

Legal Department

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March 28, 2012

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

**Re: John R. Starzmann v. PECO Energy Company
PUC Docket No. C-2010-2192759**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

—	Answer (1 original)
—	Answer & New Matter (1 original)
—	Motion to Strike (original)
—	Motion for Judgment on the Pleadings (1 original)
—	Preliminary Objection (1 original)
—	Exceptions (1 original)
—	Reply Exceptions (1 original)
—	Main Brief (1 original)
<u>X</u>	Reply Petition (1 original)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



**Tishekia Williams
Counsel for PECO Energy Company**

TW/adz
Enc.

Scheduling Recommendation: Call of the docket ___ Non Call of the docket ___

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John R. Starzmann	:	
	:	
Complainant	:	
	:	Docket No. C-2010-2192759
v.	:	
	:	
PECO Energy Company	:	
	:	
Respondent	:	

**REPLY TO POST HEARING ALLEGATIONS AND EVIDENCE OF
RESPONDENT, PECO ENERGY COMPANY**

**Tishekia E. Williams, Esq.
Counsel for PECO Energy Company
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Philadelphia, PA 19103
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Procedural History

On or about August 11, 2010, the Complainant filed a Formal Complaint (“Complaint”) against PECO Energy. The Complaint alleged that the Complainant had been experiencing low voltage at his residence on occasion for over 25 years and requested that various remedial measures be ordered against PECO.

On September 1, 2010, PECO filed its Answer and New Matter to the Complaint. PECO’s Answer and New Matter denied the allegations in the Complaint, and stated that the low voltage situations experienced by the Complainant were the result of temporary equipment issues that were quickly repaired. PECO’s New Matter also objected to the Complainant’s claims regarding events that happened beyond the three-year statute of limitations set forth 66 Pa. C.S. § 3314.

On December 6, 2011, the evidentiary hearing in his matter was held, with Administrative Law Judge Joel Cheskis (“ALJ Cheskis”) presiding. At the hearing, the Complainant testified on his own behalf, called no other witnesses to testify, and offered no exhibits into evidence. The Complainant’s case in chief consisted of the following direct testimony:¹

My complaint is that on various occasions, starting back in the 1980's, I have experienced one half voltage at my residence. Sustained half voltage that will go on for a period of time, perhaps an hour, perhaps two hours. My complaint is that PECO should have a system in place to sense these disturbances, these low voltage conditions, and trip the line so that I will not have one half voltage coming into my house. That's the essential issue. This has gone on since the late '80s. The first time I experienced it, I spoke to a PECO... (*discussion of evidentiary objection omitted*) Well, to me, what this means is there are -- there can be disturbances on the system or malfunctions of equipment that can cause this incident of half voltage. It has gone on for a period of time. My request to PECO is for them to

¹ There was also several pages of cross-examination testimony:

analyze the system -- and I have suggested how they can do this -- to find out how this half voltage exists. It can be done -- it could happen from a number of situations. But they need to do this. And there's means to do this. And so I wanted them to analyze it to find out why it happens, then to install protective equipment in place to prevent it in the future. That's essentially my complaint.

On January 10, 2011, the parties filed briefs pursuant to the briefing order dated December 7, 2011. PECO Energy also filed a Motion to Strike certain extra record evidence and allegations contained in the Complainant's brief. On March 8, 2011, PECO Energy was served with an Order denying in part and granting in part, PECO Energy's Motion to Strike extra record evidence. Specifically, the presiding officer determined that the Complainant's Exhibits H, I, J, K, L, M, Q, R, S, T U, V, W and Z would be admitted into the record, along with the corresponding post-hearing allegation in the Complainant's brief. PECO Energy was provided 20 days to respond to the additional allegations and materials.

I. The Complainant Exhibit H.

Insofar as PECO Energy understands, the Complainant alleges that PECO Energy failed to adequately respond to his dispute and improperly reported to the Commission that it responded to all disputed within 30 days or less. PECO Energy denies that it failed to properly respond to the Complainant's dispute. When contacting PECO Energy, the Complainant provided account number "45123-0170" and "John Starzmann" as the customer name. The Complainant's actual PECO Energy account number is "45123-01701" and the name on the account is "J.R. Starzmann." As the information provided did not match the information in PECO Energy's billing system, it was reasonable and appropriate for PECO Energy to

advise the Complainant of the same and request that he call customer service to received further assistance.

Moreover, it is not reasonable to interpret the language complained of in the Commission report as suggesting that all customers are satisfied with PECO Energy's response to their dispute. The report plainly states the timeframe in which PECO Energy responds to disputes. The information reported to the Commission is entirely accurate.

II. Complainant's Exhibits I-M

Insofar as PECO Energy understands, Complainant's exhibits I-M is intended to provide feedback to the Commission regarding the appropriate manner in which utility service should be regulated. Inasmuch as this information does not contain an actual allegation of wrongdoing or noncompliance with the existing Public Utility Code, Commission regulations, orders or PECO Energy's Commission approved tariff, no response from PECO Energy is required.

III. Complainant's Exhibits Q-T

Insofar as PECO Energy understands, Complainant's Exhibits Q-T is intended to provide the Commission with technical background information related to engineering. This information may or may not be helpful to persons without an engineering background. Inasmuch as this information does not contain an actual allegation of wrongdoing or noncompliance with the existing Public Utility Code, Commission regulations, orders or PECO Energy's Commission approved tariff, no response from PECO Energy is required.

III. Complainant's Exhibits U-W, Z.

Insofar as PECO Energy understands, Complainant's Exhibits U-W and Z is intended to provide examples of equipment that the Complainant believes PECO Energy should use in its distribution system. PECO Energy does not dispute that new technology is introduced in the market on the regular basis. Indeed, PECO Energy witnesses testified that it employs this technology in various parts of its distribution system; the performance of all equipment on PECO Energy's distributions system is monitored to ensure adequate performance. The Complainant seems to advocate a system whereby a public utility is required swap older equipment for newer equipment each time newer equipment is available and without any consideration of the cost-benefit analysis. Providing safe and reliable service is of the highest importance to PECO Energy, but the Complainant is simply incorrect. By comparison, the Complainant would not purchase a new car each time a new model is available or new brakes are required.

PECO Energy closely monitors the performance of its equipment to ensure safe and reliable service. It is not unreasonable service to perform repairs to older equipment when those repairs can be made without jeopardizing the safety and integrity of the service provided and distribution system as a whole, even when a newer model is available.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

John R. Starzmann	:	
	:	
Complainant	:	
	:	Docket No. C-2010-2192759
v.	:	
	:	
PECO Energy Company	:	
	:	
Respondent	:	

CERTIFICATE OF SERVICE

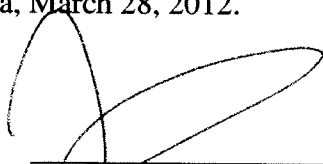
I, Tishekia Williams, hereby certify that I have this day served a copy of PECO Energy Company's Main Brief in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Pennsylvania Public Utility Commission (E-filed)
Secretary of the Commission
PO Box 3265
Harrisburg, PA 17105-3265

Administrative Law Judge Joel E. Cheskis (Via Fed-Ex)
Pennsylvania Public Utility Commission
400 North Street
P.O. Box 3265
Harrisburg, Pennsylvania, 17105-3265

John Starzmann (via Fed-Ex)
515 London Tract Road
Landenberg PA 19350

Dated at Philadelphia, Pennsylvania, March 28, 2012.



Tishekia Williams
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