



Direct Dial: 215 841 6841

May 6, 2013

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

RE: Peter Svokos v. PECO Energy Company
PUC Docket No.: F-2013-2360371

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
- Motion for Continuance
- 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|----------------------------|---|----------------------------------|
| PETER SVOKOS | : | |
| Complainants | : | |
| v. | : | DOCKET NO. F-2013-2360371 |
| | : | |
| 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, May 6, 2013



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**

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| PETER SVOKOS | : | |
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| Respondent | : | |

**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 April 30, 2013, PECO Energy was served with a formal complaint filed by Peter Svokos (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.

2. In his Complaint, Complainant alleges there was a foreign wiring condition found at his rental property located at 73 South 5th Avenue, 2nd Coatesville, PA 19320. See Exhibit “1”.

3. In Section 1 of the formal complaint, the Complainant states that the formal complaint involves the utility service of his tenants, Marcy Rosa and Fred Rodriguez. See Exhibit “1”.

4. In his formal complaint, the Complainant also makes reference to a decision issued by the Public Utility Commission, Bureau of Consumer Services (“BCS”) for the informal complaint at case number 3063578.

5. The Complainant attached the BCS Decision Report to his formal complaint. See Exhibit "1", pages 7-9.

6. The BCS Decision states that PECO Energy issued the Complainant a letter on September 19, 2012, advising the Complainant that foreign wiring had been found. See Exhibit "1", pages 7-8.

7. The BCS Decision additionally states that an account was established in the Complainant's name and that PECO Energy transferred a final balance of \$670.08 into his newly created account. See Exhibit "1", page 8.

8. The BCS Decision finally states that PECO Energy visited the property on October 1, 2012 to verify the foreign wiring was corrected and the service was returned to the tenant's name effective October 1, 2012. See Exhibit "1", page 8.

9. The Complainant states that he "understand[s] the foreign wiring that the PECO utility is insisting is a violation, but [he] feels[s] that the charges are excessive." See Exhibit "1", page 2.

10. The Complainant states that he believes that \$670.08 is excessive for one light bulb.

11. PECO Energy filed the instant Preliminary Objection.

12. Pursuant to 52 Pa. Code § 5.101, preliminary objections may be filed against a complaint and dismissed for legal insufficiency. 52 Pa. Code § 5.101(a)(4).

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

14. 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

¹ *Equitable Small Transportation Interveners v. Equitable Gas Co.*, 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994)

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

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

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

18. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest.

19. 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. Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

20. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law with respect to all of the allegations in the Complaint.

21. The Commission has held that a landlord must pay the utility for any account balance, including arrearages, once a foreign load or wiring has been found. 66 Pa. C.S. §§ 1529.1(a), (c); and Ace Check Cashing Inc. v. Phila. Gas Works, Final Order, (May 21, 2010). See also Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997).

22. The Complainant is the owner of 73 South 5th Avenue, Coatesville, PA 19320. See Complaint, BCS Decision Report at page 8, paragraph 7.

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. PI LEXIS 167, *3.

23. The Complainant avers that he is being held responsible for his tenants' balance in the amount of \$670.08. See Complaint at page 2.

24. The Complainant questions the amount transferred because the foreign wiring condition found was for one light bulb. See Complaint at page 2.

25. The Complainant questions the amount of the why his tenant did not report the foreign wiring issue to PECO Energy sooner so that he could have had the condition corrected sooner.

26. The Complainant seeks the following relief:

To resolve this issue, **I feel that the amount that I am responsible for should be lowered to a reasonable amount. I do not feel that I should be responsible for the past due amounts owed by the tenant.** The tenant was on a budget plan and supposedly was current with her payments.

See Complaint at page 3.

27. As previously explained by the Legislature and this Commission, upon discovering the existence of a foreign load a public utility is required to list the account, including any arrearages, in the name of the landlord. 66 Pa. C.S. §§ 1529.1(a), (c). See also Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997). The landlord is responsible for paying the utility bills until the foreign load is corrected. Santos at 16. Once the foreign load is corrected by the landlord and verified by the utility, the utility will place the account back in the name of the tenant and the arrearage, if any, will remain the landlord's responsibility. Id. To the extent any dispute regarding the financial responsibility of the parties exists, that is a matter to be resolved in the Court of Common Pleas as it is outside the Commission's jurisdiction. Edmund v. Corazzini v. UGI Penn Natural Gas, Inc., No. F-2009-2101282, Opinion and Order adopted July 15, 2010 at 7.

28. The Complainant does not allege that the property is not a rental property or that he is not the owner of the property.

29. The Complainant does not allege that PECO Energy incorrectly determined a foreign wiring condition at his property.

30. The Complainant does not allege that PECO Energy delayed investigating his tenant's foreign wiring concerns.

31. The Complainant does not allege that PECO Energy transferred an incorrect amount to his account.

32. The Complainant does not allege that PECO Energy delayed their field investigation to verify the foreign wiring had been corrected.

33. The Complainant's formal complaint simply alleges that foreign wiring was found at his property and he feels that he should not be held responsible for the \$670.08 balance because he feels that it is excessive as the balance is attributable to one light bulb.

34. Indeed, consistent with Ace Check Cashing, Inc. vs. Philadelphia Gas Works, Docket No. C-2008-2056428, the Commission cannot consider what the Complainant proposes (i.e., to determine the portion of the foreign wiring that is attributable to the 20 Watt bulb hallway light).

35. In Ace Check Cashing, Inc., the Commission reversed the Initial Decision in Afshari v. PPL Electric Utilities Corporation, Docket No. C-20055547 (Order entered April 9, 2008) (Afshari) relating to foreign load situations.

36. In the Commission's decision, they stated:

The key determination in *Afshari* is that, when foreign load is found, per operation of Subsection (c), the landlord shall be responsible only for the portion of the tenant's arrearage that is related to foreign load. However, Commission precedent, such as *Elizabeth Santos v. Met Ed*, Docket No. C-00967757 (Order entered August 7, 1997), holds that Subsection (c) operates to place both

current bills and all arrearages in the landlord's name if the landlord failed to provide the notice required by Subsection (a). In interpreting Subsection (c), the decision in *Afshari* sought to avoid an unreasonably harsh result for the landlord in that it does not require the owner to be responsible for the tenant's potentially large arrearages, especially where the foreign load is *de minimus*. **However, the approach in *Afshari* lessens the incentive for the landlord to correct the foreign load situation that is due to a wiring, plumbing or piping problem for which the landlord is responsible.** While the language in Subsection (c) can be viewed as ambiguous enough to allow some latitude for Commission interpretation, **a determination that the landlord's financial responsibility for arrearages is strictly limited to the foreign load portion of the arrearage is problematic. This is because the statutory remedy for failure to provide notice provided in Subsection (c) refers back to Subsection (b) which clearly mandates that the landlord "shall thereafter be responsible for the payment for the utility services rendered [to the rental property]."**

37. As stated above, the landlord shall be responsible for payment for the utility services rendered to the rental property, not just the portion attributable to the foreign wiring condition.

38. PECO Energy properly transferred the tenant's utility account, including arrearages, to the Complainant's name.

39. PECO Energy's actions are consistent with Pennsylvania law.

40. The PUC is not the forum for the Complainant to raise what is essentially a dispute, regarding the foreign wiring balance that should be attributable to him as opposed to the amount attributable to his tenants.

41. As stated in *Edmund v. Corazzini*, *supra* that is a matter to be resolved in the Court of Common Pleas as it is outside the Commission's jurisdiction.

42. Because the Complaint relates to a dispute about the assignment of financial responsibility for a foreign load in a building he owns, as well as the portion of the balance owed attributable to the foreign wiring condition, this complaint should be dismissed as a matter of law.

43. Accordingly, PECO Energy requests that the Commission dismiss the Complaint for legal insufficiency.

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainants' Complaint.

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

**BEFORE THE
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| PETER SVOKOS | : | |
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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: May 6, 2013



Shawane L. Lee

**BEFORE THE
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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:

Peter Svokos
1718 Fisherville Road
Coatesville, PA 19320

Dated at Philadelphia, Pennsylvania, May 6, 2013



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



Exelon Business Services Company

1000 Market Street
Philadelphia, PA 19102
215-261-1000
www.exelon.com

Direct Dial: 215 841-6841

May 6, 2013

Peter Svokos
1718 Fisherville Road
Coatesville, PA 19320

**RE: Peter Svokos v. PECO Energy Company
PUC Docket No.: F-2013-2360371**

Dear Mr. Svokos:

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,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

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

EXHIBIT “1”

Must be returned by April 10, 2013

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number.

Name PETER SVOKAS

Street/P.O. Box 1718 FISHERVILLE RD Apt #

City COATESVILLE State PA Zip 19320

County CHESTER

Telephone Number(s) Where We Can Contact You During the Day:

(610) 384-4462 (home) (610) 316-4762

E-mail Address (optional): psvokas55@gmail.com

Utility Account Number (from your bill) 48022-00708

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

Name MARCY ROSA / FRED RODRIGUEZ

Street/P.O. Box 73 South 5th AVENUE

City COATESVILLE State PA Zip 19320

RECEIVED
2013 APR 11 AM 11:10
PA PUBLIC UTILITY
SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO Energy

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
 GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
 WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
 STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain). Please refer to informal complaint decision
I understand that the foreign wiring that the PECO utility is insisting is a violation, but I feel that the charges are excessive. The property has always been wired as it was. The tenants on the second floor have access to their apartment from the front of the building and the first floor from a backdoor

the second floor tenants. Furthermore, the tenant had contacted
~~PECO~~ for high usage. This was not as a result of the foreign
wiring found. The foreign wiring did not have any usage
when it was put on a separate line. I believe that \$70.00
is excessive for one lightbulb!

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

To resolve this issue, I feel that the amount that I am responsible for should be lowered to a reasonable amount. I do not feel that I should be responsible for the past due amounts owed by the tenant. The tenant was on a budget plan and supposed to was current with her payments.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection from Abuse

Has a court granted a "Protection from Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this 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 problem involving billing, 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

If your answer to the above question is "yes," attach a copy of the current Protection for Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

~~c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.~~

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept it.

Verification:

I PETER SVOKOS, 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).

PS
(Signature of Complainant)

4/7/13

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Filing

You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

If you do not electronically file your Formal Complaint, mail the completed form (along with any attachments) 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 |
|---|--|

Note: Formal Complaints sent by fax or e-mail 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 Formal Complaint for your records.

**INFORMAL COMPLAINT DECISION
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETER SVOKOS
1718 FISHERVILLE RD
COATESVILLE PA 19320

Date: 3/5/2013

V.

BCS: 3063578

PECO ENERGY

Acct. No: 4802200708

DECISION ON INFORMAL COMPLAINT BY THE PUBLIC UTILITY COMMISSION:

STATEMENT OF COMPLAINT:

We received your informal complaint on 2/20/2013. In the complaint, you state that you are being charged for services at a property in which you are not the landlord. You explained PECO identified foreign wiring on 9/17/2012 and that you are the repairman but the tenant gave the company your name. You indicated PECO never verified the information. The switch was made to separate the line for a hall light and there was zero usage. The high bill was not a result of the foreign wiring, as claimed by the tenant. You informed the PUC you are being charged for account # 69831-30101 at 73 S. 5th Ave., 2nd floor on your account of account # 48022-00708. You requested the PUC investigate and have the charges removed from your name.

INVESTIGATION BY STAFF OF THE PUBLIC UTILITY COMMISSION FOUND:

1. PECO Energy files reveal you contacted the company and established residential service at the 1718 Fisherville Road, Coatesville address.
2. PECO Energy records indicate a call was received regarding account number 69831-30094 and a high bill investigation was requested. The caller reported when they turned off the breakers all the lights went off in the entire building including the outside light and hall lights.
3. PECO Energy files reveal a company technician visited the 73 S. 5th Ave., 2nd floor, Coatesville property to investigate a high bill dispute and identified foreign wiring. The foreign wiring consisted of a common hall light and an outdoor light on the tenant's residential heating (RH) rate meter.
4. According to Title 52 of the Pennsylvania Code at Chapter 66, section 1529.1. Duty of owners of rental property, which states:
 - (a) Notice to public utility.—It is the duty of every owner of a residential building or mobile home park which contains one or more dwelling units, not individually metered, to notify each public utility from whom utility service is received of their ownership and the fact that the premises served are used for rental purposes.
 - (b) History of account.—Upon receipt of the notice provided in this section, if the mobile home park or residential building contains one or more dwelling units not individually metered, an affected public utility shall forthwith list the account for the premises in question in the name of the owner, and the owner shall

thereafter be responsible for payment for the utility services rendered thereunto. In the case of individually metered dwelling units, unless notified to the contrary by the tenant or an authorized representative, an affected public utility shall list the account for the premises in question in the name of the owner, and the owner shall be responsible for the payment for utility services to the premises.

5. PECO Energy field representative noted the tenant would continue to pay for the off-peak meter as no foreign wiring was present on that meter. You were held responsible for the RH rate meter until the foreign wiring was corrected.
6. PECO Energy reported you were issued a letter on 9/19/2012 advising you of the foreign wiring and that the RH rate account was placed in your name as of 8/22/2012. Due to two rates on the account, account 69831-30101 was established in your name. The company transferred the final balance of \$670.08 from the newly created account (acct# 69831-30101) for the separate house meter to account number 48022-00708 for service address 1718 Fisherville Road, Coatesville, PA.
7. PECO Energy reported public records shows the owner of the 73 S. 5th Ave., Coatesville property is your wife, Effie Svokos.
8. According to 66 Pa. Code §56.16 - Transfer of accounts
 - (a) (b) indicates in the event of discontinuance or termination of service at a residence or dwelling a public utility may transfer an unpaid balance to a new residential service account of the same customer.
9. PECO Energy visited the property on 10/1/2012 to verify the foreign wiring was moved to a separate meter (house meter # 054012328) for the outdoor light and common area indoor light. Foreign wiring corrected and the RH rate meter went back into the tenant's name, effective 10/1/2012.
10. PECO Energy processed a new account for the separate house meter number 054012328 in your name with account number 72923-19000. The rate was for general service commercial, based on the company's tariff which stipulates that common area lighting at a residential property may not be billed on residential rates. The commercial general service rate has a minimum monthly distribution charge of \$5.95, billed even if there is no usage.
11. PECO Energy files reveal the company transferred \$670.08 from the newly established house meter account to the 1718 Fisherville Road address.
12. PECO Energy reported they advised you they are willing to move the balance from the account at 1718 Fisherville Road and move it into an account in Effie Svokos name.
13. PECO Energy reported you must pay the past due balance immediately to maintain service or call the company to establish payment terms.

BASED ON THESE FINDINGS, WE CONCLUDE THAT:

1. The company acted in accordance with the Law when they ceased holding the tenant responsible for any outstanding balance that was attributable to service at that location

2. The company acted appropriately when they placed the residential heating account (with the entire past due balance) into the landlord's name when the foreign load was identified.
3. The company kept the account in the landlord's name until it was verified the foreign load situation was corrected.
4. The company changed the account to reflect the appropriate commercial general service rate schedule applicable to an account in the name of the landlord.

THEREFORE, IT IS DECIDED THAT:

1. This informal complaint is dismissed.
2. As we discussed during our telephone conversation of 3/1/2013 you may contact the company to request payment terms on the account balance.

We will send a copy of this decision to the utility company. If you have questions about the terms of this decision or how to appeal this decision, please call us at 1-800-782-1110.

RUBY LIDLE
Investigator

SVOKOS
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