



An Exelon Company

Direct Dial: 215.841.6841

March 17, 2015

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

**RE: James Lundy v. PECO Energy Company**  
**PUC Docket No.: F-2015-2466629**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion for Judgment on the Pleadings* with regard to the matter referenced above.

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 black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service

sl/LO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JAMES LUNDY**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2466629**

**NOTICE TO PLEAD**

*To: James Lundy*

Pursuant to 52 Pa. Code §§5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion for Judgment on the Pleadings within 20 days from service of this notice, the facts set forth by PECO Energy Company may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane Lee, and where applicable, the Administrative Law Judge presiding over the issue.

Failure to respond to this Motion could result in the dismissal of your case.

File with:

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

With a copy to:

Shawane L. Lee, Esquire  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103

Dated: March 17, 2015



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Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19101-8699  
Tel. (215) 841-6841  
Fax. (215) 568-3389  
shawane.lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JAMES LUNDY**

**v.**

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2466629**

**MOTION FOR JUDGMENT ON THE PLEADINGS**

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.102, respectfully requests that your Honorable Commission dismiss the instant complaint inasmuch as Complainant requests a payment arrangement. No factual dispute has been raised in the pleadings regarding complainant's request for a payment agreement. Pursuant to 66 Pa.C.S. §1405(c), Complainant is ineligible for a Commission-ordered payment agreement, and thus Complainant fails to state a claim upon which relief can be granted. Therefore, PECO is entitled to judgment as a matter of law.

1. On or about January 27, 2015, Complainant filed a Formal Complaint against Respondent, PECO, requesting to receive a Commission-ordered payment agreement. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

2. PECO was served with the Formal Complaint on February 10, 2015.

3. On February 23, 2015, PECO filed an Answer, New Matter and Notice to Plead. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2.

4. PECO averred in its New Matter that Complainant was enrolled in its Customer Assistance Program (CAP) on August 14, 2012 under Tier D1. New Matter ¶1.

5. Complainant was removed from CAP on September 19, 2013, when service was discontinued. New Matter ¶2.

6. Complainant was reenrolled in the CAP program at a new address on December 4, 2013 under Tier D. New Matter ¶3.

7. PECO averred that Complainant's balance is \$1,230.43. New Matter ¶4.

8. PECO averred that Complainant's entire balance is comprised of CAP arrears. New Matter ¶5.

9. PECO averred that Complainant is actively enrolled in CAP, and is scheduled for recertification on July 10, 2016. New Matter ¶¶6-7.

10. As the entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶8.

11. To date, over 20 days have passed since PECO filed its New Matter.

12. PECO has not been served with a response to its New Matter, and therefore it requests that the facts stated therein be deemed admitted. 52 Pa.Code §5.63(b) (providing that facts in new matter may be deemed admitted if there is no reply).

13. Under 66 Pa.C.S. §1405(c), the Commission is precluded from establishing a payment agreement for customers participating in CAP. Section 1405(c) states as follows: "Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."

14. 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. 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.

15. 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).

16. 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).

17. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, (b) the entire past due balance is CAP arrears, (c) the Complainant seeks a Commission-ordered payment agreement.
- b. Under 66 Pa.C.S. §1405(c), the Commission is prohibited from ordering a payment agreement for an account holder whose past due balance consists of CAP arrears. Therefore, the Commission cannot grant the relief Complainant seeks.

18. Because no factual dispute exists and the Complaint fails to state a claim for which relief can be granted, PECO is entitled to judgment as a matter of law.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice, as it relates to a request for a prohibited payment agreement on CAP arrears, and the Complaint therefore fails to state a claim upon which relief can be granted.

Respectfully submitted,



---

Shawane L. Lee  
PECO Energy Company  
2301 Market Street, S23-1  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
Shawane.Lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JAMES LUNDY**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. F-2015-2466629**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion for Judgment on the Pleadings upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

Via First Class Mail  
James Lundy  
542 W. Wyoming Avenue, Apt. #B  
Philadelphia, PA 19140



\_\_\_\_\_  
Shawane L. Lee

DATED: March 17, 2015

**EXHIBIT “1”**



**O'Neill, Leslie:(PECO)**

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**From:** eServe@pa.gov  
**Sent:** Tuesday, February 10, 2015 1:20 PM  
**To:** Lee, Shawane L.:(PECO)  
**Cc:** O'Neill, Leslie:(PECO)  
**Subject:** PA PUC eServe Notice

**Importance:** High

Dear Shawane L Lee,

A(n) **Formal Complaint Form** has been served in this proceeding. This document is docketed as **F-2015-2466629**. You may view this document at **Formal Complaint Form**

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.*

PECO ENERGY  
EXHIBIT **1**

Timely

BCS: 3252384  
PECO ENERGY

Must be returned by February 2, 2015

# 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), e-mail 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 James Lundy  
Street/P.O. Box 542 W. Wyoming Av. Apt # B  
City Phila State PA. Zip 19140  
County \_\_\_\_\_

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

(215) 381-7494 (home)  \_\_\_\_\_ (mobile)

E-mail Address (optional): JamesLundy70@gmail

Utility Account Number (from your bill) 2615248052

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. 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

PA P.U.C. SECRETARY'S BUREAU

2015 JAN 27 AM 10:41

RECEIVED

3. Type of Utility Service

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

- ELECTRIC                       WASTEWATER/SEWER  
 GAS                                       TELEPHONE/TELECOMMUNICATIONS (local, long distance)  
 WATER                                       MOTOR CARRIER (e.g. taxi, moving company, limousine)  
 STEAM HEAT

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 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). charges that i have no responsibility for because i was incarcerated at the time

**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.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

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. Use additional paper if you need more space.

I would like for the charges that accrued while i was incarcerated to be removed from my <sup>#</sup>account charges that accrued at 5245 Burton St from 7-2012 to 9-2013 i was incarcerated at the time and had no idea of service being on in my name.

Thank you

**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)

Has a court granted a "Protection From Abuse" order 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.

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.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO.

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

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 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.

**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. **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 e-mail address, if known. 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 (if known) \_\_\_\_\_

**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.

9. 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 James Lundy, 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).

James Lundy  
(Signature of Complainant)

1-19-15  
(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.**

10. Two Ways 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>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

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

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

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.

James Lundy  
542 W. Wyoming av. Apt #B  
Phila, PA. 19140

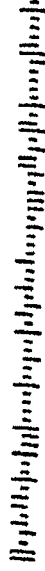


Secretary

Pennsylvania Public Utility Commission

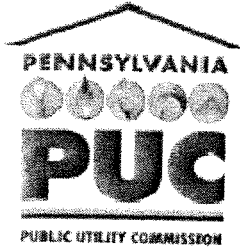
400 North Street, Commonwealth Keystone Building, 2nd Floor  
Harrisburg, PA 17120

17120\$9999





**EXHIBIT “2”**



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

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## eFiling Successfully Transmitted



Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

***If your filing exceeds 250 pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120 . Please print a copy of this page and attach it to the paper copy of your filing as the first page.***

eFiling Confirmation	
Docket Number:	F-2015-2466629
Description:	James Lundy - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	2/23/2015 1:00:38 PM
Filed On:	2/23/2015 1:00:38 PM
eFiling Confirmation Number:	1582028

### Uploaded File List

File Name	Document Class	Document Type
James Lundy - Answer and New Matter.pdf	Communication	Answer to Formal Complaint

PECO ENERGY  
EXHIBIT



An Exelon Company

Direct Dial: 215.841.6841

February 23, 2015

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

**RE: James Lundy v. PECO Energy Company**  
**PUC Docket No.: F-2015-2466629**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Answer and New Matter to the Formal Complaint* with regard to the matter referenced above.

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 black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

Scheduling Recommendation: **NOT CALL OF THE DOCKET**

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAMES LUNDY

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. F-2015-2466629

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NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed NEW MATTER of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to NEW MATTER, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

File with:

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

With a copy to:

Shawane L. Lee, Esq.  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103

Dated at Philadelphia, PA, February 23, 2015



---

Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street S-23  
Philadelphia, PA 19101-8699  
215-841-6863  
Shawane.Lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JAMES LUNDY**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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**DOCKET NO. F-2015-2466629**

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

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On February 10, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by James Lundy, 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.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant complaint.

In his formal complaint, Complainant states that he is not responsible for charges incurred at his service address 5245 Burton Street during the period he was incarcerated from 7/2012 – 9/2013. The Complainant claims he had no idea that service was in his name. PECO Energy avers that the balance at issue is correct and the case should be dismissed pursuant 66 Pa. C.S. §1405(c).

The Complainant established an account with PECO Energy for electric service at 5245 Burton Street, 2<sup>nd</sup> Floor, Philadelphia, PA 19124 under account number 84824-22040 from July

1, 2012 to September 19, 2013. See Account Activity Statement, attached hereto as Exhibit "1". On August 14, 2012, the Complainant enrolled in PECO's Customer Assistance Program ("CAP") under Tier D1 based on a monthly income of \$841.70 for one adult. PECO isolated a \$305.74 balance for possible forgiveness under the company Pre-Program Arrears forgiveness program. The account was removed from CAP when the account was discontinued. A \$127.38 balance remained on the account at the time of CAP removal. On September 20, 2013, PECO issued a final bill for \$221.71. See Exhibit "1".

On December 3, 2012, the Complainant established service at 542 West Wyoming Avenue, 2<sup>nd</sup> Floor, Philadelphia, PA 19140 under account number 26152-48052. See Account Activity Statement, attached hereto as Exhibit "2". On December 5, 2013, the Complainant's \$224.74 final balance from 5245 Burton Street, 2<sup>nd</sup> Floor transferred to the Complainant's new account. The Complainant re-enrolled in PECO's CAP program on December 4, 2013 under Tier D.

On June 16, 2014, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003252384. In his informal complaint the Complainant disputed the balance transferred from his previous service address and stated that he did not live there from August 2013 to September 2013. The Complainant requested that PECO waive his balance. See Case Details Report #003252384, attached hereto as Exhibit "3". On December 31, 2014, the BCS issued a Decision Report, dismissing the Complainant's informal complaint as follows:

ACCORDING TO 52 PA. CODE 56.16a, A CUSTOMER WHO IS ABOUT TO VACATE PREMISES SUPPLIED WITH PUBLIC UTILITY SERVICE OR WHO WISHES TO HAVE SERVICE DISCONTINUED SHALL GIVE AT LEAST 7 DAYS NOTICE TO THE PUBLIC UTILITY AND A NONCUSTOMER

OCCUPANT, SPECIFYING THE DATE ON WHICH IT IS DESIRED THAT SERVICE BE DISCONTINUED. IN THE ABSENCE OF A NOTICE, THE CUSTOMER SHALL BE RESPONSIBLE FOR SERVICES RENDERED.

See BCS Decision Report #003252384, attached hereto as Exhibit “4”.

The Complainant has a balance of \$1,230.43. See Exhibit “3”. PECO Energy avers that the Complainant is responsible for the \$224.74 balance transferred from his previous service address – 5245 Burton Street, 2<sup>nd</sup> Floor. Pursuant to **52 Pa. Code § 56.35– Payment of Outstanding Balance.**

(a) A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the public utility which accrued within the past 4 years for which the applicant is legally responsible and for which the applicant was billed properly.

PECO Energy’s records do not reflect any communication from the Complainant at any time prior to September 19, 2013, requesting discontinuance of service at 5245 Burton Street, 2<sup>nd</sup> Floor, Philadelphia, PA 19124. Pursuant to 56 Pa. Code. § 56.16. Transfer of accounts.

(a) A customer who is about to vacate premises supplied with public utility service or who wishes to have service discontinued shall give at least 7 days notice to the public utility and a noncustomer occupant, specifying the date on which it is desired that service be discontinued. In the absence of a notice, the customer shall be responsible for services rendered.

(b) In the event of discontinuance or termination of service at a residence or dwelling in accordance with this chapter, a public utility may transfer an unpaid balance to a new residential service account of the same customer.

In this case, the Complainant did not contact PECO Energy to terminate service at 5245 Burton Street, 2<sup>nd</sup> Floor. Pursuant to 56 Pa. Code. § 56.16(a), the Complainant had an obligation to contact the company to discontinue service; and therefore, he is responsible for the charges

incurred until the service was discontinued. By way of further response, the \$224.74 balance at issue has been paid with LIHEAP payments. Accordingly, the transferred balance is a moot issue. PECO Energy additionally avers that the Complainant is not entitled to payment terms on his balance pursuant to 66 Pa. C.S. §1405(c) as the entire balance is comprised of CAP arrears.

5. Denied.

6. Admitted.

7. Denied.

8. Denied. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is required.

#### **NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY**

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. The Complainant was enrolled in PECO Energy's Customer Assistance Program ("CAP") for the service address 5245 Burton Street, 2<sup>nd</sup> Floor, Philadelphia, PA on August 14, 2012, under Tier D1.

2. The Complainant was removed from CAP on September 19, 2013, when service was discontinued at 5245 Burton Street.

3. The Complainant was reenrolled in the CAP program under Tier D on December 4, 2013 when he established service at 542 West Wyoming Avenue, 2<sup>nd</sup> Floor, Philadelphia, PA.



4. The Complainant's balance is \$1,230.43.
5. The Complainant's entire balance is comprised of CAP arrears.
6. The Complainant is actively enrolled in the CAP program.
7. The Complainant's next scheduled recertification date is July 10, 2016.
8. 66 Pa.C.S. § 1405(c) provides that, "(c)ustomer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."
9. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant and Ms. Moore a payment agreement.
10. PECO Energy avers that the Complainant's complaint should be dismissed pursuant to 66 Pa. C.S. §1405(c).

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

Respectfully Submitted,



---

Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JAMES LUNDY**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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:  
:  
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:  
:

**DOCKET NO. F-2015-2466629**

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**VERIFICATION**

I, Shawane L. Lee, 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: February 23, 2015

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Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JAMES LUNDY**

**Complainant**

v.

**PECO ENERGY COMPANY**

**Respondent**

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**DOCKET NO. F-2015-2466629**

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**CERTIFICATE OF SERVICE**

I, Shawane L. Lee, 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 mailing a copy, properly addressed and postage prepaid to:

James Lundy  
542 W. Wyoming Avenue, Apt. #B  
Philadelphia, PA 19140

Dated at Philadelphia, Pennsylvania, February 23, 2015



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Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
Shawane.Lee@exeloncorp.com



An Exelon Company

Direct Dial: 215 841-6841

February 23, 2015

James Lundy  
542 W. Wyoming Avenue, Apt. #B  
Philadelphia, PA 19140

**RE: James Lundy v. PECO Energy Company**  
**PUC Docket No.: F-2015-2466629**

Dear Mr. Lundy:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company  
SL/lo  
Encl.

# **EXHIBIT “1”**

PECO Account Activity Statement

Date: 06/18/14  
Page: 1 OF 2

\*\*\* Account Information \*\*\*

\*\*\* Current Account Status \*\*\*

Account Number:	84824-22040	Mail To:	JAMES LUNDY	Current Bill:	\$0.00	Credit Amount:	\$0.00
Account Status:	Final		5245 BURTON ST	Billed Prior:	\$0.00	Deposit Requested:	\$50.00
Requested By:	JAMES LUNDY		2ND FL	Balance Due:	\$0.00	Deposit On-Hand:	\$0.00
	JAMES LUNDY		PHILADELPHIA	Service Address:	5245 BURTON ST		
	(267) 588-3116	Extension:	PA 19124		2ND FL	Meter Bill Grp: 03	
			PHILADELPHIA		PHILADELPHIA	Rate: CAP Opt D1 Electric Residential Service	

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/29/12	DEPOSIT											
07/03/12	ELECTRIC SERVICE	07/01/12 07/02/12	40209	105454757	\$50.00		\$50.00					
07/03/12	CONNECTION CHARGE - STANDARD				\$1.11		\$1.11					
07/03/12	Regular Bill				\$6.00		\$6.00					
07/05/12	Transfer Debit				\$251.86		\$251.86		07/26	6		
07/27/12	Payment					\$57.11						
07/31/12	Late Payment Charge											
08/02/12	ELECTRIC SERVICE	07/02/12 08/01/12	40865	105454757	\$0.02		\$0.02					
08/02/12	CANCELED DEPOSIT				\$104.01		\$104.01					
08/02/12	Regular Bill				\$25.00		\$25.00					
08/14/12	Deposit					\$50.15	\$50.15					
08/14/12	Transfer To PPA					\$305.74	\$305.74					
08/14/12	Cancelled Deposit					\$25.00	\$25.00					
08/31/12	PPA Forgiven					\$25.48	\$25.48					
08/31/12	Pre-Program Arrears											
08/31/12	ELECTRIC SERVICE	08/01/12 08/30/12	41460	105454757	\$25.48		\$25.48					
09/28/12	Regular Bill				\$36.96		\$36.96		09/25	595		
10/02/12	Payment					\$25.48						
10/02/12	PPA Forgiven					\$25.90	\$25.90					
10/02/12	ELECTRIC SERVICE	08/30/12 10/01/12	41819	105454757	\$25.48		\$25.48					
10/02/12	Regular Bill				\$25.90		\$25.90		10/24	359		
10/29/12	Payment					\$25.48						
10/31/12	PPA Forgiven					\$25.90	\$25.90					
10/31/12	Pre-Program Arrears					\$25.48	\$25.48					
10/31/12	ELECTRIC SERVICE	10/01/12 10/30/12	42042	105454757	\$17.14		\$17.14					
10/31/12	Regular Bill				\$25.48		\$25.48		11/26	223		
12/03/12	Payment					\$17.14						
12/03/12	PPA Forgiven					\$25.48	\$25.48					
12/03/12	Pre-Program Arrears					\$25.92	\$25.92					
12/03/12	ELECTRIC SERVICE	10/30/12 12/02/12	42417	105454757	\$25.48		\$25.48					
12/03/12	Regular Bill				\$26.92		\$26.92		12/26	375		
12/31/12	Payment					\$25.48						
01/03/13	PPA Forgiven					\$26.92	\$26.92					
01/03/13	Pre-Program Arrears					\$25.48	\$25.48					
01/04/13	ELECTRIC SERVICE	12/02/12 01/03/13	42521	105454757	\$16.59		\$16.59					
01/04/13	ELE-ADDITIONAL METER				\$16.59		\$16.59		01/28	238		
01/04/13	Regular Bill				\$0.25		\$0.25					
02/05/13	Payment					\$16.59						
02/05/13	ELECTRIC SERVICE	01/03/13 02/04/13	420	114464428	\$19.43		\$19.43					
02/05/13	Regular Bill				\$0.29		\$0.29		02/27	287		
03/06/13	ELECTRIC SERVICE	02/04/13 03/05/13	680	114464428	\$17.81		\$17.81					
03/06/13	Regular Bill				\$0.56		\$0.56					
04/02/13	Late Payment Charge					\$56.96	\$56.96					
04/04/13	Payment					\$25.48						
04/04/13	PPA Forgiven					\$25.48	\$25.48					
04/04/13	Pre-Program Arrears					\$14.39	\$14.39					
04/04/13	ELECTRIC SERVICE	03/05/13 04/03/13	869	114464428	\$37.53		\$37.53		03/28	259		

PECO ENERGY

EXHIBIT

1



**EXHIBIT "2"**



CUAR038

PECO Account Activity Statement

Date: 02/20/15  
Page: 1 of 1

\*\*\* Account Information \*\*\*

\*\*\* Current Account Status \*\*\*

Account Number: 26152-48052  
Account Status: Active  
Requested By: JAMES LUNDY  
(267)588-3116 Extension:

Mail To: JAMES LUNDY  
542 W WYOMING AV  
2ND FL  
PHILADELPHIA PA 19140

Current Bill: \$305.44  
Billed Prior: \$924.99  
Balance Due: \$1230.43  
Service Address: 542 W WYOMING AV  
2ND FL  
PHILADELPHIA PA 19140

Credit Amount: \$0.00  
Deposit Requested: \$0.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 13  
Rate: CAP Opt DI Electric Residential Heating Svc

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
12/05/13	Transfer Debit											
12/13/13	ELECTRIC SERVICE	12/03/13 12/13/13	2169	121819708	\$224.74		\$224.74					
12/13/13	Regular Bill				\$61.42		\$61.42					
01/13/14	Late Payment Charge	12/13/13 01/16/14	4899	121819708	\$3.88		\$292.16	\$21.82	01/06	625		
01/16/14	ELECTRIC SERVICE				\$298.87		\$594.91	\$296.04	02/07	2730		
02/12/14	Late Payment Charge				\$8.36							
02/17/14	LIHEAP Payment	01/16/14 02/17/14	8024	121819708	\$353.22	\$156.00	\$800.49	\$447.27	03/11	3125		
02/17/14	Regular Bill				\$257.25		\$1057.74	\$800.49	04/09	2567		
03/18/14	ELECTRIC SERVICE	02/17/14 03/18/14	10591	121819708	\$173.28		\$219.76		05/08	1894		
03/20/14	LIHEAP Payment				\$46.48							
03/21/14	Payment Agreement				\$511.26							
04/03/14	LIHEAP Payment				\$117.85							
04/09/14	Payment Agreement				\$9.81							
04/16/14	ELECTRIC SERVICE	03/18/14 04/16/14	12485	121819708	\$173.28		\$858.68	\$740.83	06/06	1134		
04/16/14	DEFERRED PAYMENT AGREEMENT				\$46.48							
04/16/14	Regular Bill				\$66.87		\$925.55	\$858.68	07/08	683		
05/13/14	Bill Out DPA due to Default				\$0.85							
05/15/14	ELECTRIC SERVICE	04/16/14 05/15/14	13619	121819708	\$511.26		\$219.76		05/08	1894		
05/15/14	Late Payment Charge				\$9.81							
05/15/14	Regular Bill				\$54.40							
06/16/14	ELECTRIC SERVICE	05/15/14 06/16/14	14302	121819708	\$66.87		\$852.80	\$798.40	08/07	499		
06/16/14	Regular Bill				\$0.85							
07/15/14	Payment	06/16/14 07/16/14	14801	121819708	\$54.40		\$852.80	\$798.40	08/07	499		
07/30/14	Payment				\$55.00							
08/12/14	Late Payment Charge				\$0.84							
08/14/14	ELECTRIC SERVICE	07/16/14 08/14/14	15370	121819708	\$61.36		\$860.00	\$798.64	09/05	569		
08/14/14	Regular Bill				\$61.36							
08/28/14	Payment				\$65.71							
09/15/14	ELECTRIC SERVICE	08/14/14 09/15/14	15997	121819708	\$65.71		\$797.71	\$732.00	10/07	627		
09/22/14	Payment				\$42.44							
10/14/14	ELECTRIC SERVICE	09/15/14 10/14/14	16445	121819708	\$42.44		\$620.15	\$577.71	11/05	448		
11/12/14	Regular Bill				\$106.47							
12/15/14	ELECTRIC SERVICE	10/14/14 11/12/14	17656	121819708	\$106.47		\$726.62	\$620.15	12/04	1211		
12/15/14	Regular Bill				\$254.53							
12/18/14	LIHEAP Payment	11/12/14 12/15/14	20027	121819708	\$254.53		\$981.15	\$726.62	01/06	2371		
01/16/15	Payment				\$159.00							
01/16/15	ELECTRIC SERVICE	12/15/14 01/16/15	21940	121819708	\$194.97		\$924.99	\$730.02	02/10	1913		
02/17/15	Regular Bill				\$305.44							
02/17/15	Regular Bill	01/16/15 02/17/15	24690	121819708	\$305.44		\$1230.43	\$924.99	03/11	2750		

PECO ENERGY  
EXHIBIT

**EXHIBIT “3”**

February 23, 2015

## Case Details Report

BCS Case #: 003252384  
Customer Name: JAMES LUNDY  
Service Address: 542 W WYOMING AVENUE

BCS Bill Account #: 2615248052

Mailing Address: PHILADELPHIA, PA 19140

Home Phone: () -

Business Phone: () -

Business name:

Alternate contact:

Date Case Opened: 2014-06-16

Date Cut Out: 2014-06-19

PAR Case: Y

Investigator Name: BCS CASE POOL

Investigator Phone: (717) 787-0000

Service class: R

Universal Service: N

Contact Type: TELEPHONE

Previous case #:

Amount in Arrears: \$885.00

# Adults: 1

# Children: 0

Children Ages:

Gross Income: \$891.00

Miscellaneous Info:

### Complaint Reason:

CAP DISPUTE (#67)

### Customer Problem Description:

CAP DISPUTE CUSTOMER IS DISPUTING THE BALANCE AMOUNT FOR 446. CUSTOMER DID NOT RESIDE AT THE RESIDENCE BETWEEN FROM AUGUST 2012 TO SEPTEMBER 2013. CUSTOMER WOULD LIKE THE BALANCE AMOUNT FOR 446 TO BE WAIVED.

### Company Position:

06/13/2014 PECO ENERGY WANTS HIM TO PAY 885 TO KEEP SERVICES ON.

**EXHIBIT "4"**



February 23, 2015

**BCS Decision Report**

BCS Case #: 003252384 Open Date: 2014-06-16  
Customer Name: JAMES LUNDY  
Service Address: 542 W WYOMING AVENUE

PHILADELPHIA, PA 19140  
BCS Bill Account #: 2615248052 Previous Case #:  
Violation Type: NO Chapter Type:  
Decision Type: W Section / Rule:  
Investigator Name: TIM CLARK

Decision Issued Date: 2014-12-31  
Case Closed Date: 2014-12-31

Letter Description:  
EGW PAR W/COMPLEX DISPUTE/NO PAYMENT AGREEMENT/LEVEL 1

Total Balance:	\$925.55	Balance Date:	2014-07-02
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		

Payment Terms:

PAR Description:

Resolution Description:  
CASE DISMISSED.WE RECEIVED YOUR INFORMAL COMPLAINT ON 6/16/2014. IN THE COMPLAINT, YOU STATED THATTHE COMPANY IS HOLDING YOU RESPONSIBLE FOR AN ACCOUNT BALANCE FROM 5245 BURTON STREET 2ND FLOOR, PHILADELPHIA, PA. YOU WERE INCARCERATED FROM AUGUST 2012 TO SEPTEMBER 2013, AND THEREFORE SHOULD NOT BE RESPONSIBLE FOR ANY BILLING DURING THAT TIMEFRAME. INVESTIGATION BY STAFF OF THE PUBLIC UTILITY COMMISSION FOUND THATYOU ESTABLISHED SERVICE TO 3311 MALTA STREET, PHILADELPHIA, PA ON 1/12/2011. THE ACCOUNT 0669705088 WAS CLOSED ON 8/30/2011. YOU ESTABLISHED SERVICE ACCOUNT 8482422040 TO 5245 BURTON STREET 2ND FLOOR, PHILADELPHIA, PA ON 7/1/2012. THE UNPAID FINAL BALANCE OF 251.86 FROM YOUR PRIOR ACCOUNT 0669705088 WAS TRANSFERRED TO THIS NEW ACTIVE ACCOUNT.SERVICE WAS DISCONTINUED IN YOUR NAME AT 5245 BURTON STREET 2ND FLOOR, PHILADELPHIA, PA ON 9/19/2013 WHEN A



February 23, 2015

NEW PARTY APPLIED FOR SERVICE. THE COMPANY HAS NO RECORD OF YOU REQUESTING DISCONTINUANCE OF SERVICE TO 5245 BURTON STREET 2ND FLOOR, PHILADELPHIA, PA. SERVICE WAS ESTABLISHED IN YOUR NAME AT 542 WEST WYOMING AVENUE 2ND FLOOR, PHILADELPHIA, PA ON 12/3/2013. THE UNPAID FINAL BALANCE OF 224.74 FROM YOUR PRIOR ACCOUNT 8482422040 WAS TRANSFERRED TO THIS NEW ACTIVE ACCOUNT. THIS ACCOUNT BALANCE CONTAINS CAP ARREARS. ACCORDING TO 66 PA. C.S. 1405 C, CUSTOMER ASSISTANCE PROGRAM RATES SHALL BE TIMELY PAID AND SHALL NOT BE THE SUBJECT OF PAYMENT AGREEMENTS NEGOTIATED OR APPROVED BY THE COMMISSION. ACCORDING TO PUBLIC UTILITY COMMISSION RECORDS, WE HAVE ATTEMPTED TO CONTACT YOU BY PHONE AND MAIL TO DISCUSS THIS COMPLAINT. WE HAVE NOT RECEIVED A RESPONSE. ACCORDING TO 52 PA. CODE 56.16 A, A CUSTOMER WHO IS ABOUT TO VACATE PREMISES SUPPLIED WITH PUBLIC UTILITY SERVICE OR WHO WISHES TO HAVE SERVICE DISCONTINUED SHALL GIVE AT LEAST 7 DAYS NOTICE TO THE PUBLIC UTILITY AND A NONCUSTOMER OCCUPANT, SPECIFYING THE DATE ON WHICH IT IS DESIRED THAT SERVICE BE DISCONTINUED. IN THE ABSENCE OF A NOTICE, THE CUSTOMER SHALL BE RESPONSIBLE FOR SERVICES RENDERED. BASED ON THESE FINDINGS, WE CONCLUDE THAT YOU ESTABLISHED SERVICE TO 5245 BURTON STREET 2ND FLOOR, PHILADELPHIA, PA ON 7/1/2012. YOU DID NOT REQUEST DISCONTINUANCE OF SERVICE TO 5245 BURTON STREET 2ND FLOOR, PHILADELPHIA, PA, THEREFORE YOU ARE RESPONSIBLE FOR THE BILLING THROUGH 9/19/2013 WHEN A NEW PARTY OBTAINED SERVICE. THE PUBLIC UTILITY COMMISSION CANNOT ISSUE A PAYMENT ARRANGEMENT ON THIS ACCOUNT. THEREFORE, IT IS DECIDED THAT THIS INFORMAL COMPLAINT IS DISMISSED.