



Direct Dial: 267.533.1830  
khadijah.scott@exeloncorp.com

March 18, 2024

**VIA E-FILING**

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

**RE: Dawn Bancroft v. PECO Energy Company**  
**Docket No. C-2024-3046862**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the ***REFILED Preliminary Objection of PECO Energy Company***. The previous filing contained an error in the docket number.

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**

<b>DAWN BANCROFT</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2024-3046862</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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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), respectfully petitions this Honorable Commission to dismiss the instant Complaint as outside of the Commission’s jurisdiction.

1. On February 27, 2024, PECO was served with a formal complaint filed by dawn Bancroft (hereafter “Complainant”). *See*, Complainant’s Complaint attached hereto as Exhibit “1”.
2. In her Complaint, the Complainant alleges that she is entitled to an additional two years of a refund from 2017 to 2019, as a result of a meter mix-up that occurred at her property.
3. To the extent the Complainant seeks the court to review billing issues which began in 2017, the Complainant is beyond the three (3) year statute of limitations in which to bring a claim. 66 Pa.C.S. §3314(a).
4. The Complainant is beyond the four (4) year statute of limitations in which to request a refund. 66 Pa.C.S. §1312(a).
5. PECO therefore files the instant Preliminary Objection.

6. Pursuant to 52 Pa. Code §5.101, preliminary objections may be filed against a complaint and dismissed for lack of Commission jurisdiction. 52 Pa. Code § 5.101(a)(1).

7. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure. Equitable Small Transportation Intervenor. v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

8. 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).

9. 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”).

10. 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).

11. 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.

12. 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.

13. 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.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

**I. THE PUBLIC UTILITY COMMISSION LACKS THE JURISDICTION TO ISSUE THE COMPLAINANT A REFUND.**

1. The Complainant alleges that that she is entitled to an additional two years of a refund from 2017 to 2019, as a result of a meter mix-up that occurred at her property.

2. The guideline for the statute of limitations is set forth at 66 Pa.C.S. §3314(a).

Pursuant to section 3314(a):

**General Rule.** —No action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefor arose, except as otherwise provided in this part. 66 Pa.C.S. § 3314.

66 Pa.C.S. §3314(a) (*emphasis added*)

3. The Complainant is requesting that the court review a matter which stemmed from 2017.

4. Pursuant to 66 Pa.C.S. § 1312(a), the Complainant is barred from obtaining a refund for the disputed charges beyond four years. Section 1312(a) specifies:

(a) **General Rule.**-- If, in any proceeding involving rates, the Commission shall determine that any rate received by a public utility was unjust or unreasonable, or was in violation of any regulation or order of the Commission, or was in excess of the applicable rate contained in an existing and effective tariff of such public utility, the Commission shall have the power and the authority to make an order requiring the public utility to

refund the amount of any excess paid by any patron, in consequence of such unlawful collection, **within four years prior to the date of the filing of the complaint**, together with interest at the legal rate from the date of each such excessive payment ...

(*emphasis added*).

5. Title 66 Pa.C.S. §1312(a) represents a special limitation fixing the scope of the Commission's power to order refunds.

6. On November 3, 2023, a meter-mix up was identified at the Complainant's property. See, PECO's Answer attached hereto as Exhibit "2."

7. On November 8, 2023, an inspection took place at the property and the Complainant was informed that a meter mix-up was discovered and that she had been overbilled. Id.

8. On January 4, 2024, the Complainant was refunded for four years of billing from December 18, 2019 to November 6, 2023 for a total of \$11,547.25. Id.

9. However, a six (6) year old refund request is clearly beyond the four (4) year Statute of Limitations to which PECO Energy and the Court are bound. 66 Pa.C.S. §1312(a).

10. In this matter, the Complainant requests reimbursement of billing fees for six (6) years, stemming from 2017.

11. In *Norman DiMatteo*, the West Penn Power Co. improperly charged Complainant a commercial rate, rather than the appropriate residential rate, over a seven-year period. *Norman DiMatteo v. West Penn Power Co.*, 67 Pa. PUC 444 (1988). The Court ruled that the Complainant could only receive a refund for the excessive charges paid during the last four of the seven years before the date of the filing of the complaint, due to the existence of the four-year statute of limitations established in 66 Pa. C.S. § 1312. *Id.*

12. Administrative Law Judge Cynthia Williams Fordham (“ALJ Fordham”) reached a similar conclusion in the matter Darryl Hicks v. Philadelphia Gas Works, Docket No. C-2010-2207800 (Initial Decision entered, July 12, 2012). In that case, the Complainant disputed charges on his bill from May 2005 and a meter exchange that took place in 2005. Philadelphia Gas Works argued that the Complainant was barred from contesting his bill due to the three year statute of limitations. Id. ALJ Fordham dismissed the Complainant’s case and the Complainant filed Exceptions. Id. The Commission agreed with ALJ Fordham, dismissed the Complainant’s Exceptions and adopted ALJ Fordham’s Initial Decision as follows:

We find that the ALJ properly concluded that the Complainant is barred from contesting the May 2005 bill. Sections 3314(a) and 1312(a) preclude the Complainant from filing a Complaint in 2010 regarding the May 2005 meter exchange or the May 2005 bill. Accordingly, the ALJ correctly concluded that the Complainant has not met his burden of proof, pursuant to Section 332(a), *supra*, on the matter of the Company's alleged incorrect billing.

Darryl Hicks v. Philadelphia Gas Works, Docket No. C-2010-2207800 (Opinion and Order entered, February 14, 2013).

13. Accordingly, the Complainant’s formal complaint which seeks to have the court address billing that stemmed from 2017, should be dismissed as the Public Utility Commission does not have the jurisdiction to adjudicate matters outside of the three year statute of limitations or to award customer refunds outside of the proscribed four year statute of limitations. 52 Pa. Code §5.101(a)(1); 66 Pa.C.S. §1312(a).

14. The formal Complaint which seeks to address billing issues prior to 2019, is outside of the statute of limitations. 66 Pa.C.S. §1312(a).

15. Accordingly, this Complaint is without merit and should be dismissed.

**REQUEST FOR RELIEF**

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complainant's Complaint.

Respectfully submitted,



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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**

<b>DAWN BANCROFT</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2024-3046862</b>
	:	
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**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: March 18, 2024



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Khadijah Scott

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DAWN BANCROFT</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2024-3046862</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**CERTIFICATE OF SERVICE**

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

DAWN BANCROFT  
254 N. Main Street  
Doylestown, PA 18901  
*Email: dawnhms@aol.com*

Dated: March 18, 2024



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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)

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**From:** RA-PCESERVE@pa.gov  
**Sent:** Tuesday, February 27, 2024 4:01 PM  
**To:** Scott, Khadijah:(PECO)  
**Cc:** Botak, Amy:(PECO)  
**Subject:** [EXTERNAL]PA PUC eServe Notice

**Importance:** High

**Categories:** Red Category

**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-2024-3046862**. 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

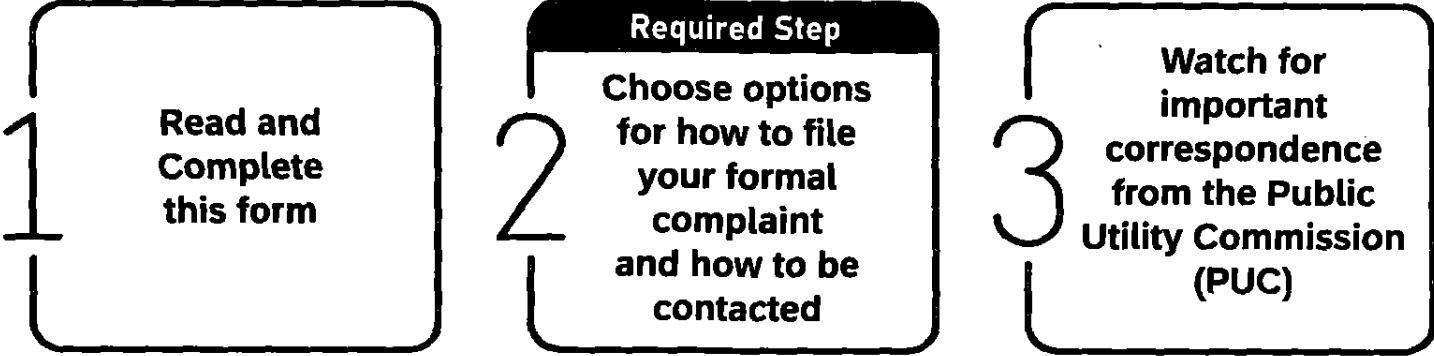
*\* Please do not respond to this automatically generated email.  
PUC has recently updated E-Service delivery E-Mail address to RA-PCESERVE@pa.gov. Please update your Address book and/or E-Mail rules accordingly.*

# PAPUC PENNSYLVANIA PUBLIC UTILITY COMMISSION

## FORMAL COMPLAINT - FILLABLE FORM

~~RCVD PUC SEC BUR  
FEB 1 2024 AM 10:53~~

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.



Please complete this fillable form.

### 1. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Name Dawn Bancroft

Street/P.O. Box 254 N Main Street Apt#           

City Doylestown State Pa Zip 18901

County Bucks County

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

Home: 267-261-5457 Mobile: 267-261-5457

Email Address dawnhms@aol.com

Utility Account Number (from your bill) 36738-75023

**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 Bucks Elite Fitness

Street/P.O. Box 812 N Easton Road Apt#           

City Doylestown State Pa Zip 18902

## 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 Electric 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"/> Storm Water   |
| <input type="checkbox"/> Gas                 | <input type="checkbox"/> Steam Heat  |
| <input type="checkbox"/> Water               | <input type="checkbox"/> Motor Carrier (taxi, moving company, limo)          |
| <input type="checkbox"/> Wastewater/Sewer    | <input type="checkbox"/> Telephone/Telecommunications (local, long distance) |

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

## 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 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). If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

PECO has had my business hooked up to a wrong meter. This has been 2017 when I purchased my building. It was a total of 7 years they have been charging me the wrong price which was much higher than what I was using. They will only pay me for 4 years worth of their mistake. I do not think this is fair it was not my fault they had me hooked up to the wrong meter. PECO has picked an arbitrary number of 4 years is all they go back? I feel this is ridiculous and not legal. I paid them a lot more money than I should have due to their mistake.

**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. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.

I would like for PUC to let PECO know that they need to pay me from April 2017 to 2019.. The allotted time I paid PECO for the wrong meter cost. PECO only paid me from December 2019 to December 2023. I am not asking for any damages or any more money than what I am owed.

**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)/DOMESTIC VIOLENCE**

Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you 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.

**Has a court granted a PFA order or any other order for your personal safety or welfare?**

Yes      If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*

No

**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.

## 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 or wastewater 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. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

I have spoken with PECO and they paid me 11,547.25 which was from December 2019 to December 2023. I would like for them to also pay me from April 2017 to November 2019 which is the first three years they charged me the wrong amount.

I have spoken with PECO and their answer is we (PECO) only go back four years.

**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. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

### **OPTION 1**

#### **Electronically by eFile**

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. This is the quickest and easiest way to receive, file and submit documents.

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

### **OPTION 2**

#### **Mail**

Mail the completed form with your original signature and any attachments 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 select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

**9: THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE**

**It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:**

**OPTION 1**

**eFILING:** This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

**OPTION 2**

**FIRST CLASS MAIL:** You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here \_\_\_\_\_ if you are selecting **FIRST CLASS MAIL** service.

**OPTION 3**

**EMAIL:** You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here <sup>DLB</sup> \_\_\_\_\_ if you are selecting **EMAIL** service.

**Please Note:** It is important to select **ONE** of the three options above.

**IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.**

**10. 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 contact information, which is required. 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 \_\_\_\_\_ Apt# \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Area Code/Phone Number \_\_\_\_\_  
Email Address \_\_\_\_\_

**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.

**11. VERIFICATION AND SIGNATURE**

You must sign and date your complaint. If you eFile your complaint, you must print or type your name in the box provided below. Date the form. The PUC's eFiling system will accept an electronic signature. The eFiling system will not accept a complaint form without a signature and date.

**Verification:**

Dawn Lee Bancroft  
I \_\_\_\_\_, 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).

Dawn Lee Bancroft By: Dawn Lee Bancroft © January, 29th, 2024  
(Signature of Complainant) (Date)

Dawn Lee Bancroft By: Dawn Lee Bancroft ©

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.

## **APPEALING A BCS DECISION?**

**If you are appealing a BCS decision:** follow the directions in the cover letter you received from the PUC 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.

## **QUESTIONS?**

If you have any questions about filling out this form, please contact the Secretary's Bureau at **717-772-7777**.

## **REMINDERS**

- **Save and keep a copy of your Formal Complaint for your records.**
- **You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.**
- **To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.**
- **Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.**  
**(<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>)**
- **Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.**

Ms. Dawn Bancroft  
254 N Main St  
Doylestown, PA 18901

Retail



17120

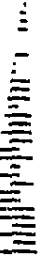
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FEB 13, 2024

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R2304M110162-4

Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania, 17120



## **EXHIBIT 2**



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

Date Created	Filing Number
3/18/2024	2559905

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-2024-3046862

**Case Description:** REFILED - Answer to Formal Complaint

**Transmission Date:** 3/18/2024 3:05 PM

**Filed On:** 3/18/2024 3:05 PM

**eFiling Confirmation Number:** 2559905

File Name	Document Type	Upload Date
Answer.pdf	Answer to Formal Complaint	3/18/2024 3:04:59 PM

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

March 18, 2024

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Very truly yours,

A handwritten signature in blue ink that reads "Khadijah Scott".

Khadijah Scott, Esquire  
Assistant General Counsel, PECO Energy Company

Encl.

Cc: Not Recommended for Call of the Docket

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DAWN BANCROFT</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2024-3046862</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**ANSWER OF RESPONDENT,**  
**PECO ENERGY COMPANY**

---

On February 27, 2024, PECO Energy Company ("PECO") was served with a formal complaint filed by DAWN BANCROFT (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. The Respondent is PECO Energy Company.
3. Admitted.
4. Denied. Unless specifically admitted herein, PECO Energy denies all material

allegations of fact and conclusions of law in the instant Complaint. In her formal Complaint, the Complainant alleges that she is entitled to an additional two years of a refund from 2017 to 2019, as a result of a meter mix-up that occurred at her property.

Preliminarily, PECO Energy avers that the Complainant, Dawn Bancroft, has filed a Complaint on behalf of a commercial customer, Bucks Elite Fitness. Bucks Elite Fitness is a commercial customer operating a business, 812 N. Easton Rd., Doylestown, PA, where services were rendered by PECO until the account finalized in November 2023. The Complainant has a corporate name registered with the Department of State. *See*, Complainant's business entity

details, attached hereto as Exhibit “1”. *See also*, BCS Decision attached hereto as Exhibit “2.” As a commercial customer, the Complainant, doing business as Bucks Elite Fitness, is required to be represented by counsel in adversarial proceedings before the Commission.<sup>1</sup>

PECO Energy’s records reveal that the Complainant established service at 812 N. Easton Rd., Store 9, Doylestown, PA, under the name, Dawn Bancroft Bucks Elite Fitness, under account number 36738-75023 on July 11, 2017. *See*, Account Activity Statement, attached hereto as Exhibit “3”. On November 3, 2023, a meter-mix up was identified at the property. On November 8, 2023, an inspection took place at the property and the Complainant was informed that a meter mix-up was discovered and that she had been overbilled. *See*, High Bill Report dated November 8, 2023 attached hereto as Exhibit “4.” *See also*, Utility Report dated, January 4, 2024, attached hereto as Exhibit “5”. PECO Energy cancelled bills issued from December 18, 2019 to November 6, 2023 for 133360 kWh under meter number 020071136 which totaled \$18,060.00. *See*, Exhibit “5”. The correct billing should have been on meter number 020071559 for 47520 kWh at \$7,554.75. *Id.* On January 4, 2024, the Complainant was reimbursed \$10,505.25 with \$1042.00 in interest for a total of \$11,547.25. *See*, Exhibits “3” and “5.”

On December 19, 2023, the Complainant filed an Informal Complaint with the Bureau of Consumer Services (BCS), stating that she should be compensated for a meter mix up that occurred over the course of the full six (6) years, stemming back to July 2017. *See*, Exhibit “2.” On February 4, 2024, the BCS closed the case as the Complainant is a commercial customer and a formal complaint was pending. *Id.*

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<sup>1</sup> 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). Accordingly, PECO Energy requests that the Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter.

Pursuant to 66 Pa.C.S. § 1312(a), the Complainant is barred from obtaining a refund for the disputed charges beyond four years. Section 1312(a) specifies:

(a) **General Rule.**-- If, in any proceeding involving rates, the Commission shall determine that any rate received by a public utility was unjust or unreasonable, or was in violation of any regulation or order of the Commission, or was in excess of the applicable rate contained in an existing and effective tariff of such public utility, the Commission shall have the power and the authority to make an order requiring the public utility to refund the amount of any excess paid by any patron, in consequence of such unlawful collection, **within four years prior to the date of the filing of the complaint**, together with interest at the legal rate from the date of each such excessive payment ...

66 Pa.C.S. § 1312(a) (*emphasis added*).

This section represents a special limitation fixing the scope of the Commission's power to order refunds. *Norman DiMatteo v. West Penn Power Co.*, 67 Pa. PUC 444 (1988). In *Norman DiMatteo*, the West Penn Power Co. improperly charged Complainant a commercial rate, rather than the appropriate residential rate, over a seven-year period. *Norman DiMatteo*, 67 Pa. PUC at 444. The Court ruled that Complainant could only receive a refund for the excessive charges paid during the last four of the seven years before the date of the filing of the complaint, due to the existence of the four-year statute of limitations established in 66 Pa. C.S. § 1312. *Id.*

In this matter, the Complainant requests reimbursement of overbilling for the six year time frame of July 2017 to November 2023. The law is clear. A six (6) year time frame is beyond the four (4) year Statute of Limitations to which PECO and the Court are bound. See, 66 Pa.C.S. § 1312(a). The Complainant was credited \$11,547.25, which is the only amount that she is entitled to for being incorrectly billed the prior four (4) years from when the meter mix-up was identified in November 2023. See Exhibits "4" and "5". The Complainant is not entitled to any additional credits as a result of the meter mix-up. This matter is without merit and should be dismissed.

5. 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 4.

6. Admitted

7. 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.

8. This Paragraph contains information regarding Filing, to which no response is required.

9. This Paragraph contains information regarding Communications, to which no response is required.

10. 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.

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

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DAWN BANCROFT</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2024-3046862</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**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: March 18, 2024



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Khadijah Scott

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DAWN BANCROFT</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2024-3046862</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**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:

DAWN BANCROFT  
254 N. Main Street  
Doylestown, PA 18901  
*Email: dawnhms@aol.com*

Dated: March 18, 2024

8 

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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**

# DAWN BANCROFT- BUCKS ELITE FITNESS

C-2024-3046851

## BUSINESS ENTITY INFORMATION

The screenshot shows the Pennsylvania Department of State's Business Search interface. The search results for 'bucks elite fitness' are displayed in a table. The table has columns for Filing Information, Initial Filing Date, Status, Entity Type, Formed In, and Address. The results show one entry for Bucks Elite Fitness, LLC (3882330), which is an Active Domestic Limited Liability Company formed in Pennsylvania on 05/18/2009. To the right of the table, a detailed view for this entity is shown, including its Initial Filing Date (05/18/2009), Status (Active), Formed In (PENNSYLVANIA), Filing Type (Domestic Limited Liability Company), Filing Subtype (Limited Liability Company), and Registered Office (Corporation Service Company, County: Dauphin). The page also includes a navigation menu on the left, a search bar, and a footer with accessibility and privacy information.

file.dos.pa.gov/search/business

PA An Official Pennsylvania Government Website

Business UCC Trademark CROP Login

### Business Search

As of 03/18/2024 we have processed all business filings received in our office through 03/13/2024.

Business Search Info:

bucks elite fitness

Advanced

Results: 1

Filing Information	Initial Filing Date	Status	Entity Type	Formed In	Address
<b>BUCKS ELITE FITNESS, LLC (3882330)</b>	05/18/2009	Active	Domestic Limited Liability Company	PENNSYLVANIA	Corporation Service Company

BUCKS ELITE FITNESS, LLC (3882330)

Request Certificate

Initial Filing Date: 05/18/2009

Status: Active

Formed In: PENNSYLVANIA

Filing Type: Domestic Limited Liability Company

Filing Subtype: Limited Liability Company

Registered Office: Corporation Service Company, County: Dauphin

View History

Request Access

ACCESSIBILITY | PRIVACY & DISCLAIMERS | TRANSLATION DISCLAIMER | SECURITY | Copyright © 2024

## **EXHIBIT 2**



March 18, 2024

## Case Details Report

**BCS Case #:** 003959528 **BCS Bill Account #:** 36738-75023  
**Customer Name:** BUCKS ELITE FITNESS  
**Service Address:** 812 N EASTON RD  
  
DOYLESTOWN, PA 18901 3723  
**Mailing Address:** 254 N MAIN ST  
  
DOYLESTOWN, PA 18901  
**Home Phone:** () -  
**Business Phone:** () -  
**Business name:** DAWN BANCROFT  
**Alternate contact:**  
  
**Date Case Opened:** 2023-12-19 **Date Cut Out:** 9999-12-31  
**PAR Case:** N  
**Investigator Name:** BCS CASE POOL  
**Investigator Phone:** (717) 787-  
**Service class:** C **Universal Service:** N  
**Previous case #:** **Contact Type:** PUC WEBSITE  
**Amount in Arrears:** \$0.00  
  
**# Adults:** 0  
**# Children:** 0  
**Children Ages:**  
**Gross Income:** \$0.00  
**Miscellaneous Info:**

**Complaint Reason:**  
BILLING DISPUTES (# 18)

### **Customer Problem Description:**

18- BILLING DISPUTE: I OWN THE SPACE AT 812 N EASTON ROAD, DOYLESTOWN, 18902. I HAVE FOUND OUT ON NOV. 8TH 2023 THAT MY SPACE WAS PAYING THE WRONG ELECTRIC BILL. I WAS PAYING FOR A DENTISTS OFFICE. I OWNED A CROSSFIT GYM. I WAS PAYING A LOT MORE MONEY THAN I SHOULD HAVE BEEN. A TECHNICHAN CAME OUT SAID I WOULD RECEIVE A LETTER IN THE MAIL AND A PHONE IN 30 DAYS FOR AN INVESTIGATION NEEDED TO BE DONE. I HAVE NEVER RECEIVED A LETTER NOR A PHONE CALL. THE 30 DAYS ENDED ON DEC. 7, 2023. I HAVE NOT RECEIVED A LETTER NOR A PHONE YET. I HAVE CALLED PECO 7 TIMES ASKING FOR AN UPDATE AND REQUESTING TO SPEAK



**March 18, 2024**

WITH SOMEONE IN BILLING OR A SUPERVISOR. EACH TIME I WAS DENIED AND WAS TOLD THEY WOULD ESCALATE MY PROBLEM AND SEND IT TO THEIR SUPERVISOR AND BILLING. I HAVE YET TO RECEIVE A PHONE CALL BACK FROM ANYONE FROM PECO| PECO OWES ME MONEY AND I WOULD LIKE TO RESOLVE THIS ISSUE. I CURRENTLY HAVE A TENANT WAITING TO MOVE INTO THE SPACE AND GET HOOKED UP WITH PECO FOR ELECTRIC. THEY WILL NOT ALLOW MY TENANT TO HOOK UP FOR THEY SAY THE ACCOUNT IS CLOSED. HOWEVER THE ADDRESS CURRENTLY HAS ELECTRIC. - RELIEF SOUGHT - THE RESOLUTION I AM SEEKING IS FOR PECO TO REFUND THE OVERPAID EXPENSES SINCE IT WAS PECO'S FAULT AND FIGURE OUT THE CORRECT METER FOR MY BUILDING SPACE SO I CAN ALLOW MY TENANT TO CONNECT FOR HER BUSINESS. THE CELL PHONE NUMBER (267) 261 - 5457 HAS BEEN ALLOWED TO BE SHARED. THE EMAIL ADDRESS DAWNHMS@AOL.COM HAS BEEN ALLOWED TO BE SHARED.

**Company Position:**

12/19/2023 I CAN ONLY REACH THE FIRST POINT OF CONTACT THEY CAN DO NOTHING EXCEPT FORWARD IT ON TO THEIR SUPERVISOR OR BILLING. THIS HAS BEEN DONE NOW FOUR TIMES WITH ABSOLUTELY NO ONE RETURNING MY CALLS.



March 18, 2024

**BCS Decision Report**

**BCS Case #:** 003959528 **Open Date:** 2023-12-19  
**Customer Name:** BUCKS ELITE FITNESS  
**Service Address:** 812 N EASTON RD

DOYLESTOWN, PA 18901 3723  
**BCS Bill Account #:** 36738-75023 **Previous Case #:**  
**Violation Type:** NO **Chapter Type:**  
**Decision Type:** W **Section / Rule:**  
**Investigator Name:** DOUGLAS FUNK

**Decision Issued Date:** 2024-02-02  
**Case Closed Date:** 2024-02-02

**Letter Description:**  
SHORT BLANK LETTER

<b>Total Balance:</b>	\$0.00	<b>Balance Date:</b>	2024-01-18
<b>Amount to Restore Service:</b>	\$0.00	<b>Amount to Continue Service:</b>	\$0.00
<b>Date Payment Due:</b>		<b>Regular Budget Amount:</b>	\$394.00
<b>Special Budget Payment:</b>	\$0.00	<b>Final Bill Monthly Payment:</b>	\$0.00
<b>Plus Arrears Payment:</b>	\$0.00	<b>End of Month Payment:</b>	\$0.00
<b>Current Monthly Payment:</b>	\$0.00		
<b>Payment Terms:</b>			

**PAR Description:**

**Resolution Description:**  
DISMISSAL ISSUED, NO DECISION. THE ACCOUNT IS COMMERCIAL AND THEREFORE, NO BCS INFORMAL LEVEL JURISDICTION. CUSTOMER ADVISED A FORMAL COMPLAINT HAS ALREADY BEEN FILED WITH THE PUC SEC. BUR. NO FURTHER ACTION.

## **EXHIBIT 3**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
1	Account Number: 79990-83070			<b>Service Address:</b>					Current Bill:		\$678.09	<b>Account Balance: \$678.09</b>								
2	Account Name: Dawn Bancroft Bucks Elite Fitness			254 N Main St					Billed Prior:		\$0.00									
3	Account Status: FINAL			DOYLESTOWN, PA 18902					Balance Due:		\$0.00									
4	Meter Bill Group: 16																			
5				<b>Mail To:</b>					Credit Amount:			<b>Rates:</b>								
6				DAWN BANCROFT BUCKS ELITE FITNESS					Deposit Requested:		\$0.00	SUPPLIER ELECTRIC COMMERCIAL SERV 0-100KW								
7				254 N MAIN ST					Deposit On-Hand:		\$0.00									
8				DOYLESTOWN, PA 18902					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	KW	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt
14	01/21/2022	ELECTRIC SERVICE		12/17/2021-01/21/2022	4883	ACTUAL	20071136	2600	12.6		\$348.18	\$0.00	\$924.81	\$924.81	02/14/2022	\$924.81	905	\$0.00
15	01/21/2022	GAS SERVICE		12/17/2021-01/21/2022	87873	ACTUAL	27702707		0	507.3	\$576.63	\$0.00	\$924.81	\$924.81	02/14/2022	\$924.81	905	\$0.00
16	02/11/2022		PAYMENT								-\$924.81							
17	02/21/2022	ELECTRIC SERVICE		01/21/2022-02/21/2022	4950	ACTUAL	20071136	2680	13.4		\$371.31	\$0.00	\$1,023.53	\$1,023.53	03/15/2022	\$1,023.53	936	\$0.00
18	02/21/2022	GAS SERVICE		01/21/2022-02/21/2022	88379	ACTUAL	27702707		0	576.84	\$652.22	\$0.00	\$1,023.53	\$1,023.53	03/15/2022	\$1,023.53	936	\$0.00
19	03/11/2022		PAYMENT								-\$1,023.53							
20	03/22/2022	ELECTRIC SERVICE		02/21/2022-03/22/2022	5018	ACTUAL	20071136	2720	14.2		\$399.54	\$0.00	\$756.32	\$756.32	04/13/2022	\$756.32	508	\$0.00
21	03/22/2022	GAS SERVICE		02/21/2022-03/22/2022	88652	ACTUAL	27702707		0	311.22	\$356.78	\$0.00	\$756.32	\$756.32	04/13/2022	\$756.32	508	\$0.00
22	04/13/2022		PAYMENT								-\$756.32							
23	04/20/2022	ELECTRIC SERVICE		03/22/2022-04/20/2022	5100	ACTUAL	20071136	3280	17.4		\$471.73	\$0.00	\$683.95	\$683.95	05/12/2022	\$683.95	406	\$0.00
24	04/20/2022	GAS SERVICE		03/22/2022-04/20/2022	88803	ACTUAL	27702707		0	172.14	\$212.22	\$0.00	\$683.95	\$683.95	05/12/2022	\$683.95	406	\$0.00
25	05/12/2022		PAYMENT								-\$683.95							
26	05/19/2022	ELECTRIC SERVICE		04/20/2022-05/19/2022	5171	ACTUAL	20071136	2840	17.5		\$442.52	\$0.00	\$542.29	\$542.29	06/10/2022	\$542.29	148	\$0.00
27	05/19/2022	GAS SERVICE		04/20/2022-05/19/2022	88860	ACTUAL	27702707		0	64.98	\$99.77	\$0.00	\$542.29	\$542.29	06/10/2022	\$542.29	148	\$0.00
28	06/10/2022		PAYMENT								-\$542.29							
29	06/20/2022	ELECTRIC SERVICE		05/19/2022-06/20/2022	5248	ACTUAL	20071136	3080	15		\$463.68	\$0.00	\$498.90	\$498.90	07/12/2022	\$498.90		\$0.00
30	06/20/2022	GAS SERVICE		05/19/2022-06/20/2022	88863	ACTUAL	27702707		0	3.42	\$35.22	\$0.00	\$498.90	\$498.90	07/12/2022	\$498.90		\$0.00
31	07/12/2022		PAYMENT								-\$254.17							
32	07/19/2022	LATE PAYMENT CHARGE									\$3.67							
33	07/20/2022	ELECTRIC SERVICE		06/20/2022-07/20/2022	5338	ACTUAL	20071136	3600	14.4		\$501.97	\$248.40	\$532.54	\$780.94	08/11/2022	\$780.94		\$0.00
34	07/20/2022	GAS SERVICE		06/20/2022-07/20/2022	88863	ACTUAL	27702707		0	0	\$30.57	\$248.40	\$532.54	\$780.94	08/11/2022	\$780.94		\$0.00
35	07/25/2022		PAYMENT								-\$780.94							
36	08/18/2022	ELECTRIC SERVICE		07/20/2022-08/18/2022	5433	ACTUAL	20071136	3800	16.4		\$540.35	\$0.00	\$570.92	\$570.92	09/09/2022	\$570.92		\$0.00
37	08/18/2022	GAS SERVICE		07/20/2022-08/18/2022	88863	ACTUAL	27702707		0	0	\$30.57	\$0.00	\$570.92	\$570.92	09/09/2022	\$570.92		\$0.00
38	09/09/2022		PAYMENT								-\$570.92							
39	09/15/2022	ELECTRIC SERVICE		08/18/2022-09/15/2022	5507	ACTUAL	20071136	2960	14.2		\$461.70	\$0.00	\$461.70	\$461.70	10/07/2022	\$461.70		\$0.00
40	09/15/2022	ELECTRIC SERVICE		09/15/2022-09/19/2022	5515	ACTUAL	20071136	320	10.9		\$461.70	\$0.00	\$461.70	\$461.70	10/07/2022	\$461.70		\$0.00
41	09/20/2022	ALTERNATE ELEC SERVICE									\$22.34							
42	09/20/2022	RETURNED CHECK									\$570.92							
43	09/20/2022	ELECTRIC SERVICE		08/18/2022-09/15/2022	5507	ACTUAL	20071136	2960	14.2		\$11.00	\$0.00	\$526.96	\$526.96	10/12/2022	\$526.96		\$0.00
44	09/20/2022	ELECTRIC SERVICE		09/15/2022-09/19/2022	5515	ACTUAL	20071136	320	10.9		\$11.00	\$0.00	\$526.96	\$526.96	10/12/2022	\$526.96		\$0.00
45	09/20/2022	GAS SERVICE		08/18/2022-09/19/2022	88864	ACTUAL	27702707		0	1.14	\$31.92	\$0.00	\$526.96	\$526.96	10/12/2022	\$526.96		\$0.00
46	09/21/2022	RETURNED ITEM CHARGE									\$40.00							
47	09/28/2022		PAYMENT								-\$570.92							
48	10/07/2022		PAYMENT								-\$461.70							
49	10/10/2022		PAYMENT								-\$85.26							
50	10/12/2022		PAYMENT								-\$65.26							
51	10/12/2022	RETURNED CHECK									\$461.70							

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
13	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	KW	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt	
52	10/13/2022	RETURNED ITEM CHARGE									\$40.00								
53	10/14/2022	LATE PAYMENT CHARGE									\$4.67								
54	10/14/2022	RETURNED CHECK									\$65.26								
55	10/17/2022	RETURNED ITEM CHARGE									\$40.00								
56	10/18/2022	LATE PAYMENT CHARGE									\$0.99								
57	10/19/2022	ALTERNATE ELEC SERVICE									\$173.21								
58	10/19/2022	ELECTRIC SERVICE		09/19/2022-10/18/2022	5577	ACTUAL	20071136	2480	13.4		\$195.69								
59	10/19/2022	GAS SERVICE		09/19/2022-10/18/2022	88935	ACTUAL	27702707		0	80.94	\$138.81	\$447.36	\$567.71	\$1,015.07	11/10/2022	\$1,015.07	76	\$0.00	
60	10/27/2022		PAYMENT								-\$441.70								
61	11/08/2022		PAYMENT								-\$573.37								
62	11/17/2022	ALTERNATE ELEC SERVICE									\$178.79								
63	11/17/2022	ELECTRIC SERVICE		10/18/2022-11/16/2022	5641	ACTUAL	20071136	2560	13.4		\$195.82								
64	11/17/2022	GAS SERVICE		10/18/2022-11/16/2022	89085	ACTUAL	27702707		0	171	\$259.08	\$0.00	\$633.69	\$633.69	12/09/2022	\$633.69	236	\$0.00	
65	12/07/2022		PAYMENT								-\$633.69								
66	12/20/2022	ALTERNATE ELEC SERVICE									\$192.76								
67	12/20/2022	ELECTRIC SERVICE		11/16/2022-12/19/2022	5710	ACTUAL	20071136	2760	13.8		\$198.42								
68	12/20/2022	GAS SERVICE		11/16/2022-12/19/2022	89463	ACTUAL	27702707		0	430.92	\$586.63	\$0.00	\$977.81	\$977.81	01/11/2023	\$977.81	729	\$0.00	
69	01/18/2023	LATE PAYMENT CHARGE									\$14.67								
70	01/23/2023	ALTERNATE ELEC SERVICE									\$192.76								
71	01/23/2023	ELECTRIC SERVICE		12/19/2022-01/20/2023	5779	ACTUAL	20071136	2760	13		\$189.62								
72	01/23/2023	GAS SERVICE		12/19/2022-01/20/2023	89836	ACTUAL	27702707		0	425.22	\$578.93	\$992.48	\$961.31	\$1,953.79	02/14/2023	\$1,953.79	799	\$0.00	
73	02/21/2023	ALTERNATE ELEC SERVICE									\$164.82								
74	02/21/2023	LATE PAYMENT CHARGE									\$29.08								
75	02/21/2023	ELECTRIC SERVICE		01/20/2023-02/20/2023	5838	ACTUAL	20071136	2360	11.1		\$170.81								
76	02/21/2023	GAS SERVICE		01/20/2023-02/20/2023	89986	ACTUAL	27702707		0	171	\$255.51	\$1,982.87	\$591.14	\$2,574.01	03/15/2023	\$2,574.01	709	\$0.00	
77	03/21/2023	LATE PAYMENT CHARGE									\$37.94								
78	03/22/2023	ALTERNATE ELEC SERVICE									\$176.00								
79	03/22/2023	ELECTRIC SERVICE		02/20/2023-03/21/2023	5901	ACTUAL	20071136	2520	12.1		\$180.61								
80	03/22/2023	GAS SERVICE		02/20/2023-03/21/2023	90080	ACTUAL	27702707		0	107.16	\$161.53	\$2,611.95	\$518.14	\$3,130.09	04/13/2023	\$3,130.09	630	\$0.00	
81	04/18/2023	DEPOSIT									\$1,935.00								
82	04/18/2023	LATE PAYMENT CHARGE									\$45.71								
83	04/20/2023	ALTERNATE ELEC SERVICE									\$148.06								
84	04/20/2023	ELECTRIC SERVICE		03/21/2023-04/19/2023	5954	ACTUAL	20071136	2120	13.4		\$192.50								
85	04/20/2023	GAS SERVICE		03/21/2023-04/19/2023	90114	ACTUAL	27702707		0	38.76	\$77.84	\$3,175.80	\$2,353.40	\$5,529.20	05/12/2023	\$5,529.20	283	\$0.00	
86	05/17/2023	LATE PAYMENT CHARGE									\$51.99								
87	05/19/2023	ALTERNATE ELEC SERVICE									\$153.64								
88	05/19/2023	ELECTRIC SERVICE		04/19/2023-05/18/2023	6009	ACTUAL	20071136	2200	13.7		\$195.50								
89	05/19/2023	GAS SERVICE		04/19/2023-05/18/2023	90117	ACTUAL	27702707		0	3.42	\$35.30	\$5,581.19	\$384.44	\$5,965.63	06/12/2023	\$5,965.63	174	\$0.00	
90	06/19/2023	LATE PAYMENT CHARGE									\$57.75								
91	06/20/2023	ALTERNATE ELEC SERVICE									\$150.86								
92	06/20/2023	ELECTRIC SERVICE		05/18/2023-06/19/2023	6063	ACTUAL	20071136	2160	12.8		\$190.65								
93	06/20/2023	GAS SERVICE		05/18/2023-06/19/2023	90117	ACTUAL	27702707		0	0	\$31.76	\$6,023.38	\$373.27	\$6,396.65	07/12/2023	\$6,396.65		\$0.00	
94	07/18/2023	LATE PAYMENT CHARGE									\$63.35								

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
13	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	KW	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt	
95	07/20/2023	ALTERNATE ELEC SERVICE									\$173.21								
96	07/20/2023	ELECTRIC SERVICE		06/19/2023-07/19/2023	6125	ACTUAL	20071136	2480	14.5		\$210.94								
97	07/20/2023	GAS SERVICE		06/19/2023-07/19/2023	90117	ACTUAL	27702707		0	0	\$31.66	\$6,460.00	\$415.81	\$6,875.81	08/11/2023	\$6,875.81		\$0.00	
98	08/16/2023		PAYMENT AGREEMENT								-\$4,940.81								
99	08/16/2023	INSTALLMENT PAYMENT AGREEMENT									\$2,470.41								
100	08/18/2023	ALTERNATE ELEC SERVICE									\$178.79								
101	08/18/2023	INSTALLMENT PAYMENT AGREEMENT									\$1,235.20								
102	08/18/2023	ELECTRIC SERVICE		07/19/2023-08/17/2023	6189	ACTUAL	20071136	2560	14.4		\$210.31								
103	08/18/2023	GAS SERVICE		07/19/2023-08/17/2023	90117	ACTUAL	27702707		0	0	\$31.66	\$1,935.00	\$4,126.37	\$6,061.37	09/11/2023	\$6,061.37		\$0.00	
104	08/23/2023		PAYMENT								-\$1,935.00								
105	09/13/2023		PAYMENT								-\$2,470.40								
106	09/18/2023	LATE PAYMENT CHARGE									\$6.30								
107	09/19/2023	ALTERNATE ELEC SERVICE									\$162.03								
108	09/19/2023	INSTALLMENT PAYMENT AGREEMENT									\$1,235.20								
109	09/19/2023	ELECTRIC SERVICE		08/17/2023-09/18/2023	6247	ACTUAL	20071136	2320	15		\$215.07								
110	09/19/2023	GAS SERVICE		08/17/2023-09/18/2023	90118	ACTUAL	27702707		0	1.14	\$32.73	\$1,662.27	\$1,645.03	\$3,307.30	10/11/2023	\$3,307.30		\$0.00	
111	10/12/2023		PAYMENT								-\$409.83								
112	10/17/2023	LATE PAYMENT CHARGE									\$6.31								
113	10/18/2023	ALTERNATE ELEC SERVICE									\$117.33								
114	10/18/2023	ELECTRIC SERVICE		09/18/2023-10/17/2023	6289	ACTUAL	20071136	1680	9.7		\$162.22								
115	10/18/2023	GAS SERVICE		09/18/2023-10/17/2023	90133	ACTUAL	27702707		0	17.1	\$49.95	\$2,903.78	\$329.50	\$3,233.28	11/09/2023	\$3,233.28	58	\$0.00	
116	10/25/2023		PAYMENT								-\$2,897.47								
117	11/09/2023		PAYMENT								-\$329.50								
118	11/09/2023	ALTERNATE ELEC SERVICE									\$83.80								
119	11/09/2023	ELECTRIC SERVICE		10/17/2023-11/06/2023	6319	ACTUAL	20071136	1200	10		\$110.49	\$0.00	\$200.60	\$200.60	12/04/2023	\$200.60	166	\$0.00	
120	11/28/2023		DEPOSIT								-\$1,935.44								
121	11/28/2023	GAS SERVICE		10/17/2023-11/02/2023	90161	ACTUAL	27702707		0	31.92	\$51.30	\$0.00	\$0.00	\$0.00	12/20/2023	\$0.00	100	\$0.00	
122	12/04/2023		PAYMENT								\$0.00								
123	01/03/2024		CREDIT								-\$11,547.25								
124	01/09/2024		TRANSFER	79990-8370							\$11,547.25								
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126																			
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	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	KW	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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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	KW	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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# **EXHIBIT 4**



# High Bill Investigation Report

## High Bill Electric

<b>Fielded By</b> 012682-AARON SAUNDERS	<b>Date Completed</b> 2023-11-08	<b>Customer Name</b> DAWN BANCROFT	<b>Customer Address</b> 812 N EASTON RD, STORE 9 DOYLESTOWN PA 18902-PLUMSTEAD- PA-18902
--	-------------------------------------	---------------------------------------	---

<b>Date Disputed</b> 2023-11-03	<b>Account No</b> 3673875023	<b>Reason for Order</b> Possible Meter Mix-Up
------------------------------------	---------------------------------	--

OR/WRUR Provided   
  OR/WRUR Needed   
  Billing Work Needed

### Check All that Apply:

- General High Bill
- Rate Change.
- Meter Mix Up.
- No Issues Found
- Foreign Wiring
- Foreign Wiring Corrected
- Cost Estimate Performed
- Meter Tested

<b>Meter No. 1</b> 027702707	<b>Meter No. 2</b> 020071136	<b>Meter No. 3</b>
<b>Meter Reading 1</b>	<b>Meter Reading 2</b>	<b>Meter Reading 3</b>
<b>Daily Average KWH Usage</b>		

## Meter Constant

<b>Expected Meter Constant</b> 40	<b>Last Bill Reading Verified?</b>
<b>Meter Constant Match?</b>	<b>Found Meter Constant</b>
<b>Changed Landlord/Tenant Code to Landlord</b>	

## Passing Load Test Performed

<b>Dropped Load &amp; Idled Meter</b>		<b>Test Pass/Fail</b>
<b>Appliance Used</b>	<b>Kwh</b>	<b>No. Of Seconds</b>
<b>Clocked</b>	<b>Watts</b>	

Of

## Rate Change

<b>Change To</b>	<b>Change Reason (if applicable)</b>
------------------	--------------------------------------

**Foreign Wiring**

**Check All that Apply:**

- ◊ Transfer Service/Balance into Owner's Name.
- ◊ Transfer Account into Tenant's Name.
- ◊ Leave in Owner's name until new tenant applies.
- ◊ Remove Landlord/Tenant Code – Foreign Wiring Corrected.
- ◊ Refer to Legal.

**High Bill Gas**

Date Disputed
2023-11-03

Account No
3673875023

Reason for Order
Possible Meter Mix-Up

- ◊ OR/WRUR Provided    ◊ OR/WRUR Needed    ◊ Billing Work Needed

**Check All that Apply:**

- ◊ General High Bill
- ◊ Rate Change.
- ◊ Meter Mix Up.
- ◊ No Issues Found
- ◊ Foreign Piping
- ◊ Foreign Piping Corrected
- ◊ Cost Estimate Performed

Meter No. 1
027702707

Meter No. 2
020071136

Meter No. 3

Module No. 1

Module No. 2

Module No. 3

Meter Reading 1
90185

Meter Reading 2
6323

Meter Reading 3

Daily Average KWH Usage

**Meter Multiplier**

Expected Meter Constant
1.14
Meter Constant Match?
Changed Landlord/Tenant Code to Landlord

Last Billed Reading Verified?
YES
Found Meter Constant
Fitting Marked Correct?

**Passing Load Test Performed**

Dropped Load & Idled Meter?
Appliance Used
Clocked

Of

FT Dial
BTUs

Test Pass/Fail ?
No. Of Seconds

**Rate Change**

Rate Change To

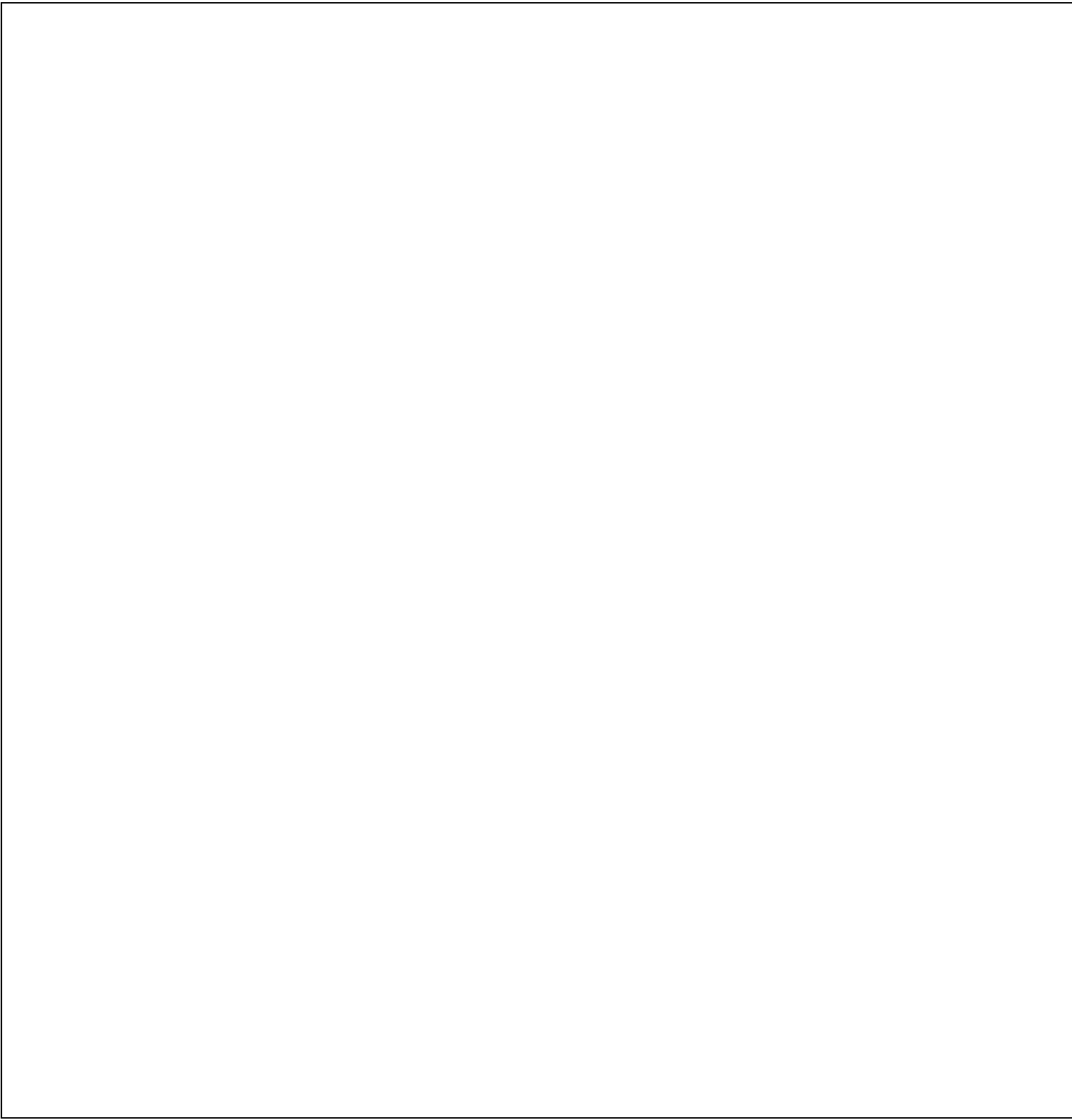
Rate Change Reason (if applicable)

**Foreign Wiring****Check All that Apply:**

- ◇ Transfer Service/Balance into Owner's Name.
- ◇ Transfer Account into Tenant's Name.
- ◇ Leave in Owner's name until new tenant applies.
- ◇ Remove Landlord/Tenant Code – Foreign Wiring Corrected.
- ◇ Refer to Legal.

**Meter Mixup**

Found Meter Number	Found Reading Device/Module Number	Reading	Incorrect Service Address (As Listed)	Correct Service Address (Should Be)
020071136		6323	STORE 9	STORE 10
020071559		1051	STORE 10	STORE 9
027614087		7818	STORE 10	STORE 9
027702707		90185	STORE 9	STORE 10



**Cost Estimate**

Refrigerator Type	No Of.	Avg Kwh	Act KWH

Freezer Type	No Of.	Avg Kwh	Act KWH

Cooking - Elect	No Of.	Avg Kwh	Act KWH

Other Kitchen Appliances	No Of.	Avg Kwh	Act KWH

Laundry Service	No Of.	Avg Kwh	Act KWH

Home Entertainment	No Of.	Avg Kwh	Act KWH

Lighting Average	No Of.	Avg Kwh	Act KWH

Electric Water Heater	No Of.	Avg Kwh	Act KWH

Heating Electric	Number of Feet/Count of Units	Total Watts	kW	Hours/Day	Estimated kWh/Month

Heating Gas / Oil / Propane	No Of.	Avg Kwh	Act KWH

Air Condition Type	Btu's	Watts	Act KWH

Other Appliances	No Of.	Avg Kwh	Act KWH

Gas Service	BTUs Out	Clocked	Hours/Day	Average CCFs

Average KWH Summer	Average KWH Winter	Average CCF Usage	Additional kWh Summer	Additional kWh Winter	Total kWh Summer	Total kWh Winter
0	0	0			0	0
Additional Usage Description						

**Completion Form**

Action	Reason	Subreason	Details
COMP-Complete	ALL-All Complete		

Type of Lock	Meter Protection

Completion Remarks:
FMM : FOUND MIXED METERS

Contact
S-Successful Contact

Remarks:
MET W/ CUST-VERF METER / RDGS- FOUND GAS / ELEC MMU POSS INCORRECT MODIFIERS WERE GIVEN TO UNITS-GAS AND ELEC METERS FOR STORE 9 SHLD BE STORE 10 OR DENTAL OFC -BWN= CORRECT MMU AND ADJUST BILLING IF APPLICABLE

# **EXHIBIT 5**



**UTILITY COMPANY REPORT**  
**Reporte De La Compania Utilidades**

<b>Date:</b> 01/04/24	<b>Prepared By:</b> Brooke Z.
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<b>Name:</b> DAWN BANCROFT BUCKS ELITE FITNESS
<b>Mailing Address:</b> 254 N MAIN ST DOYLESTOWN PA 18901
<b>Post Office:</b> DOYLESTOWN PA 18901
<b>Account Number:</b> 36738-75023

<b>Phone Home:</b> (267) 261-5457	<b>Phone Work:</b>
<b>Service Address:</b> 812 N EASTON RD, STORE 9 DOYLESTOWN PA 18902	

**Problem As You Described It**

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On 11/03/23 PECO was contacted regarding a possible meter mix-up.

**Our Response**

---

On 11/08/23 our high bill technician came to the property regarding a high bill complaint. The technician verified a meter mix up with your meter. We have made the necessary corrections and you will be billed correctly from now on. However, we have discovered that you have been over billed. We Changed meter # from 020071136 to 020071559 due to Meter Mix Up. Billed from 12/18/19 to 11/6/23 for 133,360 kwh \$18,060.00. Revised billing should have been 47,520 kwh \$7,554.75. Processed \$10,505.25 bill adjustment plus \$1,042.00 interest for the difference due to previous overbilling.

The credit on your account is \$11,547.25 as of 01/04/24. The amount due by 01/22/24 to avoid delinquency is \$0.00

If you have any questions, or need payment arrangements, please contact our Financial Care Center at 1-888-480-1533.

Cordially  
Aaron S.  
High Bill Field

## **UTILITY COMPANY REPORT**

### **To file a Complaint**

If you do not agree with this report you may file a Complaint with the Public Utility Commission (PUC). You may file a complaint by calling the PUC at 1-800-692-7380 or by writing to the following address:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg PA 17105-3265  
Attention: Service Termination Mediation Unit

To protect your rights your complaint should be filed within 10 days of the date on this report and should include the following information:

1. Your name.
2. Your address.
3. The address where this service is being used.
4. Your account number.
5. Our name, PECO Energy Company.
6. A brief statement of the problem.
7. Whether a Complaint about this problem was filed with the PUC before.
8. Whether the problem was investigated and reported by us on or before the shut-off date, if any.
9. How you would like the problem to be solved.

If you file a complaint and do the things the PUC tells you to do, we will not shut off your service while they are handling your complaint.

### **PECO ENERGY COMPANY**

If you need to talk to us, please call 1-800-494-4000, between 7:00 a.m. and 7:00 p.m., Monday through Friday.

PECO Energy Company's Business Office hours are Monday through Friday, from 8:30 a.m. to 5:00 p.m. Our Business Office is located at:

2301 Market Street, Philadelphia, PA 19101