

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

620 Freedom Business Center  
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King of Prussia, PA 19406  
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Direct Fax: (610) 371-7978

February 15, 2012

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**Re: Lamarr Crenshaw v. PECO Energy Company**  
**Docket No. F-2012-2285268**

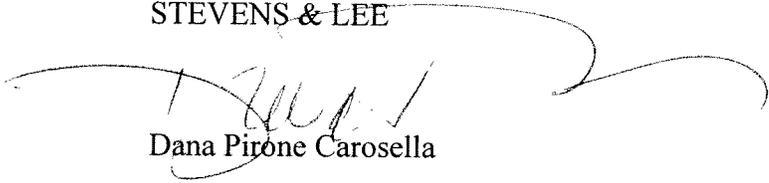
Dear Secretary Chiavetta:

Enclosed for filing on behalf of PECO is an original of its Preliminary Objection in response to the Complaint filed in this matter. This document has been e-filed at the Pennsylvania Public Utility Commission's website. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE



Dana Pirone Carosella

Encl.

cc: Lamarr Crenshaw w/enclosures

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LAMARR CRENSHAW	:
Complainant	:
	:
v.	:
PECO ENERGY COMPANY	: Docket No. F-2012-2285268
Respondent	:

**NOTICE TO PLEAD**

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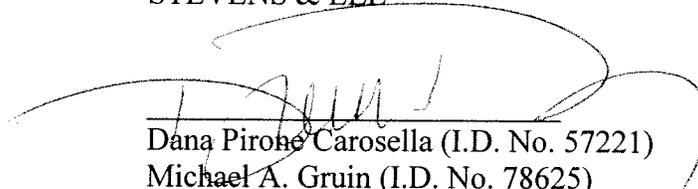
**To: LAMARR CRENSHAW**

You are hereby notified to file a written response to the attached Preliminary Objection of PECO within ten (10) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed Preliminary Objection within ten(10) days of service, the facts set forth by PECO may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for PECO. Failure to respond to this Preliminary Objection could result in the dismissal of your case.

STEVENS & LEE



Dana Pirone Carosella (I.D. No. 57221)  
Michael A. Gruin (I.D. No. 78625)  
620 Freedom Business Center  
Suite 200  
King of Prussia, PA 19406  
Tel. (610) 205-6056  
Fax (610) 371-7978

Tishekia Williams  
PECO Energy Company  
2301 Market Street, S23-1  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389

COUNSEL FOR  
PECO ENERGY COMPANY

DATE: February 15, 2012

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LAMARR CRENSHAW  
Complainant

v.

PECO ENERGY COMPANY  
Respondent

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:  
: Docket No. F-2012-2285268  
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**PECO ENERGY COMPANY’S PRELIMINARY OBJECTION TO THE  
COMPLAINT**

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Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(4), respectfully petitions this Honorable Commission to dismiss the Complaint for the reason stated below:

1. On January 26, 2012, PECO Energy was served with a formal Complaint from Lamarr Crenshaw (“Complainant”). A copy of the complaint is attached as Exhibit A.
2. Pursuant to 52 Pa. Code §5.101, preliminary objections may be filed against a complaint and dismissed for legal insufficiency. 52 Pa. Code § 5.101(a)(4).
3. The Complaint must be dismissed because the relief Complainant requests cannot be granted as a matter of law and is contrary to the Pennsylvania Public Utility Commission’s (“Commission”) policy.
4. The Commission has held that a landlord must pay the utility for any account balance, including arrearages, once a foreign load or wiring has been found.

5. The Complainant states in the Complaint that PECO should be held responsible for the “mistake,” presumably the meter mix up and the tenants’ charges while the foreign wiring problem was being corrected. *See* Request for Relief at Paragraph 5.

6. The Complainant seems to aver, and his conduct shows, that he does not accept responsibility for the arrearage and current charges belonging to the first floor and second floor tenants once the foreign wiring was discovered and through the date the accounts were re-established in the tenants’ names.

7. As previously explained by the Legislature and this Commission, upon discovering the existence of a foreign load a public utility is required to list the account, including any arrearages, in the name of the landlord. *See* 66 Pa. C.S. §§ 1529.1(a), (c); *Santos v. Metro. Edison Co.*, No. C-00967757 (Pa. P.U.C. Aug. 7, 1997), *reaff’d* in *Ace Check Cashing, Inc. v. Phila. Gas Works*, Final Order May 21, 2010. The landlord is responsible for paying the utility bills until the foreign load is corrected. *Santos* at 16. Once the foreign load is corrected by the landlord and verified by the utility, the utility will place the account back in the name of the tenant and the arrearage, if any, will remain the landlord’s responsibility. *Id.* To the extent any dispute regarding the financial responsibility of the parties exists, that is a matter to be resolved in the Court of Common Pleas as it is outside the Commission’s jurisdiction. *Edmund v. Corazzini v. UGI Penn Natural Gas, Inc.*, No. F-2009-2101282, Opinion an Order adopted July 15, 2010 at 7.

8. Because the Complaint relates to a dispute about the assignment of financial responsibility for foreign load in a building Complainant owns, PECO properly

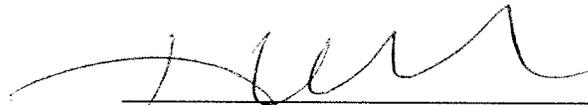
transferred the utility accounts for the first and second floor tenants, including arrearages, to the Complainant's name.

9. PECO's actions are consistent with Pennsylvania law.

10. Accordingly, PECO requests that the Commission dismiss the Complaint for legal insufficiency.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complaint.

Respectfully submitted,



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Dana Pirone Carosella (I.D. No. 57221)  
Michael A. Gruin (I.D. No. 78625)  
620 Freedom Business Center  
Suite 200  
King of Prussia, PA 19406  
Tel. (610) 205-6056  
Fax (610) 371-7978

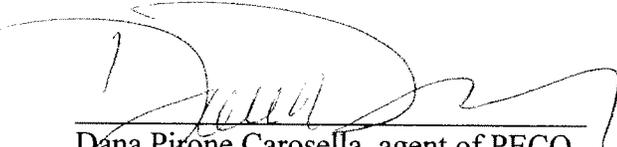
Tishekia Williams  
PECO Energy Company  
2301 Market Street, S23-1  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389

Dated: February 15, 2012

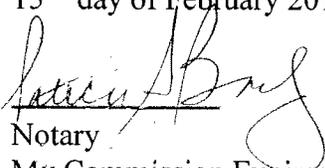
Commonwealth of Pennsylvania :  
County of Philadelphia : SS

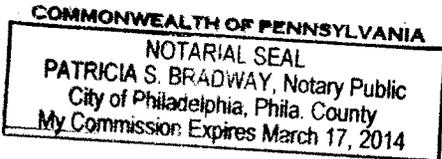
**AFFIDAVIT**

I, Dana Pirone Carosella, being duly sworn according to law, depose and say I am agent of PECO Energy Company and have been authorized to make this affidavit on its behalf and that the facts set forth herein are true and correct to the best of my knowledge, information and belief, and PECO Energy Company expects to be able to prove the same at any hearing hereof.

  
\_\_\_\_\_  
Dana Pirone Carosella, agent of PECO Energy Company

Sworn and subscribed before me this  
15<sup>th</sup> day of February 2012

  
\_\_\_\_\_  
Notary  
My Commission Expires:



**Zaketa, Anita D:(BSC)**

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**From:** eServe@pa.gov  
**Sent:** Thursday, January 26, 2012 4:41 PM  
**To:** Smith, Ward L.:(BSC)  
**Cc:** Zaketa, Anita D:(BSC)  
**Subject:** PA PUC eServe Notice  
**Importance:** High

Dear WARD L SMITH,

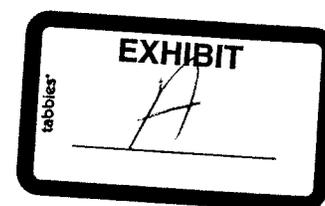
A(n) **Formal Complaint Form** has been served in this proceeding. This document is docketed as **F-2012-2285268**. You may view this document at

**Formal Complaint Form**

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.*



111key  
BCS 2894540

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print in ink or type.

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name Lamar Crenshaw

Street/P.O. Box 6251 Hazel Ave Apt # \_\_\_\_\_

City Philadelphia State PA Zip 19143

County \_\_\_\_\_

Daytime Telephone Number Where We Can Contact You: (215) 432-6557

E-mail Address (optional): \_\_\_\_\_

Utility Account Number 53293-66033  
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

Peco Energy

3. TYPE OF UTILITY (check one)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> STEAM HEAT    |
| <input type="checkbox"/> GAS                 | <input type="checkbox"/> WASTE WATER   |
| <input type="checkbox"/> WATER               | <input type="checkbox"/> MOTOR CARRIER |

TELEPHONE  
(local, long distance)

RECEIVED  
2012 JAN 25 AM 10:22  
PA P.U.C.  
SECRETARY'S BUREAU

(e.g., taxi, moving company, limousine)

4. **COMPLAINT** (check one)

**A. In general, what is your complaint?**

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

**B. State the facts of your complaint.**

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

Deco has been charging the 1st floors meter to the second floor, and the second floors meter to the first floor.

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5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

I would like Peco to be responsible for its mistake in this matter.

There were mistakes made by both parties, but Peco is not acknowledging their mistake in this matter.

I believe Peco should be held accountable for its mix up.

6. PROTECTION FROM ABUSE

Answer the following 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 billing problem, 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

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

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8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (If Known) \_\_\_\_\_

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: Lamarr Crenshaw, 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).

Lamarr Crenshaw  
(Signature) 1/19/12  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint 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 complaint for your records.

RECEIVED  
2012 JAN 25 AM 10:22  
PA P.U.C.  
SECRETARY'S BUREAU



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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Preliminary Objection upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA First Class U.S. Mail

Lamarr Crenshaw  
6251 Hazel Avenue  
Philadelphia, PA 19143

  
Dana Pirone Carosella

DATED: February 15, 2012