

STEVENS & LEE
LAWYERS & CONSULTANTS

620 Freedom Business Center
Suite 200
King of Prussia, PA 19406
(610) 205-6000 Fax (610) 337-4374
www.stevenslee.com

Direct Dial: (610) 205-6056
Email: dpc@stevenslee.com
Direct Fax: (610) 371-7978

February 21, 2012

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

Re: Louella Gray v. PECO Energy Company
Docket No. F-2012-2285766

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: Louella Gray w/enclosures

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

A PROFESSIONAL CORPORATION

SLI 1134130v1 101815.00337

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOTICE TO PLEAD

LOUELLA GRAY	:	
Complainant	:	
	:	
v.	:	Docket No. F-2012-2285766
	:	
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

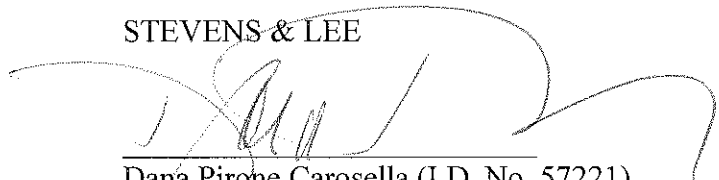
To: LOUELLA GRAY

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 21, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUELLA GRAY	:	
Complainant	:	
	:	
v.	:	Docket No. F-2012-2285766
	:	
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**PECO ENERGY COMPANY’S PRELIMINARY OBJECTION TO THE
COMPLAINT**

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 30, 2012, PECO Energy was served with a formal Complaint from Louella Gray (“Complainant”). A copy of the complaint without the bills 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: a) the relief Complainant requests cannot be granted as a matter of law and b) it 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 Complainant that she is the owner and landlord of a rental property where foreign wiring was found. *See* Complaint at Attachment 1.

6. The Complainant avers that PECO transferred the arrearage and current charges into hers name which she maintains should be the responsibility of the tenant who resides in the first floor unit. *See* Complaint at Attachment 1.

7. The Complainant seeks the following relief: “transfer the bill to Michelle Evans’ (the tenant) name so I can apply her security deposit and bill her the balance.

8. 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.

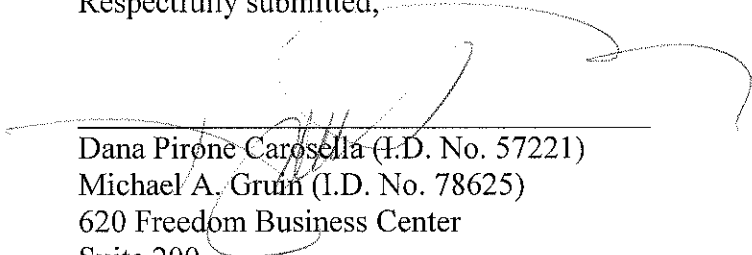
9. Because the Complainant relates to a dispute about the assignment of financial responsibility for foreign load in a building she owns, PECO properly transferred the tenant’s utility account, including arrearages, to the Complainant’s name.

10. PECO’s actions are consistent with Pennsylvania law.

11. 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,



Dana Pirone-Carosella (I.D. No. 57221)
Michael A. Grun (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 21, 2012

Commonwealth of Pennsylvania :
: SS
County of Montgomery :

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 above set forth 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
21st day of February 2012



Notary
My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda J. Clifton, Notary Public
Uwchlan Twp., Chester County
My Commission Expires Nov. 6, 2012
Member, Pennsylvania Association of Notaries

Zaketa, Anita D:(BSC)

From: eFile@state.pa.us
Sent: Thursday, July 28, 2011 3:22 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** has been served in this proceeding. This document is docketed as **C-2011-2254404**. You may view this document at **Formal Complaint**

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.*

7/28/2011

timely

Must be returned by February 1, 2012

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name Howella Gray

Street/P.O. Box 18 Kaufman Rd Apt # _____

City Cochranville State Pa Zip 19330

County Chester

Area Code/HOME Phone 610-593-5988

Area Code/WORK Phone 815-292-9616

Utility Account Number 57514-45043, 57514-45052,
(from your bill) 57514-45061, 57484-00103

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 435 W First Avenue Apt 1

City Parkesburg State PA Zip 19365

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PECO

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

RECEIVED
2012 JAN 27 AM 10:35
PA.P.U.C.
SECRETARY'S BUREAU

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.

see attached

RECEIVED
2012 JAN 27 AM 10:36
PA.P.U.C.
SECRETARY'S BUREAU

5. **RELIEF**

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

*Transfer bill to Michele Evans name so
I can apply her security deposit + bill
her the balance*

Attachment

- 1 -

Beginning of April 2011, Michele Evans called PECO concerning her high electric bill. Her apartment is 100% electric. Michele Evans also rented the foyer because she wanted to be able to use the storage closet.

On April 25, 2011, PECO came out to inspect the property. Since I travel with my job, my contractor met the PECO inspector at the property. The PECO inspector stated that since Apt. B walked through the foyer to get to his door, the light in the foyer was consider foreign wiring.

My contractor called me on April 25, 2011, to let me know the findings and I instructed him to call my electrician and fix the problem. H. Hogg Electrical Contractor fixed the problem on May 10, 2011. (bill attached)

Michele Evans called PECO to let them know the problem was fixed.

In May, my contractor called me to let me know he received a bill from PECO for \$824.94.. He called PECO to let them know he did not own the building and he was not the landlord. He also told them the foreign wiring was corrected and the bill should go back into Michele Evans name. They told him they would take care of the problem.

In June, he received another bill from PECO and he once again called them and followed it up with a letter stating he was not the owner or the landlord .

On June 24, 2011, Michele Evans left a message to let me know she received a termination of service notice from PECO. She had just received a bill for \$47.72, so she thought the service was now transferred back to her name. I called PECO and was transferred to Cheryl in the Credit Center. At first she was not going to talk to me because I was not on the account. I explained the whole situation and told her that Mike Peace (my contractor) was not the landlord or the owner of the building. She told me she would take care of everything and to have Michele call and the bill would be transferred back to her name. At no time, did anyone tell me we needed another inspection.

In July, Mike received another bill from PECO and a letter concerning the delinquent bill. Once again he called PECO, I called PECO and sent them a letter stating he was not the landlord. I also recommended to Mike Peace to file a formal complaint with the PUC.

August 19, 2011, Mike Peace received a letter for the PECO legal department that the issue was resolve and the bill should not have been in his name.

I received the total PECO bill now transferred into my name instead of Michele Evans name. No letter from PECO, only an electric bill. On August 16, 2011, I talked to Theresa in transfer services. She could not help me so she transfer me to Connie in billing. Connie was going to check on it and get back to me.

Michele Evans was moving out on August 31, 2011 and called PECO and gave them her new phone number and new address. Her new phone number 1-610-942-4015. She moved to Glenmoore, PA, however she still receives mail at her mother's house: Cynthia Duncan, 208 North Street, Parkesburg, PA 19365. She tried to disconnect the service, but was told I had to call. She told me to keep her security deposit and apply it to the PECO bill and have PECO send her the balance of the bill.

I called to disconnect the service and was told (first time) I need to have an inspection done for the foreign wiring. PECO inspector called to set up an appointment, then had to cancel because of a storm and rescheduled. They would not disconnect the service until the inspection was completed. In the meantime, I had another tenant that was trying to get service in his name, but he could not until the inspection was complete.

Next month, I received a bill on 18 Kauffman Road, Cochranville, PA and now the amount of the bill was transferred to my primary residence. After additional calls to PECO, I filed a informal complaint Form with the PUC. (9/28/11)

On October 4, 2011, I spoke to Brigitte Litzenberger in Customer Service and once again I went over the history of the account. I spoke to Brigitte again on the 18th of October and she told me to call James White.

I left several messages for Larry White. I finally spoke to him on Dec 6, 2011.

He suggested I asked for a hearing and stated he would send me the papers.

Here is the problem: I cannot apply the Michele's security money to a bill in my name. Michele cannot give me the balance of the money because the bill is in my name.

The bill needs to be transferred back into Michele's name so I can apply the security and she can pay the balance of the bill.

During the process, when I would call PECO they would tell me they could only talk to the person on the account. Michele would call and they would tell her, the landlord needed to call. Mike would call and tell them he wasn't the landlord.

When I made application to PECO for 433 W First Avenue, I had to send them a copy of my deed and a letter from the post office stating the correct mailing address. PECO put the bill in Mike's name with NO PROOF OF OWNERSHIP.. He never had an account with PECO, so how did they get is social security and information. I continued to tell PECO I owned the building and the foreign wiring was fixed, but because the bill was in Mike's name, they would not do anything. Michele signed up for a cheaper electric service and they would not give her the lower electric bill because the "Account was delinquent and under dispute"

This has been an abuse of power by PECO. It has cost all three party time and money.

I have enclosed all electric bill's from Mike, Michele and myself, alone with the bill for the correction of the foreign wiring.

Handwritten signature
1-19-12

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.

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:

I, Lowella Gray, 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).

Lowella Gray
(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 nd Floor Harrisburg, Pennsylvania 17120
---	--

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 27 AM 10:36
PA.P.U.C.
SECRETARY'S BUREAU


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUELLA GRAY	:	
Complainant	:	
	:	
v.	:	Docket No. F-2012-2285766
	:	
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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
Louella Gray
18 Kauffman Road
Cochranville, Pa 19330



Dana Pirone Carosella

DATED: February 21, 2012