

06-25-13

Exceptions of Jeremy Kashuba to case c-2012-2333019

I am appealing the decision on this case as I feel it is, at least in part, based on misunderstanding of the facts and mistruths from Peco employees.

My reasons are as follows:

1. A number of the statements of fact are inaccurate.
  - a. My initial request for service was well before May "application for service" and most of the trips Peco employees made to my property were before that May application. Peco records should clearly show this but they didn't produce them for some reason and claimed my initial request was filed in May.
  - b. The wires that serve both my house and my neighbor's house are attached to both poles 1 & 2. In fact #10 it states that pole #2 serves no purpose to me, that is not true. Pole #1 also provides service to both myself and my neighbor. The transformer is on pole #2 but the wire that feeds that transformer comes from pole 1.
  - c. The first pole is not more than 100 feet from the road as stated in fact #11. It is about 70 feet from the road as measured with the GPS program measure map. This can easily be verified. Peco employee Dwight W. Herbert admitted they never measured the distance but said it was about 400-500 feet from the road under oath. I'm not sure why his word was taken over mine but it seems it was. The distance from the road to the house is about 325 feet.
2. In the analysis it states "PECO will require him to maintain the second pole which does not serve him but holds wires providing power to a neighbor" and "he anticipates that even though the pole provides no service to him, PECO will someday require that he repair or replace the second pole." It seems the judge misunderstood me in this case. Both poles 1&2, as stated above, provide service to both myself and my neighbor. So replacing either pole is forcing me to provide power to someone on another property that I have no affiliation with. I was not bringing up something that may or may not happen in the future in this case.
3. Peco employee Dwight W. Herbert lied under oath when questioned about the poles distance from the road and the ability of Peco to get trucks in to fix it. He said the distance to pole #1 was 400-500 feet and reiterated that it was over 100 yards when I asked. When I questioned him further Peco's lawyer objected and I didn't know what to do so I stopped. He also stated that there was no possible way for a Peco truck to get to the pole to fix it. There is a sewer line

that runs along the creek and leads right to the pole. There is even a manhole about 10 feet from the pole(#1). When I asked how a sewer truck can get in there but not a power truck I was objected to again and again stopped the questioning. And as I was not prepared for him to lie, I didn't have any evidence to present to the court to show otherwise. Attached files will show the distance from Peco pole 19324 on the other side of Mayberry road to the house is 330 feet and the distance to pole 1 is about 89 feet. Since Peco's pole is about 6 feet on the other side of the road, pole #1 cant be more than 100 feet from the road I admit I was not prepared to fight a large corporation in court and I certainly didn't expect their employee to lie under oath. If I were a lawyer and knew what I was doing I would have asked that his testimony be thrown out

4. Attached pdf files show the distance from Peco pole 19324 to the house is 330 feet and to pole #1 is 89 feet.

I am asking that you reconsider this case based on my exceptions noted above and the attached files that show I am not making this up or trying to waste the court's time. If I am to lose this case I ask that it be based on the actual facts not lies and misunderstandings.

Thank you.

  
Jeremy Kashuba