



Exelon Business Services Company
 Legal Department
 2301 Market Street/S23-1
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August 27, 2013

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

RE: Phong Hoang v. PECO Energy Company
PUC Docket No.: F-2013-2379929

Dear Ms. Chiavetta:

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

- Answer
- Answer & New Matter
- Motion Objecting to Continuance Request
- Motion for Judgment on the Pleadings
- Motion to Admit Exhibits
- X** 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 **X** Not Call of the Docket

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PHONG HOANG	:	
Complainants	:	
v.	:	DOCKET NO. F-2013-2379929
	:	
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, August 27, 2013



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

**BEFORE THE
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PHONG HOANG	:	
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	:	
PECO ENERGY COMPANY	:	
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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 August 22, 2013, PECO Energy was served with a formal complaint filed by Phong Hoang (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. See Exhibit “1”.

3. The Complainant alleges that he is being held responsible for his tenant’s bill because they did not pay for a long period of time. See Exhibit “1”.

4. The Complainant alleges the foreign wiring condition found was only an outlet in a hallway on the second floor. See Exhibit “1”.

5. The Complainant states that it is not fair he should pay the full amount of the bill because the tenant did not pay their electric bill for months and months. See Exhibit “1”.

6. The Complainant disputes the fact that PECO Energy will not permit him to pay for the portion of the foreign wiring bill that is attributable to the outlet in the hallway on the second floor. See Exhibit “1”.

7. PECO Energy simultaneously filed an Answer and the instant Preliminary Objection.

8. 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).

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

10. 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

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

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

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

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. PI LEXIS 167, *3.

14. 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 of, in its opinion, a hearing is not necessary to the public interest.

15. 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).

16. 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.

17. 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).

18. The Complainant is the owner of the rental property at issue. See Complaint at page 5.

19. The Complainant avers that he is being held responsible for his tenant's balance that was transferred to him. The Complainant questions the amount transferred because the foreign wiring condition found was a single hallway outlet on the second floor. See Complaint at Exhibit "1".

20. The Complainant seeks the following relief:

I am willing to pay partial of the bill because the foreign wiring is just one outlet in the hallway on the second floor.

See Complaint at Exhibit "1".

21. 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.

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

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

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

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

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

27. 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 entire balance but only the portion of the balance attributable to the second floor hallway outlet.

28. 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 second floor hallway outlet).

29. 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.

30. 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]."**

31. 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.

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

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

34. 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 tenant.

35. 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.

36. 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.

37. 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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PHONG HOANG	:	
Complainants	:	
v.	:	DOCKET NO. F-2013-2379929
	:	
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: August 27, 2013

Shawane L. Lee

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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:

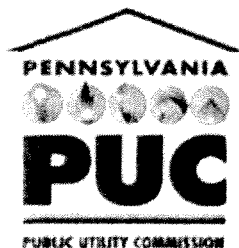
Phong Hoang

Dated at Philadelphia, Pennsylvania, August 27, 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
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Shawane.Lee@exeloncorp.com

EXHIBIT “1”



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

If your filing exceeds 250 pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120 . Please print a copy of this page and attach it to the paper copy of your filing as the first page.

eFiling Confirmation	
Docket Number:	F-2013-2379929
Description:	Phong Hoang - Answer of PECO Energy Company
Transmission Date:	8/27/2013 9:16:44 AM
Filed On:	8/27/2013 9:16:44 AM
eFiling Confirmation Number:	1524473

Uploaded File List

File Name	Document Class	Document Type
Phong Hoang - Answer.pdf	Communication	Answer to Formal Complaint



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 Commonwealth Keystone Building
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**RE: Phong Hoang v. PECO Energy Company
 PUC Docket No.: F-2013-2379929**

Dear Ms. Chiavetta:

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Very truly yours,

Shawane Lee
 Counsel for PECO Energy Company
 SL/lo

Scheduling Recommendation: Call of the Docket **X Not Call of the Docket**

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ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On August 22, 2013, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Phong Hoang (hereafter "Complainant"). Pursuant to 52 Pa. Code § 5.61, PECO Energy responds to the Complaint and states:

1. Admitted
2. Admitted.
3. Admitted.
4. Denied. Unless specifically admitted herein, PECO Energy denies that all material allegations of fact and conclusions of law in the complaint.

In his Complaint, Complainant alleges there was a foreign wiring condition found at his rental property. The Complainant alleges that PECO Energy transferred his tenant's electric charges to him and disputes the amount transferred. The Complainant requests that the Pennsylvania Public Utility Commission remove a portion of the charges. PECO Energy avers that the formal complaint should be dismissed pursuant to 66 Pa. C.S. §§ 1529.1(a), (c); and Ace Check Cashing Inc. v. Phila. Gas Works, Final Order, (May 21, 2010).

The Complainant owns the property located at 25 North Pennock Avenue, Upper Darby, PA 19082. On April 22, 2012, a PECO Energy technician found foreign wiring connected to

both the first floor and second floor meters. The basement, porch light, rear spotlight, foyer for second floor, and outlet on second floor foyer are connected to the first floor meter. The first floor door bell was connected to the second floor meter. See High Bill Field Report, dated 4/22/12, attached hereto as Exhibit "1". As a result, the electric service for both the first floor and the second floor were transferred to the Complainant (property owner) effective May 6, 2012. See Account Activity Statement, attached hereto as Exhibit "2". PECO Energy sent correspondence to the Complainant on May 24, 2012, advising that foreign wiring had been found. See Correspondence, dated 5/24/12, attached hereto as Exhibit "3".

On June 12, 2012, the Complainant called regarding the foreign wiring correspondence and disputed the transferred balances. A PECO Energy representative explained the foreign wiring policy. On June 27, 2012, the Complainant contacted PECO Energy to advise the corrections had been made. A technician went to the premises on August 3, 2012, and determined the corrections were not completed. See High Bill Field Report, dated 8/3/12, attached hereto as Exhibit "4". On December 7, 2012, the technician returned to the premises and verified corrections were made to the first floor. On December 14, 2012, the technician verified the corrections had been made to the second floor. See High Bill Field Report, dated 12/14/12, attached hereto as Exhibit "5". Billing was returned to the Complainant's tenants effective December 14, 2012. See Exhibit "2".

On April 9, 2013, the Complainant filed an informal complaint with the Bureau of Consumer Service ("BCS") at case number 003081583, disputing the balance transfer. On July 15, 2013, the BCS issued a Decision Report dismissing the Complainant's informal complaint as follows:

1.AS THE UNDISPUTED OWNER OF THE PROPERTY, THE COMPANY PROPERLY HELD THONG HOANG RESPONSIBLE FOR THE BALANCES ACCRUED BY HIS TENANTS AT THIS ADDRESS BASED ON THE DISCOVERY OF THE FOREIGN LOAD IN ACCORDANCE WITH PA, LAW, STATUE, REGULATION AND CURRENT PUC PROCEDURES. 2.THE COMPANY PLACED THE ACCOUNTS IN QUESTION INTO THONG HOANG'S NAME AND THEN PROPERLY TRANSFERRED THE SERVICE BACK INTO THE TENANTS NAME IN ACCORDANCE WITH PA, LAW, STATUE, REGULATION AND CURRENT PUC PROCEDURES BASED ON THE DISCOVERY OF THE FOREIGN LOAD.

See BCS Decision Report #003081583, attached hereto as Exhibit "6".

PECO Energy avers that the company properly determined there was a foreign wiring condition at the Complainant's rental property and transferred the service and charges into the Complainant's name consistent with 66 Pa. C.S. §§ 1529.1(a), (c); and Ace Check Cashing Inc. v. Phila. Gas Works, Final Order, (May 21, 2010). 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.

5. Denied.

6. Admitted.

7. Admitted.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



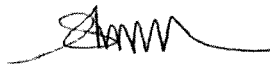
Shawane L. Lee
Counsel for PECO Energy Company
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VERIFICATION

I, Shawane 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.



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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:

Phong Hoang

Dated at Philadelphia, Pennsylvania, August 27, 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

EXHIBIT “1”

HIGH BILL REPORT-RESIDENTIAL SERVICE

1. LAST BILLED MONTHLY SERVICE

YES NO NO ACCESS

2. DISCONNECTED SERVICE AND RECONNECT

YES NO DECLINED

3. DISCONNECTED SERVICE RECONNECT

ELECTRIC: YES NO DECLINED

APPLIANCE USED: Vacuum

AM: 10 No. of Records: J

CLOCKED: 1200 OF 1440 (month)

GAS: YES NO DECLINED

APPLIANCE USED: htr

AM: 10 No. of Records: J

CLOCKED: 43,116 OF 5016 (month)

4. DISCONNECTED SERVICE RECONNECT

YES NO NO ACCESS

DETAILS: 2nd fl furnace & outlet - Purch flight rear spot & entire common bsmt - LL, into Phony & the Hoang, 306 E Springfield, PA 19014

YES NO NO ACCESS

CUSTOMER SERVICE REPORT

NAME: K. Grouder ADDRESS: 25 N Pennock

ACCOUNT NUMBER: 74233 MAILING: UT LL

12048 Upper Darby

DISPUTES THE FOLLOWING: PUC

PHOENIX'S POSITION ON THIS DISPUTE IS: DISPUTE

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PHOENIX'S POSITION ON THIS DISPUTE IS: DISPUTE

ADDITIONAL REPORT: Explain for policy to m. G. & that into from visit to be forwarded to PUC - gas cost est - 1.00 dew for gas stove, water heater, dryer - winter add vis for 10K BTU htr, X shrd days 30 days = 11.00 or 3.9 dew or winter Pat. for 4.9 dew in line - explain gas piping ability to use - explain elec grid, explain list of appl. also to be forwarded to PUC - understand

INVESTIGATOR: NF DATE OF INVESTIGATION: 11/21/10

HIGH BILL REPORT-RESIDENTIAL SERVICE

1. LAST BILLED READING VERIFIED:

YES NO NO ACCESS

2. DROPPED LOAD AND ISOLATED METER:

YES NO DECLINED

3. PASSING LOAD TEST PERFORMED:

ELECTRIC: YES NO DECLINED

APPLIANCE USED

WH _____ No. of Seconds _____

CLOCKED _____ OF _____ (min)

GAS: YES NO DECLINED

APPLIANCE USED

FLOW _____ No. of Seconds _____

CLOCKED _____ OF _____ (min)

4. FOREIGN WIRING/FORGE PIPING FOUND:

YES NO NO ACCESS

DETAILS: Will Door Bell
Lil. info: Phony & Tho
Huang, 306 E. Springfield
rd Springfield PA
19064

5. METER RED-UP FINDER: YES NO NO ACCESS

METER NUMBER	READING	NO. LINES	SHOULD BE

ADDITIONAL REPORT: Explained fw policy to Mr. Altodes,
to Bill alt. to have fw procedures
carried out - underwritten vj

W/M: plz carry out fw
procedures

QUALITY REPORT

NAME: L. Altodes

ADDRESS: 25 Al Penn

ACCOUNT NUMBER: 71141-
64016

MAILING: 2nd fl
Upr. Darby
Pa

DISPUTES THE FOLLOWING:
PECO Energy's POSITION ON THIS DISPUTE IS: **SEE REPORT**
Termination of service will not take place during any informal or Formal Complaint proceedings, provided you pay the undisputed portion of bills as they become due. If you do not agree with this report you have ten days from today for filing an informal complaint with the Pennsylvania Public Utility Commission.
The closest company location is 2304 Chestnut, Philadelphia, PA 19103. **Customer Requested Written Report**
Additional customer location: payments may be mailed to P.O. Box 13476, Phila., PA 19101. You may obtain additional information by writing to P.O. Box 13776, Phila., PA 19101, or by calling us at 1-800-484-4000.

AN INFORMAL COMPLAINT MAY BE FILED WITH THE PUC BY CALLING 1-800-782-1110, OR BY WRITING TO P.O. Box 3285, Harrisburg, PA 17120. The following information must be included in your complaint:

- The name of the customer.
- The address of the customer, and if relevant, the address at which service is provided.
- The account number of the customer, if applicable.
- The name of the utility.
- A brief statement of the dispute.
- Whether the dispute formerly has been the subject of a utility company investigation and report.
- Whether the dispute formerly has been the subject of a PUC informal or formal complaint.
- The date, if any, of proposed termination.
- The relief sought.

YOUR OPEN BALANCE IS NOW \$ _____ AND WILL BECOME DELINQUENT ON _____ UNLESS A PAYMENT AGREEMENT IS ENTERED INTO, OR AN INFORMAL COMPLAINT IS FILED WITH THE COMMISSION. (Note: This date must be the later of 10 days from today, or the actual due date of the bill.)
The current bill in the amount of \$ _____ is due _____.
The past due amount of \$ _____ will become delinquent on _____.
Payment arrangements are _____.

By: _____ Remarks: Customer Requested Written Report
Date: _____ Marked on: _____

ESTIGATOR

TRC

DATE OF INVESTIGATION

1/26/04

EXHIBIT “2”

*** Account Information ***

Account Number: 74233-52057
 Account Status: Final
 Requested By: PRONG HOANG
 (610) 543-4370 Extension:

Mail To: PRONG HOANG
 306 E SPRINGFIELD RD
 SPRINGFIELD PA 19064

Current Bill: \$0.00
 Billed Prior: \$0.00
 Balance Due: \$0.00
 Service Address: 25 N PENNOCK AV
 1ST FL
 UPPER DARBY PA 19082

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00

Rate: Gas Residential Heating Service
 Electric Residential Service

*** Current Account Status ***

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
06/04/12	Billing Adjustment											
06/06/12	ELECTRIC SERVICE	05/06/12 06/05/12	63237	105122783	\$601.79		\$701.79		06/28	537		
06/06/12	CONNECTION CHARGE - STANDARD				\$94.00							
06/06/12	Regular Bill				\$6.00							
07/03/12	Late Payment Charge				\$10.03							
07/06/12	ELECTRIC SERVICE	06/05/12 07/05/12	64094	105122783	\$134.50		\$846.32	\$711.82	07/30	857		
07/06/12	Regular Bill				\$159.22							
08/06/12	ELECTRIC SERVICE	07/05/12 08/05/12	65114	105122783	\$123.73		\$1005.54	\$846.32	08/28	1020		
08/06/12	Regular Bill				\$14.85							
09/05/12	ELECTRIC SERVICE	08/05/12 09/04/12	65900	105122783	\$16.71		\$1144.12	\$1020.39	09/27	786		
09/05/12	Late Payment Charge				\$92.78							
10/02/12	Regular Bill				\$18.10							
10/04/12	ELECTRIC SERVICE	09/04/12 10/03/12	66419	105122783	\$82.23		\$1253.61	\$1160.83	10/26	519		
10/04/12	Late Payment Charge				\$92.12							
10/31/12	Regular Bill				\$271							
11/02/12	ELECTRIC SERVICE	10/03/12 11/01/12	66874	105122783	\$92.12		\$1353.94	\$1271.71	11/26	455		
11/02/12	Regular Bill				\$22.85							
12/05/12	ELECTRIC SERVICE	11/01/12 12/04/12	67118	105122783			\$1446.06	\$1353.94	12/27	515		
12/05/12	ELE-ADDITIONAL METER											
12/17/12	Regular Bill						\$1468.91	\$1353.94	01/08	124		
12/17/12	ELECTRIC SERVICE	12/04/12 12/14/12	395	118915990								
12/17/12	Regular Bill											
01/14/13	Transfer						\$1468.91					

EXHIBIT “3”

May 24, 2012

Phong Hoang
305 E Springfield Rd
Springfield, Pa 19064

Regarding 25 N Pennock Ave
2nd Fl
Upper Darby, Pa 19082

Dear Sir:

On 5-22-12 a PECO field technician visited the above referenced property in response to a high bill complaint. The technician found the 1st floor door bell connected to the 2nd floor meter. This is known as foreign wiring. Please have your electrician check for any additional foreign wiring that may not have been detected at the time of the field visit.

When PECO identifies foreign wiring, Pennsylvania State Law requires the electric service to be transferred into the name of the landlord, until the wiring is properly corrected. (Per Section 1529.1(b) of the Pennsylvania Public Utility Code, 66 Pa. C.S. 1529.1)

Please be advised that the electric service for the accounts in question will be transferred into your name effective immediately. If any of the current tenant's balance due is attributable to the found foreign wiring, the entire balance will be transferred into your name as well. The service can only go back into your tenants name if you have your electrician correct the wiring for each apartment.

If you have completed the repairs, or have any questions regarding this matter, please telephone 215-841-6594.

Cordially,
Tim Fisher
High Bill Field

PECO ENERGY
EXHIBIT 3

EXHIBIT “4”

051

High Bill Field Follow-Up Sheet

Date Filed: 8/3/12 Date Disputed: 7/27/12 Group 05

Date Mailed To Billing: 8/3/12 Return Date _____

Account Number: ~~7441-64-034~~ 74233-52057

Customer Name: P. Hoang

High Bill Inquire Address: 25 N. Penacok Av. 2nd fl

137 fl
upr. Darby

JOB Type (Please Check any & all that are Applicable):

- Meter Mix-up
- Foreign Wiring
- Rate Change
- Bill Correction (See Yellow / Green Form)
- Other (See Yellow / Green Form): fw not corrected

Work Needed To Be Completed By Billing Group needs to stay in L.L.

- Residential Meter Mix-Up
- Commercial Meter Mix-Up

name (P. Hoang)
I send another fw letter to L.L.
with attached into in it.

Meter Number:	Reading:	As Listed:	Should be:

- Rate Change To:
 - R To RH
 - Cap R To Cap RH
 - Residential to Commercial
 - Commercial To Residential
 - No Rebill Needed (Reason) _____
 - Rebill From & (Reason) _____

- Foreign Wiring:
 - Transfer Service into Owner's Name
 - Transfer Tenant Balance into Owner's Name
 - Owner Name _____
 - Owner Address _____
 - Type Of F/W Found _____
 - Placed Critical Contact on Account (Date) _____
 - Changed Landlord/Tenant Code to Landlord (Date:) _____

OK To File

@ AG 9/7/12

HIGH BILL REPORT-RESIDENTIAL SERVICE

1. LAST BILLED READING VERIFIED:

YES NO NO ACCESS

2. DROPPED LOAD AND IDLED METER:

YES NO DECLINED

3. PASSING LOAD TEST PERFORMED:

ELECTRIC: YES NO DECLINED

APPLIANCE USED

KH _____ No. of Seconds _____

CLOCKED _____ OF _____ (watts)

GAS: YES NO DECLINED

APPLIANCE USED

Ft Dial _____ No. of Seconds _____

CLOCKED _____ OF _____ (btu/s)

4. FOREIGN WIRING/FOREIGN PIPING FOUND:

YES NO NO ACCESS

DETAILS: Wtfl doorbell, light
in common bsmt above dryer,
200 spots & light inside
side bsmt door
entrance

5. METER MIX-UP FOUND: YES NO NO ACCESS

METER NUMBER	READING	AS LISTED	SHOULD BE

ADDITIONAL REPORT: explained to end of tenant acct to stay
in l.l. name till fw is actually
corrected - understood of slolic, future

wo AK: plse keep in l.l. name (P. Hoang)
I send another fw letter with above info
in it & inform him of the need to install
a public light mtr serv. for common appl. &
TR lighting

ORAL UTILITY REPORT

NAME P. Hoang ADDRESS 25 N. Perinick
2nd fl

ACCOUNT NUMBER 71141- MAILING upr - Darby
64034

56.152(1) DISPUTES THE FOLLOWING fw
56.152(2) PECO Energy's POSITION ON THIS DISPUTE IS SEE REPORT
56.152(3) Termination of service will not take place during any Informal or Formal Complaint proceedings, provided you pay the undisputed portion of bills as they become due. If you do not agree with this report you have ten days from today for filing an informal complaint with the Pennsylvania Public Utility Commission.
56.152(4) The closest company location is 2301 Market St. Philadelphia. Gave closest authorized payment location. Payments may be mailed to P.O. Box 13439, Phila., PA 19101. You may obtain additional information by writing to P.O. Box 13778, Phila., PA 19101, or by calling us at 1-800-494-4000

56.152(6) An Informal Complaint may be filed with the PUC by calling 1-800-782-1110, or by writing to P.O. Box 3265, Harrisburg, PA 17120. The following information must be included in your complaint.
a. The name of the customer
b. The address of the customer, and if different, the address at which service is provided.
c. The account number of the customer, if applicable.
d. The name of the utility.
e. A brief statement of the dispute.
f. Whether the dispute formerly has been the subject of a utility company investigation and report.
g. Whether the dispute formerly has been the subject of a PUC informal or formal complaint.
h. The date, if any, of proposed termination.
i. The relief sought

56.152(7) Your open balance is now \$ 2970.4 and will become delinquent on 8/31/11 unless a Payment Agreement is entered into, or an Informal Complaint is filed with the Commission. (Note: This date must be the later of 15 days from today, or the actual due date of the bill.)
The current bill in the amount of \$ 155.09 is due 8/31/11
The past due amount of \$ 284.32 will become delinquent on 8/31/11
Payment arrangements are: will call + no debt

By: TR Remarks Noted: _____
Date: 8/31/11 () Customer Requested Written Report
Mailed on _____

RESIDENTIAL HIGH BILL INVESTIGATION

PECO

Name: P. Hoang Address: 27 N. Pennock Ln
 Account Number: 71141-64034 2nd fl
APT. Darcy
 Type of High Bill Complaint: AC

COST ESTIMATE

Refrigerator type				Air Conditioning			TV's				
No of	Avg Kwh's	Act Kwh's		Btu's	Watts	Act Kwh's	No of	Avg Kwh's	Act Kwh's		
<input type="checkbox"/>	Manual	120					<input type="checkbox"/>	TV 20" to 27"	48		
<input type="checkbox"/>	Top/Bottom	200					<input type="checkbox"/>	TV 32" to 36"	72		
<input type="checkbox"/>	Side/Side	300					<input type="checkbox"/>	TV Big Screen	96		
<input type="checkbox"/>	Sub Zero	450					<input type="checkbox"/>	CABLE BOX	10		
<input type="checkbox"/>	Student	100		<input type="checkbox"/>	Dehumidifier	324		<input type="checkbox"/>	VCR/DVD	10	
	Freezer type			<input type="checkbox"/>	Ceiling Fan	40		<input type="checkbox"/>	Home theater/ Stereo	25	
<input type="checkbox"/>	Upright	210		<input type="checkbox"/>	Standing Fan	30		<input type="checkbox"/>	Computer	48	
<input type="checkbox"/>	Chest	110		<input type="checkbox"/>	Airc Fan	48		<input type="checkbox"/>	Other:		
Cooling - Electric				Furnace/Water			Well Pump				
<input type="checkbox"/>	Range	150		<input type="checkbox"/>	Furnace Fan	240		<input type="checkbox"/>	Sump Pump	12	
<input type="checkbox"/>	Microwave	40		<input type="checkbox"/>	Circulator	150		<input type="checkbox"/>	Swimming Pool Pump (12hr/day)	270	
<input type="checkbox"/>	Toaster Oven	40		<input type="checkbox"/>	Oil Burner Motor	65		<input type="checkbox"/>	Hot tub heater (2hr/day)	300	
<input type="checkbox"/>	Coffee Maker	36		<input type="checkbox"/>	Heat Pump			<input type="checkbox"/>	Water Bed Heater	144	
<input type="checkbox"/>	Toaster	2		<input type="checkbox"/>	Baseboard			<input type="checkbox"/>	Other:		
Other Kitchen Appliances				Space Heater			Other:				
<input type="checkbox"/>	Dishwasher	48		<input type="checkbox"/>	Space Heater			<input type="checkbox"/>	Other:		
<input type="checkbox"/>	Exhaust Fan	5		Elec WH			Other:				
<input type="checkbox"/>	Trash Compactor	8		250 kwh for 1 person and 125 kwh's for each adult/child			Other:				
<input type="checkbox"/>	Other:			4 to 5 rooms = 80 kwh's			House Heater				
<input type="checkbox"/>	Other:			6 to 8 rooms = 65 kwh's			Water Heater				
<input type="checkbox"/>	Other:			9 to 12 rooms = 75 kwh's			Range				
<input type="checkbox"/>	Washer	10		Approx Lighting:			Dryer				
<input type="checkbox"/>	Dryer	110		OO Lighting:			Pool Heater				
<input type="checkbox"/>	Iron	10					Other:				

AVG KWH'S SUMMER					AVG KWH'S WINTER				
DATE	Reading	Usage	CAU	Rate	DATE	Reading	Usage	CAU	Rate
8/31/11	71524	906	304	1.0	8/31/11	72936	1412	308	1.0
7/1/11	70618	720		3	7/1/11	2367	16		

August 7, 2012

Phong Hoang
305 E Springfield Rd
Springfield, Pa 19064

Regarding 25 N Pennock Ave
2nd Fl
Upper Darby, Pa 19082

Dear Sir:

On 8-3-12 a PECO field technician visited the above referenced property in response to a high bill complaint. The technician found 1st floor doorbell light in common basement above dryer, 2 outdoor spots & light inside basement door entrance connected to the 2nd floor service. This is known as foreign wiring. Please have your electrician check for any additional foreign wiring that may not have been detected at the time of the field visit.

When PECO identifies foreign wiring. Pennsylvania State Law requires the electric service to be transferred into the name of the landlord, until the wiring is properly corrected. (Per Section 1529.1(b) of the Pennsylvania Public Utility Code, 66 Pa. C.S. 1529.1)

Please be advised that the electric service for the accounts in question will be transferred into your name effective immediately. **If any of the current tenant's balance due is attributable to the found foreign wiring the entire balance will be transferred into your name as well.** The service can only go back into your tenants name if you have your electrician correct the wiring for each apartment.

If you have completed the repairs, or have any questions regarding this matter, please telephone 215-841-6594.

Cordially,
Tim Fisher
High Bill Field

EXHIBIT “5”

HIGH BILL REPORT-RESIDENTIAL SERVICE

1. LAST BILLED READING VERIFIED:

YES NO NO ACCESS

2. DROPPED LOAD AND IDLED METER:

YES NO DECLINED

3. PASSING LOAD TEST PERFORMED:

ELECTRIC: YES NO DECLINED

APPLIANCE USED

KW No. of Seconds

CLOCKED OF (MPTS)

GAS: YES NO DECLINED

APPLIANCE USED

FLOW No. of Seconds

CLOCKED OF (MPTS)

4. FOREIGN WIRING/FOREIGN PIPING FOUND:

YES NO NO ACCESS

DETAILS

5. METER MIX-UP FOUND: YES NO NO ACCESS

METER NUMBER	READING	AS LISTED	SHOULD BE

ADDITIONAL REPORT: Verif mtr/Rdgr met with owner who provided access - verif FLW corrections have been made - When shut breakers off for 1st fl verif 2nd fl foyer and outlet are not connected to 1st fl - Verif Hse mtr set up and Bamt is split - OK to Remove FW code and Transfer Service back into tenants names.

QUAL UTILITY REPORT

NAME Phong Hoang

ADDRESS 25 N. Pennock Ave 2nd fl

ACCOUNT NUMBER 71141-64034

MAILING

56.152(1) DISPUTES THE FOLLOWING FW
56.152(2) PECO Energy's POSITION ON THIS DISPUTE IS SEE REPORT
56.152(3) Termination of service will not take place during any Informal or Formal Complaint proceedings, provided you pay the undisputed portion of bills as they become due if you do not agree with this report you have ten days from today for filing an informal complaint with the Pennsylvania Public Utility Commission.

56.152(4) The closest company location is 2301 Market St. Philadelphia, GARE CLOSED, authorized payment location. Payments may be mailed to P.O. Box 13498, Phila., PA 19101. You may obtain additional information by writing to P.O. Box 13778, Phila., PA 19101 or by calling us at 1-800-494-4000.

56.152(5) An Informal Complaint may be filed with the PUC by calling 1-800-782-1119, or by writing to P.O. Box 3286, Harrisburg, PA 17129. The following information must be included in your complaint:

- The name of the customer.
- The address of the customer, and, if different, the address at which service is provided.
- The account number of the customer, if applicable.
- The name of the utility.
- A brief statement of the dispute.
- Whether the dispute formerly has been the subject of a utility company investigation and report.
- Whether the dispute formerly has been the subject of a PUC informal or formal complaint.
- The date, if any, of a previous termination.
- The relief sought.

56.152(7) Your open balance is now \$ _____ and will become delinquent on _____ unless a Payment Agreement is entered into, or an Informal Complaint is filed with the Commission. (Note: This date must be the later of 16 days from today, or the actual due date of the bill.)
 The current bill in the amount of \$ _____ is due.
 The past due amount of \$ _____ will become delinquent on _____.
 Payment arrangements are _____.

By _____ Remarks Noted _____
 () Customer Requested Written Report
 Date _____ Mailed on _____

INVESTIGATOR

Arnon S

DATE OF INVESTIGATION

12/14/12

EXHIBIT “6”



August 26, 2013

BCS Decision Report

BCS Case #: 003081583 **Open Date:** 2013-04-09
Customer Name: THONG HOANG
Service Address: 306 EAST SPRINGFIELD RD

SPRINGFIELD, PA 19064
BCS Bill Account #: 888888888 **Previous Case #:**
Violation Type: NO **Chapter Type:**
Decision Type: W **Section / Rule:**
Investigator Name: TIMOTHY PLATT

Decision Issued Date: 2013-07-15
Case Closed Date: 2013-07-12

Letter Description:
EGW PAR W/COMPLEX DISPUTE/NO PAYMENT AGREEMENT/LEVEL 1

Total Balance:	\$6176.78	Balance Date:	2013-07-12
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		

Resolution Description:
CLOSED WITH DECISION. DECISION LETTER SENT:DECIDED THAT:1.THIS INFORMAL COMPLAINT IS DISMISSED. 2.YOU MUST CONTACT THE COMPANY TO DISCUSS PAYMENT TERMS REQUIRED ON ANY CURRENT PAST DUE BALANCE. 3.YOU SHOULD VERBAL ADVISED THE COMPANY, OR PROVIDE WRITTEN INSTRUCTIONS WITH ANY PAYMENTS MADE THAT THAT PAYMENT SHOULD BE APPLIED TO YOUR CURRENT BILLING CHARGES.CONCLUDE THAT:1.AS THE UNDISPUTED OWNER OF THE PROPERTY, THE COMPANY PROPERLY HELD THONG HOANG RESPONSIBLE FOR THE BALANCES ACCRUED BY HIS TENANTS AT THIS ADDRESS BASED ON THE DISCOVERY OF THE FOREIGN LOAD IN ACCORDANCE WITH PA, LAW, STATUE, REGULATION AND CURRENT PUC PROCEDURES. 2.THE COMPANY PLACED THE ACCOUNTS IN QUESTION INTO THONG HOANG'S NAME AND THEN PROPERLY TRANSFERRED THE SERVICE BACK INTO THE TENANTS NAME IN ACCORDANCE WITH PA, LAW, STATUE, REGULATION AND CURRENT PUC PROCEDURES BASED ON THE DISCOVERY OF THE FOREIGN LOAD. 3.THE COMPANY CAN PURSUE TERMINATION ACTION FOR ANY PAST DUE CURRENT CHARGES ACCRUED ON YOUR CURRENT ACCOUNT.

PECO ENERGY
EXHIBIT 6