

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JONATHAN DIBELLO

Complainant

v.

PECO ENERGY COMPANY

Respondent

:
:
:
:
:
:
:
:
:
:

DOCKET NO. C-2024-3050533

COMPLAINANT'S RESPONSE TO RESPONDENT PECO ENERGY COMPANY'S
PRELIMINARY OBJECTION

Complainant Jonathan DiBello respectfully objects to Respondent's Preliminary Objection requesting to dismiss this case due to a matter of jurisdiction which this commission does indeed have. Complainant's answers to the averments is as follows:

1. Admitted
2. Admitted
3. Admitted
4. Admitted
5. Admitted
6. Admitted
7. Denied. This Commission does in fact have Jurisdiction for the Post Petition debt. The Bankruptcy Court only has Jurisdiction over Pre-Petition debt.
8. Admitted. However complainant is currently appealing this decision in the Commonwealth Court of Pennsylvania which is currently still pending.
9. Admitted
10. Admitted. However this Commission does have Jurisdiction due to this matter being Post petition debt.
11. Admitted
12. Admitted
13. Admitted
14. Admitted
15. Admitted
16. Admitted

17. Admitted
18. Denied. There are issues of fact with this case.

Complainant's Response to Section I. Lack of Commission Jurisdiction-The PUC does not have Jurisdiction to issue a Payment Arrangement for a Customer with an Active Chapter 13 Bankruptcy.

1. Admitted
2. Admitted
3. Admitted
4. Admitted
5. Admitted
6. Admitted. However the Commonwealth Court has Jurisdiction over the PUC in regards to Appeals of a final decision.
7. Denied. Respondent wanted to Terminate Complainant's services without allowing him a payment arrangement.
8. Admitted
9. Admitted
10. Denied. The Commission does have jurisdiction over post-petition debt.
11. Admitted
12. Denied. Chapter 13 payment plan does not and isn't permitted to include post-petition debt.
13. Admitted. However this is still in the appeal process with the Commonwealth Court.
14. Denied. This Commission does in fact have subject matter jurisdiction.
15. Denied. While this was decided by the Commission, this is still under appeal with the Commonwealth Court.
16. Admitted
17. Denied. In addition to payment arrangement, Complainant is also disputing termination of services due to this matter still being under appeal. The termination should be stayed until the final decision of the Commonwealth Court has been reached.
18. Denied. While this complaint is still requesting a payment arrangement, complainant is also disputing the respondent attempting to terminate service while this matter is still under appeal with the Commonwealth Court. Termination should be stayed.
19. Denied
20. Denied
21. Denied
22. Denied. The termination of services while Commonwealth Court Appeal pending is being litigated in this proceeding.
23. Denied. This is regarding post-petition debt

- 24. Admitted. However the respondent must exhaust everything possible to assist customers with payment arrangements, etc to prevent terminating services. Respondent should have to prove that customers have the ability to pay and if not assist in any way possible. Termination of service should be the last option.
- 25. Admitted
- 26. Denied

REQUEST FOR RELIEF

Respectfully, the complainant requests a hearing disputing PECO Energy's Preliminary Objections.

Respectfully Submitted,


Jonathan DiBello

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JONATHAN DIBELLO
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
:
:
:
:
:
:
:

DOCKET NO. C-2024-3050533

VERIFICATION

I, Jonathan DiBello, hereby declare 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.

Dated: 08/26/2024


Jonathan DiBello

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JONATHAN DIBELLO
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
:
:
:
:
:
:
:
:

DOCKET NO. C-2024-3050533

CERTIFICATE OF SERVICE

I, Jonathan DiBello, hereby certify that I have this day served a copy of Complainant's Response to Respondent PECO Energy Company's Preliminary Objection in the above matter upon all interested parties by E-mailing a copy to:

KHADIJAH SCOTT
COUNSEL FOR PECO ENERGY COMPANY
2301 MARKET ST S23-1
PHILADELPHIA, PA 19103
Via E-Mail: Khadijah.scott@exeloncorp.com

Dated: 08/26/2024


Jonathan DiBello