

June 7, 2010 **EXCEPTIONS OF DUFFY'S V PENN POWER (C-2008-2063047)**

Secretary of the Commission
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Harrisburg, Pa 17105-3265

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
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RECEIVED

JUL - 8 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Att: Rosemary Chiavetta,
Secretary

Re: Chet and Michele Duffy v. Pennsylvania Power Company
C-2008-20063047
PUC "INITIAL DECISION"

We are in receipt of Katrina L. Dunderdale "Initial Decision", dated May 25, 2010, mailed by your office on June 17, 2010 (posted on 6-17-10 at your post office and posted by our post office in Harmony, Pa on 6-19-10, however not received until this past week due to our travel schedule.

Our response is timely based on your twenty day response time from the date of your mailing.

OUR RESPONSE to the PUC "INITIAL DECISION" is as follows:

OUR RESPONSE TO THE "HISTORY OF THE PROCEEDINGS"

First I must say as an overall comment we find this "Initial Decision" seems riddled with bias and this courts personal opinion. The "Initial Decision" has commented throughout of "personal opinion" of Katrina Dunderdale. It was not our understanding that personal opinion was a matter to be utilized against the Duffy's or for that matter debated but rather the Duffy complaint and the response of Penn Power and their respective facts. Further we find it incredible that "case law" which we asked not be utilized but rather the facts determine the outcome, actually supported the Duffy's argument yet somehow this court used the case law against the Duffy argument.

As a PUC Customer and a resident of Pennsylvania and a taxpayer, we are outraged at the personalized approach by this court. It appears that this court actually represented the power company in this case. It may be difficult or possibly impossible to get a fair hearing in front of a PUC court.

Although the court referenced our complaint correctly in paragraph one, page one of the "History of the Proceeding." Our complaint is and remains when Penn Power elected to replace the transformers with four times the transformer and change out the analog meter to a digital meter problems in our billing occurred. The court then denied or made incorrect our complaint, via personal "opinion" and recited incorrect facts through out the "Decision." It is an incorrect fact and misstated by this court that the Duffy's invited Penn Power to visit our home due to new power loads. That is blatantly false. It was testified by the Duffy's the purpose of our visits to the Penn Power office and their invitation to our home was ongoing, for years, power spikes causing dimming of lights and burning out of Duffy electrical equipment. We will further address these "fact" issues in the next section of our response.

We were extremely curious as to why the hearings had to be telephonic? Duffy and the Court are located in Western Pennsylvania as are the Penn Power employees involved in the claim, yet the hearings were held telephonic. This seems the first evidence of bias in favor of and on behalf of the Power Company as their attorney is located in Harrisburg close to the PUC. Possibly to save the power company the cost of travel, yet the Duffy's continued to pay exorbitant power bills for nearly two more years during this procedure.

Page 2, full paragraph one. This court claims in its Decision the Duffy's did not provide the preponderance of proof to support its claim, however, it was this court that did not allow Duffy complete evidence claiming what had been sent to the PUC was not admissible. At no time did the PUC ever advise Duffy if it were to file a formal complaint that documents submitted to the PUC could not be submitted. Another stiff fine on customers and residents of Pennsylvania when trying to defend its position against a big and rich and powerful utility company. This court denied the Duffy rights to protect itself in a court of law. By not allowing our detailed evidence this court identified another bias against a resident in support of the power company.

Page 2, last three paragraphs. All Penn Power tests or investigating had to be court requested. Documents provided after the fact, as ordered by this court, could only be self serving and should not have been allowed or admitted. Penn Power saw the Duffy case as did the court and then was allowed to "make up" documents as it saw fit to defend itself against wrong doing. Penn Power then claimed it did the in ground test of the transformer yet did not identify a broken in ground wire at the pole power source to the meter which Penn Power just repaired in June of 2010. This court blindly accepted all made up Penn Power reports generated after the trial and instructed by this court. It appeared the court was saying to Penn Power you didn't provide a good defense but I am going to tell you how to do so. This doesn't seem to pass the smell test of common sense. Those documents should be disallowed.

Page 4, last paragraph of "History." This court claims Duffy did not provide a preponderance of evidence yet through the history part of the "initial Decision" this court evidences and writes of voluminous pages of documents provided.

OUR RESPONSE TO "FINDINGS OF FACTS"

Page 4, Item 3. This is a flat misrepresentation of the truth put into this "Initial Decision". This is not a "fact". The Duffy's testified to this court and wrote to the PUC as to why Duffy's requested Penn Power to visit our home site. Further the Duffy's provided to the PUC and this court documents provided by the Duffy electrician advising of transformer wire under sizing years ago. The court elected not to accept this document as they claimed it was provided to the PUC. As testified and as provided in initial documents to the PUC the Duffy's actually visited the Penn Power office to advise of ongoing spiking and burning out of electrical bulbs and electrical equipment at our home since 1993. Not until Duffy filed a complaint with the PUC did Penn Power actually visit our home site. At that time Penn Power suggested a new transformer, no more no less. No mention of possible new equipment or usage at the home. To the Duffy's it seemed a vindication that the transformers were always undersized causing the burn out of our electrical equipment due to spiking. The facts seem to be confused with "personal opinion" in this matter.

Page 4, Item 4. This item of "fact" actually identifies the problem. Penn Power elected on its own to change out the transformer. The problems started at that time as reported and as shown in the Penn Power billing and usage invoices monthly from that point on. The fact that Penn Power claimed the transformer worked properly does not identify why the consumption went up by 47 to 54% when no electrical components changed in the home or the barn or on the property.

Page 5, Item 6. This item is an actual "fact". An independent company established, with no additional consumption use in our home or on our property, the power consumption went up by Penn Power records 47 to 54%. No explanation was provided by Penn Power. This independent company was recommended to the Duffy's by Penn Power. As a matter of fact this company was to have been hired by Penn Power yet their attorney, based on Penn Powers advice to the Duffy's, disallowed their use after a schedule had been generated for their visit.

Page 5, Item 8. This court, swayed by its personal opinion, omitted a real fact in this item. The fact that Penn Power (Joe Gerlach, a former Penn Power employee and the electrical contractor and builder) sized the heating and cooling system themselves. If there is a problem with the size of the units they should be made responsible, however, since 1993 through 2007 (after the new transformer and meter were installed by Penn Power) there were no problems with the heating and cooling units nor was there a problems with the usage or billing. The Duffy's provided a three page document provided from Penn Power, Mr. Joe Gerlach, to the PUC and the Court, proposing the all electric heating and cooling system and the related usage and costs. The Duffy's brought in to this court Joe Gerlach as a witness as to the sizing of the heating and cooling system verifying the proposals by Penn Power to utilize these all electric systems. Additionally this court neglected to write in its "Initial Decision" the Duffy's testimony as to ongoing

maintenance and service of the heating and cooling systems on a preventative maintenance method to protect from such issues.

Page 5, Item 9. This court elected to insert its own opinion as to the usage of the Duffy barn. The court, trying to inflict on the record, its personal opinion as to usage as opposed to the actual purpose of the barn and its use. That is just wrong and improper. The “fact” is, as testified by the Duffy’s supported by documents, the barn is used sparingly for school parties and storage. Heat is turned on and off on a as need be only basis. The court refused to hear that testimony yet inserts barn use based on its personal opinion. Penn Powers own monthly usage and billing shows from 2001 through 2007 shows no appreciable increase in power use or cost after the barn was built. Those are the “facts.” Additionally the court references a kerosene heater being used which has a small electric blower. The Duffy’s testified to this kerosene heater and its minimal use of once or twice a year during cold days until the barn heats up.

If the barn power use is such a concern to the court, one would have to ask why didn’t the court order Penn Power to put a meter on the barn and turn all the power on or off to determine power usage. The court did not do so because the court did not want to hear the answer to this point. The “fact” is the Duffy’s paid a consultant on at least two occasions to do such studies. Those studies were performed by the Duffy electrical contractor who installed the electrics in the Duffy home back in 1992. Those study results have been provided to the PUC and the court. The court makes no mention of those studies because it is in direct opposite of Penn Powers position on this usage and cost matter. This court does the public no service by ignoring the actual “facts” in the matter.

Page 5, Item 10. The court has elected to utilize Penn Powers statements as to how the in floor hot water heat works properly, that being to be utilized continuously. The “fact” is as testified by the Duffy’s the floor heat is utilized when the building is in use. This is interesting because Penn Power has never been in the barn during heat operation. Not one time. And again, if the court felt the barn was an issue it should have ordered the power company to put a meter on the barn to support the power company position and the courts position of usage and billing.

Page 5, Item 11. Again the court has elected to utilize Penn Powers statements and their court ordered self serving documents as to how the Duffy’s utilize the barn heat. The court helped the power company submit a self serving document to generate and support its billing and usage claims. Documents generated during the hearings should not have been allowed by the court. If studies were required by the court they should have ordered the power company to hire an independent contractor to do the studies and evaluations. Duffy did so prior to the hearings. The “Initial Decision” by this court should be thrown out on that basis alone. This court, in effect, gave to the power company its right to manufacture a self serving document which actually backed them into a defense of actual usage and billing. We did not and do not believe the courts should be assisting the power company to defraud the public or any single customer.

Page 6, Item 12. This statement of “fact” is false. The Duffy’s have always used the barn since its being built in 2001. For this court to put on the record that the Duffy’s did not utilize the barn until the walls and insulations were installed is just unfair and merely its personal opinion not grounded in fact. When this barn was built it was built for our family use and storage. Activities in the barn of school parties in the and storage can easily be supported by numerous photographs. However, they were not asked for by the court, only testimony of use was requested of the court. The Duffy’s provided factual testimony of use. The completion of the walls and installation had no relevance of use but rather of cleanliness due to wind and dirt, etc. It is improper for the court to mis-characterize how and when this barn is utilized. The courts miss-characterization merely supports the Penn Power position.

Page 6, Item 13, Item 14 and Item 15. This court states the Duffy’s “lacked credibility” when testifying to the usage of the barn. This court claims the Duffy’s completed the inside of the barn for esthetic reasons only. That is not a “fact” but a personal opinion of the court and a mischaracterization of what was testified to. How a court can claim “lacked creditability” when the hearings are on phone when the court can not look at a personal to determine creditability is unreasonable and is dishonest to the common good of the public. In effect this court claimed the Duffy’s lied to it.

Page 6, Item 16. The items this court lists out in this item were in “fact” operational when the home was built in 1992 moved in the 1993. The addition of the barn and the pool and the Jacuzzi and pond in 2001 was operational from 2001 through late 2007 prior to the new transformer and meter was installed by the power company. The court is attempting to imply that none of these items were operational before the end of 2007 and therefore implying that is why the power usage and costs have gone up. That is not truthful and is not factual.

In fact during the hearings Katrina Dunderdale positively remarked the fact Duffy had insulated and put wood walls up would be helpful to the cost of heating the barn. Although this was stated in the hearing there is an unusual silence about her remarks in the “Initial Decision.”

Page 6, Item 17. The court blindly accepts the power company assertion that the meter was changed out in April 2008. The facts are the meter had been changed out on several occasions for testing at the Duffy requests after the billing and usage had jumped from 47 to 54% after the installation of the new larger transformers. The Duffy’s recall the meter was changed out in late 2007 when the transformers were changed out.

Page 7, Item 19. Again the court blindly accepts the power company theoretical compilation of usage for a month based on the socket recorder reading of only seven days. This is an improper and unscientific method by merely doing a ration and proportion of usage or billing when the meter is supposedly based on actual usage.

Page 7, Item 21. The court utilizes, again blindly, the power company reasoning for an actual reported error in the power company report. Rather than agree there is or was a problem during that time of reporting the court accepts there was a power problem but that has no merit as to billing or usage issues.

Page 7, Item 22. Again the court blindly accepts the self serving power company document, which was court ordered after the hearings had been started. A document of usage generated by the power company itself rather than by an independent engineering company and a document that just happens to back into the usage and billing the power company has been attempting to support in these hearings. This is an improper usage of the court to help the power company support its case against the Duffy's. This document should have been thrown out. Again, this seems an improper usage of the court and deliberately abusive against the Duffy family.

Page 7, Item 23. The power company reported hundreds of electrical sag events but the court finds no problem with this technical issue and possible cause of damage or improper billing or usage at the Duffy home. Penn Power clearly demonstrated to this court something was wrong with power supply to the Duffy home but the court found no fault with this technical issue.

Page 7, Item 24. Although this court identified the Duffy's hired consultants this court makes no reference as to the results of the tests. The results found no problems in the Duffy home. These tests had been completed and reported to the PUC prior to the hearings, unlike the court ordered tests of the power company which were completed after the hearings started and merely to back into a defense position.

Page 8, Item 26. The court recognized the Duffy's hired a contractor to complete power usage studies at the Duffy home (yet the court did not mention this was completed on three separate occasions during different times of the year) but faulted the Duffy's for not measuring actual kilowatt hour consumption nor possible consumption. This is merely a mathematical calculation anyone at the PUC could complete from the total values taken by the Duffy contractor. If this was an issue with the court they could have easily ordered Penn Power or the Duffy's to complete the calculation.

Page 8, Item 27. The court makes mention of the energy conservation company hired by the Duffy's prior to the hearings to determine if the Duffy property utilized unusual amounts of power (all Duffy electrical use, including the barn and the pool, the pond and the Jacuzzi power runs through the Duffy home panel and meter). The proof that there were no problems in the Duffy home usage or unusual usage at the Duffy home is found in that professional, independent report. Yet for some reason this court elected to ignore those results. What more preponderance of evidence is required than such evidence provided by the Duffy's.

Page 8, Item 28, 29 and 30. The court referenced the court ordered in ground foreign load/grounding testing audit and the transformer tests as being reported by the power

company with no problems found. However, the power company nor the court noticed a broken in ground (ground) wire at the base of the pole where by power is provided to the transformer on the Duffy property. The method in which the tests report were provided to the court clearly stated no problems found at the transformer. No court order was provided to the power company to test the undersized in ground wire from the pole to the transformer. That issue was provided to the court and to the PUC in documents provided prior to the hearings which clearly identified to the power company concerns by the Duffy contractor that the wires were undersized and could or would cause problems. The court neglected this letter, the PUC neglected this letter and the power company neglected this letter.

Page 8, Item 31. The court again referenced the "Consumption Audit" completed by the power company. The court makes no mention that this Audit was ordered by the court during the hearings. The court allowed the power company to hear all claims by the Duffy's and then ordered the Audit. This allowed the power company to provide a self serving audit document and allowed the power company to back into the usage and billing numbers they have been providing to the Duffy's by way of monthly invoices. This is an inherent dishonest method to diffuse the Duffy's claims against the power company and should be disallowed. The Duffy's disputed the walk through values of this study and the study report itself, to the court, was and is incorrect. The independent study completed by the Duffy's consulting firm, recommended to the Duffy's by Penn Power, Frontier Energy reports states "All findings were normal and did not indicate high usage.", however, this same report identifies 47 to 54% increase in usage billing with no explanation. The Duffy's and Penn Powers own monthly usage and billing records and invoices indicate consistent usage and billing from 1993 through the fall of 2007 and that only after the installation of the new transformer and meter by Penn Power did the usage and billing go up the 47 to 54% increase with no reasons. Without question Duffy provided full and complete outside documentation to prove its case by a preponderance of proof yet this court elected to ignore the proof and side with the power company's abusive practices. The good well being of the general public has been ignored in this "Initial Decision."

Page 9, Item 32. The court elected to quote the Respondents Consumption Audit notes and utilized the self serving notes against the Duffy's claims. The court also ignored the "fact" the Power Company and its agents sized the very heating and cooling units that were installed in the home but now the power company is claiming the heating/cooling system is the problem as the power company claims are undersized. If the heating and cooling units are undersized, they were sized by the power company. Does this mean is the power company is liable for the under sizing, if they are undersized? Is there a potential conspiracy by the power company to come back to customers in later years to add to the billing and usage based on excessive strip heating due to being undersized? Is this a common practice of the power company? Does the court not consider from 1993 through the fall of 2007, when the power company installed the larger transformers and new meter, both billing and consumption were consistent and were 47 to 54% below what the usage and billing grew to after the installation of the new transformers and meter?

The Duffy's provided to the PUC and the court the initial original actual consumption audit documents, 1992/1993 time frame, from Penn Power signed by Joe Gerlach a Penn Power employee at the time. Joe Gerlach testified in these hearings the document was completed by Penn Power and that it was correct. That report sized the Duffy heating/cooling units and demonstrated expected usage and cost. The recent court ordered "new audit", completed by the power company during the time the hearings were in process, completely disagrees with the initial power company report although the heating and cooling system has not changed. The Duffy's usage and billing followed the initial report from 1993 through the end of 2007. It was only after the power company installed the new larger transformer and meters did the usage and billing increase by 47 to 54% without explanation. From the years 2001 through the end of 2007 no equipment at the Duffy home was added.

It appears the court has missed the actual "facts" and findings and outside independent studies and reports provided during these hearings and prior to these hearings but rather based on its findings on "personal opinion" and documents made up by the power company at the courts order while the hearings were in process and after the power company had heard the Duffy argument and see the Duffy documents.

OUR RESPONSE TO THE COURTS "DISCUSSION"

Page 9, Paragraph one. This paragraph for the most part is absolutely correct; however, the very last sentence states "install a demand meter and credit their account for the overcharges." The Duffy's have never asked for a "demand meter". The Duffy asked for a replacement of the digital meter back to the old analog meter. A meter that can be easily read by the homeowner. A demand meter is a meter that registers the highest usage at a single period of time and bills the home owner for the entire month based on that highest reading. I trust the court is not suggesting the Duffy's asked for a higher method of billing and usage. We are not.

Page 10, Paragraph one. This was a simple request of the Duffy's to resolve this issue. Replace the meter to an analog meter and replace the transformer to the old, original, size transformer. At no time did the Duffy's claim or state to this court or in writing to the PUC that "recorded consumption has raised sharply as a direct result of an increase of their own consumption." This is a miss-characterization of the court and is incorrect and deliberately misleading to the PUC. The Duffy's and their independent electrical contractor and their independent energy consultant all report, prior to the hearings, no additional consumption usage at the Duffy home and no known reason for the 47 to 54% increase in electrical consumption or usage or billing.

Page 10, paragraph two. Some of this statement and paragraph is true and some is false and miss-represents the written facts provided to the PUC and courts. The power company visited the Duffy residence after the Duffy's physically went to the power company office to register complaints of spiking and electrical equipment damage at our home. Further the power company came to our home only after the Duffy's started to file

complaints to the PUC. The court claims the Duffy's did not provide a preponderance of proof yet you can easily read the courts admitted some documents to help the power company over the objections of the Duffy's.

OUR RESPONSE TO THE CONCLUSION

This statement of conclusion by the court is in fact not what the Duffy's filed a complaint about. The Duffy's did not file a complaint to prove the power company violated the provisions of the Public Utility Code or the Public Utility Commissions regulations in some fashion." The Duffy's do not know what these codes are or these regulations are. The Duffy's filed a complaint of abusive practice of usage and billing based on their installing a new much larger transformer on our property and them installing a digital meter that zeros out during the month making it impossible for a home owner to be able to read its own meter. Further the Duffy's have complained about the undersized wire from the pole to our transformer. All causing what the Duffy's believe to be a 47 to 54% increase in our usage and billing since the installation of the new transformers in late 2007. It is unreasonable for a court to claim a homeowner has to prove a power company is in violation of rules and regulations they themselves write and which a home owner has no knowledge of.

The case law the court sites on Page eleven, first paragraph, clearly supports the Duffy's claim. The Duffy's provided all the necessary documents and testimony and witnesses which proved all which is written and is suggested that is required within this specific case law. However, the court claims the Duffy's did not provide this information. It is easy for the PUC to look up what has been provided by the Duffy's. At that point one would have to ask, why would the court claim the Duffy's didn't prove its case in this fashion when it is clear the Duffy's did provide this documentation and testimony and witnesses to do so?

Page 11, paragraph two. This statement is grossly misleading and a dishonest portrayal of what was said, what was provided by way of documentation and what was testified under oath. With regard to the comments on the use of the barn there is a six year history of its use prior to the completion of the wood walls and ceiling and insulation. The court disregarded that history. The courts comments of "not acceptable as credible", is insulting and unfair. Then the court unfairly supports the power company assertions that "heated concrete floors work best when if allowed to remain on for extended period was credible and persuasive." Yes, self serving, the power company can charge more if the in floor heat water tank runs continually. But it doesn't run continuously. The 80 gallon hot water tank is turned off when the in floor heat is not in operation. I have not found any where on the network or in their literature that Penn Power installs in floor hot water heat. How can this court claim their statement as credible? The Duffy's testified as to how the heated floors were utilized in our barn. Quick air heating is by the manual use of an oil fired portable heater. The oil fired heater kept the building warm enough until the floor heat was turned on and operational. At no time did the barn temperature in the winter ever exceed 55 degrees F. That question was never asked. Historically the Duffy's have held, for six years, twice a year, children's parties. Additionally storage

activities were and are maintained in the barn as testified. One being a pool party where they ate in the barn and one being a Halloween party. The Duffy's testified to the barn usage, under oath. The court then elaborates in its "personal opinion", "Specifically unreasonable is the assumption and contention of the Duffy's that they rarely and sporadically used the barn in the winter months despite spending considerable time and money to first install a heating system (the court did not mention in 2001) in the 3600 square foot barn and then to insulate install wood paneling and furnish the space with furniture for lounging." The court has elected to merely recite its own personal opinions here. At no time did the Duffy's state how much money or why they did what they did in its barn. How a court or any reasonable person can make such an assertion or leap without having any evidentiary hearing on such a matter is unfair and unreasonable and merely seems to support the position of the power company. We did not know that what a person elects to do with its personal property or its finances should or would be used against them in a fight for what is right. However, in this case it is clear the PUC court protects the utility company, without question.

Page 12, First and Third Paragraph. With the help of this court this information was generated to be self serving and was only asked to be completed after the power company had seen and heard the claims of the Duffy's. The court allowed the power company to back into a defense that satisfied the courts position in the matter. This document should not have been requested and should not have been allowed in the case.

Page 12, Second Paragraph. This response by the power company was and is misleading to the court as it relates to only the grounding at the transformer. Recently the power company has been to our home to repair a ground wire broken at the base of the incoming power pole that feeds the Duffy transformer. Oddly enough after the court had written its "Initial Decision".

Page 12 and 13, Last paragraph on page 12 and continued as the First Paragraph on Page 13. Of course this paragraph continues in its self serving position and supported by this court as the information is only generated by the power company, the equipment is only that of the power company. At no time did the court order independent studies or reports on the power company meter, grounds, or transformers. It is also clear that this court may be bias to the power company by its ongoing voiced position of "It is the opinion of the presiding officer"; it was the understanding that this court was to review the actual documents, testimony and facts rather than provide its personal opinion.

Page 13, Paragraph two. This paragraph makes absolutely no sense what so ever. There is a historical documents provided by the power company of usage at the Duffy from 1993 through the period of time in 2007 prior to the installation of the new transformer and meter. Those documents are factual and real. By claiming the only change came during the winter of 2007, after the transformer was installed makes no logical sense. No equipment changes at the Duffy home occurred from 2001 through the fall of 2007. No equipment changed at the Duffy home after the fall of 2007 with the exception of the new transformer and meter. All of a sudden consumption went up 47 to 54% and has stayed up. For this court to state "used the barn with greater frequency" is absolutely false and

misleading. No changes in usage before or after the transformer or meters has occurred despite the courts "personal opinion." It is unfair and unreasonable that this is the position be taken by the court.

Also suspiciously missing from this "Initial Decision" is Katrina Dunderdale questions, comments and response to the power company regarding the usage at the Duffy home jumping, in one month, from approximately 7,000 kwh to approximately 24,000 kwh. The power company's response was one month the meter was not read but rather estimated. Katrina Dunderdale further commented how was that possible? Penn Power could not answer the question and its attorney made every attempt to stop the discussion and objecting to the discussion and attempted to stop the discussion which involved around their own usage and billing documents.

Page 13, Paragraph three. Again, with all due respect to the court, the comments regarding the setting of the Duffy's thermostat of 68 degrees in winter months as being "relatively high temperature setting while the residence sat vacant" is absurd and borderline insulting and abusive in its comment alone. I would ask anyone who reads this document to advise what temperature they set their home temperature at when not at home. And how setting a home thermostat at 68 degrees demonstrates usage of "large capacity of electricity when they are present in the residence and on the property" makes no technical or logical sense. I, as a mechanical engineer, can not accept a random statement without any sort of technical support, nor should any court accept such a statement without technical support. During these hearings I did not hear the power company make such a statement nor did I read where the power company wrote such a statement. The court can not merely state its personal opinion on such a technical issues without facts and documentation of technical support.

Page 13, Last Paragraph. This paragraph deals with the court order reports of the power company during these hearings which provided to the power company to provide a self serving document to the court which allowed them to back into the defense of the Duffy's claims, after the fact. This document should not have been court ordered during the hearings and should not have been accepted by the court. Documents to prove the Duffy's case were provided prior to the hearings, only rebuttal documents were provided by the Duffy's although objected to by the power company. The power company report specifically identifies usage as "estimated" and "potential" as cited by the court yet the court accepts the estimate and potential as factual, which they are not, in its decision process.

It is continually troublesome where the court continues to state it is "specifically the opinion of the presiding officer the Complainants electrical consumption was greater than Complainants admitted and greater than average." How is it possible that a personal opinion can outweigh professional studies and historical proof of years of actual usage? This court elected to rely on its on "personal opinion" rather than the "facts."

Page 14, First full paragraph. The Duffy's dispute the "facts" were not considered but rather the "personal opinion" of the "presiding officer" outweighed the facts. Further more the Duffy's never intended to attempt to prove the power company failed to comply with regulations. The Duffy's do not know what the regulations are. However, if there are regulations they are not and do not favor the general public but rather the utility. The common good of the public seems to be buried in the "personal opinion" of the presiding officers.

Page 14, Last full paragraph. The Duffy's disagree with this premise that a preponderance of evidence was not provided. The Duffy's provided professional reports and testimony. The power company merely provided their self serving employees and a report court ordered during the hearings after the power company had heard the complaints and a report in which the court allowed the power company to back into usage and billing values. Seems unreasonable and unfair to the common good. The power company own reports showed power surges and spikes. Yet this court claims they were not proven. Lastly and I hope this court was merely "messaging" or a typo when it claims the Duffy's are undercharged for electricity consumed. Surely, if a "personal opinion" is not the reason for such a comment such as is written in this "Initial Decision", then can utility company relationship bias be the reason for such a flagrant and unsupported comment?

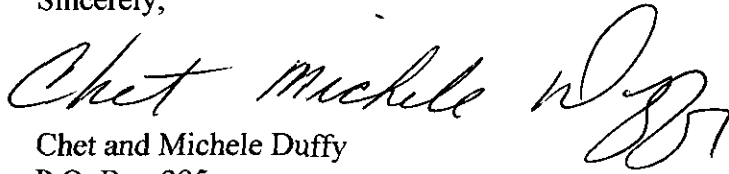
OUR RESPONSE TO CONCLUSION OF LAW

1. We are not sure what the meaning of "This Commission has jurisdiction of the parties to and subject matter in this case." Are you stating the Duffy's have no recourse in State Court? Or that the Duffy's have no recourse with the State Attorney General Office?
2. The Duffy's did not know, until reading this "Initial Decision" our claim was to prove the power company was not providing reasonable service. The Duffy claim was the power company changed a transformer and meter at our home and from that point on, with no electrical changes or equipment in our home or on our property; the cost of power at this home site went up from 47 to 54% and continues to grow.
3. Same comment as number 2.

Your letter does not state what happens after we provide our Response to your "Initial Decision"; I trust we have responded with our understanding of what did or did not occur and our concerns of the same. If you require further information or if you have further questions please feel free to contact us at your convenience. We would greatly appreciate your advice as to what can or can not occur from this point on.

We trust we have not been too harsh in our response, however, what we have read in the "Initial Decision" does not seem to be what occurred prior to the hearings or during the hearings and seem contrary to the good of the common utility customers in Pennsylvania.

Sincerely,

A handwritten signature in cursive script that reads "Chet Michele Duffy". The signature is written in black ink and is positioned to the left of the typed name.

Chet and Michele Duffy
P.O. Box 295
Harmony, Pa 16037
Tel (724) 822-1224 Cell
Tel (724) 452-1285 Home

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Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code 11033	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day Scheduled Date of Delivery Month 7 Day 4	Postage \$ 2.25
Date Accepted	Return Receipt Fee \$	
Mo. Day Year 7 25 10	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$ Insurance Fee \$
Time Accepted <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ 2.25
Flat Rate <input type="checkbox"/> or Weight 1 lbs. 1 ozs.	Int'l Alpha Country Code	Acceptance Emp. Initials 119

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		

CUSTOMER USE ONLY

WAIVER OF SIGNATURE (Domestic Mail Only)
Additional merchandise insurance is void if customer requests waiver of signature.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY

Weekend Holiday Mailer Signature

FROM: (PLEASE PRINT)

PHONE

724 457-1285

Chet & Michele DUFFY
P.O. BOX 295
135 LIBERTY RD.
HARMONY, PA 16037

TO: (PLEASE PRINT)

PHONE ()

JAMES A. Mc NULTY
SECRETARY
COMMONWEALTH OF PENNSYLVANIA
P.O. BOX 3265 - Keystone Bldg
400 NORTH ST.
HARRISBURG, PA 17105-3265

ZIP (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811



FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.