

Angela M. Lorenz, Esquire  
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December 16, 2019

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

**RE: Brooke Skowronski v. PECO Energy Company**  
**PUC Docket No. C-2019-3014702**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are *Preliminary Objections of PECO Energy Company* 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,



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Angela Lorenz, Esq

Cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>BROOKE SKOWRONSKI</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2019-3014702</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	
	:	

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**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 PRELIMINARY OBJECTION of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Angela M. Lorenz, 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:  
Angela M. Lorenz, Esq.  
Counsel for PECO Energy Company  
Griesing Law, LLC  
1880 JFK Blvd.  
Suite 1800  
Philadelphia, PA 19103  
215-618-3720  
alorenz@griesinglaw.com

Dated at Philadelphia, PA, December 16, 2019

*Angie Lorenz*

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Angela M. Lorenz  
Counsel for PECO Energy Company  
Griesing Law, LLC  
1880 JFK Blvd.  
Suite 1800  
Philadelphia, PA 19103  
215-618-3720  
alorenz@griesinglaw.com

**BEFORE THE  
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Complainant	:	
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	:	

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**PRELIMINARY OBJECTION OF RESPONDENT,  
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.101(a)(1-4) respectfully petitions this Honorable Commission to disregard and dismiss the Complainant’s formal Complaint as it fails to conform to this Court’s rules and procedures.

1. On December 2, 2019, PECO was served with a formal complained filed by Brooke Skowronski (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1.”

2. In her Complaint, the Complainant requests that she be reenrolled in PECO’s Customer Assistance Program (“CAP”) because, *inter allia*, she has been out of work and unable to “keep up on her agreement” due to a “medical condition.”

3. Pursuant to 52 Pa. Code § 5.101, preliminary objections may be filed against a pleading when it is legally insufficient and where the Commission lacks jurisdiction over the subject matter. 52 Pa. Code § 5.101(a)(1-4).

4. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure.<sup>1</sup>

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<sup>1</sup> Equitable Small Transportation Intervenors v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994)

5. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible. Roc v. Flaherty, 527 A.2d 211 (Pa. Cmwlth 1985).

6. A complaint must be able to recover under the law to survive a preliminary objection. Milliner v. Enck, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) (“preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover”).

7. All of the non-moving party’s averments must be taken as true for the sake of deciding the preliminary objection. County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985).

8. The court does not, however, need to accept, “unwarranted inferences from facts, argumentative allegations, or expressions of opinions.” Feingold v. McNulty, 2009 Phila. Ct. Com. Pl LEXIS 167, \*3.

9. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest.

10. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa.Pub. Util. Comm’n, 817 A.2<sup>nd</sup> 593 (Pa.Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

11. Here, the Commission lacks subject matter jurisdiction over the issues in dispute; therefore, the Complaint should be dismissed.

12. Section 1405(c) of the Public Utility Code, 66 Pa. C.S.A. § 1405(c) provides that Customer Assistance Programs must be paid on time and “shall not be the subject of payment arrangements negotiated or approved by the commission.”

13. This section is interpreted as prohibiting the Commission from establishing payment arrangements for CAP arrears. See Mason v. Philadelphia Gas Works, 2018 Pa. PUC LEXIS 345, \*8 (Pa. P.U.C. October 4, 2018).

14. Thus, because Complainant states she has not “ke[pt] up on her agreement” she is not entitled for a payment agreement for these CAP arrears.

### **REQUEST FOR RELIEF**

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily disregard and dismiss the Complainant’s formal complaint for lack of subject matter jurisdiction.

Respectfully submitted,



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Angela M. Lorenz  
Counsel for PECO Energy Company  
Griesing Law, LLC  
1880 JFK Blvd.  
Suite 1800  
Philadelphia, PA 19103  
215-618-3720  
alorenz@griesinglaw.com

Dated: December 16, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**BROOKE SKOWRONSKI**  
**Complainant**

v.

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**Respondent**

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**DOCKET NO. C-2019-3014702**

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**VERIFICATION**

I, Angela M. Lorenz, 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: December 16, 2019

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Angela M. Lorenz

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>BROOKE SKOWRONSKI</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2019-3014702</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	
	:	

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**CERTIFICATE OF SERVICE**

I, Angela M. Lorenz, hereby certify that I have this day served a copy of PECO Energy Company's Preliminary Objection in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Ms. Brooke Skowronski  
327 Richardson Rd.  
Lansdale, Pennsylvania

Dated at Philadelphia, Pennsylvania, December 16, 2019.



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Angela M. Lorenz  
Counsel for PECO Energy Company  
Griesing Law, LLC  
1880 JFK Blvd.  
Suite 1800  
Philadelphia, PA 19103  
215-618-3720  
alorenz@griesinglaw.com

# **EXHIBIT 1**

**Botak, Amy:(PECO)**

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**From:** RA-PCESERVE@pa.gov  
**Sent:** Monday, December 2, 2019 11:22 AM  
**To:** Botak, Amy:(PECO)  
**Cc:** Davis, Leslie:(PECO)  
**Subject:** [EXTERNAL] PA PUC eServe Notice

**Importance:** High

Dear Amy Botak,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2019-3014702**. 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.*

*PUC has recently updated E-Service delivery E-Mail address to RA-PCESERVE@pa.gov. Please update your Address book and/or E-Mail rules accordingly.*

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 Brooke Skowronski

Street/P.O. Box 327 Richardson Rd Apt #

City Lansdale State Pa Zip 19446

County Montgomery

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

(484) 904-5089 (home) ( ) (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 14317-68152

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

Name

Street/P.O. Box

City State Zip

2. Name of Utility or Company (Respondent)

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

Peco

RECEIVED 2019 NOV 27 AM 10:34 PA PUC SECRETARY'S BUREAU

3. Type of Utility Service

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

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

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.  
*Do not have prior bills. There was a balance on my acct when I received service. From a address I didn't live at.*

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).

*I am currently under medical for Peco due to illness + I want to have my payment agreement re-installed*

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.**

Due to my medical condition I have been out of work and not able to keep up on my agreement. Currently I am under pecos medical. I would like my agreement to be re-applied. I can't afford the past due on agreement to get back on plan. due to being out of work for medical issues

Also my balance is incorrect. there was a previous balance on Acct I do not owe.

For an address I didn't have service at or live at.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

**6. Protection From Abuse (PFA)**

**Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.**

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

**Has a court granted a "Protection From Abuse" order for your personal safety or welfare?**

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

**a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?**

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

**b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?**

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. **Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are **not** required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are **required** to have a lawyer represent them at a hearing **and** to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

**Verification:**

I Brooke Skowronski, 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).

      11/19/19  
(Signature of Complainant)      (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.**

B. Skomond  
327 Richardson Rd  
Lansdale Pa 19046



Secretary

Pennsylvania Public Utility Commission  
400 North St  
Harrisburg Pa 17120