



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: Calvin Gadson v. PECO Energy Company
PUC Docket No.: C-2015-2471359

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, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

sl/LO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CALVINA GADSON

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2471359

NOTICE TO PLEAD

To: Calvina Gadson

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**

CALVINA GADSON

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2015-2471359

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 issue. 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 March 10, 2015, Complainant filed a Formal Complaint against Respondent, PECO, alleging termination of service and 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 11, 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 August 5, 2011 under Tier C. New Matter ¶¶1.

5. PECO averred that Complainant was recertified, under Tier D, on August 8, 2013, and is scheduled to be recertified again on August, 8, 2015. New Matter ¶¶2-3.

6. PECO averred that Complaint is actively enrolled in the CAP program. New Matter ¶4.

7. PECO averred that Complainant's balance is \$2,217.32. New Matter ¶5.
8. PECO averred that Complaint's entire balance is comprised of CAP arrears. New Matter ¶6.
9. 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 ¶¶7-8.
10. To date, over 20 days have passed since PECO filed its New Matter.
11. 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).
12. 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."
13. 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.
14. 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).

15. 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).

16. 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 comprised of 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.

17. 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**

CALVINA GADSON	:	
	:	
v.	:	DOCKET NO. C-2015-2471359
	:	
PECO ENERGY COMPANY	:	

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
Calvina Gadson
2939 North Taney Street
Philadelphia, PA 19132



Shawane L. Lee

DATED: April 7, 2015

EXHIBIT “1”

O'Neill, Leslie:(PECO)

From: eServe@pa.gov
Sent: Wednesday, March 11, 2015 2:41 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** has been served in this proceeding. This document is docketed as **C-2015-2471359**.

You may view this document at

Formal Complaint

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 

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 Calvinia Cadson

Street/P.O. Box 2939 N. Taney St Apt # _____

City PHILA State PA. Zip 19132

County _____

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

(267) 231-2465 (home) () (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 03651-03037

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 MAR 09 AM 10:33
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.

- A. Late payment charges waived.
- B. Elimination of the portion of the balance that stem from charges more than Three years old.
- C. Any appropriate relief deemed necessary and just.

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.

NO RESPONSE

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 Calvina Cadson, 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).

Calvina Cadson
(Signature of Complainant)

2-22-15
(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.

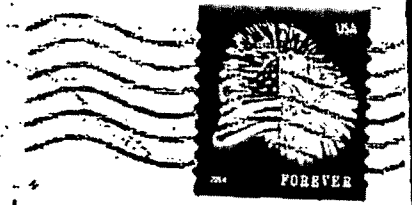
Keep a copy of your Formal Complaint for your records.

Calvinia Gadsen
2939 N. Toney St.
Phila. PA 19132

(134)

PHILADELPHIA PA 19150

04 MAR 2015 PM 10 L



Secretary Pa. Public Utility Comm.
400 North St.

21

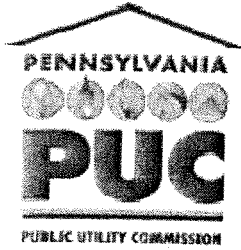
Harrisburg, PA 17120

THIS MAIL HAS BEEN PROCESSED
AT THE POSTAGE DUE SECTION
AT HARRISBURG, PA 17102

17120007999



EXHIBIT “2”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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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:	C-2015-2471359
Description:	Calvina Gadson - PECO Energy Company Answer and New Matter to Formal Complaint
Transmission Date:	3/16/2015 2:30:48 PM
Filed On:	3/16/2015 2:30:48 PM
eFiling Confirmation Number:	1584242

Uploaded File List

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

PECO ENERGY
EXHIBIT *2*



An Exelon Company

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: Calvin Gadson v. PECO Energy Company
PUC Docket No.: C-2015-2471359

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: **CALL OF THE DOCKET**

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CALVINA GADSON
Complainant

v.

PECO ENERGY COMPANY
Respondent

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:
:

DOCKET NO. C-2015-2471359

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**

CALVINA GADSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2015-2471359
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On March 11, 2015, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Calvina Gadson (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 alleges that PECO Energy is threatening to terminate her service and there are incorrect charges on her bill. She is requesting elimination of late payment charges and a portion of her balance that stems from charges more than three years old. PECO Energy requests dismissal pursuant to 66 Pa. C.S. §1405(c).

The Complainant established electric service at 2939 North Taney Street, Philadelphia, PA 19132 under account number 03651-03028 on May 26, 2011. See Account Activity

Statement, attached hereto as Exhibit "1". The Complainant was initially enrolled in PECO Energy's Customer Assistance Program ("CAP") on August 5, 2011 under Tier C. She was recertified in the program on August 8, 2013 under Tier D. The Complainant is scheduled for recertification on August 8, 2015. The Complainant is actively enrolled in the CAP program. See CAP History, attached hereto as Exhibit "2".

On August 25, 2014, the Complainant's electric service was terminated for a past due balance of \$3,643.58. On September 26, 2014, the Complainant's service was disconnected after restoration requirements were not met. On October 23, 2014, the Complainant's service was reestablished under account number 03651-03037 after PECO gave the Complainant a payment agreement. See Account Activity Statement, attached hereto as Exhibit "3". Under the agreement, the Complainant is to pay \$92.39 per month plus her current bill. The agreement is currently active.

The Complainant filed three previous formal complaints alleging incorrect charges and requesting a payment agreement. Specifically, the Complainant filed a formal complaint at docket number C-2013-2383816 requesting payment terms be reinstated on her \$3,363.23 balance. The Complainant's case was dismissed pursuant to 66 Pa. C.S. §1405(c). See Initial Decision, attached hereto as Exhibit "4". The Complainant filed another formal complaint at docket number C-2014-2416439 requesting that PECO accept additional medical certificates and a detailed explanation of account status. On June 24, 2014, the Complainant settled the formal complaint with acceptance of a payment agreement on her \$3,413.76 balance. The agreement defaulted in August 2014. In August 2014, the Complainant filed a formal complaint with the PUC at docket number C-2014-2439928 requesting prior payment terms to be honored after her service was terminated on August 25, 2014 for non-payment. On October 22, 2014, the

Complainant settled this formal complaint by paying \$1,297.20 plus a \$20.00 reconnection fee for her service to be restored. PECO waived \$542.32 in late fees and granted a payment agreement on remaining balance of \$2032.50 at \$92.39 installments plus monthly charges. The agreement is still active.

The Complainant currently has a balance of \$2,217.32 balance. See Exhibit "1". The Complainant's account activity statement demonstrates that the Complainant does not make regular payments or pay her bill on time and in full. The Complainant is not entitled to a PUC ordered payment agreement on her balance as the entire balance is comprised of CAP arrears. 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." Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.

5. Denied.

6. Admitted

7. Admitted.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. 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 initially enrolled in PECO Energy's Customer Assistance Program ("CAP") on August 5, 2011 under Tier C.
2. The Complainant recertified in the program on August 8, 2013 under Tier D.
3. The Complainant is scheduled for recertification on August 8, 2015.
4. The Complainant is actively enrolled in the CAP program.
5. The Complainant's balance is \$2,217.32.
6. The Complainant's entire balance is comprised of CAP arrears.
7. 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."
8. Consequently, pursuant to 66 Pa.C.S. § 1405(c), the PUC has no jurisdiction to give the Complainant a payment agreement.
9. 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**

CALVINA GADSON
Complainant

v.

PECO ENERGY COMPANY
Respondent

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:
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:
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:
:

DOCKET NO. C-2015-2471359

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**

CALVINA GADSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2015-2471359
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Calvina Gadson
2939 North Taney Street
Philadelphia, PA 19132

Dated at Philadelphia, Pennsylvania, March 16, 2015.



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

Direct Dial: 215 841-6841

March 16, 2015

Calvina Gadson
2939 North Taney Street
Philadelphia, PA 19132

RE: Calvin Gadson v. PECO Energy Company
PUC Docket No.: C-2015-2471359

Dear Ms. Gadson:

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"

*** Account Information ***

Account Number: 03651-03028
Account Status: FINAL
Mail To: CALVINA I GADSON
2939 N TANNEY ST
PHILADELPHIA PA 19132

*** Current Account Status ***

Current Bill: \$267.29
Billed Prior: \$3643.58
Balance Due: \$3910.87
Service Address: 2939 N TANNEY ST
PHILADELPHIA PA 19132
Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Rate: CAP RATE Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/20/11	Transfer Debit				\$736.30							
05/24/11	DEPOSIT				\$50.00							
05/31/11	Payment Agreement				\$736.30							
06/15/11	ELECTRIC SERVICE	05/26/11 06/14/11	285	105609689	\$50.07							
06/15/11	CONNECTION CHARGE - STANDARD				\$6.00							
06/15/11	DEFERRED PAYMENT AGREEMENT				\$32.01							
06/15/11	Regular Bill						\$138.08		07/07	285		
07/12/11	Bill Out DPA due to Default				\$704.29							
07/12/11	Late Payment Charge				\$1.23							
07/15/11	ELECTRIC SERVICE	06/14/11 07/14/11	866	105609689	\$103.36							
07/15/11	DEPOSIT				\$25.00							
07/15/11	Regular Bill						\$971.96	\$843.60	08/08	581		
08/05/11	DEPOSIT CANCELLED (CAP RATE)					\$75.00						
08/15/11	BUDGET BILLING	07/14/11 08/12/11	1557 E	105609689	\$53.00							
	** Budget Bill Detail **	Actual Bill Amount: 15.96			BB Deferred Amount: -37.04							
08/15/11	Regular Bill						\$949.96	\$896.96	10/05	691		
09/13/11	BUDGET BILLING	08/12/11 09/12/11	2016 E	105609689	\$53.00							
	** Budget Bill Detail **	Actual Bill Amount: 12.45			BB Deferred Amount: -77.59							
09/13/11	Regular Bill						\$1002.96	\$949.96	10/05	538		
10/12/11	BUDGET BILLING	09/12/11 10/11/11			\$53.00							
	** Budget Bill Detail **	Actual Bill Amount: 13.32			BB Deferred Amount: -117.27							
10/12/11	Regular Bill						\$1055.96	\$1002.96	11/03	557		
11/08/11	Late Payment Charge				\$13.77							
11/10/11	BUDGET BILLING	10/11/11 11/09/11			\$53.00							
	** Budget Bill Detail **	Actual Bill Amount: 188.41			BB Deferred Amount: 18.14							
11/10/11	Regular Bill						\$1122.73	\$1069.73	12/05	1662		
12/01/11	Payment Agreement				\$1000.00							
12/01/11	Transfer (CAP IPAF)					\$122.73						
12/13/11	BUDGET BILLING	11/09/11 12/12/11			\$53.00							
	** Budget Bill Detail **	Actual Bill Amount: 401.59			BB Deferred Amount: 366.73							
12/13/11	DEFERRED PAYMENT AGREEMENT				\$16.66							
12/13/11	Regular Bill						\$69.66		01/04	2909		
01/03/12	Payment					\$69.66						
01/17/12	BUDGET BILLING	12/12/11 01/16/12			\$111.00							
	** Budget Bill Detail **	Actual Bill Amount: 467.22			BB Deferred Amount: 722.95							
01/17/12	DEFERRED PAYMENT AGREEMENT				\$16.66							
01/17/12	Regular Bill						\$127.66		02/08	3488		
02/09/12	Payment					\$127.66						
02/15/12	BUDGET BILLING	01/16/12 02/14/12			\$111.00							
	** Budget Bill Detail **	Actual Bill Amount: 393.85			BB Deferred Amount: 1005.80							
02/15/12	DEFERRED PAYMENT AGREEMENT				\$16.66							
02/15/12	Regular Bill						\$127.66		03/08	3027		
03/09/12	Payment					\$40.00						
03/13/12	Bill Out DPA due to Default				\$950.02							
03/13/12	Late Payment Charge				\$1.32							
03/15/12	BUDGET BILLING	02/14/12 03/14/12			\$111.00							
	** Budget Bill Detail **	Actual Bill Amount: 330.98			BB Deferred Amount: 1225.78							
03/15/12	Regular Bill						\$1150.00	\$1039.00	04/09	2632		
04/13/12	BUDGET BILLING	03/14/12 04/12/12			\$111.00							
	** Budget Bill Detail **	Actual Bill Amount: 241.37			BB Deferred Amount: 1356.15							
04/13/12	Regular Bill						\$1261.00	\$1150.00	05/07	2056		

PECO ENERGY
EXHIBIT

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
04/16/12	Late Payment Charge				\$16.94							
05/04/12	Payment					\$234.00						
05/04/12	Payment Agreement				\$916.70							
05/14/12	BUDGET BILLING	04/12/12 05/13/12			\$292.00							
	** Budget Bill Detail **	Actual Bill Amount: 197.38										
05/14/12	DEFERRED PAYMENT AGREEMENT				BB Deferred Amount: 1261.53							
05/14/12	Late Payment Charge				\$16.67							
05/14/12	Regular Bill				\$1.65							
05/17/12	Payment					\$110.30	\$437.56	\$128.89	06/05	1782		
06/11/12	Bill Out DPA due to Default				\$900.03							
06/13/12	BUDGET BILLING	05/13/12 06/12/12			\$292.00							
	** Budget Bill Detail **	Actual Bill Amount: 15.68										
06/13/12	Regular Bill				BB Deferred Amount: 985.21							
07/10/12	Late Payment Charge				\$3.27		\$1519.29	\$1227.29	07/05	650		
07/13/12	BUDGET BILLING	06/12/12 07/12/12			\$999.65							
	** Budget Bill Detail **	Actual Bill Amount: 14.44										
07/13/12	Regular Bill				BB Deferred Amount: 0.00							
08/07/12	Payment					\$125.00	\$2522.21	\$1522.56	08/06	605		
08/09/12	Payment					\$200.00						
08/13/12	BUDGET BILLING	07/12/12 08/12/12			\$191.00							
	** Budget Bill Detail **	Actual Bill Amount: 14.37										
08/13/12	Late Payment Charge				BB Deferred Amount: -176.63							
08/13/12	Regular Bill				\$13.51							
08/16/12	Payment					\$70.00	\$2401.72	\$2210.72	09/04	602		
09/11/12	Late Payment Charge				\$12.88							
09/12/12	BUDGET BILLING	08/12/12 09/11/12			\$191.00							
	** Budget Bill Detail **	Actual Bill Amount: 12.21										
09/12/12	Regular Bill				BB Deferred Amount: -355.42							
10/09/12	Late Payment Charge						\$2535.60	\$2344.60	10/04	507		
10/11/12	BUDGET BILLING	09/11/12 10/10/12			\$10.59							
	** Budget Bill Detail **	Actual Bill Amount: 8.65										
10/11/12	Regular Bill				BB Deferred Amount: -537.77							
10/22/12	RECONNECT FEE - CUT-OUT NON-PAY				\$75.00		\$2737.19	\$2546.19	11/02	306		
11/09/12	BUDGET BILLING	10/10/12 11/08/12			\$191.00							
	** Budget Bill Detail **	Actual Bill Amount: 14.61										
11/09/12	Regular Bill				BB Deferred Amount: -714.16							
11/20/12	Payment					\$100.00	\$3003.19	\$2737.19	12/04	547		
12/11/12	Late Payment Charge				\$17.00							
12/12/12	BUDGET BILLING	11/08/12 12/11/12			\$117.00							
	** Budget Bill Detail **	Actual Bill Amount: 274.85										
12/12/12	Regular Bill				BB Deferred Amount: -556.31							
01/08/13	Late Payment Charge						\$3037.19	\$2920.19	01/03	2212		
01/15/13	BUDGET BILLING	12/11/12 01/14/13			\$24.91							
	** Budget Bill Detail **	Actual Bill Amount: 410.82										
01/15/13	Regular Bill				BB Deferred Amount: -262.49							
02/12/13	Late Payment Charge						\$3179.10	\$3062.10	02/06	3309		
02/14/13	BUDGET BILLING	01/14/13 02/13/13			\$39.64							
	** Budget Bill Detail **	Actual Bill Amount: 410.22										
02/14/13	Regular Bill				BB Deferred Amount: 30.73							
02/22/13	Payment					\$200.00	\$3335.74	\$3218.74	03/08	3305		
03/13/13	Late Payment Charge				\$44.95							
03/15/13	BUDGET BILLING	02/13/13 03/14/13			\$117.00							
	** Budget Bill Detail **	Actual Bill Amount: 333.64										
03/15/13	Regular Bill				BB Deferred Amount: 247.37							
04/11/13	LIHEAP Payment						\$3297.69	\$3180.69	04/08	2790		
04/15/13	BUDGET BILLING	03/14/13 04/14/13			\$183.00							
	** Budget Bill Detail **	Actual Bill Amount: 285.31										
04/15/13	Late Payment Charge				BB Deferred Amount: 349.68							
04/15/13	Regular Bill				\$41.80							
05/09/13	LIHEAP Payment					\$400.00	\$3177.49	\$2994.49	05/07	2353		

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
05/13/13	Payment Agreement				\$2777.49							
05/14/13	BUDGET BILLING	04/14/13 05/13/13			\$183.00							
	** Budget Bill Detail **	Actual Bill Amount: 94.91			BB Deferred Amount: 261.59							
05/14/13	Regular Bill						\$183.00		06/05	1147		
06/11/13	Late Payment Charge				\$2.75							
06/13/13	BUDGET BILLING	05/13/13 06/12/13			\$183.00							
	** Budget Bill Detail **	Actual Bill Amount: 12.04			BB Deferred Amount: 90.63							
06/13/13	DEFERRED PAYMENT AGREEMENT				\$57.86							
06/13/13	Regular Bill						\$426.61	\$185.75	07/05	498		
07/10/13	Bill Out DPA due to Default				\$2719.63							
07/10/13	Late Payment Charge				\$6.37							
07/15/13	BUDGET BILLING	06/12/13 07/14/13			\$103.92							
	** Budget Bill Detail **	Actual Bill Amount: 13.29			BB Deferred Amount: 0.00							
07/15/13	Regular Bill						\$3256.53	\$3152.61	08/06	517		
08/13/13	BUDGET BILLING	07/14/13 08/12/13			\$174.00							
	** Budget Bill Detail **	Actual Bill Amount: 25.78			BB Deferred Amount: -148.22							
08/13/13	Late Payment Charge				\$44.51							
08/13/13	Regular Bill						\$3475.04	\$3301.04	09/04	500		
09/05/13	LIHEAP Payment					\$200.00						
09/10/13	Late Payment Charge				\$43.08							
09/12/13	BUDGET BILLING	08/12/13 09/11/13			\$174.00							
	** Budget Bill Detail **	Actual Bill Amount: 25.14			BB Deferred Amount: -297.08							
09/12/13	Regular Bill						\$3492.12	\$3318.12	10/04	463		
10/11/13	BUDGET BILLING	09/11/13 10/10/13			\$174.00							
	** Budget Bill Detail **	Actual Bill Amount: 22.02			BB Deferred Amount: -449.06							
10/11/13	Regular Bill						\$3666.12	\$3492.12	11/05	400		
10/16/13	Payment					\$50.00						
11/11/13	BUDGET BILLING	10/10/13 11/10/13			\$174.00							
	** Budget Bill Detail **	Actual Bill Amount: 196.16			BB Deferred Amount: -426.90							
11/11/13	Regular Bill						\$3790.12	\$3616.12	12/03	1698		
12/03/13	Payment					\$197.00						
12/12/13	BUDGET BILLING	11/10/13 12/11/13			\$151.00							
	** Budget Bill Detail **	Actual Bill Amount: 418.74			BB Deferred Amount: -159.16							
12/12/13	Regular Bill						\$3744.12	\$3593.12	01/03	3067		
01/15/14	BUDGET BILLING	12/11/13 01/14/14			\$151.00							
	** Budget Bill Detail **	Actual Bill Amount: 462.50			BB Deferred Amount: 152.34							
01/15/14	Regular Bill						\$3895.12	\$3744.12	02/06	3377		
02/11/14	Late Payment Charge				\$53.96							
02/14/14	BUDGET BILLING	01/14/14 02/13/14			\$151.00							
	** Budget Bill Detail **	Actual Bill Amount: 473.50			BB Deferred Amount: 474.84							
02/14/14	Regular Bill						\$4100.08	\$3949.08	03/11	3447		
02/19/14	Payment					\$300.00						
03/11/14	Payment					\$160.00						
03/17/14	BUDGET BILLING	02/13/14 03/16/14			\$151.00							
	** Budget Bill Detail **	Actual Bill Amount: 434.96			BB Deferred Amount: 758.80							
03/17/14	Regular Bill						\$3791.08	\$3640.08	04/08	3386		
03/18/14	Late Payment Charge				\$49.33							
04/07/14	Payment					\$150.00						
04/15/14	BUDGET BILLING	03/16/14 04/14/14			\$274.00							
	** Budget Bill Detail **	Actual Bill Amount: 281.53			BB Deferred Amount: 766.33							
04/15/14	Late Payment Charge				\$49.35							
04/15/14	Regular Bill						\$4013.76	\$3739.76	05/07	2326		
05/02/14	LIHEAP Payment					\$100.00						
05/08/14	LIHEAP Payment					\$500.00						
05/09/14	Payment Agreement											
05/13/14	BUDGET BILLING	04/14/14 05/12/14			\$3413.76							
	** Budget Bill Detail **	Actual Bill Amount: 125.27			\$274.00							
05/13/14	DEFERRED PAYMENT AGREEMENT											
05/13/14	Regular Bill				\$142.24							
06/03/14	Payment						\$416.24		06/04	1270		
06/09/14	Bill Out DPA due to Default				\$3271.52	\$150.00						
06/10/14	Payment					\$140.00						

PECO Account Activity Statement

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/10/14	Late Payment Charge				\$24.06							
06/12/14	Payment Agreement (REINSTATED)				\$3271.52							
06/12/14	BUDGET BILLING	05/12/14 06/11/14			\$274.00							
	** Budget Bill Detail **	Actual Bill Amount: 22.28			BB Deferred Amount: 365.88							
06/12/14	Regular Bill						\$424.30	\$150.30	07/07	428		
06/13/14	Payment					\$126.24						
07/14/14	BUDGET BILLING	06/11/14 07/13/14			\$274.00							
	** Budget Bill Detail **	Actual Bill Amount: 20.45			BB Deferred Amount: 112.33							
07/14/14	DEFERRED PAYMENT AGREEMENT				\$142.24							
07/14/14	Regular Bill						\$714.30	\$298.06	08/05	403		
08/11/14	Payment					\$200.00						
08/11/14	Bill Out DPA due to Default				\$3129.28							
08/12/14	BUDGET BILLING	07/13/14 08/11/14			\$218.00							
	** Budget Bill Detail **	Actual Bill Amount: 23.17			BB Deferred Amount: -82.50							
08/12/14	Late Payment Charge				\$49.29							
08/12/14	Regular Bill						\$3910.87	\$3692.87	09/03	463		
09/09/14	Late Payment Charge				\$51.32							
09/10/14	BUDGET BILLING	08/11/14 09/10/14			\$218.00							
	** Budget Bill Detail **	Actual Bill Amount: 11.81			BB Deferred Amount: -288.69							
09/10/14	Regular Bill						\$4180.19	\$3962.19	10/02	217		
09/26/14	Budget Bill Settlement											
09/26/14	BUDGET BILLING	09/10/14 09/24/14				\$285.37						
	** Budget Bill Detail **	Actual Bill Amount: 3.32			BB Deferred Amount: 0.00							
09/26/14	Regular Bill						\$3894.82	\$3625.50	10/20			
10/02/14	Payment											
10/16/14	Payment					\$450.00						
10/23/14	Late Payment Charge					\$650.00						
10/23/14	Payment					\$542.32						
10/24/14	Transfer					\$220.00						
						\$2297.51						

EXHIBIT “2”

CAP RATE HISTORY

CUSTOMER: CALVINA GADSON

****2939 N TANNEY STREET, PHILADELPHIA (SERVICE DATE 5/26/11 TO PRESENT)**

View CAP History for Account 03651-03028		
Account Edit Help		
Activity Date	CAP Activity	CAP Rate
08/08/13	Re-Certification completed	CAP Opt D Electric Residential Service
07/26/13	Sent CAP Application	
07/22/13	Re-Certification Letter Sent	
07/08/13	Re-Certification Letter Sent	
08/05/11	Enrolled	CAP Opt C Electric Residential Service

****4864 N BROAD ST, 2B-203, PHILADELPHIA (SERVICE DATE 3/14/2006 TO 3/10/08)**

View CAP History for Account 84587-01406		
Account Edit Help		
Activity Date	CAP Activity	CAP Rate
08/16/07	Re-Certification completed	zCAP Opt E Electric Residential Service
09/14/06	Enrolled	zCAP Opt D Electric Residential Service
09/14/06	Extracted	zCAP Opt D Electric Residential Service
09/13/06	Ready for Enrollment	zCAP Opt D Electric Residential Service

- Enrolled based on \$402 mthly (DPW & SSI) / 1 adult/ 2 minors
- Receiving 70% discount on 1st 650 kwhs of electric usage
- 12/27/07 Received \$196.42 forgiveness
- 12/01/11 Received additional \$122.73 forgiveness and payment terms of \$16.66 installments on \$1000.00 balance

Next recertification due August 2015; entire balance is CAP RATE (\$2217.32)

EXHIBIT “3”

*** Account Information ***

Account Number: 03651-03037
Account Status: Active
Mail To: CALVINA I GADSON
2939 N TANEA ST
PHILADELPHIA PA 19132

*** Current Account Status ***

Current Bill: \$554.38
Billed Prior: \$0.00
Balance Due: \$554.38
Service Address: 2939 N TANEA ST
PHILADELPHIA PA 19132
Credit Amount: \$0.00
Deposit Requested: \$0.00
Deposit On-Hand: \$0.00
Meter Bill Grp: 10
Rate: CAP Opt D Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE DUE FORWARD	DUE DATE	KWH	CCF	KW
10/24/14	Transfer											
10/27/14	Payment Agreement				\$2297.51							
11/07/14	ELECTRIC SERVICE	10/23/14 11/07/14	569	123565344	\$2032.50							
11/07/14	CONNECTION CHARGE - STANDARD				\$28.49							
11/07/14	SPECIAL PAYMENT AGREEMENT				\$6.00							
11/07/14	Regular Bill				\$92.39							
12/01/14	Payment						\$126.88		12/01	416		
12/10/14	ELECTRIC SERVICE	11/07/14 12/10/14	3322	123565344	\$350.89	\$130.00						
12/10/14	SPECIAL PAYMENT AGREEMENT				\$92.39							
12/10/14	Regular Bill						\$440.16					
01/07/15	Late Payment Charge											
01/13/15	ELECTRIC SERVICE	12/10/14 01/13/15	7117	123565344	\$6.61				01/02	2753		
01/13/15	SPECIAL PAYMENT AGREEMENT				\$509.58							
01/13/15	Regular Bill				\$92.39							
02/10/15	Late Payment Charge						\$1048.74	\$446.77	02/04	3795		
02/12/15	ELECTRIC SERVICE	01/13/15 02/12/15	10833	123565344	\$15.64							
02/12/15	SPECIAL PAYMENT AGREEMENT				\$497.61							
02/12/15	Regular Bill				\$92.39							
03/05/15	Payment						\$1654.38	\$1064.38	03/06	3716		
03/12/15	Payment					\$100.00						
						\$1000.00						



EXHIBIT "4"



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 3, 2014

C-2013-2383816

CALVINA GADSON
V.
PECO ENERGY COMPANY

TO ALL PARTIES:

Enclosed is a copy of the Initial Decision of the Office of Administrative Law Judge.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Your signed Exceptions to the decision, if any, must be: 1) **filed** with the Secretary of the Commission, and 2) mailed or hand-delivered to each party of record, **within twenty (20) days** of the date of this letter.

To file Exceptions with the Secretary of the Commission, you must mail or hand-deliver them as follows:

If using U.S. Postal Service:

Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

If using Overnight or Hand Delivery Service:

Secretary
Pa. Public Utility Commission
400 North Street
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120

Or, instead of mailing or hand-delivering your Exceptions, you may electronically file them with the Secretary of the Commission. To do so, you need to establish an account on the Commission's eFiling system, which may be accessed at <http://www.puc.state.pa.us/efiling/default.aspx>. Please note that Exceptions sent to the Commission by fax or e-mail will **not** be accepted for filing.

In addition to filing your Exceptions with the Secretary of the Commission, a courtesy copy of your Exceptions should be e-mailed to the Commission's Office of Special Assistants (OSA) at ra-OSA@pa.gov. If the document is too large to e-mail, please mail or hand-deliver a copy on CD-ROM or DVD (or other data storage media), in Microsoft Word 2010 format or other compatible format to either address noted above.

Replies to Exceptions, if any, must be **filed** with the Secretary of the Commission and **served** on each party of record and the Commission's OSA, in the manner described above. **They are due within ten (10) days of the date when Exceptions are due.**

It is your responsibility to serve all the parties with your Exceptions and Replies to Exceptions. Failure to do so may render your filing unacceptable. A certificate of service (see format in 52 Pa. Code §1.58) shall be attached to the filed Exceptions or Replies to Exceptions.

Exceptions and Replies to Exceptions shall follow 52 Pa. Code §§5.533 and 5.535 particularly the 40-page limit for Exceptions and the 25-page limit for Replies to Exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's Initial Decision shall include the page number(s) of the cited section of the decision.

If no Exceptions are received, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

Very truly yours,

Rosemary Chiavetta
Secretary

Enclosures
Certified Mail
Receipt Requested

PECO ENERGY
EXHIBIT **A**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Calvina Gadson

v.

PECO Energy Company

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C-2013-2383816

INITIAL DECISION

Before
Jennedy S. Johnson
Special Agent

INTRODUCTION

This decision denies the customer's request for a payment agreement. The customer's entire balance is subject to customer assistance program rates and must be timely paid, pursuant to 66 Pa.C.S. § 1405(c).

HISTORY OF THE PROCEEDING

On September 16, 2013, Calvina Gadson (Ms. Gadson or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO, Company or Respondent) which alleged, *inter alia*, that she received a notice that her utility service is being terminated. Complaint, ¶ 4. She also checked the "other" box and wrote, "I are [sic] on a payment arrangement but cannot pay it because the amount is to [sic] high and I only work part-time." Complaint, ¶ 5. As relief, Ms. Gadson requested a payment agreement "at a lower rate consistent with my income." Complaint, ¶ 5.

On September 24, 2013, PECO filed an Answer (Answer) to the Complaint. In the Answer, PECO averred that the Complainant is enrolled in the Company's Customer Assistance Program (CAP) and her balance is comprised entirely of CAP arrears. Answer, ¶ 4. PECO requested dismissal of the Complaint pursuant to 66 Pa.C.S. § 1405(c). Answer, ¶ 4. The following exhibits were attached to the Answer: Account Activity Statement, CAP Rate History, Payment Agreement History and BCS¹ Decision Report for BCS Case No. 3034386 (PECO Energy Exhibits 1-4).

A Telephone Hearing Notice dated October 17, 2013, advised the parties that an initial telephonic hearing was scheduled for Wednesday, December 4, 2013, at 10:00 a.m. The case was assigned to me, pursuant to 52 Pa.Code § 56.174.

A Prehearing Order dated October 18, 2013, advised the parties of the date and time of the scheduled hearing, and informed them of the procedures applicable to this proceeding.

The initial telephonic hearing convened as scheduled on Wednesday, December 4, 2013, at 10:00 a.m.² Ms. Gadson appeared *pro se* and testified on her own behalf. Margaret A. Morris, Esquire, counsel for the Respondent, presented the testimony of Renee Tarpley, a Senior Regulatory Assessor for the Respondent, who sponsored six (6) exhibits. At the telephonic hearing, the undersigned requested that PECO submit a late-filed exhibit detailing disconnection information for the Complainant's account for October 2012. Late-filed PECO Exhibit 7 was mailed to the Complainant at the address on her Complaint on December 10, 2013. At the hearing, Complainant was directed to file any objections she may have to the late-filed exhibit in writing and within 10 days of receipt of the document. No objections were filed, and the undersigned closed the record by Interim Order on December 27, 2013.

The matter is ripe for decision.

¹ BCS is the Commission's Bureau of Consumer Services.

² A tape recording of the hearing was made, no court reporter being present.

FINDINGS OF FACT

1. The Complainant is Calvina Gadson, who receives electric residential service from the Respondent at 2939 N. Taney Street, Philadelphia, PA (Service Address).
2. The Respondent is PECO Energy Company.
3. The Complainant lives at the Service Address with her fiancé and two minor children.
4. The Complainant is seasonally employed with an average monthly income of \$1900 from September to December.
5. The Complainant receives \$500 per month in food stamps.
6. The Complainant's daughter receives \$203 per month in survivor's benefits from Social Security.
7. The Complainant's fiancé is unemployed.
8. The Complainant's monthly household income is \$1133.33 per month.³
9. The Complainant first enrolled in PECO's Customer Assistance Program (CAP) on September 14, 2006 and recertified on August 16, 2007. During this time, Complainant lived at a different address on Broad Street in Philadelphia. While at the Broad Street address, Complainant received \$196.42 forgiveness on December 27, 2007. PECO Energy Exhibit 2.
10. At the service address, Complainant enrolled in PECO's CAP on August 5, 2011 and recertified on August 8, 2013. On December 1, 2011, Complainant received

³ $(\$1900 \times 4) / 12 = \633.33 . $\$633.33 + \$500 = \$1133.33$.

\$122.73 forgiveness. Complainant is currently an active CAP customer. PECO Energy Exhibit 1.

11. As of the date of the hearing, the Complainant's account balance was \$3363.22. PECO Energy Exhibit 1.

12. As of the date of the hearing, the Complainant's entire account balance was subject to CAP rates.

DISCUSSION

In her formal Complaint, Ms. Gadson alleged, *inter alia*, that she received a notice that her utility service is being terminated. Complaint, ¶ 4. She also checked the "other" box and wrote, "I are [sic] on a payment arrangement but cannot pay it because the amount is to [sic] high and I only work part-time." Complaint, ¶ 5. As relief, Ms. Gadson requested a payment agreement "at a lower rate consistent with my income." Complaint, ¶ 5.

As the party seeking affirmative relief from the Commission, the Complainant bears the burden of proving by substantial evidence that she is entitled to the requested relief. 66 Pa.C.S. § 332(a). To satisfy this burden, the Complainant must show that the named utility is responsible or accountable for the problem described in the Complaint. Patterson v. Bell Telephone Co. of Pa., 72 Pa. PUC 196 (1990); Feinstein v. Phila. Suburban Water Co., 50 Pa. PUC 300 (1976). This must be shown by a preponderance of the evidence, that is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n, 578 A.2d 600 (Pa.Cmwlt. 1990), alloc. den., 602 A.2d 863 (Pa. 1992); Se-Ling Hosiery v. Margulies, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. Mill v. Pa. Pub. Util. Comm'n, 447 A.2d 1100 (Pa.Cmwlt. 1982); Edan Transportation Corp. v. Pa. Pub. Util. Comm'n, 623 A.2d 6 (Pa.Cmwlt. 1993); 2 Pa.C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. Norfolk and Western Ry. v. Pa. Pub. Util. Comm'n, 413 A.2d

1037 (Pa. 1980); Erie Resistor Corp. v. Unemployment Compensation Bd. of Review, 166 A.2d 96 (Pa.Super. 1960); Murphy v. Dep't. of Public Welfare, White Haven Center, 480 A.2d 382 (Pa.Cmwlt. 1984).

The Responsible Utility Customer Protection Act, 66 Pa.C.S. § 1401, *et seq.* (the Act or Chapter 14) applies to complaints alleging inability to pay and requests for Commission-issued payment agreements. This law provides strict guidelines that the Commission must follow in handling customer complaints.

The Commission has no authority to establish a payment agreement on amounts subject to customer assistance program rates. The provision at 66 Pa.C.S. § 1405(c) states as follows:

(c) Customer Assistance Programs. – Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission.

The Complainant first enrolled in PECO's Customer Assistance Program (CAP) on September 14, 2006 and recertified on August 16, 2007. During this time, Complainant lived at a different address on Broad Street in Philadelphia. While at the Broad Street address, Complainant received \$196.42 forgiveness on December 27, 2007. PECO Energy Exhibit 2. At the service address, Complaint enrolled in PECO's CAP on August 5, 2011 and recertified on August 8, 2013. On December 1, 2011, Complainant received \$122.73 forgiveness. Complainant is currently an active CAP customer. PECO Energy Exhibit 1.

As of the date of the hearing, the Complainant's account balance was \$3363.22. PECO Energy Exhibit 1. As of the date of the hearing, the Complainant's entire account balance was subject to CAP rates. The Commission cannot order a payment agreement on this amount; it must be timely paid, pursuant to 66 Pa.C.S. § 1405(c).

For the reasons set forth above, the Complaint is dismissed.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The Complainant had the burden of proof. 66 Pa.C.S. § 332(a).
3. The Responsible Utility Customer Protection Act, 66 Pa.C.S. § 1401, *et seq.*, applies to this proceeding.
4. Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission. 66 Pa.C.S. § 1405(c).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Calvina Gadson against PECO Energy Company at Docket No. C-2013-2383816 is dismissed.
2. That the Secretary mark this docket closed.

Date: December 27, 2013

/s/
Jennedy S. Johnson
Special Agent