated September 11, 2018; and a residential lease agreement with the writing “only source of income.” PECO presented the testimony of CAP Specialist, Moneka Smith and Regulatory Assessor, Anna Mae Migliaccio who testified regarding the changes to the CAP program and implementation of the Fixed Credit Option. ALJ Guhl issued an Initial Decision on January 11, 2019, dismissing the Complainant’s formal complaint as follows:

5. The Complainant did not meet his burden of demonstrating that PECO Energy Company incorrectly billed him for his electric utility service.
6. The Complainant has failed to meet his burden of establishing that PECO Energy Company incorrectly calculated his CAP benefits.

In the Complainant's Exceptions, he states that the "entire issue is that PECO (inept at best) raised my electric rates." The Complainant states he "sent them notice of my no income status, the fact that it is reflected now proves it should have been enacted when my rates went up." The Complainant states "I simply wanted my bill to be accurate yet no adjustments to my bill ever though they had proof to rectify my no income status for over 1 yr!!" All of the issues raised in the Complainant's Exceptions were addressed at the hearing and decided by Administrative Law Judge Guhl in her Initial Decision.

First, the Complainant alleges that PECO raised his electric rates. At the hearing, PECO presented evidence and testimony that in October 2016, PECO's CAP program changed from the tier system to the Fixed Credit Option. Tr. 51; PECO Exh. 2. Under the new CAP-FCO program, a CAP customer's credit is calculated by using the customer's income, usage and annual energy burden. Tr. 56. Based on an \$850 monthly income the Complainant submitted to the company in September 2016, PECO calculated whether the Complainant was entitled to a credit under the program. Tr. 57; PECO Exh. 2. PECO calculated the income, usage and annual energy burden and determined that the Complainant was not entitled to a credit. Tr. 61; PECO Exh. 1. The Complainant believes it is this lack of a CAP-FCO credit which resulted in an increase in his electric rates. ALJ Guhl noted in her Initial Decision that under the new CAP-FCO program, "the Complainant is correct that he is in fact paying more for similar energy usage." However, ALJ Guhl noted "there is no violation here because the Commission approved the CAP program changes with this result." See Docket Number M 2015-250739, a revised tariff section reflecting its change from CAP to CAP FCO; PECO Supplement No 20 to Tariff Electric Pa. P.U.C. No. 5.

Second, the Complainant argued at the hearing and in his Exceptions that he sent PECO proof that he had no income. The Complainant argues had PECO used no income rather than \$850 monthly income in the CAP FCO calculation, he would have received a credit under the new program. The CAP-FCO program was initiated in October 2016. Tr. 51. The Complainant submitted verified income of \$850 per month for one adult when he re-enrolled in CAP on September 19, 2016. Tr. 25-26. PECO based the CAP-FCO credit on the \$850 monthly income. PECO presented evidence showing that the Complainant first contacted PECO regarding a change to his CAP credit on November 7, 2017. PECO Exh. 3. After that contact, the Complainant never submitted adequate proof that he had no income. He submitted incomplete lease agreements showing \$900.00 monthly rental income and did not provide a CAP application with his proof of income. PECO Exh. 3. Up to the day of the hearing, the Complainant still had not submitted adequate proof that he had no income.

At the hearing, PECO's witness, Moneka Smith, explained that if the Complainant provided proof he has no income and submitted a new CAP application, he may be entitled to a credit. Tr. 69-70. For over one-year, the Complainant did not present proof of no income, but rather, he presented proof through lease agreements that he had income in the form of rental income. *See* Complainant's Exhibits. In his Exceptions, the Complainant acknowledges that his "no income status...is reflected now." As the Complainant had not presented proof of no income from October 2016 through the date of the hearing, PECO properly calculated the Complainant's CAP-FCO credits based on an \$850 monthly income. Based on this monthly income, the Complainant was not entitled to a credit.

ALJ Guhl heard the testimony of the parties and reviewed the exhibits presented by the Complainant and PECO and properly determined that based on the evidence:

There is no basis upon which to find that PECO's calculations are in error based on the law and regulations as they now stand.

There is nothing in the evidence of record to suggest that PECO had documentation that Complainant had no income. The Complainant presented no proof that PECO incorrectly calculated his CAP-FCO credit based on his income. Accordingly, ALJ Guhl's decision to dismiss the Complainant's case against PECO should be upheld.

For the reasons set forth above, PECO respectfully requests that the Commission deny the Exceptions and issue an Order upholding the Initial Decision in its entirety.

Respectfully submitted,



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**COMPLAINANT**

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**RESPONDENT**

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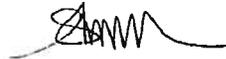
**Docket Nos. F-2018-3003101**

**CERTIFICATE OF SERVICE**

I, Shawane L. Lee, hereby certify that I have this day served a true copy of the foregoing Reply Exceptions upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Tony O'Quinn  
3267 Morrell Avenue, Apartment #A  
Philadelphia, PA 19114**

Dated at Philadelphia, Pennsylvania, February 26, 2019.



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