



**Duquesne Light**

*Our Energy...Your Power*

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Jennifer L. Allison  
Attorney

October 1, 2012

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: Maria Gonda Caiaccia v. Duquesne Light Company  
Docket No. F-2011-2263256

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Reply Exception. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,

Jennifer L. Allison  
Duquesne Light Company

encs

cc: Maria Gonda Caiaccia (w/enclosure)  
Administrative Law Judge Mary D. Long (w/enclosure)  
Office of Special Assistants (w/enclosure & via email)

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARIA GONDA CAIACCIA,	)	
	)	
Complainant,	)	
	)	
v.	)	Docket No. F-2011-2263256
	)	
DUQUESNE LIGHT COMPANY,	)	
	)	
Respondent.	)	

**RESPONDENT’S DUQUESNE LIGHT COMPANY’S  
REPLY EXCEPTION**

AND NOW comes Respondent Duquesne Light Company, by and through its attorney Jennifer L. Allison, and files the following Reply to Complainant’s Exception to the Initial Decision:

**BACKGROUND**

Maria Gonda Caiaccia filed a formal complaint on September 12, 2011, claiming that her bills were too high and that she was being over-billed. An initial hearing was held on February 21, 2012 before Administrative Law Judge Mary D. Long. At the hearing, Complainant alleged that her bills were being miscalculated and that her meter wasn’t functioning properly. Respondent contended that while Complainant was enrolled in Respondent’s Customer Assistance Program she only paid a percentage of her monthly budget bills and she received a write-off of her frozen, pre-CAP arrearage with each CAP payment, and that she was billed according to her actual monthly usage. The exhibits

submitted at the initial hearing included a Statement of Account and copies of Complainant's bills. (Respondent's Ex. 1, Complainant's Ex. A-4, A-5, A-6.) Respondent's Statement of Account organized Complainant's billing information in a way that differed from the presentation in the bills sent to Complainant. Respondent did not present evidence regarding a meter inspection, foreign load, or grounding, and Judge Long directed Respondent to investigate these matters. A further hearing was held on May 15, 2012 to address the metering issues. On August 31, an Initial Decision was served upon all parties. On September 15, Complainant filed an Exception to the Initial Decision.

#### **REPLY TO EXCEPTION**

*A. There is no evidence that Complainant did not consume the amount of electricity that was recorded by Respondent.*

The Initial Decision's Finding of Fact number 9 stated,

“The Complainant's meter is typically read on the 12<sup>th</sup> or 13<sup>th</sup> of each month. For example, the Complainant's bill which was due May 4, 2011, was for electricity consumption between March 14, 2011 and April 12, 2011. Her meter recorded 996 kWh of consumption. (Duquesne Light Exs. 2, 6; Complainant's Ex. A-5)”

The record reflects that Complainant's meter was recording her consumption properly and that she has the potential to use the electricity that her meter recorded.

Ms. Caiaccia's formal complaint alleges that she did not consume the electricity that Respondent's meter recorded. The Initial Decision stated that Complainant's burden of proof is governed by *Waldron v. Philadelphia Electric Co.* 54 Pa. P.U.C. 98 (1980), and that “In *Waldron*, the Commission concluded that a complainant may establish a *prima facie* case by showing that: (1) the number of occupants of the household has not

changed; (2) the potential for energy utilization is low; and (3) prior billing history shows no previous abnormalities.” (ID at 7.)

Complainant failed to establish a *prima facie* case under the *Waldron* standard because the record reflects not only that Respondent’s meter was functioning properly, but her potential for energy utilization was within the consumption recorded by the meter.

Richard Lachimia, who is employed by Respondent as a Senior Engineer in Metering, inspected Complainant’s meter and analyzed her consumption. Mr. Lachimia concluded that there was no grounding or foreign load and that the meter tested accurately. (Tr. at 99-102, Respondent’s Ex. 6.)

Mr. Lachimia analyzed Complainant’s potential for consumption and concluded that she had a potential heat load of 600 to 6,000 watts. (Respondent’s Ex. 6.) The potential heat load was calculated by analyzing the potential consumption of all of Complainant’s heaters. (Tr. at 99.) The potential load, measured in watts, can be converted to kilowatt hours by multiplying watts per hour. (Tr. at 99.) Ms. Caiaccia has the potential to use between .6 and 6 kilowatt hours of electricity per hour for heating when her heaters are operating. The upper limit of the potential consumption is based on continuous operation of the heaters. (Tr. at 99.) However, the analysis does recognize that there will likely be times when all of the heaters are not operating at the highest setting.

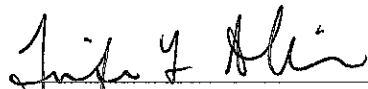
The record reflects that Complainant’s had the potential to consume the electricity that she was billed for in both May of 2010 and May of 2011. The Initial Decision stated, “[S]imply using an electric heater on a day or two a month on a chilly day in April or May is sufficient to explain the difference in her consumption in April and May 2010

compared to April and May 2011.” (ID at 8.) Using electric heater for only a small number of chilly and damp days could account for 200 to 300 kilowatt hours of electricity consumption. (Tr. at 104.)

*Conclusion*

Administrative Law Judge Long made accurate and relevant Findings of Fact and correct Conclusions of Law, when, in the Initial Decision, the Formal Complaint was dismissed with regard to her metering dispute. Respondent submits that for all of the reasons contained in its Answer, testimony, and herein, Complainant’s exceptions should be denied.

Respectfully submitted,



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Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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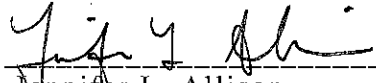
Docket No. F-2011-2263256

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant).

Maria Gonda Caiaccia  
P.O. Box 6  
Sewickley, PA 15143-0006

Dated this 1st day of October 2012.

  
\_\_\_\_\_  
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