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DeLaine Andrews  
P.O.Box 3211  
Harrisburg, PA 17105  
267-342-8004

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

**DELAINE ANDREWS**

**COMPLAINANT**

v.

**NO: C-2012-2283978**

**PECO ENERGY Company**

**RESPONDENT**

Honorable Judge Kandace F. Melillo, Esquire  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**COMPLAINANT DELAINE ANDREWS' BRIEF**

On January 10, 2012, DeLaine Andrews (Complainant) filed a Formal Complaint (Complaint) with the Commission against PECO alleging that she was incorrectly billed for an account at 4839 Haverford Ave, 2<sup>nd</sup> Floor that was the responsibility of Robert Clark, Complainant's tenant during the disputed billing period from 11/2009 to 7/18/2011. The Complainant asserted that someone used her name without permission to establish PECO electric service at 4839 Haverford Ave, 2<sup>nd</sup> Floor on or around November or December 2009. Robert Clark, unbeknownst to her, failed to establish an electric account with PECO Energy Company while he resided at 4839 Haverford Ave during the relevant billing periods at issue in this Complaint.

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ARGUMENT

Tishekia Williams, Counsel for PECO asserts on page 2 of her answer filed with the Public Utility Commission (PUC) on February 8, 2011 that a customer is defined as "a natural person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or any adult occupant whose name appears on the mortgage, deed or lease of the property for which residential service is requested." 66 Pa.C.S. 1403. Complainant has testified and provided evidence in the form of a lease in the name of Robert Clark (Complainant Exhibit 2) that establishes that Robert Clark was the occupant and responsible party for the electric utility and Complainant Andrews was not the occupant or the responsible party for the electric utility during the period at issue in this PUC complaint.

Furthermore, Section 1407(d) of the Code, 66 Pa. C.S. § 1407(d), provides the following:

**(d) Payment of outstanding balance at premises.** – A public utility may also require the payment of any outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there.

Complainant believes and therefore avers that just because a property is deeded in her name should not obligate her to pay for a tenant's utility bills. In *Bailey v. Philadelphia*, 167 Pa. 569, 31 A. 925 the courts found in instances where individuals accept responsibility to pay a bill for a service address at which they do not reside, such individuals are only assuming a moral obligation to pay for that service, "which is valid and binding in conscience and according to natural justice, but, is not recognized by the

law as adequate to set in motion the machinery of justice." *Id.* (citing Black's Law Dictionary 1224 (4<sup>th</sup> Ed. Rev. 1968)); *Bailey v. Philadelphia*, 167 Pa. 569, 31 A. 925.

Additionally, PECO has not provided any evidence that Complainant Andrews was even aware of the 4839 Haverford Ave electric account or usage or bills during the billing period at issue as the account history does not demonstrate any payments posted to the account for 4839 Haverford Ave . Conversely, the record does demonstrate at PECO's Exhibit for 7828 Chelwynde Ave that Complainant Andrews was the occupant of 7828 Chelwynde Ave and had regularly posted payments to the account for 7828 Chelwynde Ave Account #22486-01809 during the period of time that PECO alleges Complainant's liability for 4839 Haverford Ave .

PECO argues that the caller who applied for service at 4839 Haverford Ave knew personal identifying information about Complainant Andrews. Complainant Andrews asserts that the information disclosed in the call was not private information as Complainant's tenants have access to her personal identifying information because Complainant has completed and submitted to the City of Philadelphia Public accessible documents such as City of Philadelphia forms such as City business tax returns, Andrews' tenant City of Philadelphia applications for emergency rental assistance monies (Andrews has submitted directly to the tenant 's themselves), Complainant's City business license and rental license applications all which contain her personal identifying information .

Furthermore, the billing for 7828 Chelwynde Ave is inaccurate and patently unfair as PECO has added a disputed one -time connection charge every month to the monthly bill and the monthly bill continues to accrue a large monthly late fee for the entire balance of the bill despite the fact that the largest part of the bill is the subject of dispute with the Pennsylvania Public Utility Commission.

CONCLUSION

WHEREFORE, Complainant, for the aforesaid reasons stated above, request that the transferred charges at issue in this PUC complaint transferred to 7828 Chelwynde Ave be abated in their entirety including all late fees.

8/31/12

August 31, 2012

DeLaine Andrews

DeLaine Andrews, Pro Se Complainant

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RESPONDENT

RESPONDENT

:

Certificate of Service

I certify that this day a true and correct copy of COMPLAINANT'S BRIEF was mailed first class mail postage prepaid to:

DANA PIRONE CAROSELL ESQUIRE  
STEVENS & LEE  
620 Freedom Business Center  
Suite 200  
King of Prussia, PA 19406

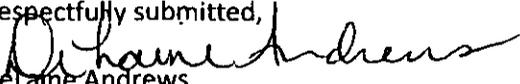
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Respectfully submitted,

  
DeLaine Andrews

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