

March 20, 2012

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

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**Re: Mari Jensen v. PECO Energy Company  
PUC Docket No. F-2011-2270675**

Dear Ms. Chiavetta:

This letter is my written response to PECO Energy's Motion for Judgment dated February 28, 2012. This is also in response to the Interim Order Cancelling Hearing dated March 2, 2012, which I received from Christopher P. Pell, Administrative Law Judge.

The following is my response to the PECO Motion and the New Matters and newly raised material facts which they presented in their Motion:

- I agree with PECO that 52 PA Code 75.13(d) states that my excess generation at the end of each year shall be compensated to me at the price to compare.
- I also agree with PECO that this paragraph of 52 PA Code is not specific that the calculation must be done based on the weighted average of the price to compare during the time that the excess generation occurs.
- When I first started this Complaint process I was trying to determine how PECO actually calculated the price to compare for my excess generation compensation.
- The published price to compare for the April-to-June 2011 period (I was compensated in May of 2011) was \$0.0999 per kilowatt-hour. My calculation for my excess generation showed that I was actually compensated at \$0.0868 per kilowatt-hour.
- In phone conversations with PECO I was told that they used a simple average of the prices-to-compare for the previous 12 months. I have not been able to verify if this is correct (I have not found the published data for the previous 12-months' prices-to-compare).
- My research into the PUC requirements led me to the Commission's Final Omitted Rulemaking Order at docket L-00050174, which stated that a weighted average of the price to compare during the times of the excess generation was to be used.
- My excess generation was from January-to-May 2011, and my calculation for the published weighted average prices-to-compare for my excess generation would have been \$0.0996 per Kilowatt-hour.
- I also found information on the PECO web site where their internal training documents stated that a weighted average was to be used for calculating the price to compare for excess generation compensation.
- I then further questioned PECO regarding: why they did not use a weighted average, but instead chose to use a simple average? Also, I asked that they provide me the data and actual

calculation they used to arrive at the \$0.0868 per kilowatt-hour that they used. I still have not received any of this data or explanation.

My request for a hearing or ruling is based on the following argument:

- Since 52 PA Code 75.13(d) only states to use the price to compare, just how did PECO calculate this price to compare for excess generation compensation purposes?
- If PECO chose to use a simple average, as I was told verbally, how is this consistent with the PA Code and/or PUC intent?
- Exactly how does PECO's method of calculating the price to compare conform to 52 PA Code 75.13(d)? Since I have not been provided any data or explanation from PECO I cannot determine if I was properly compensated or if the law was followed.
- Further, since 52 PA Code 75.13(d) does not specifically state how the price to compare for excess generation compensation must be calculated, is the PUC in agreement that PECO may calculate this by any method they determine? For example, is it okay for PECO to use the lowest price to compare value during the previous 12 months as the basis for the calculation?
- The PUC's Final Omitted Rulemaking Order, which PECO was fully aware of, provided a clear technical basis for calculating the price to compare based upon the PUC's intent. Why did PECO choose to use a different method for calculating the price to compare when the PUC's intent was clear?

Finally, PECO has suggested that a Petition for Declaratory Order is better suited for resolving this dispute. I am not sure if this is correct, but if the PUC and the Administrative Law Judge believe this is the best way to resolve this then please let me know how to proceed. My intent is to clarify this situation and hold PECO accountable for following the intent and requirements of the PUC. In this case PECO is suggesting there is ambiguity or contradiction between the PUC Final Omitted Rulemaking Order and the PA Code regulations. I believe the PUC intent and PA Code is consistent, and that PECO is simply trying to take financial advantage of wording differences between the two documents.

I look forward to your decision, the opportunity for a hearing, or other advice on how I should proceed to have this matter resolved.

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Cc: Michael S. Swerling, Esquire  
PECO Energy Company  
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P.O. Box 8699  
Philadelphia, PA 19101-8699

Thank you,

*Mari Jensen* 3-31-2012

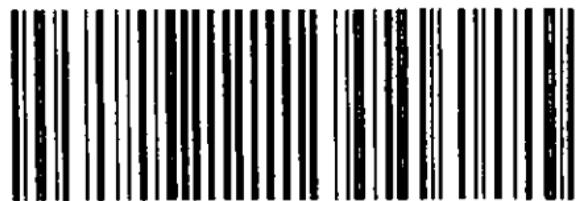
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