



PECO
Regulatory Policy and Strategy
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Philadelphia, PA 19103

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An Exelon Company

August 7, 2012

Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
400 North Street
2nd floor, 7 North
Harrisburg, Pa 17105

Re: William Diedrich v. PECO Energy Company
Docket No. F-2010-2191381

Dear Secretary Chiavetta:

Enclosed is PECO's check No. 0028038599 for \$250.00 to satisfy the civil penalty in the referenced matter. If you have any questions regarding this matter, please call Renee Tarpley at 215-841-5915.

Very truly yours,

A handwritten signature in cursive script that reads "DeShall Hill".

DeShall Hill

Enclosure

cc: R. Tarpley

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

penalty are unwarranted. PECO specifically disagrees with the ALJ's conclusion that the consequences of its actions were serious because they resulted in overcharging the Complainant and causing the Complainant to accumulate an arrearage on his account. PECO avers that there is no evidence that it overcharged the Complainant and that, in any event, it rebilled the Complainant as a courtesy so that any billing issues were corrected before the Complaint was filed. PECO also avers that the ALJ's finding of "intentional conduct" is based on an incorrect understanding of the length of the high bill investigation and should, therefore, be rejected by the Commission. *Id.* at 13.

We find that PECO's Exception has some merit as we do not believe the facts in this case warrant a \$1,000 civil penalty based on our evaluation of the criteria in the *Policy Statement*.¹ While we agree with the ALJ that PECO's delays in handling the high bill investigation constituted unreasonable service and contributed to the Complainant's arrearages from August through October 2009, we do not believe that PECO's actions were intentional. PECO replaced the meter when it conducted its field investigation, communicated with the Complainant throughout the high bill investigation, and reduced the Complainant's bills for the time period of August through October 2009. Additionally, the evidence in this case does not support a finding that the Complainant's bills were unreasonably high. Based on our evaluation of the criteria, in view of the violations we have found, we find that a civil penalty of \$250 is more appropriate.²

Conclusion

Based upon our review of the Exceptions, the Initial Decision, and the record in this proceeding, we shall grant PECO's Exceptions, in part, deny PECO's

¹ The ten criteria set forth in the Policy Statement are discussed in detail on pages twelve through fifteen of the ALJ's Initial Decision.

² We note that PECO sent a check for \$1,000 to the Commission on April 16, 2012. That check will be returned to PECO as it was sent before this matter had concluded.



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WILLIAM DIEDRICH vs PECO

F-2010-2191381

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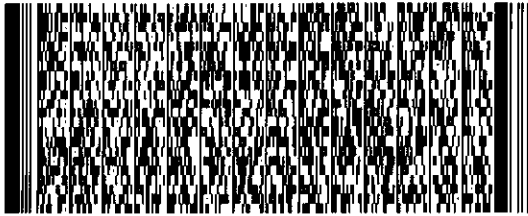
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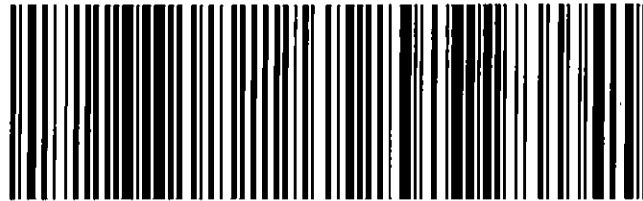
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