



An Exelon Company

Legal Department
2301 Market Street / S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Direct Dial: 215.841.6841

April 7, 2015

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

RE: Jazzmin Evans v. PECO Energy Company
PUC Docket No.: F-2015-2470179

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 long horizontal flourish extending to the right.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

sl/LO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAZZMIN EVANS

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2015-2470179

NOTICE TO PLEAD

To: Jazzmin Evans

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: April 7, 2015



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**

JAZZMIN EVANS

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2015-2470179

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 with regard to this matter. 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 February 12, 2015, Complainant filed a Formal Complaint against Respondent, PECO, alleging incorrect charges on her bill. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.
2. PECO was served with the Formal Complaint on March 4, 2015.
3. On March 16, 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 November 27, 2013 under Tier C. New Matter ¶¶1.
5. PECO averred that Complainant is actively enrolled in the CAP program under Tier C, and is scheduled to recertify in the program on November 27, 2015. New Matter ¶¶2-3.

6. PECO averred that Complainant's balance is \$1,861.53, which is entirely comprised of CAP arrears. New Matter ¶¶4-5.

7. As Complainant's entire balance consists of CAP arrears, PECO averred that no agreement may be issued under 66 Pa.C.S. §1405(c). New Matter ¶¶6-7.

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

9. 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).

10. 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."

11. 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.

12. 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).

13. 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).

14. The pleadings in this case reveal the following:

- a. There is no factual dispute that (a) Complainant is enrolled in CAP, and (b) the entire past due balance is CAP arrears.
- 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 Complainant's relief to the extent that it requests a payment agreement.

15. 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**

JAZZMIN EVANS

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2015-2470179

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
Jazzmin Evans
734 Waterview Lane
Philadelphia, PA 19154



Shawane L. Lee

DATED: April 7, 2015

EXHIBIT “1”

From: eServe@pa.gov [mailto:eServe@pa.gov]
Sent: Wednesday, March 04, 2015 4:40 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-2015-2470179**. 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

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PECO ENERGY
EXHIBIT **I**

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 Jazzmin Evans
Street/P.O. Box 734 Waterview Lane Apt #
City Phila State Pa Zip 19154
County Philadelphia

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

() _____ (home) (484) 201-5835 (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 47810-16068

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

RECEIVED
2015 FEB 12 AM 10:34
PA P.U.C.
SECRETARY'S BUREAU

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).

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 i feel where billed incorrectly to be credited off my account and my budget to be fixed correctly. So i can continue to pay my monthly bill and have no problems.

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.

I spoke to several Reps & all said
it was nothing that they could do!

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.

2/7/15

I started service with Peas October 31, 2013.
I applied for Cap and was given a budget of 37.00. from the dates 11/01/2013 until 11/09/2013 I was charged 62.11 Right after that my budget was changed to 52.00 before i could even pay my first bill and was told my usuares where high thats why they changed the budget Amount! I disputed the fact that my agreement stated the budget couldn't be changed for every 4 months but they would not change it back! I also requested for someone to come out and check to ^{see} if every-thing was running correctly but ^{they} never sent anyone out they had someone call in November 13 telling me how to use the electric heat and he also told me he did not need to come out! my usuares for bill date 12/13/13 was 237.72 1/16/14 463.93 2/17/2014 447.97 3/18/2014 320.81!
Each bill I called complaining about my usuares but they still never sent anyone out! I got my thermostat replaced but that had nothing to

do with Peco! I called my landlord putting in a work order about my central air leaking and when they came out to change my vent the maintenance man said he would change my thermostat to a digital one because i had a old model thermostat but he never said it was broke!!! 4/14/2014 my usuaages went down to 98.55. By then peco sent someone out to check to make sure everything was running correctly after i done called continaisly about my bill e usuaages! when the rep from peco came out to check everything i also told him I had a new thermostat that's when he told me that my usuaages went down a great deal and maybe my old thermostat was broke but he didnt know for sure because he cauldnt test the old one because i had already gotten it changed. I dont know why my usuaages were so high for those months and if peco would have sent someone

Out back in November of 2013
when the usages were extremely
high instead of having someone just
call the problem could have been
fixed then! Someone could have been
checking my electric anything could
have been going on but we will
never know the cause because Peco
failed to send someone out like i
requested and now they're trying
to blame everything on me! And
i will not ~~except~~^{accept} that.

Jazzmin Evans
734 Waterview lane
Phila, Pa 19154



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

1712080079

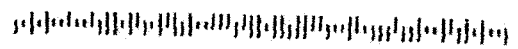
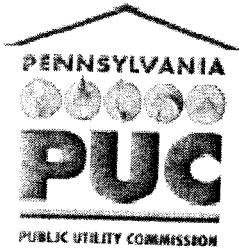


EXHIBIT “2”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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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-2015-2470179
Description:	Jazzmin Evans - PECO Energy Company Answer to Formal Complaint
Transmission Date:	3/16/2015 11:33:47 AM
Filed On:	3/16/2015 11:33:47 AM
eFiling Confirmation Number:	1584176

Uploaded File List

File Name	Document Class	Document Type
Jazzmin Evans - Answer.pdf	Communication	Answer to Formal Complaint

Direct Dial: 215.841.6841

March 16, 2015

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


RE: Jazzmin Evans v. PECO Energy Company
PUC Docket No.: F-2015-2470179

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,



Shawane Lee
Counsel for PECO Energy Company

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

s/L

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAZZMIN EVANS

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. F-2015-2470179

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, March 16, 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**

JAZZMIN EVANS

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. F-2015-2470179

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On March 4, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Jazzmin Evans (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 her Formal Complaint, the Complainant states there are incorrect charges on her bill. The Complainant requests that PECO credit charges on her account that she feels were incorrectly billed and that her budget bill be fixed correctly. PECO Energy specifically denies that the Complainant is being overcharged or there are any billing errors on the Complainant's utility bills. The Complainant's high bill concerns have been investigated. Specifically, PECO Energy's records reveal the following:

The Complainant established electric service at 734 Waterview Lane, Building 7, Philadelphia, PA 19154 under account number 47810-16068. See Account Activity Statement, attached hereto as Exhibit "1". The Complainant was enrolled in PECO's Customer Assistance Program at her current service address on November 27, 2013 under Tier C. The Complainant is actively enrolled in the CAP program under Tier C. The Complainant is scheduled to recertify in the program on November 27, 2015.

On May 2, 2014, the Complainant contacted PECO Energy to complain of high bills. The Complainant's account was reviewed and it was determined that the company was receiving actual meter readings. On June 9, 2014, PECO Energy sent a high bill field technician to the Complainant's residence to conduct a high bill field investigation. The technician performed an appliance analysis at the property and found that the usage was inline. The technician performed passing load tests and determined there was no foreign wiring, foreign piping or problems with the meter. The technician determined that the billing was correct, the wiring and meter registration were good and the Complainant had the potential to use the service billed. The Complainant told the technician that she had a bad thermostat during the winter months and her heat pump was running non-stop.

On January 7, 2015, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") at case number 003232947, disputing her CAP rate. See Case Details Report #003232947, attached hereto as Exhibit "2". On January 7, 2015, the BCS issued a Decision Report, dismissing the Complainant's informal complaint. In the Decision, the BCS noted:

IN JUNE 2014, THE COMPANY SENT A TECHNICIAN AND DISCOVERED THAT YOU HAD A BAD THERMOSTAT WHICH AFFECTED YOUR WATER PUMP. THE LANDLORD

FIXED THE THERMOSTAT AND YOUR BILLS ARE NOW LOWER. YOU FEEL THAT YOU SHOULD NOT BE RESPONSIBLE FOR THE HIGH BILLING FROM NOVEMBER 2013 TO JUNE 2014 BECAUSE THE COMPANY DID NOT THOROUGHLY INVESTIGATE TO THE DISPUTE WHEN YOU FIRST BROUGHT THE ISSUE TO THEIR ATTENTION.....IT IS NOT THE COMPANY'S RESPONSIBILITY TO FIX YOUR THERMOSTAT.

See BCS Decision Report #003232947, attached hereto as Exhibit "3".

The Complainant's current balance is \$1,861.53. See Account Activity Statement, attached hereto as Exhibit "1". PECO Energy avers that the company addressed the Complainant's high bill issues during the June 9, 2014, high bill field investigation.

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's Customer Assistance Program at her current service address on November 27, 2013 under Tier C.
2. The Complainant is actively enrolled in the CAP program under Tier C.

3. The Complainant is scheduled to recertify in the program on November 27, 2015.

4. The Complainant's balance is \$1,861.53.

5. The Complainant's entire balance is comprised of CAP arrears.

6. 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."

7. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.

8. 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
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAZZMIN EVANS

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. F-2015-2470179

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: March 16, 2015

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAZZMIN EVANS

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. F-2015-2470179

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:

Jazzmin Evans
734 Waterview Lane
Philadelphia, PA 19154

Dated at Philadelphia, Pennsylvania, March 16, 2015.



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

Direct Dial: 215 841-6841

March 16, 2015

Jazzmin Evans
734 Waterview Lane
Philadelphia, PA 19154

RE: Jazzmin Evans v. PECO Energy Company
PUC Docket No.: F-2015-2470179

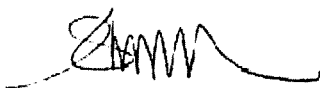
Dear Ms. Evans

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,



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

EXHIBIT "1"

CURRENT ACCOUNT

PECO Account Activity Statement

Date: 03/06/15
Page: 1 of 2

*** Account Information ***

Account Number:
47810-16068
Account Status: Active

Mail To:
JAZZMIN EVANS
734 WATERVIEW LA
BL 7
PHILADELPHIA PA 19154

Current Bill: \$175.00
Billed Prior: \$1686.53
Balance Due: \$1861.53
Service Address:
734 WATERVIEW LA
BL 7
PHILADELPHIA PA 19154

*** Current Account Status ***

Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Meter Bill Grp: 10
Rate: CAP Opt C Electric Residential Heating Svc

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	USE PER DEGREE DAY
11/01/13	CANCELED DEPOSIT										
11/04/13	Transfer Debit				\$50.00						
11/11/13	ELECTRIC SERVICE				\$208.41						
11/11/13	CONNECTION CHARGE - STANDARD	11/01/13 11/09/13	1232	119831341	\$62.11						
11/11/13	Regular Bill				\$6.00						
11/26/13	Canceled Deposit										
12/10/13	Late Payment Charge					\$50.00	\$326.52	\$8.97	12/03	446	128/3.48
12/13/13	BUDGET BILLING				\$3.92						
	** Budget Bill Detail **	11/09/13 12/12/13	3981	119831341	\$37.00						
		Actual Bill Amount: 232.72			BB Deferred Amount: 195.72						
12/13/13	Regular Bill										
12/20/13	Payment Agreement										
12/30/13	Late Charge cancelled				\$317.44		\$317.44	\$280.44	01/06	2749	801/3.43
12/31/13	Transfer Credit					\$3.92					
01/07/14	Payment					\$5.92					
01/16/14	BUDGET BILLING					\$18.67					
	** Budget Bill Detail **	12/12/13 01/16/14	8442	119831341	\$52.00						
		Actual Bill Amount: 463.93			BB Deferred Amount: 607.65						
01/16/14	DEFERRED PAYMENT AGREEMENT										
01/16/14	Regular Bill				\$18.67						
01/30/14	LIHEAP Payment						\$42.16		02/07	4461	1061/4.20
02/03/14	Payment					\$122.00					
02/04/14	Bill-Out Agreement					\$42.16					
02/04/14	Payment Agreement				\$298.77						
02/17/14	BUDGET BILLING					\$176.77					
	** Budget Bill Detail **	01/16/14 02/13/14	12787	119831341	\$52.00						
		Actual Bill Amount: 447.97			BB Deferred Amount: 1003.62						
02/17/14	DEFERRED PAYMENT AGREEMENT										
02/17/14	Regular Bill				\$11.05						
03/04/14	Payment						\$63.05		03/11	4345	1089/3.99
03/18/14	BUDGET BILLING										
	** Budget Bill Detail **	02/13/14 03/18/14	16381	119831341	\$52.00						
		Actual Bill Amount: 320.81			BB Deferred Amount: 1272.43						
03/18/14	DEFERRED PAYMENT AGREEMENT										
03/18/14	Regular Bill				\$11.05						
04/07/14	Payment						\$63.05		04/09	3594	1002/3.59
04/14/14	BUDGET BILLING										
	** Budget Bill Detail **	03/18/14 04/12/14	17993	119831341	\$52.00						
		Actual Bill Amount: 92.55			BB Deferred Amount: 1312.98						
04/14/14	DEFERRED PAYMENT AGREEMENT										
04/14/14	Regular Bill				\$11.05						
05/06/14	Payment						\$63.05		05/06	1612	468/3.44
05/13/14	BUDGET BILLING										
	** Budget Bill Detail **	04/12/14 05/12/14			\$259.00						
		Actual Bill Amount: 88.28			BB Deferred Amount: 1142.26						
05/13/14	DEFERRED PAYMENT AGREEMENT										
05/13/14	Regular Bill				\$11.05		\$270.05		06/04	1142	

PECO Account Activity Statement

Date: 03/06/15

Page: 2 of 2

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/09/14	Bill Out DPA due to Default											
06/13/14	BUDGET BILLING	05/12/14 06/12/14			\$132.57							
	** Budget Bill Detail **	Actual Bill Amount: 68.81			\$259.00							
06/13/14	Regular Bill				BB Deferred Amount: 952.07							
07/09/14	Payment						\$661.62	\$402.62	07/07	935		
07/14/14	BUDGET BILLING	06/12/14 07/13/14			\$259.00	\$157.09						
	** Budget Bill Detail **	Actual Bill Amount: 105.56			BB Deferred Amount: 798.63							
07/14/14	Regular Bill						\$763.53	\$504.53	08/05	1265		
08/12/14	BUDGET BILLING	07/13/14 08/11/14			\$259.00							
	** Budget Bill Detail **	Actual Bill Amount: 61.89			BB Deferred Amount: 601.52							
08/12/14	Regular Bill						\$1022.53	\$763.53	09/03	966		
09/11/14	BUDGET BILLING	08/11/14 09/10/14			\$213.00							
	** Budget Bill Detail **	Actual Bill Amount: 73.66			BB Deferred Amount: 462.18							
09/11/14	Regular Bill						\$1235.53	\$1022.53	10/03	1058		
10/10/14	BUDGET BILLING	09/10/14 10/09/14			\$213.00							
	** Budget Bill Detail **	Actual Bill Amount: 19.82			BB Deferred Amount: 269.00							
10/10/14	Regular Bill						\$1448.53	\$1235.53	11/04	560		
11/10/14	BUDGET BILLING	10/09/14 11/09/14			\$213.00							
	** Budget Bill Detail **	Actual Bill Amount: 33.07			BB Deferred Amount: 89.07							
11/10/14	Regular Bill						\$1661.53	\$1448.53	12/03	973		
12/02/14	LIHEAP Payment											
12/11/14	BUDGET BILLING	11/09/14 12/10/14			\$175.00	\$125.00						
	** Budget Bill Detail **	Actual Bill Amount: 95.21			BB Deferred Amount: 9.28							
12/11/14	Regular Bill						\$1711.53	\$1536.53	01/02	1805		
01/16/15	BUDGET BILLING	12/10/14 01/15/15			\$175.00							
	** Budget Bill Detail **	Actual Bill Amount: 251.10			BB Deferred Amount: 85.38							
01/16/15	Regular Bill						\$1886.53	\$1711.53	02/10	2981		
01/23/15	Payment											
02/13/15	BUDGET BILLING	01/15/15 02/13/15			\$175.00	\$100.00						
	** Budget Bill Detail **	Actual Bill Amount: 223.38			BB Deferred Amount: 133.76							
02/13/15	Regular Bill						\$1961.53	\$1786.53	03/10	2771		
02/23/15	Payment					\$100.00						

EXHIBIT "2"



March 16, 2015

Case Details Report

BCS Case #: 003232947
Customer Name: JAZMIN EVANS
Service Address: 734 WATERVIEW LANE

PHILADELPHIA, PA 19154
Mailing Address:

BCS Bill Account #: 8888888888

Home Phone: () -
Business Phone: () -
Business name:
Alternate contact:

Date Case Opened: 2014-05-02
PAR Case: Y
Investigator Name: BCS CASE POOL
Investigator Phone: (717) 787-0000
Service class: R
Previous case #:

Date Cut Out: 9999-12-31

Universal Service: Y
Contact Type: TELEPHONE
Amount in Arrears: \$1312.98

Adults: 1
Children: 2
Children Ages: 9,5 MONTHS
Gross Income: \$763.00
Miscellaneous Info:

Complaint Reason:
CAP DISPUTE (#67)

Customer Problem Description:
CUSTOMER SPOKE WITH UTILITY AND WAS ON CAP RATE. DISPUTES THE CAP RATE AMOUNT. BELIEVES THAT IT WAS BASED ON INCOME AND HER FIRST BILL WAS 37 DOLLARS. THEN WENT UP TO 59\$. SHE THEN RECIEVED A NOTICE THAT SHE NEEDS TO PAY 259/MONTH. CUSTOMER SAYS SHE CANNOT AFFORD THIS.

Company Position:
05/02/2014

PECO ENERGY
EXHIBIT 2

EXHIBIT "3"



March 9, 2015

#1- BCS Decision Report

BCS Case #:	003232947	Open Date:	2014-05-02
Customer Name:	JAZZMIN EVANS		
Service Address:	734 WATERVIEW LANE		

	PHILADELPHIA, PA 19154		
BCS Bill Account #:	8888888888	Previous Case #:	
Violation Type:	NO	Chapter Type:	
Decision Type:	W	Section / Rule:	
Investigator Name:	TIM CLARK		

Decision Issued Date: 2015-01-07
Case Closed Date: 2015-01-07

Letter Description:

EGW PAR W/COMPLEX DISPUTE/NO PAYMENT AGREEMENT/LEVEL 1

Total Balance:	\$1711.53	Balance Date:	2015-01-05
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 5/2/2014. IN THE COMPLAINT, YOU STATED THAT YOU CONTACTED THE COMPANY IN NOVEMBER 2013 TO COMPLAIN OF HIGH BILLS. RATHER THAN SEND A TECHNICIAN TO YOUR HOME, THE COMPANY DID THEIR INVESTIGATION OVER THE PHONE. IN JUNE 2014 THE COMPANY SENT A TECHNICIAN AND DISCOVERED THAT YOU HAD A BAD THERMOSTAT WHICH AFFECTED YOUR WATER PUMP. THE LANDLORD FIXED THE THERMOSTAT AND YOUR BILLS ARE NOW LOWER. YOU FEEL THAT YOU SHOULD NOT BE RESPONSIBLE FOR THE HIGH BILLING FROM NOVEMBER 2013 TO JUNE 2014 BECAUSE THE COMPANY DID NOT THOROUGHLY INVESTIGATE THE DISPUTE WHEN YOU FIRST BROUGHT THE ISSUE TO THEIR ATTENTION. INVESTIGATION BY STAFF OF THE PUBLIC UTILITY COMMISSION FOUND THAT YOU ESTABLISHED SERVICE TO 734 WATERVIEW LANE BL7, PHILADELPHIA, PA EFFECTIVE 11/1/2013. ON 11/20/2013 YOU CONTACTED THE COMPANY REGARDING THE BILL FROM 11/1/2013 TO 11/9/2013. YOU STATED THAT

SEARCHED
INDEXED
SERIALIZED
FILED
MAR 10 2015
FBI - PHILADELPHIA
?



March 9, 2015

YOU FELT THE BILL WAS TOO HIGH. AN INVESTIGATION WAS INITIATED. A COMPANY BILLING INVESTIGATOR SPOKE WITH YOU ON 11/21/2013 AND EXPLAINED THE EFFECTS OF ELECTRIC HEAT ON THE BILL. YOU INDICATED THAT YOU COULD NOT SHUT YOUR THERMOSTAT OFF. THE BILLING INVESTIGATOR REFERRED YOU TO YOUR LANDLORD OR MAINTENANCE REGARDING THE THERMOSTAT. IT WAS EXPLAINED THAT BILLING WAS CONSIDERED CORRECT. THE INVESTIGATION WAS CLOSED. ON 5/2/2014 YOU CONTACTED THE COMPANY REGARDING BILLING. YOU FELT THE BILLING WAS TOO HIGH AND YOU REQUESTED A METER TEST. ON 5/20/2014 A COMPANY TECHNICIAN ARRIVED AT THE PROPERTY TO INVESTIGATE THE DISPUTE, BUT THERE WAS NO ANSWER AT THE DOOR. THE TECHNICIAN COULD NOT INVESTIGATE. ON 5/27/2014 YOU SPOKE WITH THE COMPANY AND RESCHEDULED THE INVESTIGATION APPOINTMENT FOR 6/9/2014. THIS ACCOUNT IS ENROLLED IN CAP RATE. AS OF 1/5/2015 YOUR ACCOUNT BALANCE IS 1711.53. ACCORDING TO 66 PA. C.S. 1405 C, CUSTOMER ASSISTANCE PROGRAM (CAP) RATES SHALL BE TIMELY PAID AND SHALL NOT BE THE SUBJECT OF PAYMENT AGREEMENTS NEGOTIATED OR APPROVED BY THE COMMISSION. ON 6/9/2014 A FIELD TECHNICIAN VISITED THE PROPERTY, VERIFIED THE ELECTRIC METER AND OBTAINED AN ACTUAL READING OF 19952, WHICH VERIFIED THE ACCURACY OF THE BILLING. THE TECHNICIAN DROPPED LOAD AND SECURED AN IDLE DISC. THERE WAS NO EVIDENCE OF FOREIGN LOAD. A PASSING LOAD TEST OF THE METER WAS PERFORMED USING AN ELECTRIC HOT WATER HEATER RATED AT 4500 WATTS, WHICH RENDERED 4438 WATTS TO CONFIRM THE ACCURACY OF THE METER. THE TECHNICIAN OBTAINED AN APPLIANCE ANALYSIS, WHICH VERIFIED THE POTENTIAL FOR BILLED USAGE. BASED ON THESE FINDINGS, WE CONCLUDE THAT ON 11/21/2013 THE COMPANY REFERRED YOU TO YOUR LANDLORD OR MAINTENANCE REGARDING THE THERMOSTAT. IT IS NOT THE COMPANY'S RESPONSIBILITY TO FIX YOUR THERMOSTAT. THERE IS NO EVIDENCE OF FOREIGN LOAD ON THIS ACCOUNT. THE PUBLIC UTILITY COMMISSION CANNOT ISSUE A PAYMENT ARRANGEMENT ON THIS ACCOUNT BALANCE. THEREFORE, IT IS DECIDED THAT THIS INFORMAL COMPLAINT IS DISMISSED. BILLING