

GRIESING LAW LLC

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January 3, 2020

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

**RE: Temple of Bethel v. PECO Energy Company
PUC Docket No. C-2019-3013389**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is a refiled *Motion for Judgment on the Pleadings* with regard to the matter referenced above. The original Motion contained an error.

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,



Angela Lorenz, Esq

Cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TEMPLE OF BETHEL	:	
Complainant	:	
v.	:	DOCKET NO. C-2019-3013389
	:	
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, 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.,
Griesing Law, LLC
1880 JFK Blvd.
Suite 1800
Philadelphia, PA 19103

Dated at Philadelphia, PA, January 3, 2020



Angela Lorenz, Esquire
Counsel for PECO Energy Company
Griesing Law, LLC
1880 JFK Blvd
Suite 1800
Philadelphia, PA 19103
215-618-3720

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TEMPLE OF BETHEL	:	
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**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 October 4, 2019, Complainant, Temple of Bethel, filed a Formal Complaint with the Pennsylvania Public Utility Commission ("PUC") against PECO Energy.
2. On October 8, 2019, the above-mentioned Formal Complaint was served on PECO Energy.
3. On October 28, 2019, PECO Energy filed an Answer to the Formal Complaint.
4. On or about November 21, 2019, ALJ Darlene Heep issued a Pre Hearing Order directing Complainant to obtain counsel pursuant to 52 Pa.Code §§1.21 & 1.22 on or before December 2, 2019. ALJ Heep ordered that if no attorney was entered on behalf of Complainant by December 2, 2019, the Complaint would be dismissed.
5. On or about December 2, 2019, ALJ Heep issued an Order cancelling the December 11, 2019 hearing.

6. On December 16, 2019, PECO Energy was served with an amended formal complaint filed by Minister Queen Khadiyah El Lazar on behalf of Temple of Bethel.

7. In response to the Amended Complaint, ALJ Heep issued an Order scheduling a telephonic conference for January 8, 2020 at 2:30 p.m.

II. RELEVANT FACTS:

8. In its Amended Complaint, the Complainant alleges that PECO Energy failed to honor a prior payment agreement at service address 104 Hidden Creek Drive, Hatboro, PA.

9. PECO Energy avers that the Complainant has an account for electric service under account number 41236-63047; this account has a past due balance of \$9,558.37.

10. PECO Energy avers that the Complainant operates a business at the service address 1804 72nd Avenue, Philadelphia, PA.

11. PECO Energy avers that the Complainant is operating the business Temple of Bethel at the service address.

III. LEGAL ARGUMENT

A. Standard of Review

12. 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.

13. 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.

14. 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).

15. 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 Temple of Bethel is a business; and the Complainant is required to be represented by counsel.

16. The Complainant, Temple of Bethel, is a customer operating a business at the service address at issue.

17. As a business, Complainant is required to be represented by counsel in adversarial proceedings before the Commission.

18. Per a comprehensive records search of the Disciplinary Board of the Supreme Court of Pennsylvania, the individual filing on behalf of Complainant is not an attorney licensed to practice law in the Commonwealth of Pennsylvania.

19. 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).

19. On October 28, 2019, PECO Energy filed an Answer to the Complainant's Formal Complaint.

20. Once PECO Energy 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.

21. Religious organizations like other business entities are considered "commercial" and accordingly must have counsel enter an appearance once the proceeding becomes adversarial. See Raymond Swerdlow t/a Joe Sixpack, Inc. v. PECO Energy Company, 2012 Pa. PUC LEXIS 1491 at *9 (Pa. P.U.C. August 24, 2012) (President of business was not allowed to represent business in adversarial proceeding); New Bethlehem Temple Apostolic Faith Church, Inc. v. Philadelphia Gas Works, 2011 Pa. PUC LEXIS 1189 at *7 (Pa. P.U.C. March 23, 2011) ("Corporations, including non-profit organizations and churches, are required to be represented by an attorney admitted to practice law in Pennsylvania in adversarial hearings before the Commission").

22. To date, Complainant has not had counsel enter an appearance for this matter.

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

IV. CONCLUSION

24. Complainant has had no attorney enter an appearance; and therefore, the Formal Complaint and Amended Complaint against PECO Energy should be dismissed.

WHEREFORE, PECO Energy Company respectfully requests that this Honorable Commission dismiss Complainant's Formal and Amended Complaint.

Dated: January 3, 2020

Respectfully Submitted,

A handwritten signature in cursive script that reads "Angela Lorenz".

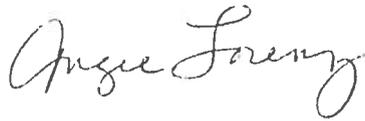
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VERIFICATION

I, Angela 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: January 3, 2020

Angela Lorenz

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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v.	:	DOCKET NO. C-2019-3013389
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CERTIFICATE OF SERVICE

I, Angela Lorenz, hereby certify that I have this day served a copy of PECO Energy Company's Motion in the above matter upon all interested parties by e-mailing or e-serving a copy, properly addressed to:

Temple of Bethel
1804 72nd Avenue
Philadelphia, PA 19126
(via email only)

Honorable Darlene D. Heep, ALJ
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105
(via email only)

Dated at Philadelphia, Pennsylvania, January 3, 2020



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