



Direct Dial: 215.841.6841

February 20, 2013

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

**RE: David Oliver v. PECO Energy Company
PUC Docket No.: F-2012-2305431**

Dear Ms. Chiavetta:

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

| | |
|----------|--------------------------------------|
| - | Answer |
| - | Answer & New Matter |
| - | Motion |
| - | Motion for Judgment on the Pleadings |
| - | Preliminary Objection |
| <u>X</u> | 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

cc: David Oliver

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DAVID OLIVER

Complainant

v.

PECO ENERGY COMPANY

Respondent

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Docket No. F-2012-2305431

**EXCEPTIONS OF
OF PECO ENERGY COMPANY**

Pursuant to 52 Pa Code § 5.533, PECO Energy Company (“PECO”) hereby files its Exceptions to the Initial Decision of Administrative Law Judge Darlene R. Davis Heep (“ALJ Heep”) issued on January 28, 2013 in the above-referenced matter.

The Complaint in this matter involved allegations of incorrect charges on the Complainant, David Oliver’s (“Complainant” or “Mr. Oliver”) bill due to a faulty meter. On the central issue raised in the Complaint – the correctness of the meter and charges on the Mr. Oliver’s bills – ALJ Heep found in favor of PECO. But then, based on misreading of the evidence, ALJ Heep incorrectly recommends a violation against PECO for providing inadequate service for the manner in which PECO responded to the Complainant’s high bill complaint. The Initial Decision also improperly recommends a civil penalty against PECO. With respect to the finding of a violation and recommendation of a civil penalty against PECO, ALJ Heep’s key factual conclusions are not supported by substantial evidence (and in some cases are directly contradicted with the testimony presented at the hearing).

In her Initial Decision, ALJ Heep concludes that:

The formal complaint of David Oliver versus PECO Energy Company at Docket No. F-2012-2305431 is sustained in that PECO Energy Company failed to provide reasonable and adequate customer service.

(Initial Decision, p. 20)

ALJ Heep's basis for the decision is as follows:

The record reflects that Complainant was required to go through more machinations than necessary in order to obtain information about and assistance regarding his service and bills. (Tr. 56-59; Complainant Exhibit 1).

A customer contacting a public utility should not have to file a complaint to receive information about the rates. It also does not appear reasonable that a customer of a public utility should have to call several times, be placed on hold for a total of hours over several telephone calls or have to speak with five or more people who then cannot provide information that is in the company records. Information such as the rate charged, rates for various services, results of equipment testing, and billing information are at the fingertips and under the control of PECO employees via IT systems and easily accessible to them. Complainant has established a *prima facie case* of inadequate service by PECO.

(Initial Decision, p.15)

ALJ Heep incorrectly concluded that PECO provided inadequate service to Mr. Oliver after spending several months and telephone conversations to provide Mr. Oliver information regarding his meter multiplier, rates and high bill concerns, when the evidence indicates that PECO provided this information to Mr. Oliver multiple times and performed high bill field investigations to address his concerns. Specifically, ALJ Heep believed that "PECO offered no refutation of the Complainant's inadequate service claim other than that Complainant was provided with some information the Friday before the Monday hearing." (Initial Decision, p.15). This finding is incorrect. The transcript reveals that Mr. Oliver's own testimony and the testimony of PECO witnesses clearly demonstrates that PECO provided Mr. Oliver with information on multiple occasions. Additionally, PECO's Answer to Mr. Oliver's Formal Complaint clearly rebuts many of his allegations of inadequate service.

Because ALJ Heep's Initial Decision is not supported by the testimony and documentation in the record, the Initial Decision should not be adopted by the Pennsylvania Public Utility Commission ("Commission"). For the reasons set forth more fully below, the Initial Decision should be rejected and the Commission should dismiss the Complainant's formal complaint in its entirety with no finding of a violation against PECO.

BACKGROUND AND PROCEDURAL HISTORY

On May 18, 2012, Mr. Oliver filed his formal complaint against PECO. The Complaint was an appeal of a Bureau of Consumer Services ("BCS") informal complaint decision that had been filed on December 13, 2011 and decided by the BCS on April 5, 2012. (PECO, Exhibit 9). On Mr. Oliver's Formal Complaint form, he checked "there are incorrect charges on my bill" in Section 4A. (Complainant, Exhibit 1). Mr. Oliver went on to allege that he was building a new construction and he inquired why his meter multiplier had changed from 1x for his temporary service to 80x when his permanent meter was set in place. Id. Mr. Oliver claimed that the meter at his property was faulty and alleged that he had several conversations with various PECO employees to determine why his meter multiplier had changed. Id. Mr. Oliver also claimed that his rate had changed and that he received no reasonable explanation from PECO why his rate had changed. Id.

On May 30, 2012, PECO filed its Answer to Complainant's formal complaint. (PECO, Answer). In the company's Answer, it was explained that Mr. Oliver was building an 8,500 square foot home with at least 30-40 building contractors working at the property each day. Id. at p. 2). PECO's Answer set forth in detail, the conversations the company had with Mr. Oliver, explaining why his meter multiplier had changed, and the fact that a manager had reviewed Mr. Oliver's bills with him in detail. Id. PECO also detailed in its Answer that two

different high bill field technicians went to Mr. Oliver's property on two separate occasions and performed testing to determine the accuracy of his meter. Id. In addition, the Answer averred that the allegedly faulty meter at issue was removed and tested by PECO and tested accurate. Id. at p. 4.

An in-person evidentiary hearing was held in this matter on October 22, 2012. ALJ Heep presided over the hearing. At the hearing, the Complainant's evidence consisted solely of his own testimony, and he submitted one exhibit – a copy of his Formal Complaint. PECO provided the testimony of four witnesses, including the testimony of the two high bill field technicians who went to Mr. Oliver's property; a Senior Engineer from meter services, and a Regulatory Assessor, who had spoken to Mr. Oliver on several occasions. PECO offered nine exhibits into evidence. The hearing generated a transcript consisting of one hundred and twenty (120) pages.

The Initial Decision in this matter was issued on January 23, 2013. In her Initial Decision, ALJ Heep concluded that Mr. Oliver did not provide sufficient evidence that the high usage at his property was in error or that his bills were unreasonably high. However, ALJ Heep also concluded that PECO was “undoubtedly [negligent]... *given the inattention and lack of diligence* with respect to Complainant's reasonable inquiries and concerns.” ALJ Heep also recommended a civil penalty of \$450 against PECO.

EXCEPTION NO. 1

ALJ Heep's Findings of Fact and Decision Solely Relies on the Allegations in the Complainant's Formal Complaint as Opposed to his own Testimony at the Hearing.

ALJ Heep's finding of a violation against PECO hinges on her acceptance of the allegations in Mr. Oliver's formal complaint as factual and un rebutted by any other evidence, including Mr. Oliver's own testimony. Specifically, ALJ Heep lists in her Findings of Fact and Conclusions of Law several instances where Mr. Oliver alleges that he received inadequate service from PECO as follows:

Finding of Fact #9. On December 6, 2011, Complainant contacted PECO by telephone to ask why the temporary charges had a rate multiplier of 1x and the new permanent service had a rate multiplier of 80x and also why there was a significant increase in usage recorded when transferred from the temporary to the permanent account and meter. (Complainant Exhibit 1: Tr. 7-11). (Initial Decision, p. 4).

Finding of Fact #10. The duration of this call was more than one (1) hour and Complainant spoke with 5 different PECO employees, none of whom could explain the multipliers or the billing issues. (Complainant Exhibit 1; Tr. 7-11). Id. at p. 5.

Finding of Fact #13. During his subsequent many conversations with PECO employees, Complainant was told that he did not have to pay the PECO bills while his complaint was pending. (Complainant Exhibit 1). Id.

Finding of Fact #14. Complainant contacted PECO again by telephone on December 13, 2011, and was placed on hold for twenty minutes and ultimately not connected to a service representative. (Complainant Exhibit 1). Id.

Finding of Fact #15. Complainant contacted PECO for a second time on December 13, 2011, and was given a case number but no additional information. (Complainant Exhibit 1). Id.

Finding of Fact #16. On December 15, 2011, Complainant managed to speak with two PECO representatives, one of whom informed him that his home had a 600 amp load and that anything over a 400 amp load has an 80 to 1 ratio but no could explain the effect on billing or the impact or geothermal rates until the hearing. (Complainant Exhibit 1). Id.

Finding of Fact #20. Only after several calls and speaking with multiple PECO employees over two months did Complainant receive some information about his account (Tr. 18-19, Complainant Exhibit 1). Id. at p. 6.

The Findings of Fact ALJ Heep lists to support a finding against PECO are taken almost entirely from Mr. Oliver's formal complaint – not from any testimony he gave during the hearing. A review of the transcript reveals that the Mr. Oliver relied on his formal complaint in lieu of any real testimony to support his case. Specifically, he states:

I think the only document is --- I think what you already have – is my complaint that I filed with the Public Utility Commission. I believe it provides an outline attesting to the sequence of events and the time that I spent making phone calls to PECO. If you find necessary to ever review each of the phone calls and the number of people I had to speak with, so if you want that I would be happy to do that. I don't know if it's necessary to do this. And I tried to outline, you know, the time that I spent.

(Tr. 9).

ALJ Heep's Initial Decision does not consider Mr. Oliver's own testimony that he had received information from PECO employees and that many of the allegations he raised in his formal complaint had been satisfied. For instance, in his formal complaint, Mr. Oliver provides a chart to demonstrate how his usage and billing had changed. (Complainant, Exhibit 1). At the hearing, during cross-examination, Mr. Oliver admits that he spoke with a PECO associate and "the information on that chart [was] provided" by a PECO associate. (Tr. 12). Mr. Oliver provided kilowatt hours in his chart for evidence. (Complainant, Exhibit 1). When asked, he admitted that the kilowatt hours were provided "through a conversation [he] had with" a PECO associate. (Tr. 12).

Mr. Oliver testified that the data he used for his charges from May through October 2011 was based on information provided to him from a PECO representative. (Tr. 13). He also testified that he had not requested his billing statements back to May of 2011. (Tr. 13). Mr. Oliver's own testimony demonstrates that PECO was working diligently with him and providing him with the information he requested. Indeed, Mr. Oliver used the information provided by

PECO in his formal complaint. Consequently, ALJ Heep's determination that "PECO offered no refutation of the Complainant's inadequate service claim other than that Complainant was provided with some information the Friday before the Monday hearing" is clearly erroneous. The information PECO provided to Mr. Oliver was provided in advance of him filing his formal complaint. The chart contained in his formal complaint is based on the information provided by PECO, which Mr. Oliver's testimony corroborates.

ALJ Heep's Decision states that Mr. Oliver did not receive any information from PECO until the Friday before the Monday hearing and that PECO was negligent "based on the presentation of information to the Complainant just before the hearing." (Initial Decision, p. 17). Mr. Oliver admitted on cross-examination that he had received adequate information on his billing multiplier and understood how it worked. (Tr. 18-19). He testified that he received a satisfactory explanation in response to the informal complaint he filed with the BCS. (Tr. 18). Clearly, Mr. Oliver's own testimony refutes ALJ Heep's finding because he admits that he received a satisfactory explanation to his billing multiplier issue before he filed the formal complaint.

In addition to the billing multiplier inquiry, Mr. Oliver also questioned whether he was entitled to a geothermal rate and had questions concerning the rate he was being charged. Mr. Oliver testified that he was:

A: Informed by two different PECO employees that there was a rate that applied to alternative energy sources or when a home had an alternative energy source that there's a special rate that applies to the electricity.

Q: Did you ever receive any explanation for the geothermal heating rate or whether the company does have a geothermal heating rate?

A: I've been told that one does not exist.

(Tr. 22-23).

Clearly, Mr. Oliver was advised by PECO that no geothermal heating rate existed and the company answered his inquiry in this regard before he filed a formal complaint. In fact, Mr. Oliver was advised about the geothermal rate when he filed the informal complaint. The BCS Decision Report at PECO, Exhibit 9 specifically states:

Mr. Oliver said he was advised by PECO that his service would be discounted for his geo-thermal heating. (Elsa Leung) the co rep assigned to this case confirmed there was no special discounted rate as he stated.

(PECO, Exhibit 9).

With regard to the rate he was being charged, Mr. Oliver testified:

Q: Now in your formal complaint on the same page as your chart, you raise an issue with the proper rate that you should be charged. Do you still have a dispute concerning what rate you're currently being charged?

A: No, I do not. As of Friday at about 3:30 or 4:00, one of your representatives forwarded me some information that I've been looking for, for nine months.

Q: All right. So, this element of your complaint then has been resolved. Is that fair to say?

A: Yes. It took nine months for me to get the answer to that piece of my complaint.

(Tr. 26-27).

It is this testimony that ALJ Heep relies on to substantiate inadequate service to Mr. Oliver. However, what ALJ Heep fails to recognize is that Mr. Oliver's question about his rate was only one of several inquiries he raised. Further, ALJ Heep did not consider Regulatory Assessor, Elsa Leung's testimony where she testified that Mr. Oliver had this information available to him through a billing insert PECO provided to him and to all of its customers. Ms. Leung testified that she provided him this information as a follow-up to information that had already been provided to him in April 2012; and this information was readily available to Mr. Oliver in a billing insert previously sent to him. Specifically, Ms. Leung testified:

A: With the first related to the second question. So regarding the geothermal energy rates, that information was provided to you during your informal complaint process. The meter

request information was regarding your bill for January of 2012 whether or not that rate was properly assessed on your account. And I did provide that information to you this past Friday.

Q: Okay. And then, you were also aware that I asked a question during the formal complaint, of which I was just provided the information on Friday, confirming that my rate is correct?

A: The actual bill inserts that you had specifically requested on Friday was provided to you on Friday.

(Tr. 57).

Q: Now, Mr. Oliver mentioned that you provided some information to him on Friday of this past week. What was that information?

A: That was the rate – rate change notification that was included in all PECO customers' bill inserts in January of 2012.

Q: And this was a follow-up explanation to what was already given to him in April of 2012; correct?

A: Yes.

(Tr. 59).

Based on the above testimony, ALJ Heep's determination that PECO provided inadequate service by providing Mr. Oliver information he requested the Friday before the Monday hearing is clearly erroneous. Not only was this information provided to Mr. Oliver before he filed a formal complaint, he had the information already available to him in a billing insert sent to him and all PECO customers in January 2012. On the Friday before the Monday hearing, Ms. Leung simply sent Mr. Oliver information that he already had available to him as a follow-up to what he had already been told back in April 2012 regarding any rate changes. This is information that he had available to him in January 2012 had he taken the time to read it. Clearly, a fine against PECO is not warranted as the company did provide this information to Mr. Oliver well before the time ALJ Heep states in her Initial Decision.

ALJ Heep's decision that PECO was "inattentive" and "lacked diligence" to Mr. Oliver's

inquiries and concerns is erroneous based on the testimony in the record. The record indicates that the company had several telephone conversations with Mr. Oliver in an attempt to satisfy him with regard to his inquiries and concerns. For instance, Mr. Oliver admits during his testimony that he had several conversations with Ms. Leung who was assigned to handle his informal complaint with the BCS as well as his formal complaint. Specifically, he states during his cross-examination of Ms. Leung:

Q: How many times a day we've spoken on the phone ---.

A: Many.

Q: --- in the last nine months.

(Tr. 45).

Ms. Leung testified regarding multiple conversations with Mr. Oliver where she attempted to address his concerns. Ms. Leung testified:

Q: Did you ever speak to Mr. Oliver about his concerns -- his concerns raised in the formal complaint?

A: Yes.

Q: And when did you first talk to him?

A: I first talked to him during the informal complaint process regarding his complaints.

Q: And what happened during that process?

A: We had actually several conversations that went back and forth where I had attempted to explain to him all the concerns that he had regarding his bill --- the usage at the property, the temporary service as well as the --- the possibility of having heat being used at the property.

Q: And what was the result of those conversations with him?

A: He obviously had not been satisfied with the explanations given.

(Tr. 38-39).

In addition, the record reflects that prior to filing the formal complaint, Mr. Oliver had several telephone conversations with PECO high bill field technician, Mark Hennessy and high

bill field technician Tim Fisher, who Mr. Oliver admits were helpful to him and gave him the “most information”. Mr. Oliver states:

Q: Mark, is today the first time you’ve met me?

A: Yes. As far as I recall. I talked to you on the phone quite a few times.

(Tr. 90).

Mr. Oliver: I have met Mr. Hennessy prior to our trial today at our property. And I was the one standing there when he put the leads on the meter and was testing it. And I did have a conversation with Mr. Hennessy, you know, following the suggestion that the meter be replaced. *I appreciate him and the gentleman, Tim that came to our home. They were very, very friendly, probably the most helpful people that I got the most information out of them than I did through this entire nine-month process.*

(Tr. 115).

The fact that Mr. Oliver did not like the explanations he received from Ms. Leung or the PECO representatives he spoke to does not mean that PECO provided him inadequate service and that the company was “inattentive”. In fact, the numerous conversations the company had with Mr. Oliver in an attempt to satisfy his concerns shows the company’s attentiveness to the issues he raised. Just because Mr. Oliver did not agree with the information he was being told does not mean that PECO did not respond to Mr. Oliver’s high bill and faulty meter concerns or the company somehow lacked diligence with addressing his concerns. Indeed, it is clear from the transcript and Mr. Oliver’s own testimony that PECO did provide him with the information and explanations he requested and that at least two company employees were “helpful” to him.

EXCEPTION NO. 2

ALJ Heep's Decision Relies on the Allegations in the Complainant's Formal Complaint But Does Not Consider PECO's Answer to the Complainant's Formal Complaint Refuting These Allegations.

ALJ Heep relies heavily on Mr. Oliver's formal complaint for her Findings of Fact. Yet, she does not consider PECO's Answer to Mr. Oliver's formal complaint which directly refutes the allegations in Mr. Oliver's formal complaint. For instance, in ALJ Heep's Findings of Fact 9 and 10, she discusses a December 6, 2011, call Mr. Oliver alleges in his formal complaint where he discusses the billing multipliers with a representative. (Initial Decision, pp 4-5). ALJ Heep also takes as fact Mr. Oliver's allegations that he spoke with 5 different PECO employees "none of whom could explain the multipliers or the billing issues." *Id.* at p. 5. ALJ Heep failed to consider PECO's response to these allegations when PECO averred in the company's answer that a telephone conversation had taken place on December 7, 2011 – not December 6, 2011 (PECO, Answer at p.2). During that conversation, the Complainant questioned why he had received two bills in one month. *Id.* A PECO Energy manager reviewed the Complainant's bills with him and when he attempted to transfer the call to obtain further information, Mr. Oliver abruptly hung up the telephone. *Id.* at p. 2. ALJ Heep also does mention or consider the November 30, 2011 call detailed in PECO's Answer where Mr. Oliver contacted the company to inquire about his billing meter multiplier. *Id.* At that time, the representative explained to Mr. Oliver that his meter multiplier was based on the size of his property – an 8500 square foot home. *Id.*

ALJ Heep finds as fact that Mr. Oliver had a conversation with PECO on December 15, 2011 where he "managed to speak with two PECO representatives". (Initial Decision, p. 5). ALJ Heep states that the representative informed him that his home had a 600 amp load and that

anything over a 400 amp load has an 80 to 1 ratio “but no one could explain the effect on billing or the impact on geothermal rates until the hearing.” Id. ALJ Heep did not consider PECO’s Answer where the company specifically details the fact that the company contacted Mr. Oliver - not vice versa. (PECO, Answer, p. 5). During that conversation, the representative explained the difference between the amp sizes. Additionally, the representative reviewed the accuracy of Mr. Oliver’s usage based on his billing statements. When Mr. Oliver was still not satisfied, PECO’s Answer details the fact that the company scheduled a high bill field investigation. Id.

Additionally, PECO’s Answer to Mr. Oliver’s formal complaint refutes the fact that he was not provided an explanation on the billing multiplier issue until the Friday before the Monday hearing or after the informal complaint was filed. The Answer demonstrates that there were conversations with Mr. Oliver on November 30, 2011 and December 7, 2011, where the multiplier issue and the effects on billing were explained. After Mr. Oliver filed the informal complaint, PECO had another conversation with him on December 15, 2011, where this information and his billing were reviewed with him in detail. The fact that Mr. Oliver did not like the explanations he received does not mean that PECO provided him inadequate service. Just because Mr. Oliver was not satisfied with what PECO told him about his billing multiplier and billing does not mean that PECO was negligent, “inattentive and lacked diligence” with respect to his inquiries.

EXCEPTION NO. 3

ALJ Heep's Decision Incorrectly Concludes that the Information Sought by Mr. Oliver was "At the Fingertips and Under the Control of PECO Employees... and Easily Assessable to Them."

In her decision, ALJ Heep states that "information such as the rate charged, rates for various services, results of equipment testing, and billing information are at the fingertips and *under the control of PECO employees via IT systems and easily assessable to them.*" (Initial Decision, p. 15). There is no evidence in the record to support ALJ Heep's statement. High bill investigations and account billing disputes can take an extended period of time to resolve for a variety of reasons that are not necessarily due to the action or inaction of the utility. In fact, in this case the information Mr. Oliver requested was complex and not easily assessable. Unlike the majority of PECO's customers, Mr. Oliver was in the process of having an 8,500 square foot mansion built. The meter multiplier that was applied to Mr. Oliver's account is not a typical multiplier and it is not information that a customer service representative has readily available as most customers do not live in properties of this size. Indeed, Mr. Oliver makes reference to the representative's response to him concerning the size of his property in his testimony. Mr. Oliver states:

My initial calls to PECO, no one was able to explain what a multiplier was on the bill. All I received from the people that I talked to said oh sir, you have a very, very large home, that's why you get charged a lot. I said ma'am, I appreciate your interest in the size of my home; however, usually electric is charged by the amount you use, not the size of your home.

(Tr. 18).

In fact, contrary to Mr. Oliver's assertions, meter multipliers are based on the size of a property, which was testified to during the hearing. The fact that Mr. Oliver was referred to another representative who could answer his inquiry shows due diligence and good faith on PECO's behalf. Mr. Oliver admitted that he did receive an explanation regarding his meter

multiplier inquiry before he filed a formal complaint and that he now understands the principals behind the meter multiplier. (Tr. 18-19).

Additionally, the record demonstrates that the issues Mr. Oliver raised were complex enough to warrant two high bill field technicians to go to the property to investigate his inquiries and concerns. PECO field technician, Tim Fisher, testified that he went to Mr. Oliver's property to analyze the usage to see why the "bill is what it is." (Tr. 62). Mr. Fisher testified that he checked on the usage at the property and tested the meter. Id. In addition to Mr. Fisher, PECO field technician Mark Hennessy went to the property on January 3, 2012, to address Mr. Oliver's concerns and to perform a meter test. (Tr. 80). Mr. Hennessy testified that he determined the meter was running accurately. (Tr. 84). However, despite this, he changed Mr. Oliver's meter "because we were trying to keep Mr. Oliver happy. They thought we had done everything we could to this point, so – so okay, the manager said change it. So, I did." (Tr. 85). The fact that PECO sent not one, but two high bill field technicians to his property does not show "inattention" and "negligence" but shows that the company made every good faith effort to address his concerns. Indeed, Mr. Oliver admitted during his testimony that the majority of his concerns had been addressed by the company and the technicians sent to his property "helped" him.

PECO does not deserve a fine against it for inadequate service. In order to determine whether a utility has acted in violation of the Public Utility Code, there must be sufficient evidence to establish that the utility acted unreasonably in the conduct of the investigation or the handling of the dispute. Such evidence is not present in this case. As set forth above, PECO representatives had several conversations with Mr. Oliver where they conveyed the information he requested. Mr. Oliver just did not like what he was hearing. When he was still not satisfied

the company initiated and completed its high bill investigation in a timely manner. The company sent two field technicians to Mr. Oliver's property to test, re-test and discuss the results of the company's testing. After Mr. Oliver filed an informal complaint with the BCS, Mr. Oliver had several telephone conversations with Regulatory Assessor, Elsa Leung who also attempted to resolve his billing dispute and inquiries. Ms. Leung finally followed up with an insert regarding rates that had already been mailed to Mr. Oliver, which he evidently failed to read when it was sent to him in January 2012. Based on the clear evidence in the record, PECO respectfully submits that the Commission should reverse ALJ Heep's conclusion that PECO did not provide reasonable and adequate service to the Complainant.

CONCLUSION

When properly viewed, the evidence in this case cannot support a finding that the Complainant met his burden of proving a violation by PECO. PECO investigated the Complainant's high bill, faulty meter, meter multiplier, geothermal rate; and rate concerns. PECO conveyed its findings and information and the results of its high bill investigation to Mr. Oliver on multiple occasions. While the Complainant may not be satisfied with the results of the investigation or the explanations he was given, this alone is not sufficient grounds for finding that PECO committed a violation, and it certainly does not warrant the imposition of a civil penalty against PECO. PECO respectfully submits that the Commission should dismiss the Complaint in its entirety with no finding of a violation against PECO.

Respectfully submitted,



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Dated: February 20, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DAVID OLIVER

Complainant

v.

PECO ENERGY COMPANY

Respondent

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Docket No. F-2012-2305431

CERTIFICATE OF SERVICE

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

David Oliver
316 Winfield Road, Lot 8
Devon, PA 19333

Dated at Philadelphia, Pennsylvania, February 20, 2013.



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