

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joy Lucretia Clark
Complainant

v.

PECO Energy Company
Respondent

Docket No.: C-2026-3061342

AMENDED REPLY OF COMPLAINANT TO ANSWER OF RESPONDENT

Complainant, Joy Lucretia Clark, hereby submits this Amended Reply to the Answer filed by Respondent, PECO Energy Company, and states as follows:

I. INTRODUCTION

1. Respondent's Answer consists primarily of general denials and conclusory statements and fails to address the specific billing discrepancies and accounting failures raised in the Formal Complaint.
 2. This matter concerns improper billing practices, failure to properly apply credits and assistance funds, lack of transparency, and failure to comply with regulatory dispute obligations, all governed by Pennsylvania statutory law and Public Utility Commission regulations.
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II. APPLICABLE LAW AND REGULATORY FRAMEWORK

3. Under **66 Pa.C.S. § 1501**, a public utility must furnish and maintain **adequate, efficient, safe, and reasonable service**, including accurate billing and proper account management.
 4. Under **66 Pa.C.S. § 1301**, all charges must be **just and reasonable**, and any billing practice resulting in overcharges, misapplied credits, or retained customer funds is unlawful.
 5. Under **52 Pa. Code § 56.12**, utilities must provide:
 - Accurate, itemized billing statements
 - Clear reflection of charges, payments, and credits
 - Transparent calculation of account balances
 6. Under **52 Pa. Code § 56.11**, billing must be based on actual usage or properly calculated estimates and must not be misleading.
 7. Under **52 Pa. Code § 56.14**, utilities must correct billing errors and properly reconcile overcharges and credits.
 8. Under **52 Pa. Code § 56.91–56.98**, utilities must:
 - Promptly and thoroughly investigate disputes
 - Provide written explanations
 - Maintain records sufficient to support billing claims
 9. Under **52 Pa. Code Chapter 69 (CAP)**, including § 69.265, utilities must:
 - Properly administer CAP accounts
 - Accurately apply credits
 - Maintain transparent accounting of all adjustments
 10. Under applicable **LIHEAP program requirements**, funds must be:
 - Properly applied to the account
 - Clearly reflected in billing
 - Not retained without reconciliation or explanation
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III. BURDEN OF PROOF AND ACCOUNTING OBLIGATION

11. Once a customer disputes billing, the **burden shifts to the utility** to demonstrate that its charges are accurate, lawful, and properly calculated.
 12. Under **52 Pa. Code § 56.91**, Respondent is required to conduct a reasonable investigation and provide documentation sufficient to support its billing.
 13. Respondent has failed to meet this burden, as it has not produced a complete accounting of the Complainant's account.
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IV. RESPONSE TO RESPONDENT'S ANSWER

14. Respondent admits that Complainant is the customer of record; such admission is noted.

15. Respondent's general denials of improper billing are denied.
 16. Respondent's repeated statements that "no response is required" and that "the Code speaks for itself" are legally insufficient.
 17. Where factual disputes exist, Respondent is required to provide evidentiary support. Reliance on generalized legal statements does not satisfy its obligations under:
 - **52 Pa. Code § 56.91** (duty to investigate disputes)
 - **52 Pa. Code § 56.12** (requirement for clear billing explanation)
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V. FAILURE TO PROVIDE REQUIRED ACCOUNTING

18. The Complaint raises specific factual issues, including:

- a. Excess and unexplained account credits
- b. Improper or unclear application of LIHEAP funds
- c. CAP adjustments not properly reconciled
- d. Lack of refund or accounting of surplus funds

19. Respondent has failed to produce:

- a. A complete billing ledger
- b. A transaction-by-transaction accounting
- c. Documentation showing how credits were applied
- d. Explanation of CAP and LIHEAP interactions

20. Respondent's failure to produce these records prevents verification of the account balance and violates regulatory requirements.

VI. SPECIFIC DEMAND FOR BILLING LEDGER

21. Complainant specifically requests that Respondent be ordered to produce a **complete billing ledger** in chronological format, including:
 - Date of each transaction
 - Type of transaction (charge, payment, credit, adjustment)
 - Amount of each transaction
 - Running account balance after each entry
 - Identification of all CAP credits
 - Identification of all LIHEAP payments
 - Explanation of any adjustments or reversals
22. Summary statements or partial records are insufficient to meet Respondent's burden.

VII. FAILURE TO COMPLY WITH REGULATORY DUTIES

23. Respondent's conduct violates:

- **66 Pa.C.S. § 1501**
- **66 Pa.C.S. § 1301**
- **52 Pa. Code § 56.12**
- **52 Pa. Code § 56.91**

24. Without a complete accounting, Respondent cannot demonstrate that its billing practices are lawful.

VIII. CAP AND LIHEAP MISAPPLICATION

25. The improper or unclear application of CAP credits and LIHEAP funds raises serious compliance concerns.

26. Failure to properly apply or account for these funds violates:

- **52 Pa. Code Chapter 69 (CAP requirements)**
- LIHEAP administration obligations incorporated into utility billing practices

27. Any retention or misapplication of such funds constitutes unjust and unreasonable conduct under **66 Pa.C.S. § 1301**.

IX. PROCEDURAL DEFICIENCIES

28. Respondent initially filed an Answer without verification.

29. Under **52 Pa. Code § 5.382**, pleadings must be properly verified. This deficiency further reflects the inadequacy of Respondent's response.

X. OPPOSITION TO DISMISSAL AND MEDIATION

30. Respondent's request for dismissal must be denied because:

- a. Material factual disputes remain
- b. Required accounting has not been produced
- c. Regulatory compliance has not been demonstrated

31. Referral to mediation is premature where Respondent has failed to provide mandatory disclosures necessary for meaningful resolution.
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XI. IMPACT ON COMPLAINANT

32. Respondent's conduct has caused financial harm and uncertainty regarding the account balance.
33. These failures directly impact Complainant's ability to maintain essential utility service and housing stability.
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XII. REQUEST FOR RELIEF

WHEREFORE, Complainant respectfully requests that the Commission:

1. Deny Respondent's request for dismissal;
 2. Order Respondent to produce a **complete billing ledger** as specified above;
 3. Require compliance with:
 - **52 Pa. Code § 56.12**
 - **52 Pa. Code § 56.91**
 - **Chapter 69 CAP regulations**
 4. Order correction of billing errors under **52 Pa. Code § 56.14**;
 5. Order refund of improperly retained funds;
 6. Require written explanation of:
 - CAP credit application
 - LIHEAP fund application
 - Handling of excess credits
 7. Grant any additional relief deemed just and proper under:
 - **66 Pa.C.S. §§ 1301 and 1501**
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XIII. CONCLUSION

Respondent has failed to meet its regulatory and evidentiary obligations. Full accounting and Commission review are required.

Respectfully submitted,

Joy Lucretia Clark
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Philadelphia, PA 19139
(215) 203-2482

VERIFICATION

I, Joy Lucretia Clark, verify that the statements made in this Reply are true and correct to the best of my knowledge, information, and belief. I understand that false statements are subject to the penalties of 18 Pa.C.S. § 4904.

Date: 04/21/2026

/s/ Joy Lucretia Clark

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply was served upon counsel for Respondent on this 21st day of April , 2026 via:

XEmail
XElectronic Filing