



Direct Dial: 267.533.1830
khadijah.scott@exeloncorp.com

January 8, 2024

VIA E-FILING

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

RE: Howard Smith v. PECO Energy Company
Docket No. C-2023-3039820

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *Motion to Dismiss of Respondent, PECO Energy Company*.

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 blue ink that reads "Khadijah Scott".

Khadijah Scott, Esquire
Assistant General Counsel, PECO Energy Company

Encl.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2023-3039820
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**MOTION TO DISMISS OF RESPONDENT,
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

1. On April 12, 2023, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Howard Smith (hereafter “Complainant”) in the above captioned docket. A copy of the Complaint is attached hereto as Exhibit “1”.
2. On May 1, 2023, PECO Energy filed an Answer to the Complainant’s Complaint. A copy of the Answer is attached hereto as “Exhibit 2”.
3. In the Complaint, the Complainant checked the box which states that the utility is threatening to shut off or has shut off his utility service. He also checked the box that states that he is having reliability, safety or quality issues with his service.
4. Within the requested relief, the Complainant stated, “I want like to bring in paperwork [sic] in court to [sic] over things or resolve it.”
5. On March 20, 2023, the Complainant received a Ten-Day Termination Notice effective on or after April 3, 2023, for a past due balance of \$4,505.21.

6. The Complainant has failed to identify within his Complaint why he was not subject to a Ten-Day Termination Notice for failure to make payments in full and on time each month.

7. The Complainant has failed to identify any reliability, safety or quality issues with his service.

8. PECO has not identified and reliability, safety or quality issues with his service.

9. The Complainant failed to identify what relief he is seeking from either PECO or the Public Utility Commission.

II. PROCEDURAL HISTORY:

10. On May 23, 2023, Your Honor issued a prehearing Order for a hearing date of July 13, 2023, which stated that the Complainant "No later than June 2, 2023, provide additional information regarding your complaint. As stated in the Complainant form, "Explain the problem, including dates, times or places and any other relevant details that may be important."

11. The Complainant failed to comply with Your Honor's May 23, 2023, prehearing Order.

12. On August 1, 2023, Your Honor issued a prehearing Order for a hearing date of September 7, 2023, which stated that the Complainant "No later than August 15, 2023, provide additional information regarding your complaint. As stated in the Complainant form, "Explain the problem, including dates, times or places and any other relevant details that may

be important.” This information must be filed with the Secretary’s Bureau with a copy to counsel to PECO (See attached service list) and the undersigned at dheep@pa.gov.”

13. The Complainant failed to comply with Your Honor's August 1, 2023, prehearing Order.

14. On November 22, 2023, Your Honor emailed the Complainant stating “PECO is correct that Mr. Smith has not complied with the May 2023 Prehearing Order to clarify his complaint. I will allow Mr. Smith until Friday of next week, December 1, 2023, to provide a clarification of his complaint and more details regarding his complaint. If Mr. Smith does not further clarify his Complaint, I will entertain any motions.”

15. The Complainant again disregarded Your Honor's Order and has not to date provided the court nor PECO with a clear and concise statement as to what the formal complaint is referencing.

16. This Complaint was filed in April 2023. Nine (9) months later, the Complainant still has not identified what the formal complaint is referencing.

17. PECO has been forced to defend a complaint that does not even state a specified claim. 52 Pa. Code 5.22 (a)(6)

III. LEGAL ARGUMENT

18. 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.

19. 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.

20. 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).

21. 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).

22. Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

23. As a matter of law, the Complainant must show that PECO Energy is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196 (1990).

24. “Burden of proof” means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosier v. Margulies*, 70 A.2d 854 (Pa. 1950).

25. The offense alleged must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. *See*, 66 Pa.C.S. §701.

26. The PUC has jurisdiction over the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission.

27. In this matter, the Complainant has failed to allege a regulation, law or statute that the Respondent has violated in regard to his utility service.

28. In the matter *sub judice*, the Complainant has failed to state or clarify, even when granted the opportunity by this Court to do so, a claim upon which relief can be granted.

29. The Public Utility Commission has outlined the requirements of a formal complaint and its contents. 52 Pa. Code §§ 5.22 (a)(5)(6)

30. 52 Pa. Code §§ 5.22 Provides:

Content of formal complaint.

(a) A formal complaint must set forth the following:

(5) A clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation.

(6) A clear and concise statement of the relief sought.

52 Pa. Code 52 Pa. Code §§ 5.22 (a)(5)(6)

31. The Complainant has failed to provide a clear and concise statement of the act of omission that he alleges PECO engaged in.

32. The Complainant has failed to provide a clear and concise statement of the relief sought.

33. The law is clear. The regulation requires that **both** content requirements be met.

34. The Complainant has failed to do so despite being Ordered to do so on multiple occasions.

35. This Complaint was filed in April 2023. Nine (9) months later, the Complainant still has not identified what the formal complaint is referencing.

36. PECO has been forced to blindly defend a Complaint that does not even state a specified claim.

37. PECO is mandated to follow the Pennsylvania Public Utility Commission's regulations.

38. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law.

39. Accordingly, the Complainant's formal complaint should be dismissed as it fails to set forth a violation by PECO Energy of either the Public Utility Code, the regulations of the PUC or PECO's Electric Service Tariff as required.

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainant's formal complaint, and all issues which were raised in the Complaint.

Respectfully submitted,



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Khadijah.scott@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2023-3039820
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

VERIFICATION

I, Khadijah Scott, 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 8, 2024



Khadijah Scott

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2023-3039820
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Khadijah Scott, hereby certify that I have this day served a copy of PECO Energy Company's Motion to Dismiss in the above matter upon all interested parties by *E-mailing* a copy to:

HOWARD SMITH
5855 PEMBERTON ST
PHILADELPHIA PA 19143
Via email: howdang@icloud.com

Dated: January 8, 2024



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Fax: 215.568.3389
Khadijah.scott@exeloncorp.com

EXHIBIT 1

Botak, Amy:(PECO)

From: RA-PCESERVE@pa.gov
Sent: Wednesday, April 12, 2023 8:42 AM
To: Scott, Khadijah:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL]PA PUC eServe Notice

Importance: High

EXTERNAL MAIL. Do not click links or open attachments from unknown senders or unexpected Email.

Dear Khadijah Scott,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2023-3039820**. You may view this document at

[Formal Complaint - Smith](#)

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), email 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 Howard E Smith _____

Street/P.O. Box _____ 5855 pemberton street _____ Apt # _____

City philadelphia _____ State pa _____ Zip 19143 _____

County _____ usa _____

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

(_215_) _____ 760-5630 _____ (home) (_____) _____ (mobile)

Email Address (required):

_____ Howdang@icloud.com _____

Utility Account Number (from your bill) _____ 0980274477 _____

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. **Methods of Communication by the Commission**

You have three options on how you would like to receive all communication from the Commission about your Complaint. By selecting one of the following three options, you are agreeing to receive all hearing notices, orders, and related documents about your Complaint in the manner selected.

Select one of the following options for receiving all communications from the Commission:

- a. **eFiling:** You agree to open and use an eFiling account – free of charge through the Commission’s website. By selecting this method you will be eServed. (This is the best way to receive, file, and submit documents).

Initial here if you are selecting eFiling: _____

(And create an eFiling account at <http://www.puc.pa.gov/efiling/default.aspx>)

- b. **Email:** You agree to receive all documents by email (using the email you provided on page 1). Please note that you will only be able to receive documents from the Commission by email and will not be able to file documents by Email or Fax. To submit documents to the Commission you must create an eFiling account accessed at <http://www.puc.pa.gov/efiling/default.aspx> or mail your submissions.

Initial here if you are selecting Email service: _____

- c. **First Class Mail:** You agree to be served only by First Class Mail (at the address on page 1 of this form).

Initial here if you are selecting First Class Mail service: _____

***If you do not select one of the three options above, the Commission will serve all documents to you by First Class Mail at the address listed on page 1 of this form.**

3. **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 CO.
P.O BOX 13439
PHILADELPHIA , PA 19162-9439

4. **Type of Utility Service**

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

- #Electric Gas Water Wastewater/Sewer Storm Water
 Steam Heat Motor Carrier (taxi, moving co., limo)
 Telephone/Telecommunications (local, long distance)

5. **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.

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.

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

8. 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 9. No further contact with the utility or company is required. If you answered no, answer the question in Section 8 b. and answer the question in Section 8 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.

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

_____The agent was rude and didn’t really want to help. _____

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. Tried to resolve but it did not work out.

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.

9. 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 email address, (all required contact information). 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

Howdang@icloud.com

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.

10. 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 Howard Smtih, 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).

HOWARD E SMITH

(Signature of Complainant)

4/11/2023

(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.

11. How 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>.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

If you are appealing a BCS decision: follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be efiled or mailed.**

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. Please know that your complaint form and the utility's answer will not be published to the PUC's website. Once your complaint case moves to the Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.

EXHIBIT 2



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
5/1/2023	2471639

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.

Docket Number: C-2023-3039820
Case Description: Answer to Formal Complaint
Transmission Date: 5/1/2023 10:42 AM
Filed On: 5/1/2023 10:42 AM
eFiling Confirmation Number: 2471639

File Name	Document Type	Upload Date
Answer to Formal Complaint - Howard Smith - no issue identified.pdf	Answer to Formal Complaint	5/1/2023 10:42:30 AM

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 Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.



Direct Dial: 267.533.1830
khadijah.scott@exeloncorp.com

May 1, 2023

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

RE: Howard Smith v. PECO Energy Company
Docket No. C-2023-3039820

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the *Answer of Respondent, PECO Energy Company, to Formal Complaint*.

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 blue ink, appearing to read "Khadijah Scott".

Khadijah Scott, Esquire
Assistant General Counsel
PECO Energy Company

Encl.

Cc: Not Recommended for Call of Docket

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2023-3039820
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On April 12, 2023, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by HOWARD SMITH (hereafter "Complainant") in the above captioned docket.

Pursuant to 52 Pa. Code §5.61, PECO responds to the Complaint and states:

1. Admitted.
2. Paragraph 2 provides communication instructions to which no response is required.
3. Denied as stated. PECO Energy is the Respondent, located at 2301 Market Street, Philadelphia, PA 19103.
4. Admitted.
5. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant complaint. In his formal complaint, the Complainant states that the utility is threatening to terminate his service and that he is having reliability, safety or quality issues with his service.

PECO Energy's records reveal that the Complainant established electrical service in April 2021 at 5855 Pemberton St., Philadelphia, PA 19143, under account number 44008-61078. See Account Activity Statement, attached hereto as Exhibit "1".

On March 20, 2023, the Complainant received a Ten-Day Termination Notice effective on or after April 3, 2023, for a past due balance of \$4,505.21. The Complainant states that the Respondent is threatening to shut off his utility service. Pursuant to 66 Pa. C.S. §1406. Termination of utility service.

- (a) Authorized termination. —A public utility may notify a customer and terminate service provided to a customer after notice as provided in subsection (b) for any of the following actions by the customer: (1) Nonpayment of an undisputed delinquent account.

It is undisputed that the Complainant has a delinquent balance on his account, for which the Respondent may terminate service. *Id.* at 66 Pa. C.S. §1406. The Complainant's last payment made to the account was September 1, 2021.

In addition, the Complainant has failed to identify any reliability, safety or quality issues with his service. PECO Energy has not identified any reliability, safety or quality issues with his service. The Complainant's current balance is \$5,061.50. The bills and balance are correct. Accordingly, this matter is without merit and should be dismissed.

6. This paragraph is a request for relief to which no answer is required. To the extent this paragraph contains factual allegations, they are denied for the reasons set forth above. See, Response to Paragraph 5.

7. Admitted.

8. Admitted in part; denied in part. It is admitted only that this is not an appeal from the Bureau of Consumer Services. All remaining averments are deemed denied.

9. Denied. PECO is without knowledge or information sufficient to form a belief as to whether the Complainant has or has not hired an attorney, therefore, such allegation is deemed denied.

10. Paragraph 10 is a Verification and Signature to which no response is required.

11. Paragraph 11 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,



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Fax: 215.568.3389
khadijah.scott@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2023-3039820
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

VERIFICATION

I, Khadijah Scott, 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 1, 2023



Khadijah Scott

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD SMITH	:	
Complainant	:	
v.	:	DOCKET NO. C-2023-3039820
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Khadijah Scott, 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 E-mailing a copy to:

HOWARD SMITH
5855 PEMBERTON ST
PHILADELPHIA PA 19143
Via email: howdang@icloud.com

Dated: May 1, 2023



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Fax: 215.568.3389
khadijah.scott@exeloncorp.com

EXHIBIT 1

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Account Number: 4400861078			Service Address:			Current Bill:			\$322.55	Account Balance: \$4,828.42							
2	Account Name: HOWARD SMITH			5855 PEMBERTON ST			Billed Prior:			\$4,505.87								
3	Account Status: ACTIVE			PHILADELPHIA, PA 19143			Balance Due:			\$4,828.42								
4	Meter Bill Group: 20																	
5				Mail To:			Credit Amount:			\$0.00	Rates:							
6				HOWARD SMITH			Deposit Requested:			\$0.00	CAP FCO ELECTRIC RESIDENTIAL SERVICE							
7				5855 PEMBERTON ST			Deposit On-Hand:			\$0.00								
8				PHILADELPHIA, PA 19143			CAP Pre-program Arrears:			\$0.00								
9							Payment Agreement Balance:			\$0.00								
10																		
11																		
12	Account Transaction Activity																	

	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt
14	04/01/2021	CONNECTION CHARGE - STANDARD								\$6.00							
15	04/26/2021	ELECTRIC SERVICE		04/01/2021-04/26/2021	35105	ACTUAL	124409406	1329		\$120.24	\$0.00	\$126.24	\$126.24	05/18/2021	\$126.24	284	\$0.00
16	04/30/2021	TRANSFER DEBIT	#81146-04034							\$4,400.36							
17	05/25/2021	ELECTRIC SERVICE		04/26/2021-05/25/2021	35857	ACTUAL	124409406	752		\$47.06	\$4,526.60	\$47.06	\$4,573.66	06/16/2021	\$4,573.66	21	\$0.00
18	05/26/2021		PAYMENT							-\$126.24							
19	06/15/2021		PAYMENT AGREEMENT(new)							-\$4,447.42							
20	06/24/2021	DEFERRED PAYMENT AGREEMENT								\$74.12							
21	06/24/2021	ELECTRIC SERVICE		05/25/2021-06/24/2021	36713	ACTUAL	124409406	856		\$95.01	\$0.00	\$169.13	\$169.13	07/16/2021	\$169.13		\$0.00
22	07/21/2021	BILL OUT DPA								\$4,373.30							
23	07/23/2021		PAYMENT AGREEMENT							-\$4,373.30							
24	07/26/2021		PAYMENT							-\$169.70							
25	07/27/2021		EXCESS CREDIT							-\$0.57							
26	07/27/2021	DEFERRED PAYMENT AGREEMENT								\$74.12							
27	07/27/2021	ELECTRIC SERVICE		06/24/2021-07/26/2021	37928	ACTUAL	124409406	1215		\$129.35	\$0.00	\$202.90	\$202.90	08/18/2021	\$202.90		\$0.00
28	08/23/2021	BILL OUT DPA								\$4,299.18							
29	08/24/2021	ELECTRIC SERVICE		07/26/2021-08/24/2021	38969	ACTUAL	124409406	1041		\$109.27	\$4,502.08	\$109.27	\$4,611.35	09/15/2021	\$4,611.35		\$0.00
30	09/01/2021		PAYMENT AGREEMENT							-\$4,299.18							
31	09/01/2021		PAYMENT							-\$202.90							
32	09/23/2021	DEFERRED PAYMENT AGREEMENT								\$74.12							
33	09/23/2021	ELECTRIC SERVICE		08/24/2021-09/23/2021	39956	ACTUAL	124409406	987		\$92.45	\$109.27	\$166.57	\$275.84	10/15/2021	\$275.84		\$0.00
34	10/20/2021	BILL OUT DPA								\$4,225.06							
35	10/22/2021	ELECTRIC SERVICE		09/23/2021-10/22/2021	40621	ACTUAL	124409406	665		\$63.93	\$4,500.90	\$63.93	\$4,564.83	11/15/2021	\$4,564.83		\$0.00
36	11/22/2021	ELECTRIC SERVICE		10/22/2021-11/22/2021	42032	ACTUAL	124409406	1411		\$162.15	\$4,564.83	\$162.15	\$4,726.98	12/14/2021	\$4,726.98	398	\$0.00
37	12/03/2021		LIHEAP PAYMENT							-\$916.00							
38	12/03/2021		PAYMENT AGREEMENT							-\$3,810.98							
39	12/27/2021	DEFERRED PAYMENT AGREEMENT								\$74.12							
40	12/27/2021	ELECTRIC SERVICE		11/22/2021-12/27/2021	45087	ACTUAL	124409406	3055		\$359.42	\$0.00	\$433.54	\$433.54	01/18/2022	\$433.54	712	\$0.00
41	01/27/2022	DEFERRED PAYMENT AGREEMENT								\$74.12							
42	01/27/2022	ELECTRIC SERVICE		12/27/2021-01/27/2022	49137	ACTUAL	124409406	4050		\$515.60	\$0.00	\$1,023.26	\$1,023.26	02/18/2022	\$1,023.26	901	\$0.00
43	02/23/2022	BILL OUT DPA								\$3,662.74							
44	02/25/2022	ELECTRIC SERVICE		01/27/2022-02/25/2022	52806	ACTUAL	124409406	3669		\$473.43	\$4,686.00	\$473.43	\$5,159.43	03/21/2022	\$5,159.43	788	\$0.00

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13	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt	
45	03/28/2022	ELECTRIC SERVICE		02/25/2022-03/28/2022	55278	ACTUAL	124409406	2472		\$215.86	\$5,159.43	\$215.86	\$5,375.29	04/19/2022	\$5,375.29	536	\$0.00	
46	04/26/2022	ELECTRIC SERVICE		03/28/2022-04/26/2022	57065	ACTUAL	124409406	1787		\$136.73	\$5,375.29	\$136.73	\$5,512.02	05/18/2022	\$5,512.02	368	\$0.00	
47	05/25/2022	ELECTRIC SERVICE		04/26/2022-05/25/2022	57922	ACTUAL	124409406	857		\$23.85	\$5,512.02	\$23.85	\$5,535.87	06/16/2022	\$5,535.87	45	\$0.00	
48	06/16/2022		LIHEAP PAYMENT							-\$975.00								
49	06/22/2022		PAYMENT AGREEMENT(new)							-\$4,560.87								
50	06/24/2022	DEFERRED PAYMENT AGREEMENT								\$190.04								
51	06/24/2022	ELECTRIC SERVICE		05/25/2022-06/24/2022	58564	ACTUAL	124409406	642		\$12.00	\$0.00	\$202.04	\$202.04	07/18/2022	\$202.04		\$0.00	
52	07/25/2022	BILL OUT DPA								\$4,370.83								
53	07/26/2022	ELECTRIC SERVICE		06/24/2022-07/26/2022	59574	ACTUAL	124409406	1010		\$12.00	\$4,572.87	\$12.00	\$4,584.87	08/17/2022	\$4,584.87		\$0.00	
54	08/22/2022		LIHEAP PAYMENT							-\$250.00								
55	08/24/2022	ELECTRIC SERVICE		07/26/2022-08/24/2022	60557	ACTUAL	124409406	983		\$12.00	\$4,334.87	\$12.00	\$4,346.87	09/15/2022	\$4,346.87		\$0.00	
56	09/23/2022	ELECTRIC SERVICE		08/24/2022-09/23/2022	61378	ACTUAL	124409406	821		\$12.00	\$4,346.87	\$12.00	\$4,358.87	10/17/2022	\$4,358.87		\$0.00	
57	10/03/2022		PAYMENT AGREEMENT							-\$3,990.75								
58	10/03/2022		PAYMENT							-\$358.00								
59	10/06/2022	RETURNED CHECK								\$358.00								
60	10/10/2022		PAYMENT							-\$368.12								
61	10/14/2022	RETURNED CHECK								\$368.12								
62	10/24/2022	DEFERRED PAYMENT AGREEMENT								\$190.04								
63	10/24/2022	ELECTRIC SERVICE		09/23/2022-10/24/2022	62157	ACTUAL	124409406	779		\$12.00	\$368.12	\$202.04	\$570.16	11/15/2022	\$570.16	186	\$0.00	
64	11/21/2022	BILL OUT DPA								\$3,800.71								
65	11/22/2022	ELECTRIC SERVICE		10/24/2022-11/22/2022	63641	ACTUAL	124409406	1484		\$12.00	\$4,370.87	\$12.00	\$4,382.87	12/14/2022	\$4,382.87	325	\$0.00	
66	12/27/2022	ELECTRIC SERVICE		11/22/2022-12/27/2022	67651	ACTUAL	124409406	4010		\$41.00	\$4,382.87	\$41.00	\$4,423.87	01/18/2023	\$4,423.87	855	\$0.00	
67	01/26/2023	ELECTRIC SERVICE		12/27/2022-01/26/2023	70821	ACTUAL	124409406	3170		\$41.00	\$4,423.87	\$41.00	\$4,464.87	02/17/2023	\$4,464.87	660	\$0.00	
68	02/24/2023	ELECTRIC SERVICE		01/26/2023-02/24/2023	73779	ACTUAL	124409406	2958		\$41.00	\$4,464.87	\$41.00	\$4,505.87	03/20/2023	\$4,505.87	631	\$0.00	
69	03/27/2023	ELECTRIC SERVICE		02/24/2023-03/27/2023	76832	ACTUAL	124409406	3053		\$322.55	\$4,505.87	\$322.55	\$4,828.42	04/18/2023	\$4,828.42	652	\$0.00	
70	03/31/2023	End of Month Balance													\$4,828.42			
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	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt	
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	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt	
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