

Legal Department

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August 19, 2010

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

**Re: Paul Dodson v. PECO Energy Company
PUC Docket No. F-2010-2180791**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

—	Answer (1 original)
—	Motion for Continuance (1 original)
<u>X</u>	Motion for Judgment on the Pleadings (1 original)
—	Preliminary Objection (1 original)
—	Exceptions (1 original)
—	Reply Exceptions (1 original)
—	Brief (1 original)
—	Reply Brief (1 original)

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,



Tishkia Williams
Counsel for PECO Energy Company

TW/adz
Enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAUL DODSON

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2010-2180791

**PECO ENERGY COMPANY'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.102 respectfully moves to dismiss the instant complaint in its entirety. Complainant claims that although he admits that foreign wiring was discovered at property he owns, he should not be responsible for billing transferred to his account. Complainant’s claims are legally insufficient. Therefore, PECO requests that the case be dismissed without need for further hearing.

1. On or about May 27, 2010, Complainant filed a formal complaint disputing responsibility for charges transferred to his name as a result of foreign wiring. PECO was served with the complaint on June 10, 2010.

2. On June 30, 2010, PECO filed an Answer and New Matter denying the balance was improperly transferred. Among other things, PECO stated in its New Matter PECO that:

- Complainant is the owner of an apartment house located at 1121 E. Lincoln Highway, Coatesville.
- On July 22, 2009, Complainant’s tenant reported possible foreign load.
- On July 29, 2008 a field representative conducted an investigation, and confirmed the existence of foreign wiring.
- At that time a letter was sent to Complainant, alerting him to conditions at the property. A new account was created in Complainant’s name, and the unpaid balance in

the amount of \$284.65 on the tenant's account was transferred to Complainant – landlord's name.

- On April 1, 2009, Complainant contacted PECO and stated that the foreign wiring was corrected. The foreign wiring was not corrected when the representative arrived, but the Complainant corrected it while the representative watched.

- On April 27, 2009 PECO rendered a final bill in the amount of \$892.97 to Complainant, and service was put back in the tenant's name effective April 13, 2009.

- The balance was not satisfied. On May 26, 2009 the final bill from 1121 E. Lincoln Highway, Apt. 3, Coatesville was transferred to Complainant's active account at 640 Marydell Dr., West Chester.

3. PECO provided Complainant with notice that a response was required. In its letter, PECO stated "Please note that if you do not respond to a New Matter, Motion or Preliminary Objection an unfavorable decision may be rendered against you."

4. Forty nine (49) days have passed and Complainant has not responded to the New Matter. Therefore, PECO requests that the facts stated therein be deemed admitted.

5. Complainant does not deny that that there was foreign wiring discovered at his property.

6. Complainant bases his plea for relief on his belief that "I should have had time to make repairs before they put her bill on my home bill."

7. Upon discovering foreign load, a public utility is required to list the account, including any arrearages, in the name of the landlord. 66 Pa. C.S. §§1529.1(a), (c).

8. The landlord is responsible for paying the utility bills until the foreign load is corrected. *Santos v. Metropolitan Edison Co.*, No. C-00967757 (Pa. PUC Aug. 7, 1997),

WHEREFORE, PECO requests that Complainant's claims be dismissed as legally insufficient. Therefore, Complainant's case should be dismissed in its entirety.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tishekia Williams', written over a horizontal line.

Tishekia Williams
Counsel for PECO Energy Company
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAUL DODSON

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v.

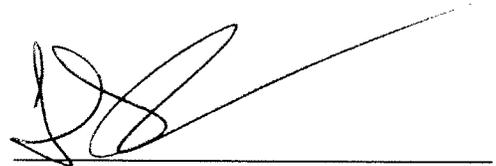
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PECO ENERGY COMPANY

VERIFICATION

I, Tishekia Williams, 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: August 19, 2010



Tishekia Williams

**BEFORE THE
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PAUL DODSON

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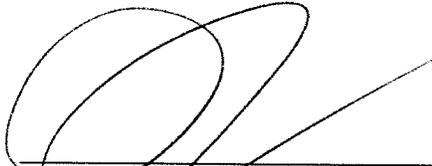
CERTIFICATE OF SERVICE

I, Tishekia Williams, 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 U.S. mail and electronic mail to:

Paul A. Dodson
451 Westwind Dr.
Berwyn, PA 19312

Dated at Philadelphia, Pennsylvania, August 19, 2010

Respectfully Submitted,



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