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February 29, 2012

VIA UPS OVERNIGHT DELIVERY

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

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FEB 29 2012

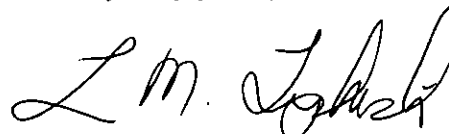
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Joey Maluchnik v. Pennsylvania Electric Company
Docket No. C-2011-2245451

Dear Secretary Chiavetta:

On behalf of Pennsylvania Electric Company, I have enclosed for filing the original and three (3) copies of the Petition for Clarification of Pennsylvania Electric Company in the above-captioned matter. Copies have been served on all parties as indicated in the attached certificate of service.

Very truly yours,



Lauren M. Lepkoski

LML/kra
Enclosure

cc: The Honorable Katrina Dunderdale (via Electronic Mail and UPS Overnight Delivery)
Certificate of Service

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 29 2012

JOEY MALUCHNIK

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

Docket No. C-2011-2245451

PENNSYLVANIA ELECTRIC COMPANY

NOTICE TO PLEAD

TO: Joey Maluchnik
185 Sportsmans Road
Boswell, PA 15530

Joey Maluchnik
P.O. Box 413
Jennerstown, PA 15547

Pursuant to 52 Pa. Code § 5.62(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Petition for Clarification of Pennsylvania Electric Company, within **ten (10) days** from service of this Notice, the facts set forth by Pennsylvania Electric Company in the Petition may be deemed to be true, thereby requiring no other proof. All pleadings, such as an Answer or Reply to Petition, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Pennsylvania Electric Company, and where applicable, the Administrative Law Judge presiding over the case.

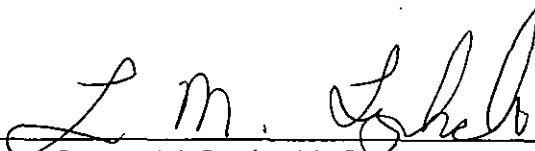
File with:

With a copy to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Lauren M. Lepkoski, Esq.
Buchanan Ingersoll & Rooney PC
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503

Dated: February 29, 2012


Lauren M. Lepkoski, Esq.

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JOEY MALUCHNIK

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:
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v.

Docket No. C-2011-2245451

PENNSYLVANIA ELECTRIC COMPANY

PETITION FOR CLARIFICATION

TO THE HONORABLE KATRINA L. DUNDERDALE:

Pennsylvania Electric Company ("Penelec" or the "Company"), by and through its counsel Lauren M. Lepkoski, Alan M. Seltzer, and Buchanan Ingersoll & Rooney PC, files this Petition for Clarification ("Petition") with respect to an Interim Order, pursuant to Section 5.572 of this Commission's regulations, 52 Pa. Code § 5.572¹. The Company recognizes that Section 5.52 requires a Petition for Clarification to be filed within fifteen days after an Order is entered. Administrative Law Judge ("ALJ") Katrina L. Dunderdale's Second Interim Order was issued on February 7, 2011 ("Interim Order"). The Company requests leave to file this request at this time due to the fact that it was unable to determine that a Petition for Clarification was needed until after the fifteen day deadline had passed. While the Company recognizes that the instant Petition for Clarification is untimely, the Company submits that the ALJ should grant a waiver of the fifteen day deadline in furtherance of the public interest and in order to accomplish the intent of the Interim Order. In support, Penelec avers as follows:

I. INTRODUCTION

1. In this Petition, Penelec seeks clarification of ALJ Dunderdale's Interim Order issued on February 7, 2011, directing Penelec to complete; (i) a "grounds/foreign load check";

¹ To the extent deemed necessary, Penelec seeks this clarification pursuant to the authority in 52 Pa. Code 5.103 (Motions).

and (ii) an "appliance/equipment consumption analysis" that is consistent with the business standards and protocols available through the Electric Power Research Institute ("EPRI") at the customer's location, 185 Sportmans Road, Boswell, Pennsylvania 15531 ("Service Location"). Penelec requests clarification by the ALJ of the Interim Order because (i) the Company is unclear about the scope and nature of the "grounds/foreign load check"; and (ii) the Company has determined that EPRI does not have a standard for an energy audit of a residence.

2. Penelec further requests that the ALJ extend the March 9, 2012 filing deadline for Penelec's report to the Public Utility Commission ("Commission") on the results of the "grounds/foreign load check" and appliance/equipment consumption analysis" and, to the extent necessary, continue the hearing scheduled for March 29, 2012 in order to allow the Company sufficient time to complete the "grounds/foreign load check" and "appliance/equipment consumption analysis" at the Service Location consistent with the clarifications provided by the ALJ.

I. FACTUAL BACKGROUND

3. On May 23, 2011, Joey Maluchnik ("Complainant") filed with the Commission a Formal Complaint against Penelec alleging he has received high electric bills at the Service Location for electric service previously rendered by the Company.

4. On June 28, 2011, Penelec filed an Answer and New Matter to the Formal Complaint denying the material allegations therein.

5. On November 9, 2011, the ALJ issued a telephonic hearing notice, and on November 10, 2011 she issued a Prehearing Order.

6. A telephonic hearing was held on December 5, 2011.

7. On January 6, 2012, the ALJ issued an order closing the hearing record.

8. On February 7, 2012, ALJ Dunderdale issued an Interim Order which, among other things, (i) reopened the hearing record to admit (and/or object to) late filed reports, which are to be submitted by Penelec at the direction of the ALJ, addressing a “grounds/foreign load check” and an “appliance/equipment consumption analysis” that is to be consistent with the business standards and protocols available through EPRI; (ii) directed Penelec to file with the Commission by March 9, 2012 a report showing the results of Penelec's “grounds/foreign load check” and the “appliance/equipment consumption analysis”; and (iii) established a further hearing on March 29, 2012 at 10:00 a.m. to admit Penelec's “ground/foreign load check” and “appliance/equipment consumption analysis,” to consider any other testimony relating to those two reports, and finally to provide the parties an opportunity to indicate whether the ALJ should use the results of the reports when deciding the Formal Complaint.

II. MATTERS FOR WHICH CLARIFICATION IS SOUGHT

9. Penelec requests clarification of the Interim Order to remove any doubt about the contents of the “ground/foreign load check,” the “appliance/equipment consumption analysis” and the ALJ's expectations regarding the nature and scope of the required reports.

10. First, the Company seeks clarification of the phrase “ground/foreign load check” used in the Interim Order since a ground check and a foreign load check are typically two separate and distinct analyses. A “grounds check” is conducted for customers when some type of “shocking” (voltage sensation between two objects) hazard has been observed on the customer's property. A “grounds check” is completed at a residence by implementing a Neutral to Earth Voltage Test. Specifically, a Neutral to Earth Voltage Test is:

Establishing a remote (isolated) ground by installing a ground probe a sufficient depth into undisturbed soil, 20 feet (or more) from the problem location. Try to avoid placement near any other underground conductors, such as

water pipes. Investigator should measure and record the AC voltages between the remote ground and 1) the service entrance grounding conductor and 2) conductive objects in the area where the point of contact was first reported using a sharp probe. This test should be done several times at 15 minute or more intervals with all of the customer's equipment running. All other conditions under which the problem was evident should be simulated as closely as possible (i.e., motor and pumps running).

11. In contrast, a "foreign load check" is completed at a residence to determine if there is shared metering. Shared metering occurs if a customer's meter is registering a foreign load.² Shared metering situations occur most often in apartment and other multiple-dwelling applications. A "foreign load check" is completed at a residence by turning off the breakers. In lieu of shutting off the breakers the Company can unplug all of the electric appliances at the Service Location and verify that the meter is not continuing to register usage.

12. Because the Interim Order combines the two analyses as "ground/foreign load check," Penelec is unclear if it is being required to conduct a separate "grounds check" and "foreign load check" (as defined above) at the Service Location or an entirely different analysis.

13. In support of the Interim Order's requirement to conduct an "appliance/equipment consumption analysis" that is consistent with the business standards and protocols available through EPRI at the Service Location, on February 23, 2012, Edward Brandau III, Penelec's Manager of Customer Support, conducted a conference call with Steve Briggs, Tom Giest, and Mark Stephens from EPRI to determine whether EPRI has a standard for an energy audit of a residence. Mr. Briggs, Mr. Geist, and Mr. Stephens from EPRI informed Mr. Brandau that EPRI does not have a standard for an energy audit of a residence. On February 23, 2012, Mr. Geist of

² Foreign load is usage for electricity provided to another person for use in a common area shared by others. Examples of foreign load may include hallway lighting, shared furnace fans, shared laundry room appliances, shared hot water heater, and well pump.

EPRI confirmed to Mr. Brandau of Penelec in writing that EPRI does not have a standard for an energy audit of a residence. *See Exhibit A .*

14. Although EPRI does not have a standard protocol for conducting a residential energy appliance/equipment consumption analysis as was assumed by the ALJ in the Interim Order, the Company will conduct such an analysis and to explain its protocol for doing so in such time and manner that the ALJ may reasonably direct. Specifically, the Company will: (i) visually check for stuck thermostats as indicated by heat being on at an extreme temperature in an area; (ii) complete a visual check of the property to check for wires exiting the home, heat tape, a well pump, lighting being on at the wrong time, insulation quality, infiltration approximation, and appliances; and (iii) itemize and tabulate the approximate consumption of appliances based upon the Company's standard appliance consumption sheet, gather an electrical nameplate of appliances to the extent possible, use an appropriate consumption value for updated appliances, and tabulate kW, kWh, and approximate monthly cost for each appliance.

15. Penelec thus seeks guidance from the ALJ and clarification of the Interim Order with respect to the method, manner, timing and scope of the "appliance/equipment consumption analysis" and "ground/foreign load check" to be conducted at the Service Location in light of the concerns it has addressed in this Petition.

III. REQUEST FOR EXTENSION

16. Penelec requests that the ALJ extend the March 9, 2012 filing deadline for Penelec's report to the Commission and, to the extent necessary, continue the hearing scheduled for March 29, 2012 in order to provide guidance to Penelec on how a "grounds/foreign load check" and an "appliance/equipment consumption analysis" should be completed at the Service Location as requested in this Petition.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Pennsylvania Electric Company respectfully requests that the Administrative Law Judge Katrina L. Dunderdale:

- a.) Grant this Petition for Clarification;
- b.) Grant a waiver of the fifteen day filing requirement under 52 Pa. Code § 5.572;
- c.) Provide guidance consistent with this on the method, manner, timing and scope of the “ground/foreign load check” and “appliance/equipment consumption analysis” to be completed at the Service Location;
- d.) Extend Penelec's March 9, 2012 deadline to submit the “ground/foreign load check” and “appliance/equipment consumption analysis” report to the Commission;
- e.) Continue the March 29, 2012 evidentiary hearing as necessary to accommodate the totality of the relief requested herein; and
- f.) Grant Penelec such other relief as is just and reasonable under the circumstances.

Respectfully submitted,



Lauren M. Lepkoski, Esquire
Buchanan Ingersoll & Rooney P.C.
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Harrisburg, PA 17101-1503
(717) 237-4841

Alan Michael Seltzer, Esquire
Buchanan Ingersoll & Rooney PC
1150 Berkshire Boulevard, Suite 210
Wyomissing, Pennsylvania 19610-1208
(610) 372-4761

Attorneys for
Pennsylvania Electric Company

Dated: February 29, 2012

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOEY MALUCHNIK

v.

PENNSYLVANIA ELECTRIC COMPANY:
Respondent

Case No. C-2011-2245451

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VERIFICATION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

I, Dennis Platt, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect Pennsylvania Electric Company 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.

2/29/2012

Date



From: Martin E Brandau/FirstEnergy
To:  Dennis G Platt/FirstEnergy@FirstEnergy

From: "Geist, Tom" <TGeist@epri.com>
To: <briggss@firstenergycorp.com>, <mbrandau@firstenergycorp.com>
Cc: "Stephens, Mark" <MStephens@epri.com>
Date: 02/23/2012 03:18 PM
Subject: RE: Penelec Inquiry - Residential Load Sizing Information

Steve,

Per our teleconference, EPRI does not publish a standard for an energy audit of a residence.

-Tom Geist
1-865-218-8014 office
1-865-582-5250 cell

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SECRETARY'S BUREAU



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOEY MALUCHNIK

v.

PENNSYLVANIA ELECTRIC COMPANY

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Docket No. C-2011-2245451

CERTIFICATE OF SERVICE

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

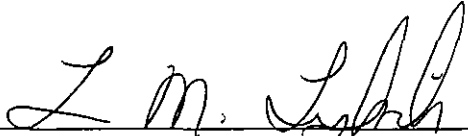
Via Electronic and First-Class U.S. Mail

Joey Maluchnik
185 Sportsmans Road
Boswell, PA 15530

Joey Maluchnik
P.O. Box 413
Jennerstown, PA 15547

jmaluchnik@wiu.k12.pa.us

Dated this 29th day of February, 2011.



Lauren M. Lepkoski, Esq.

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FEB 29 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible. Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.**

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Timekeeper Name: L. Lepkoski C/M #: 0078978-000039		CS 14.1.10. WXPTE80 24.0A 01/2012