

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: Sharon M. Wilson v. PECO Energy Company
Docket No. C-2012-2286036

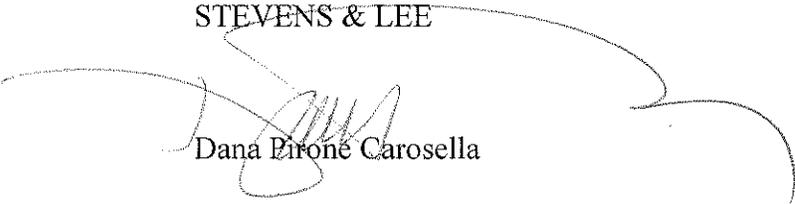
Dear Secretary Chiavetta:

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: Sharon M. Wilson w/enclosures

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

A PROFESSIONAL CORPORATION

SL1 1134133v1 101815.00338

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**

SHARON M. WILSON
Complainant

v.

PECO ENERGY COMPANY
Respondent

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: Docket No. C-2012-2286036
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:

**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 31, 2012, PECO Energy was served with a formal Complaint from Sharon M. Wilson ("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: 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 page 7.

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 pages 7 and 8.

7. The Complainant seeks the following relief: "I would like the tennant (sic) to be responsible for a part if not all of her bill. Her bill is what it is because she refused to pay. I believe a sign (sic) addendum (to the lease) is a legal document & per your Company's instruction I followed up with an electrician making the necessary changes. I understand a lay person being ignorant of legal issues but to be advice incorrectly by PECO is totally wrong."

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.

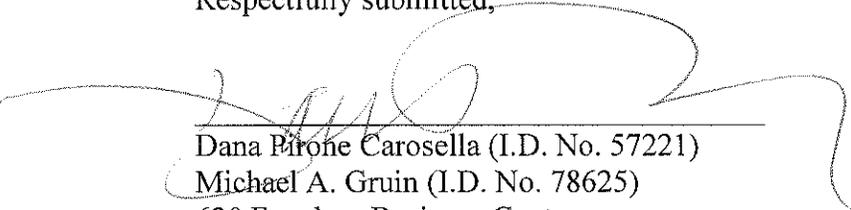
9. Because the Complainant relates to a dispute about the assignment of financial responsibility for foreign load in a building she owns, PECO properly transferred the tenant's utility account, including arrearages, to the Complainant's name.

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. 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

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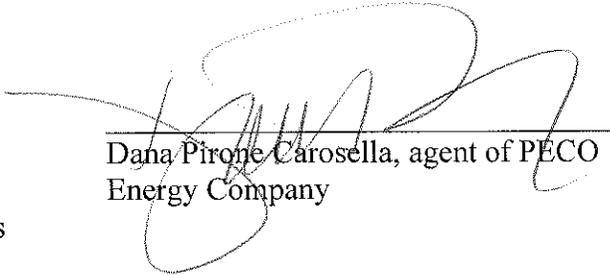
Fax: 215.568.3389

Dated: February 21, 2012

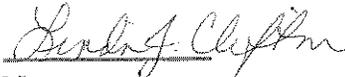
Commonwealth of Pennsylvania :
: SS
County of Montgomery :

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.

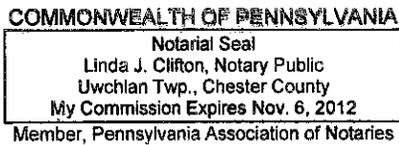

Dana Pirone Carosella, agent of PECO Energy Company

Sworn and subscribed before me this
21st day of February 2012



Notary

My Commission Expires:



Zaketa, Anita D:(BSC)

From: eServe@pa.gov
Sent: Tuesday, January 31, 2012 11:20 AM
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-2012-2286036**. 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.*

1/31/2012

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 Sharon m wilson nee Ferguson

Street/P.O. Box 451 Preakness Run Apt #

City Newark State DE Zip 19702

County USA

Daytime Telephone Number Where We Can Contact You: (302) 737 2414

E-mail Address (optional): lwjason@msn.com

Utility Account Number 34796-38066 (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 5432 W Berks St

City Phila State PA Zip 19131

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

3. TYPE OF UTILITY (check one)

- ELECTRIC PECO STEAM HEAT
GAS WASTE WATER
WATER MOTOR CARRIER
TELEPHONE (e.g., taxi, moving company, limousine)
(local, long distance)

RECEIVED
2012 JAN 30 AM 10:12
A.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.

In ~~on~~ July 2011 I received a letter stating I have foreign wiring in my basement for 2 bulbs. The basement is vacant only use to transport trash in ally. I called PECO spoke to Angella who advice me what I need to do to fix the situation. I spoke to my tenant who was aware verbally of the bulb. She agreed to sign not one, but 2 addendums. I sent a copy to PECO who in turn ^{return} sent the service and cost to tenants bill. my faxed Addendum was sent 8/7/2011 ^{on 8/31/11}. ~~flow~~. This home was purchased as a rental with the bulbs attached to first floor wiring. I went to city hall for directions on what I need

to do legally for renting the apartment.
No one said I needed to fix the two
bulbs. Why did PECO return the bill
to my name without notice?

5. RELIEF

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

I would like the Tenant to be responsible for a part if not all of her bill. her bill is what it is because she refused to pay. I believe a sign addendum is a legal document & per your company's instruction I followed up with an electrician making the necessary changes.

I understand a lay person being ignorant of legal issues but to be advice incorrectly by PECO is totally wrong.

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: Sharon Wilson nee Ferguson

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).

S. Wilson
(Signature)

1/28/2011
(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, 2nd 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 30 AM 10:12
PA.P.U.C.
SECRETARY'S BUREAU

Sharon Wilson
451 Breakness Run
Newark DE 19702

RECEIVED
2012 JAN 30 AM 10:12
PA. P.U.C.
SECRETARY'S BUREAU

Secretary
Pennsylvania PUC
PO Box 3265
Harrisburg PA 17105-3265

U.S. POSTAGE
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SHARON M. WILSON
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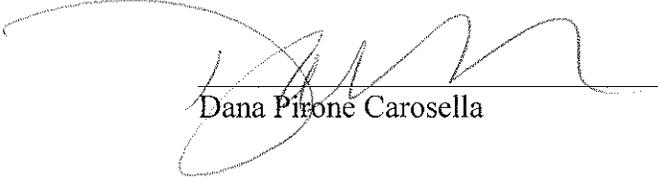
PECO ENERGY COMPANY
Respondent

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: Docket No. C-2012-2286036
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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
Sharon M. Wilson
451 Preakness Run
Newark, DE 19702


Dana Pirone Carosella

DATED: February 21, 2012