

Harold L. Brake

P. O. Box 275
St. Thomas, PA 17252

July 30, 2013

Harold L. Brake
v.
West Penn Power Company
C-2013-2367308

RECEIVED
2013 AUG -2 AM 10:14
PA P.U.C.
SECRETARY'S BUREAU

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

Dear Secretary Chiavetta:

We are in receipt of a copy of initial decision of the above case.

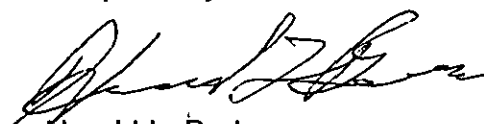
I hereby file the following exceptions to the above decision and order:

- This order needs to be vacated due to the fact it has not been signed by an Administrative Law Judge or any other qualified PUC staff person.
- I was not permitted to offer any oral argument.
- I was not offered an appeal process outside of the Pennsylvania Public Utility Commission.
- Even though the defendant has followed legal procedures, that does not make the law prudent, just or fair. The Legislature has passed many laws, but that does not mean that they are not contrary to the PUC mission
- I offer new matter in the form of Transportation Services, Inc. v. Underground Storage Tank Indemnification Board, No. 38 C. D. 2012. This decision prohibits The Commonwealth for charging for a service that is not rendered, and reads as follows: "The Commonwealth Court recently held that under the current fee regulation, a capacity fee was not due on the subject tank that was

legally "empty" and accordingly, reversed the Fund's denial of eligibility of the claim for coverage based upon the non-payment of the capacity fee. In light of the Court's decision, the Fund will cease assessing capacity fees on underground storage tanks that are empty based on the designation of "T" (temporarily out of use) status with the Department of Environmental Protection ("DEP") as of the filing date of the Commonwealth Court's decision, April 24, 2013, and, remain "empty". Based on the filing date, the Fund will give a prorated refund of 2013 capacity fees paid for the period April 24, 2013 to December 31, 2013 on "empty" tanks registered in "T" status with the PADEP. Regardless of when the tanks became empty, the credit will not be effective prior to April 24, 2013. For tank owners paying the capacity fee in *monthly installments, the Fund will cease billing "T" status tanks beginning in a few months; refunds will be given as appropriate. No action is required by you to receive the partial refund for a tank registered in "T" status. The Fund will initiate the refund process and in approximately 90-120 days, a check will be issued from the PA Treasury Department. Checks will be issued to the registered tank owner at the corresponding address within the DEP tank registration database.*"

- The PUC has the authority to correct this miscarriage of authority by simply correcting the 2014 tariff request by West Penn Power when it is presented to allow smart meter charges only when service is provided.
- Attached is a listing of current charges to my existing West Penn Power accounts, showing the inequities of the charges which are approximately \$195.96 per year for NOTHING.

Respectfully submitted,



Harold L. Brake

HLB/ts

Attachment

Cc: John L. Munsch, Attorney – WPP

Commission's Office of Special Assistants (OSA)

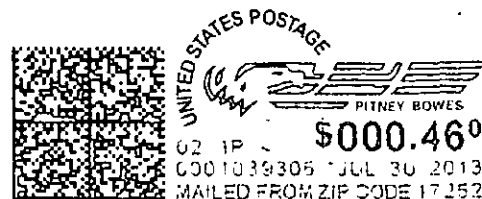
Sample of Monthly Charge

<u>Location</u>	<u>Account No.</u>	<u>Smart Meter Charge</u>
148 Beacon Cir. Boalsburg, PA	100 096 790 397	\$ 1.34
6442 Lincoln Way West Saint Thomas, PA	100 090 530 252	\$ 2.43
224 Rhondel Drive Saint Thomas, PA	100 096 235 575	\$ 10.13
6450 Lincoln Way West Saint Thomas, PA 17252	100 090 530 625	<u>\$ 2.43</u>
		\$ 16.33

RECEIVED
2013 AUG -2 AM 10:14
PA P.U.C.
SECRETARY'S BUREAU

Harold L. Brake

P. O. Box 275
St. Thomas, PA 17252



SECRETARY ROSEMARY CHIAVETTA
PA PUBLIC UTILITY COMMISSION
P. O. BOX 3265
HARRISBURG, PA 17105-3265

17105326565

