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November 20, 2012

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

Re: Tara Cameron v. PECO Energy Company
PUC Docket No.: C-2012-2333811

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the following documents in the matter referenced above.

—	Answer
—	Answer & New Matter
—	Motion to Dismiss
—	Motion for Judgment on the Pleadings
<u>X</u>	Preliminary Objection
—	Exceptions
—	Reply Exceptions
—	Main Brief
—	Reply Petition

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



Shawane Lee
Counsel for PECO Energy Company
SL/lo

Scheduling Recommendation: Call of the docket ___ Non Call of the docket X

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TARA CAMERON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2012-2333811
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection within 10 days from service of this notice, a ruling may be entered against you. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

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

With a copy to:
Shawane L. Lee
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, November 20, 2012



Shawane L. Lee
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
(215) 841-6481
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TARA CAMERON	:	
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	:	
v.	:	DOCKET NO. C-2012-2333811
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**PRELIMINARY OBJECTION OF RESPONDENT,
PECO ENERGY COMPANY**

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

1. On November 13, 2012, PECO Energy was served with a formal complaint filed by Tara Cameron (hereafter “Complainant”).
2. In her formal complaint, the Complainant alleges that PECO Energy’s contractor, Grid One Solutions (hereafter “Grid One”), installed a meter at her property on July 5, 2012. See Formal Complaint, attached hereto as Exhibit “1”.
3. She alleges that as a result of the power being turned off during the meter installation, her air conditioning unit was damaged. See Exhibit “1”.
4. The Complainant requests that PECO Energy pay for the replacement air conditioning unit. See Exhibit “1”.
5. PECO Energy simultaneously filed an Answer and the instant Preliminary Objection.

6. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure.¹

7. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible.²

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

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

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

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.2nd 593 (Pa.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

12. Here, the facts in this matter include the following:

- a. The Complainant alleges that PECO Energy, through its contractor, Grid One, installed a meter at her property on July 5, 2012.
- b. The Complainant alleges that her air conditioning unit was on that day and set to 75 degrees.

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.

- c. The Complainant alleges that the technician powered down the electricity to her home while her air conditioning unit was still running.
- d. The Complainant alleges that after installation of the new meter and the power being restored, her air conditioning unit was blown.
- e. The Complainant alleges that she filed a claim for the air conditioning unit.
- f. The Complainant alleges that she provided estimates for the air conditioning unit to Grid One.
- g. The Complainant alleges that Grid One refused to pay on the claim.
- h. The Complainant avers that PECO Energy or Grid One is responsible to pay for the damages to her central air conditioning unit

13. In effect, Complainant is requesting that the Commission award her damages for her damaged air conditioning unit.

14. Indeed, according to the Complainant, she submitted a claim to Grid One for this purpose.

15. Assuming all of the Complainant's allegations are true, the Complainant is not entitled to relief under the law.

16. The Commission lacks jurisdiction to award damages pursuant to 52 Pa. Code § 5.101(a)(1).

17. The purported infractions in the Complainant's Complaint relate to PECO Energy's alleged responsibility to pay for damages arising from damage to her air conditioning unit from an AMI meter installation that occurred on July 5, 2012.

18. Thus, the only issue in Complainant's Complaint is compensation for the damaged air conditioner that she alleges is as a result of the meter installation.

19. Because the sole basis of Complainant's Complaint is to seek compensation for the alleged damages arising from damage to her air conditioning unit from the meter installation, her request should be denied pursuant to 52 Pa. Code § 5.101(a)(1).

REQUEST FOR RELIEF

WHEREFORE, for all of the reasons stated herein, PECO respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice.

Respectfully submitted,



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

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TARA CAMERON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2012-2333811
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.



Date: November 20, 2012

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TARA CAMERON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2012-2333811
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Tara Cameron
9890 Cowden Street
Philadelphia, PA 19115

Dated at Philadelphia, Pennsylvania, November 20, 2012



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
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November 20, 2012

Tara Cameron
9890 Cowden Street
Philadelphia, PA 19115

Re: Tara Cameron v. PECO Energy Company
PUC Docket No.: C-2012-2333811

Dear Ms. Cameron:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

Thank you for your time and attention on this matter.

Very truly yours,



Shawane Lee
Counsel for PECO Energy Company
Enc.
SL/lo

EXHIBIT “1”

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 Tara Cameron

Street/P.O. Box 9890 Cowden St. Apt #

City Phila State PA Zip 19115

County Phila

Daytime Telephone Number Where We Can Contact You: 267-304-5981

E-mail Address (optional): flirtini-thatz-me@yahoo.com

Utility Account Number (from your bill) 50692-01105

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

Name

Street/P.O. Box

City State Zip

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO + Grid One

3. TYPE OF UTILITY (check one)

[X] ELECTRIC

[] STEAM HEAT

[] GAS

[] WASTE WATER

[] WATER

[] MOTOR CARRIER

[] TELEPHONE (local, long distance)

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

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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). *damaged central air unit when smart meter placed on my property.*

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.

PECO hired Grid One to come out to switch out my original meter to a Sensus meter on July 5, 2012. I was away that week yet I had my neighbor feeding & medicating my cat that was ill 3x's day. My air was left on as it was projected to be a hot week and my cat had cancer. I programmed my thermostat to 75 degrees. Grid One knocked on my neighbors door prior to their installation and asked them to shut off all their major appliances to prevent any damage to their electrical appliances and the tech would advise them when to turn it back on. The technician ignored the fact I wasn't home and my central air unit was missing when they powered down the electricity to my home. After installation of the new meter and power being restored, my AC unit was blown. My neighbor Ed Pulliam realized the house was getting warm very quickly and notified me of these findings. He called me and gave me the number to Grid One. I called Yasmine and made her aware of these findings, I also called PECO speaking to Braine, as GRID ONE

was responsible for this surge to my AC unit. A supervisor returned to my home (from GRID one), finding the breaker tripped, he reset it and the outside unit still didn't work. I was also told by Yasmin @ GRID one that the technicians were not qualified to work on or evaluate air conditioning units. The supervisor also explained to my neighbor that he is not qualified to work on AC units. My neighbor called me and explained all actions that took place by GRID one. My home was now reading @ 92 degrees in-deers after this surge to my system. I called a service company to come out and evaluate the system they diagnosed it as a grounded out compressor and said this was caused by a surge to the system being powered down improperly. I filed a claim through PECO being told by Greg Lund an agent @ PECO that I need to deal w GRID one with my claim. If I then contacted GRID one, I spoke with Doreen right away. My conversation with Doreen was poor she came off very negative and unprofessional, shifting the blame back on PECO. I have been bounced back and forth between PECO + GRID one. Finally, I asked Greg Lund to speak w GRID one and act as a liaison as Doreen in my opinion was not qualified or educated enough to deal w such claims. Greg Lund should then give me updates. →

I provided all estimates to GRID one. Doreen even had me get a separate estimate for the compressor, coil + installation. Greg Lund emailed me that GRID one needed all this information to come to compromised settlement and after all this ground work. Doreen sent me a letter refusing to pay on the claim. I asked for this to be appealed I still have not received anything from PECO or GRID one. This is a tiresome process and in my opinion has been handled poorly. PECO hired these people so they should be responsible for damage they did.

You will find several email messages between myself PECO + GRID one. Please note dates + times.

Sincerely
Jana Cameron

10/22/12

5. RELIEF

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

I would like PECO + Grid one to pay for the damages they caused to my property. I would like them to pay for the grounded out compressor, coil and installation. These damages occurred when they showed up to my home c/out appointment, swapped out my meter while I was not home and the unit was running which caused a surge to the system.

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 _____

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 Tara Cameron, 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).

Tara Cameron
(Signature)

10-22-12
(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
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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.

PA P.U.C.
SECRETARY'S BUREAU

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