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July 7, 2014

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

**RE: Joann Brower v. PECO Energy Company**  
**PUC Docket No.: C-2014-2400862**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company Reply Exceptions* with regard to the matter referenced above.

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,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long, sweeping underline.

Shawane Lee  
Counsel for PECO Energy Company

cc: Joann Brower (via First Class Mail)  
Jeffrey Watson, Adm. Law Judge (via First Class Mail)

sl/LO



## REPLY EXCEPTIONS

PECO Energy Company (“PECO Energy”) hereby replies to the Exceptions filed by Joann Brower (“Complainant”) in the above-referenced matter on June 20, 2014. On January 10, 2014, Complainant filed a formal complaint against PECO Energy. In her formal complaint, Complainant alleged there were incorrect charges on her bill. She additionally alleged that her electric bills were too high and she was overpaying for electric service. Respondent, PECO Energy filed an Answer with New Matter on January 23, 2014, stating that Complainant’s entire balance is comprised of Customer Assistance Program (“CAP”) arrears and she is not entitled to a payment agreement on the balance. PECO Energy additionally averred that the Complainant’s high bill concerns had been investigated and were unfounded.

A telephonic hearing was held before Administrative Law Judge Jeffrey A. Watson (“ALJ Watson”) on March 12, 2014. ALJ Watson issued an Initial Decision on May 14, 2014, 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 Respondent to Complainant are true and correct.

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

I would like to thank the Administrative Law Judge first, because he afforded me a hearing, and out of the hearing; although he stated that my case wasn’t proven. The fact of the matter is my case and my original request was made.

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 on June 4, 2013 and December 2, 2013; an instrument test on the Complainant’s meter on July 17, 2013, and a meter shop test of the Complainant’s meter. Specifically, the record demonstrates that:

- On June 4, 2013, a PECO Energy high bill field technician visited the Complainant’s residence to perform a high bill field investigation. N.T. 64-65.
- A cost estimate was performed during the June 4, 2013 visit which demonstrated that the Complainant had the potential to use the amount billed.
- Additionally, during the June 4, 2013 field visit, PECO Energy’s high bill field technician performed tests on the Complainant’s meter and it was determined to be accurate. N.T. 64-65.
- PECO Energy’s high bill field technician returned to the property on July 17, 2013 and performed an instrument test on the Complainant’s meter, and the meter tested within PUC and PECO guidelines. N.T. 72-75, PECO Exhibit 6.
- On December 2, 2013, PECO Energy sent another high bill field technician to the Complainant’s residence to address her high bill concerns. N.T. 80-83. PECO Ex. 9.
- The December 2, 2013 field visit included a passing load test on the meter, which determined there were no issues with the meter. Another cost estimate was performed and it showed that the Complainant had the potential to use the amount billed. N.T. 80-82, PECO Exhibit 9.

As ALJ Watson correctly stated in his Initial Decision:

Complainant provided no evidence to support her conclusion that the metered and billed electric usage at the service location from December of 2012 through March of 2013 was not correct as rendered. Similarly, Complainant did not present any evidence challenging the usage determined by Respondent or the results of its meter tests. Complainant certainly was capable of using the amount of electricity calculated by Respondent. Furthermore, the meters removed from the service location tested within the two percent margin of error allowed by the Commission's regulations at 52 Pa. Code § 57.20. Ms. Brower's complaint that she was overcharged for electric service must fail as Complainant did not show that Respondent overcharged her.

See Joann Brower v. PECO Energy Company, Initial Decision (C-2014-24000862, Order entered May 14, 2014).

Complainant failed to meet her burden of proof regarding her high bill 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 both meters at the Complainant's residence had been tested and the meters were operating within Company and Commission guidelines. Further, there had been three high bill field investigations performed at the Complainant's residence on June 4, 2013, July 17, 2013 and December 2, 2013, where an appliance analysis and passing load tests were performed to determine the potential to use the amount billed and to check the accuracy of the meter. 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.

Complainant contends that she requested why she has "(2) meters? When no one else on [her] block or in [her] neighborhood has (2) meters.....and PECO nor [her] landlord helped [her] with this problem." The record demonstrates that the Complainant had two electric meters

installed at her premises. One meter measures peak usage and the other off peak usage. On July 17, 2013, a passing load test was performed on both the peak and off peak meters, showing there were no issues with the meters. The fact is -- there is nothing wrong with the Complainant's peak or off peak meter, which were both tested and found to be working accurately. The Complainant simply fails to pay her electric bills and has run up unpaid electric bills consuming electricity for three household members.

Second, the Complainant claims that "there are to (sic) many flucksuations (sic) going back and forth one yr. to the next year." She also alleges that the high bill field technicians "told many lies" because she doesn't have any space heaters in her property. 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 thought it should be. The record demonstrates:

- On June 4, 2013, a high bill investigation was performed at the Complainant's service address and a cost analysis was performed, which showed that the Complainant had two electric space heaters. N.T. 67, 69.
- The operation of space heaters can use 1,000 to 3,000 kilowatt hours per month. N.T. 71.
- The cost analysis performed indicates the Complainant has a potential to use 3,707 kilowatt hours per month in the winter months. PECO provided data from 2010 through 2014, which showed that her winter bills were in line with billed usage. N.T. 68. 70-72, PECO 1.

As ALJ Watson correctly stated in his Initial Decision:

The evidence indicated that the operation of electric space heaters can use 1,000 to 3,000 kilowatt hours per month and two electric space heaters were located at the service address at the time of the cost analysis on June 4, 2013. In addition, the cost analysis indicated a potential usage of 3707 KWH in the winter months. The only month where usage exceeded potential usage, during the months being questioned by Complainant, was January 24, 2013 when there was 3780 KWH used, slightly above the potential usage. Respondent attributed the higher bills

during the winter months to the use of electric space heaters, and the subsequent lower bills to terminating the use of space heaters. The evidence presented supports Respondent's conclusion that Complainant stopped utilizing space heaters at the service address during the 2013 to 2014 winter months, thereby resulting in a significant decrease in electric consumption.

See Initial Decision, p. 11.

The evidence demonstrates that the Complainant's high bill and meter concerns were properly investigated and addressed over several field visits and separate meter tests, including an instrument test of the meter, and there is nothing to indicate that she was billed incorrectly. Accordingly, ALJ Watson'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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