

STEVENS & LEE
LAWYERS & CONSULTANTS

17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 234-1090 Fax (717) 234-1099
www.stevenslee.com

Direct Dial: (717) 255-7365
Email: mag@stevenslee.com
Direct Fax: (610) 988-0852

May 22, 2012

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

Re: William Morgan v. PECO Energy Company
Docket No. C-2012-2301856

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PECO is an original of its Preliminary Objections 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


Michael A. Gruin

Encl.

cc: Certificate of Service

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

A PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WILLIAM MORGAN
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
:
:
: Docket No. C-2012-2301856
:
:

NOTICE TO PLEAD

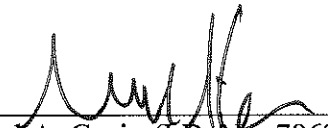
To: *William Morgan*

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



Michael A. Gruin (I.D. No. 78625)
17 N. 2nd St.
16th Floor
Harrisburg, PA 17101
Tel. (717) 255-7365
Fax (610) 988-0852

COUNSEL FOR
PECO ENERGY COMPANY

DATE: May 22, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WILLIAM MORGAN
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
:
:
:
: Docket No. C-2012-2301856
:
:

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

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 5.101(a)(4) respectfully petitions this Honorable Commission to dismiss the instant Complaint as legally insufficient.

1. On May 2, 2012, PECO was served with a formal Complaint from William Morgan ("Complainant"). A copy of the Complaint is attached as Exhibit 1.
2. The Complaint alleges multiple disputes against PECO, as follows:
 - (a) The Complainant is objecting to the amount of time that it took for his electric supplier to be switched to Energetix, Inc., and he is seeking a credit on his account in the amount of \$14.83;
 - (b) The Complainant is objecting to the phase-out of PECO's discounted residential electric heat rate ("Rate R-H");
 - (c) The Complainant is objecting to the notice process related to the phase out-out of Rate R-H; and

(d) The Complainant is seeking reimbursement for “stranded assets” related to the transfer of a electricity generation facility from PECO to Exelon

3. PECO is simultaneously filing an Answer with New Matter to the Formal Complaint.

4. 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).

5. The procedure before the Pennsylvania Public Utility Commission (the “PUC”) regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure.¹

6. In deciding preliminary objections, the PUC must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible.²

7. A complaint must be able to recover under the law to survive a preliminary objection.³

8. All of the non-moving party’s averments must be taken as true for the sake of deciding the preliminary objection.⁴

9. The court does not, however, need to accept “unwarranted inferences from facts, argumentative allegations, or expressions of opinions.”⁵

¹ Equitable Small Transportation Interveners v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994)

² 2006 Pa. PUC Lexis 111, *7.

³ Milliner v. Enck, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) (“preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover”).

⁴ Id. At 7-8.

⁵ Feingold v. McNulty, 2009 Phila. Ct. Com. Pl. LEXIS 167, *3.

10. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.

11. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa. Pub. Util. Comm'n, 817 A.2d 593 (Pa. Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

12. Here, there are no genuine issues of fact and PECO is entitled to judgment as a matter of law with respect to most of the allegations of the Complaint.

Preliminary Objection No. 1: Legal Insufficiency - Res Judicata

13. With the exception of the allegations regarding the Complainant's enrollment with Energetix, all of the allegations in the Complaint were previously raised by the Complainant in a prior formal complaint and were dismissed.

14. On December 16, 2010, the Complainant filed a formal Complaint against PECO at Docket No. C-2010-2215679 (which will hereinafter be referred to as the "2010 Complaint").⁶

15. The 2010 Complaint was dismissed by Initial Decision issued on September 15, 2011, and by Final Commission Order entered November 2, 2011. All references to the 2010 Formal Complaint contained in the present Preliminary Objections are drawn from the September 15, 2011 Initial Decision issued in that matter.

⁶ See William H. Morgan and Kathy Morgan v. PECO Energy Company, Docket no. C-2010-2215679 (Initial Decision issued September 15, 2011).

16. The 2010 Complaint objected to, inter alia, “the failure of the utility to extend RH discounts as well as utility continuing marketing electric heating systems”.⁷ For relief, the Complainant requested that they be charged “low rates based on PECO’s nuclear power generation” and “ a continuation of the RH and/or discounts that PECO sold for years.”⁸ Complainants alleged that “they should receive a less expensive rate because nuclear power is cheap; that PECO’s rates are arbitrary; that they should receive the discounted Residential Heating rate (RH) beyond 2013; that PECO failed to provide its customers with information regarding the phasing out of its subsidized rates such as the RH rate; that Complainants’ physical proximity to the Limerick plant has direct bearing on the amount that they should pay for services; and that the transition cost billed to customers was improper.”⁹

17. The Complainant failed to appear at the evidentiary hearing held in the 2010 Complaint matter, after receiving both a hearing notice and a prehearing Order indicating the time, date, and location of the hearing.¹⁰

18. Accordingly, Administrative Law Judge Erando Vera dismissed the 2010 Complaint with prejudice for failure to prosecute.¹¹

19. By Final Order entered November 2, 2011, the Commission adopted the Initial Decision without further action, and affirmed the dismissal of the 2010 Complaint with prejudice.

⁷ Id., at p. 1.

⁸ Id.

⁹ Id., at p. 4

¹⁰ Id., at p. 2

¹¹ Id., at p. 6.

20. With the exception of the allegations regarding Energetix, the present Complaint is barred by the doctrine of res judicata, and it should be dismissed by the Commission

21. The doctrine of res judicata operates to prevent re-litigation of claims already litigated on the merits. As stated by the Commission in Frank Tomazin v. Pennsylvania-American Water Company, 1997 Pa. PUC Lexis 52 (1997), “the policies underlying the doctrine of res judicata are minimizing judicial energy devoted to individual cases, establishing certainty and respect for court judgments, and protecting the party relying on the prior adjudication from vexatious litigation.”

22. The doctrine of res judicata, which is also known as claim preclusion, holds that a final judgment on the merits by a court of competent jurisdiction will bar any future action on the same cause of action between the parties and their privies. Hopewell Estates, Inc. v. Kent, 435 Pa. Superior Ct. 471, 476, 646 A.2d 1192 (1994). The doctrine of res judicata applies to cases before the Commission. See, O’Toole v. Bell Telephone Co. of Pennsylvania, Inc., 77 Pa. P.U.C. 98, 104 (1992). The doctrine of res judicata reflects the refusal of the law to tolerate the re-litigation of a matter decided by a court of competent jurisdiction. For the doctrine to prevail four conditions must be met:

- (1) Identity of issues;
- (2) Identity of causes of action;
- (3) Identity of persons and parties to the action; and
- (4) Identity of the quality and capacity of the parties suing or sued.

Day v. Volkswagenwerk Aktiengesellschaft, 318 Pa. Superior Ct. 255, 474 A.2d 1313, 1316, 1317 (1983).

23. In the present case all four elements of *res judicata* are met. Clearly, the parties are identical in both Complaints. The 2010 Complaint was docketed as “William H. Morgan and Kathy Morgan v. PECO”, and the current Complaint is docketed simply as “William Morgan” v. PECO”, but Kathy Morgan is also identified on the Formal Complaint form and it is clear that the address and account number of the Complainants is the same in both cases. The thing sued upon is identical in both Complaints. Both the current Complaint and the 2010 Complaint related to the phase-out of the RH rate, the notice that was provided to customers in advance of the phase-out, and certain allegations about the transfer of the Limerick nuclear power plant from PECO to Exelon. The cause of action is identical, i.e., a formal complaint under the Public Utility Code. Finally, the quality and capacity of the parties is identical in both Complaints. The Complainant is the electric customer in both Complaints, and PECO is the public utility providing service to the Complainant.

24. The Commission entered an Order dismissing the Complainant’s previous Complaint as a matter of law, with prejudice, and such dismissal prevents the re-filing of the Complaint. With his new Complaint, the Complainant has ignored the Commission’s clear dismissal Order and has attempted to re-file his Complaint.

25. The fact that the 2010 Complaint was dismissed without hearing is not a defense to the doctrine of *res judicata*. For purposes of determining whether *res judicata* applies, the essential inquiry is whether the ultimate and controlling issues have been decided in a prior proceeding where the parties had an opportunity to appear and to be

heard. Stevens Painton Corp. v. First State Ins. Co., 746 A.2d 649, 654 (Pa. Super. 2000) (emphasis added). The Complainant clearly was provided with notice and the opportunity to be heard in connection with his 2010 Complaint, as set forth in ALJ Vero's Initial Decision. Because the present complaint asserts the same factual and legal basis for relief as the dismissed 2010 Complaint, the Complainant is estopped from attempting to re-assert his claims here.

26. The doctrine of res judicata is meant to protect against just the type of re-litigation that the Complainant is attempting with his present formal Complaint. It is pointless and a waste of the Commission's time and resources to permit the new Complaint to go forward with respect to any issues besides the Complainant's enrollment with Energetix.

27. For the reasons set forth above, all of the Complainant's claims except the claims related to his enrollment with Energetix should be dismissed on the grounds of res judicata.

Preliminary Objection No. 2: Legal Insufficiency- Prior Commission Approval of RH Rate Phase-Out

28. Complainant disputes the phase out of PECO Energy's discounted residential electric heat rate, Rate R-H. The elimination of PECO's Rate R-h was approved by the PUC as part of PECO's Default Service Program and Rate Mitigation Plan on June 9, 2009, docket number P-2008-2062739. The plan was previously approved by the PUC and is just, reasonable and lawful.

29. By way of background, in 1996 the Pennsylvania General Assembly enacted the Electricity Generation Customer Choice and Competition Act (Act), 66 Pa.C.S.

§§2801-15. The Act allows Pennsylvanians to buy electric generation supply from licensed alternative suppliers by unbundling the generation portion of electric rates from the transition and distribution portion.

30. The Act capped the generation portion of electric rates to ease the transitions to competitive markets at 1996 levels. The rate cap was initially established under Section 2804 of the Act, and, after much litigation, settlements were reached in which the rate cap would expire for all PECO customers at the end of 2010.

31. On September 10, 2008, PECO filed its Default Service Program and Rate Mitigation Plan (DSP Petition) to establish rates, terms and conditions for the provision of default service for the period of January 1, 2011 through May 31, 2014, for customers who do not take service from an alternative electric generation supplier (EGS) or whose contracted generation is not delivered.

32. PECO's DSP plan is designed to ensure that PECO's default service customers have access to a reliable supply of generation and to help them manage the transition from capped generation rates to market-priced rates that were to occur on January 1, 2011. PECO's DSP Petition was assigned Commission Docket No. P-2008-2062739.

33. The phase out of the discounted residential electric heat rate was included as part of PECO's DSP Plan.

34. After extensive discovery, hearings, and filings of testimony and rebuttal testimony in this matter, on March 10, 2009, a Joint Petition for Settlement was filed to request approval of PECO's DSP Plan as modified by the settlement.

35. By Order entered June 2, 2009 the Commission approved the Settlement and PECO's DSP Plan, as modified by the settlement.

36. The Commission has only those duties, powers, responsibilities and jurisdiction that was expressly or by necessary implication given to it by the Legislature. Rogoff v. The Buncher Company, 395 Pa. 477, 151 A.2d 83 (1959).

37. As the PUC recognized in Tshudy v. PPL Electric Utilities Corp., Docket No. C-2009-2092230 (Order entered August 21, 2009), it may not extend the rate caps, which expired in 2010, in order to prevent a generation rate increase.

38. Additionally, the Competition Act provides that default service rates must be based on prevailing market prices, not promotional discounts or subsidies; offering reduces rates for winter heating customers would require other default service customer to subsidize the Rate R-H customers to cover the difference, and therefore would violate the Public Utility Code.

39. PUC precedent is clear and unambiguous on this issue. In Dunham v. PPL Electric Utilities Corporation, Docket No. C-2010-2155056, the PUC stated:

In Diehl v. PPL Electric Utilities Corporation, Docket No. C-2009-2149261 (Order entered April 1, 2011) (*Diehl*), we discussed the circumstances surrounding PPL's phase out of the RTS schedule:

In 2004, at Docket No. R-00049255, PPL filed a distribution rate case with the Commission. The Commission's decision in that case on rate allocation among customer classes was appealed to the Commonwealth Court. As part of its review, the Commonwealth Court interpreted the Competition Act as requiring that rates for transmission, distribution and generation each be set separately, based on the cost of serving each separate class of customers. 66 Pa. C.S. § 2804(3). The Court ruled that subsidized rates (*e.g.* the RTS rate) which do not cover their costs of service must be transitioned to cost-based rates. *See, Lloyd v. Pennsylvania Public Utility Commission, et al.*, 904 A.2d 1010 (Pa.

Cmwlth. 2006). Thus, the RTS rate as it existed in the 1980s, at the time the Complainant constructed his home, could no longer continue to be offered.

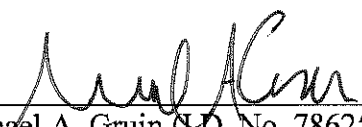
Dunham Opinion and Order, entered July 1, 2011, at 4.

40. Similar conclusions were reached in several other complaints before the PUC. *See also*, Kupchinskas v. PECO Energy Company, Docket No. C-2011-2253896; Herting v. PPL Electric Utilities Corporation, Docket No. C-2010-2153688, Commission Final Order entered October 6, 2011; Brickner v. PPL Electric Utilities Corporation, Docket No. C-2009-2105583, Commission Opinion and Order entered May 21, 2010; Laudenslager v. Duquesne Light Company, Docket No. C-2009-2144804, Commission Final Order entered June 29, 2011; Sowatskey v. Duquesne Light Company, Docket No. C-2009-2144804, Commission Final Order entered January 11, 2011.

41. Because the instant case involves the same legal question as the cases identified in paragraph 40, the outcome here should be the same. The Complaint should be dismissed as legally insufficient under 52 Pa. Code §5.101(a)(4).

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Counts of the Complaint related to the phase-out of the RH Rate, the notice provided to customers related to the phase-out, any asset transfer from PECO to Exelon, and any other issues which were raised in the 2010 Complaint.

Respectfully submitted,



Michael A. Gruin (I.D. No. 78625)
17 N. 2nd St.
16th Floor

Harrisburg, PA 17101
Tel. (717) 255-7365
Fax (610) 988-0852

Shawane Lee
PECO Energy Company
2301 Market Street, S23-1
PO Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841

Dated: May 22, 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 William H Morgan / KATHLEEN MORGAN

Street/P.O. Box 288 Sawmill Rd Apt #

City POTTSTOWN State PA Zip 19465-9313

County CHESTER

Daytime Telephone Number Where We Can Contact You: (610) 310 6998

E-mail Address (optional): BILLYE @ AOL.COM

Utility Account Number 97405-00609 (from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name N/A

Street/P.O. Box

City State Zip

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO

3. TYPE OF UTILITY (check one)

[X] ELECTRIC

[] GAS

[] WATER

[] TELEPHONE (local, long distance)

[] STEAM HEAT

[] WASTE WATER

[] MOTOR CARRIER

(e.g., taxi, moving company, limousine)

RECEIVED 2012 APR 26 AM 10:42 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.

CHANGES IN RATES / TIMING OF CHANGES IN RATES / FAILURE TO NOTIFY CUSTOMER IN A TIMELY MANNER OR CHANGES IN RATES TRANSFERS OF ASSETS (PRIMARILY THE LINCOLN NUCLEAR POWER PLANT FROM PECO TO EXELON PARENT COMPANY WITHOUT COMPENSATION TO CUSTOMERS.

See ATTACHED AT AS

A A

April 19, 2012

Re Account Number 97405-00604

Attention PUC Representative

I am an RH customer of PECO and am very concerned about the transition to the unregulated system agreed to by PECO/Exelon and the PUC.

On February 7, 2012 I agreed to become an electric customer of Energetix of Rochester NY because their price for electricity was LOWER than my partially discounted rate from PECO. I received confirmations from both PECO and Energetix on February 13 and 14 2012, stating my request would be accepted but would not become effective until the bill starting March 28, 2012 because of PECO's meter reading cycle, This is baloney, since my meter is automatically read and hasn't been physically read for years. Energetix agreed to give me a fixed price of \$0.06928/KW for one year which is lower than PECO's partial discount for RH users. Therefore I feel that my bill for generation and transmission for the period Feb 27 until March 28 should be \$134.33 instead of \$149.29 as charged by PECO

In addition, sometime prior to the PUC/PECO agreed date of deregulation of Jan 1, 2012, PECO discontinued the discount for excess transmission and distribution

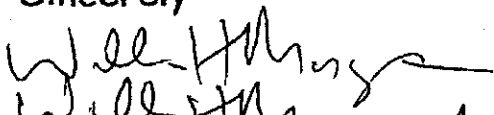
AB

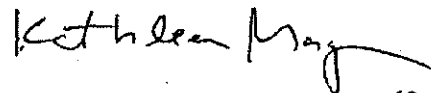
charges without notice for RH customers. During the winter of 2010-2011 my excess transmission and distribution charges were less than half of the base for the first 600 KW

Finally, I believe the ratepayers should be reimbursed for their share of "stranded asset charges" which have continued on the bills for years prior to de-regulation, since the "stranded assets" weren't stranded at all but instead quietly transferred to PECO's parent Exelon.

Finally I feel the whole process has been flawed from the beginning because PECO was continuing to sell all sorts of electric heat and heat pumps etc and never told the general public that de-regulation was coming. I found out in an article in the Philadelphia Inquirer, while PECO/Exelon was quietly reorganizing their asset pool.

Sincerely


William H Morgan



Kathleen Morgan
288 Sawmill Rd
Pottstown Pa 19465-9318
Account 97405-00604

PA P.U.C.
SECRETARY'S BUREAU

2012 APR 26 AM 10:42

RECEIVED

5. RELIEF

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

- ① CREDIT MY ACCOUNT THE DIFFERENCE BETWEEN ~~WHAT~~ WHAT PECO CHARGED FROM 2-27-12 UNTIL 3-28-12
149.20 VS 134.33
- ② REVIEW THE DISCONTINUANCE OF TRANSMISSION AND DISTRIBUTION RATE DISCOUNTS PRIOR TO JAN 01 2012 CREDIT MY ACCT
- ③ REVIEW THE TRANSFER OF THE ASSET FROM PECO TO EXELON AND DETERMINE IF RATE PAYERS SHOULD BE REIMBURSED FOR THE CHARGES MADE FOR "STRANDED ASSETS"
- ④ REVIEW THE NOTIFICATION PROCESS MADE BY PECO CONCERNING THE DISCONTINUANCE OF THE R+ DISCOUNTS

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 KORF

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 WILLIAM J MORGAN, 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).

William J Morgan
(Signature)

4/19/12
(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 APR 26 AM 10:42
PA P.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WILLIAM MORGAN
Complainant

v.

PECO ENERGY COMPANY
Respondent

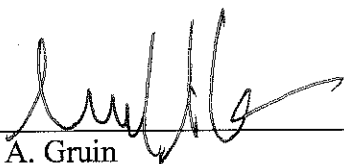
:
:
:
: Docket No. C-2012-2301856
:
:

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

William Morgan
288 Saw Mill Road
Pottstown, PA 19465



Michael A. Gruin

DATED: May 22, 2012