



An Exelon Company

Legal Department
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Philadelphia, PA 19101-8699

Direct Dial: 215.841.6841

March 24, 2015

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

RE: Lakecia Leak v. PECO Energy Company
PUC Docket No.: F-2014-2456217

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion Objecting to Complainant's Proposed Late Filed Exhibit* 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 in 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**

LAKECIA LEAK	:	
	:	
v.	:	DOCKET NO. F-2014-2456217
	:	
PECO ENERGY COMPANY	:	

**MOTION OF PECO ENERGY COMPANY OBJECTING TO COMPLAINANT'S
PROPOSED LATE FILED EXHIBIT**

PECO Energy Company ("PECO Energy") hereby objects to the Complainant, Lakecia Leak's proposed exhibit pursuant to 52 Pa. Code § 35.162 and states the following:

1. An In-Person hearing for the above-referenced matter took place on Wednesday, March 12, 2015, before Administrative Law Judge Marta Guhl.
2. At the hearing, the Complainant, Lakecia Leak ("Complainant") testified that PECO terminated her service on October 2014 and had rejected a \$1,000.00 LIHEAP Crisis Grant, which she alleges would have assisted her with having her service restored.
3. Ms. Leak testified that she could present documentation from LIHEAP Crisis showing that PECO rejected the \$1,000.00 grant. Accordingly, ALJ Guhl ordered that Ms. Leak offer Complainant's Proposed Late Filed Exhibit 7 by April 13, 2015.
4. On March 23, 2015, PECO received a facsimile from Ms. Leak submitting her Proposed Late Filed Exhibit. See Proposed Exhibit, attached hereto.
5. The Late filed exhibit submitted by the Complainant is a letter from LIHEAP Crisis mailed to the Complainant on March 17, 2015.
6. The Late filed exhibit indicates that the household does not qualify for a LIHEAP Crisis Benefit: **"When – March 16, 2015"** and **"Why – The amount of the payment will not take care of your heating emergency."**

7. The LIHEAP Crisis Benefit correspondence does not cover the period in dispute (October 2014 through until the date the Complainant filed her formal complaint with the PUC on December 2, 2014).

8. Rather, the LIHEAP correspondence was generated for a Crisis Benefit request made after the March 12, 2015 hearing date because it states the Crisis Benefit is for March 16, 2015.

9. Clearly, the LIHEAP correspondence does not correlate with the disputed termination period as the Crisis Benefit request was made after the hearing date.

10. Complainant's Late Filed Exhibit 7 is not relevant to the proceedings and should be excluded as evidence.

11. The regulations at 52 Pa. Code § 1005.141 – Admissibility of Evidence states that “all *relevant* evidence of reasonably probative value may be received” however, evidence may be excluded if its probative value is outweighed by “the danger of unfair prejudice” or the “confusion of issues”.

12. In this case, Complainant's proposed Late Filed Exhibit unfairly prejudices PECO because it is submitted to prove a fact in dispute “Whether PECO rejected a \$1,000 Crisis Grant to restore the Complainant's service.” The exhibit, which purports to prove this fact, is not relevant because it was obtained for a Crisis Grant request made after the hearing.

13. Further, the proposed Late Filed Exhibit would confuse the issues presently before the PUC as it is not relevant to the termination period disputed in the Complainant's formal complaint.

14. Accordingly, PECO Energy avers that the LIHEAP Crisis Grant letter should be excluded from evidence as it is not relevant, it is prejudicial, and would confuse the issues in the case.

WHEREFORE, PECO Energy respectfully requests that this Honorable Commission exclude the Complainant's Proposed Exhibit.

Respectfully Submitted,

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

Shawane L. Lee
Counsel for PECO Energy Company
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Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LAKECIA LEAK

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. F-2014-2456217

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.



Shawane L. Lee

Date: March 24, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LAKECIA LEAK :
 :
 v. : DOCKET NO. F-2014-2456217
 :
 PECO ENERGY COMPANY :

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Motion in the above matter upon all interested parties by mailing and emailing a copy, properly addressed and postage prepaid to:

Lakecia Leak
424 Cypress Street
Philadelphia, PA 19050

Administrative Law Judge Marta Guhl
Pennsylvania Public Utility Commission
Suite 4063
801 Market Street
Philadelphia, PA 19107

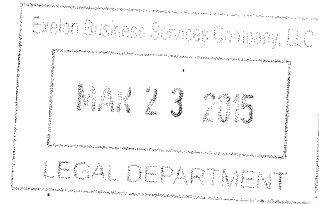


Shawane L. Lee
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Shawane.Lee@exeloncorp.com

Dated at Philadelphia, Pennsylvania, March 24, 2015.

EXHIBIT “1”


Fax Cover Sheet Shawane LEE
Attention PECO - Legal Department
From Lakecia Leak 12177-97026
Date 3-23-15
Number of pages 1 215-568-3389



DARBY
DELAWARE CAO DO#2
845 MAIN STREET
DARBY, PA 19023-8019

Mail Date: 03/17/2015

Lakocia Leak
424 Cypress St
Lansdowne, PA 19050-3211




pennsylvania
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF INCOME MAINTENANCE
Record ID: 23/0352094 Telephone: 1-610-461-3800
Notice ID: 9036990501
COMPASS: The fast and easy way to apply for benefits
www.compass.state.pa.us

Pennsylvania receives information from other state and federal agencies to verify the information you give them. If you misrepresent, hide, or withhold facts which may affect your eligibility for benefits, you may be required to repay your benefits, and you may be prosecuted and disqualified from receiving certain future benefits.

Dear Ms. Leak,

We received your request for the following benefits. If you have a question, please call the number listed above.

Which benefit?		This is a summary of your benefits. You can find more information inside this letter.	
	Low-Income Home Energy Assistance Program (LIHEAP)- Crisis Benefits	We have looked at your application and you do not qualify for 2014-2015 crisis energy assistance. See more information inside this letter.	

If you have a disability and need this letter in large print or another format, please call our helpline at 1-800-692-7462. TDD Services are available at 1-800-451-5886.

If you do not agree with our decision, you have the right to a Fair Hearing. To learn more about Fair Hearings, read Your Right to Appeal and to a Fair Hearing.

Do you need legal help? You can get free legal help by visiting:
LEGAL AID OF SOUTHEASTERN PENNSYLVANIA at 410 WELSH STREET, CHESTER, PA 19013 or by calling (877) 429-5994.





Your Low-Income Home Energy Assistance Program (LIHEAP) Benefits

<input checked="" type="checkbox"/> Why did your household NOT qualify for LIHEAP Crisis Benefits?	
Why? The amount of the payment will not take care of your heating emergency.	When? March 16, 2015 This is the law we used to make this decision: 55 Pa. Code § 601.61; § 601.62(2)(ii)(A)