

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JAN 26 2012

C-2010-2192759

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PETITION OF JOHN R. STARZMANN
TO REOPEN THE RECORD

JOHN R. STARMANN

TO

ADMISISTRATIVE LAW JUDGE
JOEL H. CHESKIS

Rosemary Chiavetta, Secretary.
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
[original & three copies]

Joel H. Cheskis
Administrative Law Judge
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
Phone: 717-783-5452
Fax: 717-787-0481
E-mail: jcheskis@pa.gov
[one copy]

John R. Starzmann, P.E.
515 London Tract Road
Landenberg, PA 19350
Phone: 610-274-8557
E-mail: mcstarz@aol.com

Tishekia Williams Esquire
Exelon Business Services Company
2301 Market Street/S23-1
PO Box 8699
Philadelphia, PA 19101-8699
Phone: 215-841-6841
E-mail: tishekia.williams@exeloncorp.com
[one copy]

BACKGROUND

1. Having not been able to resolve a low voltage issue directly with PECO, the writer (“writer”, “petitioner”, “complainant”) on 8/5/10 filed a Formal Complaint against PECO.
2. A 9/8/10 INTERIM ORDER SETTING RESOLUTION CONFERENCE by Administrative Law Judge Kandace F. Melillo assigned Mediator Cynthia Lehman. A resolution was not reached by mediation.
3. On or about 9/1/10 the writer received a copy of PECO “Answer and New Matter” to which the writer answered on 1/9/10 in comments submitted to Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission. Not having been provided instructions to the contrary, it was the writer’s intent that his 1/9/10 response, a copy of which was provided to Ms. Tishekia Williams (PECO Energy), would be incorporated into the record.
4. PREHEARING ORDER dated 10/27/11 from Administrative Law Judge Joel H. Cheskis scheduled an “Initial Telephonic Hearing” for 12/6/11 at 10 AM. The writer’s intent was to meet all of the requirements set forth in the notice of Initial Telephonic Hearing and to his knowledge, he did so.
5. At the end of the “Initial Telephonic Hearing”, Ms. Tishekia Williams stated that a Brief would be filed.
6. Administrative Law Judge Joel H. Cheskis on 12/7/11 issued a BRIEFING ORDER. The writer is an Engineer, not an Attorney. Never-the-less the writer filed a BRIEF using the guidelines of the BRIEFING ORDER.

MOTION TO REOPEN THE RECORD

John R. Starzmann (“writer”, “petitioner”, “complainant”) pursuant to 52 Pa. Code § 5.571, hereby requests that the record be reopened in the above-captioned proceedings for the limited purpose of admitting into evidence the writer’s 1/2/12 Brief and Exhibits A through Z that were submitted to the Pennsylvania Public Utility Commission within the 1/10/12 due date. Included in the Brief Exhibits as Exhibit D (6 pages) was the writer’s 9/9/10 response to PECO’s “Answer and New Matter”.

The complainant is a retired engineer who does not know the ins and outs of the legal process. The intent was that his 9/9/10 response to PECO’s “Answer and New Matter” be in the record since it was submitted to Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission and a copy was provided to Ms. Tishekia Williams. His intent was also that his 1/2/12 Brief and Exhibits be incorporated into the record. The 1/2/12 Brief was submitted through the channels as outlined in the BRIEFING ORDER. The 1/2/12 Brief followed the guidelines of the BRIEFING ORDER.

Excluding the complainant’s 1/2/12 Brief and Exhibits A through Z would unfairly penalize the complainant, who is an engineer not an attorney. The public interest, and public safety, requires that the evidence provided in the complainant’s 1/2/12 Brief and Exhibits A through Z be included in the public record.

Furthermore while gathering evidence for the complainant’s 1/2/12 Brief and Exhibits, it became obvious that PECO Energy attempted to obfuscate the fact that one-half voltage was applied to

the writer's service entrance panel. PECO Energy Customer Service closed out the complaint because the writer could not allegedly be located. PECO Energy correspondence purported that the complainant was satisfied when he was not satisfied. PECO Energy stated that the writer refused PECO Energy access to his property (he did not). In PECO Energy's 1/10/12 Motion to Strike, even a Commission performance report was suggested as having been neither authenticated nor sponsored.

52 Pa. Code §5.406 allow:

- (a) A report, decision, opinion, or other document or part thereof, need not be produced or marked for identification, but may be offered in evidence as a public document by specifying the document or part thereof and where it may be found, if the document is one of the following:*
- (1) A report or other document on file with the Commission.*
 - (2) An official report, decision, opinion, published scientific or economic statistical data or similar public document which is issued by a governmental department, agency, committee, commission or similar entity which is shown by the offeror to be reasonably available to the public.*

Prior to the Briefing Order being issued, the complainant was not familiar with a legal Brief. Similarly, when served with a PREHEARING ORDER dated 10/27/11, the complainant was not familiar with the proceedings that were scheduled as an Initial Telephonic hearing. However in the description of an "Initial" Telephonic Hearing [italics added for emphasis by the writer], the

writer envisioned an “initial” hearing, followed by additional hearings as the facts bore evidence and as the Administrative Law Judge saw fit and directed.

The writer was fortunate to have been home and able to identify low voltage issues that are a public interest. He is a registered Profession Engineer in the State of Delaware; a graduate of the University of Delaware. For 9 years he worked for GE in industrial power businesses. The GE work included system analysis work in the Energy Systems Operation in Schenectady NY that would provide the understanding on the type of analysis that is required in order to select the proper relay protective schemes. The last 31 years as a Senior Quality Engineer for Pacific Gas and Electric Company, his work included the inspection of equipment (including switchgear, breakers, transformers, insulators, and relays), the witness of tests, the qualification of manufacturers, and the participation on specification committees. Even with this experience, had the petitioner not had an office at his residence, he may not have been aware of the low voltage issues. The petitioner is fortunate to have had an office at his residence and been able to identify situations **that the public interest requires.**

52 Pa. Code § 5.571 Reopening prior to a final decision:

(a) At any time after the record is closed but before a final decision is issued, a party may file a petition to reopen the proceeding for the purpose of taking additional evidence.

*(d) The record may be reopened upon notification to the parties in a proceeding for the reception of further evidence if there is reason to believe that conditions of fact or of law have so changed as to require, **or that the public interest requires**, the reopening of the proceeding. [Bold emphasis added by the complainant].*

(1) The presiding officer may reopen the record if the presiding officer has not issued a decision or has not certified the record to the Commission.

The Commission's regulations at 52 Pa. code Section 5.571 provide that a party may petition to reopen a proceeding for the purpose of taking additional evidence at any time prior to the issuance of a final decision. See 52 Pa. Code § 5.571(a). The petition may be granted "if there is reason to believe that conditions of fact or of law have so changed ... or that the public interest requires the reopening of the proceeding." *Id.* at § 5.571(d). The presiding officer may reopen the record if a decision has not yet been issued or the record has not been certified to the Commission. *Id.* at § 5.571(d)(1). As discussed in his 1/2/12 Brief, review of materials in preparation for his 1/2/12 Brief precipitated an observation of PECO conduct issues that were deemed irregular if not unprofessional and that may require additional action by the Commission. Because of the extensive material exhibited in his 1/2/12 Brief, as well as the public interest issues raised therein, the petitioner respectfully request that Your Honor grant this Petition and reopen the record for purposes of including his 1/2/12 Brief and Exhibits A through Z as evidence in this proceeding.

RECEIVED

JAN 26 2012

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

January 26, 2012

Respectfully submitted,

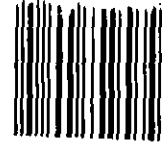


John R. Starzmann, P.E.
515 London Tract Road
Landenberg, PA 19350
Phone: 610-274-8557
E-mail: mcstarz@aol.com

John Starzmann
515 London Tract Rd
Landenberg PA 19350



1004



17105

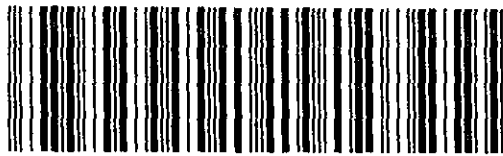
PAID
LANDENBERG, PA
19350
JAN 26, 12
AMOUNT

\$5.95
00095948

THIS HAS BEEN SCANNED
 Attempted
 Delivered

United States Postal Service®

DELIVERY CONFIRMATION™



0310 2640 0000 1764 7168



UNITED STATES POSTAL SERVICE
Visit us at usps.com

Label 107R, January 2008

ROSEMARY CHIAVETTA, SECRETARY/
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG, PA
17105-3265