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February 10, 2014

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

**RE: Sherry Dixon v. PECO Energy Company**  
**PUC Docket No.: F-2013-2353645**

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
- Motion to Consolidate
- Preliminary Objection
- Exceptions
- X **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: Sherry Dixon (via First Class Mail)



## REPLY EXCEPTIONS

PECO Energy Company (“PECO Energy”) hereby replies to the Exceptions filed by Sherry Dixon (“Complainant”) in the above-referenced matter on February 7, 2014. On March 15, 2013, Complainant filed a formal complaint against PECO Energy. In her formal complaint, Complainant alleged there were incorrect charges on her bill and requested a payment arrangement. She additionally alleged that her meter was broken and that she was paying double for electric service. Respondent, PECO Energy filed an Answer with New Matter on April 1, 2013, stating that Complainant is not entitled to a new payment agreement as her balance is comprised of Customer Assistance Program (“CAP”) arrears. PECO Energy additionally averred that the Complainant’s high bill concerns had been investigated in 2009 and 2013 and were unfounded.

Prior to the hearing taking place, Complainant received a continuance because she allegedly had not received PECO Energy’s exhibits prior to the hearing, although Federal Express confirmed the exhibits had been delivered to her. Complainant also requested another continuance because of a family member’s graduation and yet another continuance due to a work conflict. Complainant managed to delay her formal complaint from going to hearing for five (5) months because of continuance requests and alleged issues with exhibits. During this entire time, PECO Energy was required and is still required to hold collection activity on Complainant’s account because of the formal complaint process. At the beginning of the formal complaint process, PECO Energy held and continues to hold \$7,870.40 of the Complainant’s unpaid balance from collections. Despite ALJ Salapa’s Prehearing Order, dated April 8, 2013, which states “the customer must make monthly payments for current consumption on or before the billing due date while this complaint is pending” Complainant has not paid any current bills

since she filed the formal complaint. The Complainant has now managed to incur a \$10,072.89 electricity bill by using the formal complaint process to delay the adjudication of this matter through continuances and now late-filed Exceptions.

Despite the continuances, a telephonic hearing was eventually held before Administrative Law Judge David A. Salapa (“ALJ Salapa”) on October 31, 2013. ALJ Salapa issued an Initial Decision on November 21, 2013, wherein he held *inter alia*:

1. The Complainant has not met her burden that she is entitled to relief. 66 Pa.C.S. § 332(a).
2. The bills rendered by the Respondent to the Complainant are true and correct.

The Commission should sustain the Initial Decision of ALJ Salapa. Complainant does not allege ALJ Salapa made an error of law or abused his discretion in any manner. Instead, Complainant excepts to the decision issued by ALJ Salapa because she simply disagrees with his decision. Specifically in her exceptions, Complainant states:

I Sherry Dixon do not agree with Judge David Salapa Decision on my PECO bill do (sic) to them changing the meter out one to two days before the hearing when I asked for a meter change for years also due to PECO saying my bill was high because of appliance I do not use in my house hold and no longer have in my house hold. They claim the bill was high because of space heaters I no longer have nor use over a year now. And my bill is still extremely high.

Pursuant to 52 Pa. Code §5.533(b), “[e]ach exception must . . . identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision,” and “[s]upporting reasons for the exceptions shall follow each specific exception.” Complainant’s attempt to further litigation in this matter by simply disagreeing with the outcome of the Initial

Decision without identifying any specific error of law or abuse of discretion fails to satisfy the requirements; is procedurally improper, and should be dismissed summarily.

By way of further response, the record clearly demonstrates that Complainant's meter and high bill concerns were addressed through two separate field visits in 2009 and 2013 and a meter shop test of the Complainant's meter. Specifically, the record demonstrates that:

- On December 9, 2009, a PECO Energy high bill field technician visited the Complainant's residence to perform a high bill field investigation. N.T. 25-26, PECO Ex. 9.
- PECO Energy's high bill field technician performed tests on the Complainant's meter and it was determined to be accurate. N.T. 52-54. PECO Ex. 9.
- On February 5, 2013, PECO Energy sent another high bill field technician to the Complainant's residence to address her high bill concerns. N.T. 69-70. PECO Ex. 11.
- The high bill field technician removed the Complainant's meter to have it tested at PECO Energy's meter testing shop in Berwyn, PA. N.T. 69-70, PECO Ex. 11.
- The meter test resulted indicated that the Complainant's meter tested at 100.03% - within PUC and PECO Energy guidelines. N.T. 79-81. PECO Ex. 11.

As ALJ Salapa correctly stated in his Initial Decision:

The Respondent's employees tested the Complainant's meter for accuracy and determined that the meter was accurately recording the Complainant's electric usage. The Respondent's employees tested the meter at the premises as a part of both high bill field investigations by performing a passing load test. N.T. 50-53. Both times the passing load test indicated that the meter was accurately recording the Complainant's electricity usage. N.T. 52.

In addition, after completing the second high bill investigation, the Respondent's employees removed the meter from the residence and tested it for accuracy. N.T. 69-70. The test results indicate that the meter was 100.03% accurate for full loads and 100.02% accurate for light loads. PECO Ex. 11. This is within the 2% margin of error allowed by the Commission's regulation at 52 Pa.Code § 57.20.

See Sherry Dixon v. PECO Energy Company, Initial Decision (F-2013-2353645, Order entered November 21, 2013).

Complainant failed to meet her burden of proof regarding her meter concerns. First, Complainant presented no evidence there were problems with her billing or that PECO incorrectly billed her. Complainant simply alleged that her meter was not working and she felt that she was paying for more electricity than she was using. However, PECO presented a high bill field foreman who testified that the meter at the Complainant's residence had been tested and the meter was operating within Company and Commission guidelines. Further, there had been two high bill field investigations performed at the Complainant's residence in 2009 and 2013, where an appliance analysis and passing load tests were performed to check for foreign wiring. The field investigations demonstrated that Complainant has the potential to use the electric for which she was billed and there is nothing that caused her high balance other than non-payment over several years.

Complainant contends that PECO Energy changed "the meter out one to two days before the hearing when [she] asked for a meter change for years." The Complainant had an AMR meter installed at her premises. PECO Energy tested the AMR meter in 2009 and 2013 and found it to be accurate and within Commission guidelines; therefore, there was no reason to change the meter. On September 19, 2013, the company changed the Complainant's meter to an AMI "Smart Meter" under a previously scheduled deployment of this type of meter. Although the meter has now been changed, Complainant still complains that her bills are too high. In her Exceptions she states "And my bill is still extremely high." The fact is -- there was nothing wrong with the Complainant's AMR meter, which was tested and found working accurately and there is nothing wrong with her current AMI meter. The Complainant simply fails to pay her

electric bills and has run up \$10,072.89 in unpaid electric bills consuming electricity for four household members.

Second, the Complainant claims that PECO said her “bill was high because of appliance (sic) I do not use in my house hold (sic) and no longer have in my house hold (sic). They claim the bill was high because of space heaters I no longer have nor use over a year now.” The record clearly demonstrates there were space heaters present at the Complainant’s residence, which gives her the potential to use the electricity billed, and indeed, explains why her bill was higher than she though it should be. The record demonstrates:

- The Complainant uses electric space heaters as a supplemental heat source. N.T. 18-19.
- On February 5, 2013, a PECO Energy high bill technician visited the Complainant’s residence and discovered there were four electric space heaters at the residence. N.T. 55-56, PECO Ex. 10.
- The high bill field technician performed an appliance analysis and confirmed that the usage indicated on the Complainant’s bills was in line with the number and type of appliances found at the residence. N.T. 53-54, PECO Ex. 9.

As ALJ Salapa correctly stated in his Initial Decision:

The residence has a refrigerator, microwave, washer, dryer, stove and four televisions. N.T. 20-21. ....the Complainant admitted that she uses electric space heaters as a supplemental heat source. N.T. 18-19.

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First, with regard to the Complainant’s usage, there are numerous appliances in the residence that use enough electricity to justify the amount of the Complainant’s bills. The Complainant testified that the residence had a refrigerator, microwave, washer, dryer, stove and four televisions. Evidence presented by the Respondent indicated that there was also an electric hot water heater, dishwasher and ceiling fan in the residence.

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Mr. Lerro concluded that the amount of usage shown on Complainant’s bills was consistent with the number and type of appliances present in the Complainant’s residence. The Complainant did not challenge usage figures given by the Respondent for any of the appliances in her residence.

See Initial Decision, pp 13-14.

The Complainant states in her Exceptions that she no longer has or uses space heaters in her residence. However, her Exceptions directly contradict her testimony where she admitted that she uses electric space heaters as a supplemental source. N.T. 18-19. Further, she claims that she does not have the appliances in her household that PECO Energy is saying; however, as ALJ Salapa correctly stated in his Initial Decision, the Complainant did not challenge usage figures given by PECO Energy for any of the appliances. The Complainant's Exceptions have no merit and are simply being filed (similar to the several continuances) to avoid paying her \$10,072.89 electric bill.

The evidence demonstrates that the Complainant's high bill and meter concerns were properly investigated and addressed over two separate years and there is nothing to indicate that she was billed incorrectly. Accordingly, ALJ Salapa's decision, dismissing the Complainant's formal complaint should be upheld.

For the reasons set forth above, PECO respectfully requests that the Commission deny the Exceptions and issue an Order upholding the Initial Decision in its entirety.

Respectfully submitted,



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