

EXCEPTIONS

C-2010-2201568

Barbara G. Gallagher v. PECO Energy Corp.

Page 2, #2. PECO has never supported this statement—that the pole has been there since 1958--with their records and PECO's continual refusal to disclose this record doesn't add credence to this claim. At some point, this private pole and its wires were hooked into the utility grid and this is the information PECO needs to disclose. As the owner of this property who is questioning the safety and legitimacy of this utility configuration, PECO should be forthright. If PECO can't substantiate information with their records, it is perplexing as to why they even keep records.

Page 3, #6. We (the Complainant's) do not need the utility pole or the 250' of utility wire that runs the length of our property to service our neighbor. Our house, being within 100' of the street, is able to connect into the grid directly so there is no use for a utility pole on my property. The private pole exists for our neighbor's benefit only—we do not need it and said neighbors have their own utility pathway on the other side of the driveway. Since only their private gas line is in their utility pathway, they could easily have their electricity on their side of the driveway which is the more common configuration of cases with a shared driveway. Our utility pathway is unusually crowded as we have electric and the water lines for us as well as this same neighbor.

Page 3, #7. We (the Complainant's) understand that according to our easement we have the choice to move the utility pole and wires on our property to a location of our choosing and that we are responsible for the cost. The difficulty is, as in this case, another customer is tied into our utility pathway. I don't believe it should take over three years or cost thousands of dollars for PECO to move a customer onto their own utility pathway. PECO presented two designs during this hearing process. The first of these relocates the utility wires for my neighbor onto the other side of the driveway with a utility pole on that same side supporting these wires. This simple design accomplishes the goal of relocating my neighbor to a less parasitic utility set-up where they can be in their own utility pathway and it won't cost thousands of dollars to implement.

Page 3, #8. This question could easily be answered by PECO and their records. PECO, at some point, connected this pole which is less than 100' from the street in their utility grid. The location of the pole is approximately SEVEN FEET inside my property line. This is a notable difference from the standard 18" placement inside a property line. The placement of this pole, SEVEN FEET inside my property line, creates a hazard and liability on my property because it is near the main entrance way to my house and it is also in reach of damaging any cars parked in the driveway. This pole also supports the wires that run through our backyard providing service to our neighbor and forces these wires an extra seven feet further onto our property than should be.

This infringement is another strong reason to remove the utility pole. (Monemee Land & Title performed the property survey and marked property boundaries.)

Page 4, #11. We (the Complainant's) have a utility redesign that does not include a private utility pole on my property. We do not want to be kept hostage to a utility pole and be at risk because it is convenient for our neighbors. The liability and the risk that is cited in this paragraph by PECO acknowledges that private poles are a RISK as well as an expense.

Page 4, #12. The Respondent's have certainly climbed this pole. Our major complaint to the PUC, contained in the written formal complaint, is one of safety and liability that is associated with this utility configuration on our property. While testifying at the hearing, I specifically spoke of a PECO employee who climbed this private pole on my property which was covered in ice in blizzard conditions on Dec. 19, 2009. The Tredyffrin police, called by the neighbor involved in this case for assistance due to loss of power, were present and should be able to present a record stating the PECO employees involvement with this utility. PECO has been associated with and active in establishing, maintaining and repairing the utilities on my property.

Page 4, #13. The Respondent's misconception that a set-up design needs to include our neighbors as well as us is incorrect and serves only to stall and complicate the redesign. We do not need to be connected to them, nor they to us, in order to receive electricity. As stated, our personal redesign involves simply connecting our house to the utility grid on the street (less than 100') and removing the private utility pole on our property that we do not need. To force us to burden our property with a utility pole and 250' of our neighbor's utility wire is a parasitic situation and design and an abuse of a utility easement. Of the two designs of the Respondent's which PECO is now presenting as viable options, the first option would seem amenable to us as it appears not to be a parasitic design where one property incurs all the risk while the other property enjoys the benefits. Attempting to group these two properties together in a parasitic utility configuration has no basis since each property was designed with its' own utility pathway and it serves only to allow one party to enjoy their property without the burden of utility pole and wires. With the proposed design that is cited in your document on Page 4, #13, PECO is acknowledging that this plan is a viable and amenable option for our neighbors to redesign their utilities on their own side of the driveway in order to serve their own property. We hope this plan can be implemented and that it isn't just posturing for these proceedings.

Page 4, #14. Again, the inherent risks involved in having a utility pole on your property are evident in PECO's own instructions as what to do when a pole collapses. Our property is needlessly burdened with a pole we don't need and we are being subjected to the inherent risks and liability that such a pole would incur. (This topic of pole collapsing is mentioned two separate times on one page—PECO obviously recognizes the inherent risk associated with these poles.)

The mitigating factors in this discrepancy that the PUC should consider:

The utility pole is SEVEN FEET inside my property line. This is much deeper inside the property than the standard 18" and creates more of a hazard and an infringement in that my personal property (not just the property line) is at risk from this unnecessary utility pole and utility wires.

The utility wires passing through my backyard are only 8' from the ground and the main electrical line is not kept separate from the other wires but is entangled with all the other wires in an unsafe manner. These wires benefit my neighbor, not me. Trying to force PECO to comply with their own guidelines should be the job of the person dependant of the wires. I don't want this responsibility or this liability as I haven't the time, interest or inclination to have to deal with compliance issues.

The records pertaining to any installation or relocation of PECO's utilities on my property are still not being disclosed after having been requested numerous times.

My property does not need a private utility pole as it is within 100' from the street and can hook in to the grid directly. The presence of the utility pole on my property adds additional risk and liability to my property and should be removed. It is unfair for PECO to expect me to incur expenses to rid myself of this risk when it has done nothing in terms of opening its records to prove that the pole has legitimately been on my property since 1958.

PECO's own design (1), submitted during the hearings, proves that the option for our neighbor's to use their own utility pathway on their side of the driveway as their utility set-up is an option that PECO suggested and even endorsed as a solution in this utility discrepancy. We would be amenable to this design that PECO has brought to the table.

Thank you for your time and attention to this matter.

Respectfully,

Barbara G. Gallagher

