



Exelon Business Services Company
Legal Department

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September 15, 2014

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

RE: Vincent Feldman v. PECO Energy Company
PUC Docket No.: C-2014-2442308

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Preliminary Objections to Formal Complaint* 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

Scheduling Recommendation:

sl/LO

PENNSYLVANIA PUBLIC UTILITY COMMISSION

VINCENT FELDMAN

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. C-2014-2442308

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 Objections of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Preliminary Objections, 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:

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

With a copy to:

Shawane L. Lee, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, September 15, 2014



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
Shawane.Lee@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

VINCENT FELDMAN	:	
Complainant	:	
v.	:	DOCKET NO. C-2014-2442308
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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 September 12, 2014, PECO Energy was served with a formal complaint filed by Vincent Feldman (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.

2. In his Complaint, the Complainant alleges the following:

PECO is threatening a service shut off for not scheduling an appointment with a company called Grid One Solutions to replace the electrical meter inside our home....I am appealing to the PA Public Utility Commission in a request for due process in my inquiry for information regarding the appliance that I am being coerced to except into my home and work environment by threat of harm to my household through the disconnection of our electric service. The two meters will be installed inside my home office directly facing the position where I work and will be within a range of three feet of my head. I also store film and other photographic print materials which are priceless to me within six feet of these devices. Because this appliance broadcasts personal information about my household I believe I am entitled to a privacy disclosure which describes the protections used to ensure the privacy of this data, how the information will be used and with whom it will be shared. All my requests for documentation and

request to know who was taking responsibility for this device where (sic) deflected or ended in a dead end (AMI Meter no answer) which in its sum appears to me to be a subterfuge response to my questions on the part of PECO and Grid One Solutions.

See Exhibit “1”.

3. In his request for relief, the Complainant states:

Firstly, we are requesting that we retain the two electric meters that are currently within our household and have functioned flawlessly in the past and currently continue to do so. If this simple request can not be met we require all available information concerning the health, safety and concerns of privacy be disclosed to us for our examination prior to any installation of the devices. The information regarding the effects of health and safety should not be abridged. We are requesting all materials relating to the testing of this appliance be made available to us. If it is discovered that the appliance has not been tested for health and safety concerns within a domicile we request the PA PUC block any efforts by PECO or its contractors to place these appliances within our living and work environment.

See Exhibit “1”.

4. In essence, the Complainant is requesting to “opt out” of smart meter installation at his home because of his privacy, health and safety concerns and refuses to have the meter installed unless he receives privacy policy and testing information about the meter.

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

6. 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).

7. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure. Equitable Small Transportation Intervenors. v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

8. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible.

Roc v. Flaherty, 527 A.2d 211 (Pa. Cmwlth 1985).

9. A complaint must be able to recover under the law to survive a preliminary objection. 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”).

10. All of the non-moving party’s averments must be taken as true for the sake of deciding the preliminary objection. County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985).

11. The court does not, however, need to accept, “unwarranted inferences from facts, argumentative allegations, or expressions of opinions.” Feingold v. McNulty, 2009 Phila. Ct. Com. Pl LEXIS 167, *3.

12. 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 if, in its opinion, a hearing is not necessary to the public interest.

13. 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.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

14. 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.

I. Legal Insufficiency – Prior Commission Approval of Smart Meter Installation

15. The Complainant has requested that he be permitted to “opt out” of the smart meter installation at his residence if he does not receive Smart Meter privacy policy and testing information. PECO Energy’s Smart Meter installation plan was approved by the Pennsylvania Utility Commission on May 6, 2010, as a part of the Smart Meter Technology Procurement and Installation Plan, (“Smart Meter/Smart Grid Plan”) at docket number M-2009-2123944.

16. By way of background, Governor Edward Rendell signed Act 129 of 2008 into law on October 15, 2008. The Act took effect 30 days thereafter on November 14, 2008, and amended Section 2807 of the Public Utility Code. Among other things, the Act specifically directed that electric distribution companies (such as PECO Energy) with more than 100,000 customers file smart meter technology procurement and installation plans with the Commission for approval. See 66 Pa. C.S. § 2807(f). The statute does not provide customers with an option to “opt out” of smart meter installation.

17. On June 18, 2009, the Commission adopted a Smart Meter Procurement and Installation Implementation Order (“Implementation Order”) to establish the standards each plan must meet and to provide guidance on the procedures to be followed for submittal, review and approval of all aspects of each smart meter plan. See Smart Meter Procurement and Installation Implementation Order, entered on June 24, 2009, at Docket No. M-2009-2092655.

18. Specifically, the Commission’s Implementation Order states:

Act 129 requires EDCs to furnish smart meter technology (1) upon request from a customer that agrees to pay the cost of the smart meter at the time of the request, (2) in new building construction, and (3) in accordance with a depreciation schedule not to exceed 15 years. 66 Pa.C.S. § 2807(f)(2).

The Commission believes that it was the intent of the General Assembly to require all covered EDCs to deploy smart meters system-wide when it included a requirement for smart meter deployment “in accordance with a depreciation schedule not to exceed 15 years.”

**THEREFORE,
IT IS ORDERED:**

1. That the Commission establishes specific smart meter technology minimum capabilities and procedures for submittal, review and approval of all aspects of each smart meter plan to include cost recovery.

2. That electric distribution companies with greater than 100,000 customers adhere to the guidelines for smart meter technology procurement and installation identified in this Implementation Order.

3. That the Director of Operations convene a stakeholder meeting no later than July 17, 2009, to discuss issues related to the costs and benefits associated with the Commission imposed smart meter capability requirements.

4. That all electric distribution companies that are required to file a smart meter technology procurement and installation plan file such a plan consistent with the directives contained in this order by August 14, 2009.

See id.

19. The Commission’s Order does not have a provision for customers to “opt out” of the smart meter installation.

20. Through its Implementation Order and policies, the Commission has approved the smart meter implementation process required by Act 129.

21. Indeed, Pennsylvania PUC Chairman, Robert F. Powelson stated:

Act 129 of 2008 has really paved the way for the rollout of smart meters, also referred to as Advanced Metering Infrastructure (AMI), and the implementation of Act 129 continues to benefit Pennsylvania customers. As I see it, smart meter technology is a “win-win” situation for the Commonwealth – both electricity customers and electricity providers alike reap the benefits of advanced meters.

See PaPUC Chairman Powelson on Smart Meters and Pennsylvania's Energy Future at <http://www.smartgridlegalnews.com/interviews/papuc-chairman-powelson-on-smart-meters-and-pennsylvanias-energy-future/>

22. On August 14, 2009, PECO Energy filed with the Commission its Petition of PECO Energy Company for Approval of its Smart Meter/Smart Grid Plan.

23. Amongst other things, PECO Energy's Petition requested that the Commission approve the deployment of up to 600,000 smart meters. See PECO Energy's Smart Meter/Smart Grid Petition.

24. As a part of PECO Energy's meter deployment plan, the company committed to deploy 600,000 meters by March 2013, upon receiving American Recovery and Reinvestment Act funding from the Department of Energy. See id.

25. PECO Energy's Implementation plan does not give customers the option to "opt out" of smart meter installation.

26. By Order entered May 6, 2010 at Docket No. M-2009-2123944, the Commission approved PECO Energy's Smart Meter/Smart Grid Plan.

27. The Commission's Order approving PECO Energy's plan does not provide an "opt out" provision.

28. In conjunction with the Commission's Implementation Order; the Commission-approved Smart Meter/Smart Grid Plan and continuing compliance with Act 129, PECO Energy has deployed over 194,000 Advanced Metering Infrastructure ("AMI") meters in customer's homes and businesses.

29. Act 129, the Commission's Implementation Order; and PECO Energy's Commission-approved Smart Meter/Smart Grid Plan do not provide customers the ability to "opt out" of having a smart meter installed in their homes or businesses. See 66 Pa. C.S. § 2807(f). See

also Smart Meter Procurement and Installation Implementation Order, at Docket No. M-2009-2092655. See PECO Energy’s Smart Meter/Smart Grid Plan at docket number M-2009-2123944.

30. The absence of an “opt out” provision in the existing statute; Implementation Order; and Smart Meter/Smart Grid Plan is underscored by a recent bill introduced at the General Assembly.

31. House Bill 2188, which was introduced on February 8, 2012, seeks to change the existing law by adding a “opt out” provision. Specifically, House Bill 2188 reads as follows:

Section 2807(f) of Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a clause to read:

§ 2807. Duties of electric distribution companies.

** * **

(2) Electric distribution companies shall furnish smart meter technology as follows:

(iii) In accordance with a depreciation schedule not to exceed 15 years.

(iv) Customers may request to opt out of receiving smart meter technology under subparagraph (iii) by notifying, in writing, the electric distribution company. Meters for customers who opt out will be replaced according to a useful life depreciation schedule.

32. House Bill 2188 attempts to address individual customer concerns about the smart meter (such as the Complainants’ concerns) by allowing individual customers to “opt out” of receiving smart meter technology on the mandatory schedule established by Act 129.

33. The “opt out” provision; however, has not been scheduled for a vote by the General Assembly, and the ability to opt out of smart meter installation is not currently permissible under the law.

34. Accordingly, the Complainants’ formal complaint, requesting the ability to “opt out” of smart meter installation should be dismissed as a matter of law.

35. Administrative Law Judge Joel H. Cheskis reached a similar conclusion in the matter Maria Povacz v. PECO Energy, Docket No. C-2012-2317176 (Order entered September 28, 2012). In that case, the Complainant, Maria Povacz requested to “opt out” of installation of the smart meter at her residence. Id.

36. ALJ Cheskis issued an Initial Decision wherein he determined:

To the extent that Ms. Povacz desires the ability to opt out of the smart meter installation, she should advocate for such ability before the General Assembly.....The formal Complaint process against one Electric Distribution Company, PECO, is not the appropriate avenue for this issue to be addressed.

Id.

37. On January 24, 2013, the Commission issued a Final Order, adopting ALJ Cheskis’ Initial Decision. In the Order, the Commission specifically addressed whether a PECO customer could “opt out” of meter installation at their property as follows:

There is no provision in the Code, the Commission’s Regulations or Orders that allows a PECO customer to “opt out” of smart meter installation, as the Complainant desires to do. Accordingly, unless and until House Bill 2188, supra, passes the General Assembly, or some other provision is put in place that specifically allows customers to opt out of smart meter installation, PECO has not violated any provision of the Code, any Commission Order or Regulation or any Commission-approved Company tariff by prohibiting the Complainant from opting out.

See Maria Povacz v. PECO Energy, Docket No. C-2012-2317176 (Order adopted January 24, 2013).

38. The PUC precedent for formal complaints filed against PECO Energy in similar cases, requesting smart meter “opt out” have been dismissed on Preliminary Objection as a matter of law. See e.g. Theresa Gavin v. PECO Energy, Docket No. C-2012-2325258 (Order entered January 24, 2013); Jeff Morgan v. PECO Energy, Docket No. C-2013-2356606 (Final Order entered July 23, 2013); Thomas McCarey v. PECO Energy, Docket No. C-2013-

2354862 (Final Order entered September 26, 2013); Renney Thomas v. PECO Energy, Docket No. C-2012-2336225 (Final Order entered December 31, 2013); Ellen Donnelly v. PECO Energy, Docket No. F-2013-2330663 (Final Order Entered March 18, 2014).

39. Like the formal complaints filed in the Maria Povacz, Theresa Gavin and Jeff Morgan, Thomas McCarey, Renney Thomas, and Ellen Donnelly matters, objecting to the installation of the smart meter and requesting an “opt out”, this case should be dismissed as a matter of law.

40. The Complainant’s formal complaint alleges that he does not want the meter installed because of privacy, safety and health concerns and the lack of testing and privacy information about the meter.

41. Assuming that everything the Complainant alleges in his Complaint is true, PECO Energy is operating under the basis of Act 129 and the specific direction given to the company by the legislature and the Commission through the Commission’s Implementation Order.

42. The Complainant’s Complaint, objecting to the installation of a smart meter at his residence, does not allege a violation of any order, law or tariff that can be the basis of any finding against PECO Energy.

43. Further, as the law currently stands, pursuant to Act 129 and the Commission’s Implementation Order, customers do not have the ability to “opt out” of smart meter installation.

44. Because PECO Energy’s smart meters are being deployed in compliance with the Commission-approved Smart Meter/Smart Grid Plan, and the law does not provide for the Complainants to “opt out” of smart meter installation, there is no legal basis for the Complainants’ Complaint.

45. Therefore, the Complainant is not entitled to relief under the law.

46. For the reasons set forth above, the Complainant's Complaint should be dismissed as a matter of law.

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainant's formal complaint, and all issues which were raised in the Complaint.

Respectfully submitted,



Shawane L. Lee
Counsel for PECO Energy Company
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P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VINCENT FELDMAN	:	
Complainant	:	
v.	:	DOCKET NO. C-2014-2442308
	:	
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: September 15, 2014



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VINCENT FELDMAN	:	
Complainant	:	
v.	:	DOCKET NO. C-2014-2442308
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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:

Vincent Feldman
717 S. 20th Street
Philadelphia, PA 19146

Dated at Philadelphia, Pennsylvania, September 15, 2014



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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September 15, 2014

Vincent Feldman
717 S. 20th Street
Philadelphia, PA 19146

RE: Vincent Feldman v. PECO Energy Company
PUC Docket No.: C-2014-2442308

Dear Mr. Feldman:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

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 stylized flourish at the end.

Shawane Lee
Counsel for PECO Energy Company
SL/lo
Encl.

EXHIBIT “1”

O'Neill, Leslie:(BSC)

From: eServe@pa.gov
Sent: Friday, September 12, 2014 1:20 PM
To: Lee, Shawane L.:(BSC)
Cc: O'Neill, Leslie:(BSC)
Subject: PA PUC eServe Notice
Importance: High

Dear Shawane L Lee,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2014-2442308**.
You may view this document at
Formal Complaint

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

PECO ENERGY
EXHIBIT

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Vincent Feldman

RECEIVED

Street/P.O. Box 717 S. 20th Street

SEP 06 2014

City Philadelphia State PA Zip 19146

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

County Phila.

Telephone Number(s) Where We Can Contact You During the Day:

(215) 772-3047 (home) () (mobile)

E-mail Address (optional): _vincentfeldman@hotmail.com

Utility Account Number (from your bill) _#15835-01302 & #80772-08021

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City

State

Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO An Exelon Company

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
- GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM
HEAT

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill (s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

PECO is threatening a service shut off for not scheduling an appointment with a company called Grid One Solutions to replace the electrical meter inside our house. This meter has proved to be reliable, remotely controlled/readable and safe. My family and I have been abroad since June. We returned the last week of August. The following week I received the shut off notice. I called the phone number on the notice which reached Grid One on 9/2/14 and requested information about the appliance they are contracted to install inside of my home. Specifically I requested information regarding the health and safety testing of this device and I requested a privacy disclosure since this appliance broadcasts detailed information about my household.

I have not been able to have my requests for information regarding the health, safety and privacy disclosure heard or answered by either PECO or Grid One Solutions and they both offered me no documentation about this appliance or what party was responsible for or owned it. My response from my call to Grid One on 9/2/14 was that I contact PECO for that information. The following day 9/3/14 I visited PECO Headquarters at 23rd & Market Streets to collect the requested information. The person at the Customer Service desk said they did not have any information about the health, safety and privacy concerns I raised and directed me to call Grid One Solutions. I again called Grid One the following day (9/4/14) and they directed me to a two page PDF (SCSM Fact Sheet) document by PECO that I found was wholly inadequate and deceiving. On 9/5/14 I called PECO once more to request information about the appliance. The person at PECO said they did not have the information I requested and would not answer my question of who owned or was responsible for the appliance. They only directed me to call a phone number for AMI Meter. The representative at PECO could not identify this name (AMI Meter) any further than its name, i.e. is it a contractor, manufacturer, etc.. There was no answer at the phone number she gave me. I let it ring for two minutes, no message service or automated answer. (call was made at 10:30AM on 9/5/14). I could not locate a company on the Internet by this name.

I am appealing to the PA Public Utility Commission in a request for due process in my inquiry for information regarding the appliance that I am being coerced to except into my home and work environment by threat of harm to my household through the disconnection of our electric service. The two meters will be installed inside my home office directly facing the position where I work and will be within a range of three feet of my head. I also store film and other photographic print materials which are priceless to me within six feet of these devices. Because this appliance broadcasts personal information about my household I believe I am entitled to a privacy disclosure which describes the protections used to ensure the privacy of this data, how the information will be used and with whom it will be shared. All my requests for documentation and request to know who was taking responsibility for this device where deflected or ended in a dead end (AMI Meter no answer) which in its sum appears to me to be a subterfuge response to my questions on the part of PECO and Grid One Solutions.

The meter currently installed inside our home is and has been reliable. The device is currently remotely controlled/readable and has proven to be safe. We are requesting we keep our current meters in place.. If this is not agreed to by PECO then we are demanding that the owner(s) of this appliance demonstrate without a doubt that this device will not harm the safety, health or rights to our privacy within our home. Because our electrical service is provided by a state regulated monopoly and we have no commercial alternative relationship to turn to we are required, by state statute, to be given due process with our concerns with the company. The contacts I have had with PECO and it's contractors has lead me to determine they are consciously avoiding my queries about their actions and appear determined to reveal as little information as possible about the appliance in question. I regret making this filing to the PA PUC but due to the urgent circumstance (threaten utility shut off) I feel strongly the necessity of seeking assistance from an independent oversight body.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Firstly, we are requesting that we retain the two electric meters that are currently within our household and have functioned flawlessly in the past and currently continue to do so.

If this simple request can not be met we require all available information concerning the health, safety and concerns of privacy be disclosed to us for our examination prior to any installation of the devices. The information regarding the effects on health and safety should not be abridged. We are requesting all materials relating to the testing of this appliance be made available to us.

If it is discovered that the appliance has not been tested for health and safety concerns within a domicile we request the PA PUC block any efforts by PECO or it's contractors to place these appliances within our living and working environment. PECO's record in regards to protecting public safety in recent years, particularly with its installation of new electric meters, is also troubling to us and additionally raises our concerns.

With all new electronic devices and software a detailed privacy policy is bundled with its delivery. Because this appliance, that PECO is trying to place in our home, is both an electronic devices with a transmitter and is governed by software one must expect that a disclosure of some kind must be made to the user/possessor of the appliance concerning the security and use of the data which is to be extracted from the household. We request a full disclosure of the privacy policy in use for this appliance and it's data collection, contractor(s) and third party uses of this data.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

I was played back and forth between Grid One Solutions and PECO. I spoke to PECO on two occasions and was told to contact Grid One. I spoke to Grid one on two occasion and was referred for answers to my questions to PECO. I visited PECO headquarters on 9/3/14 and was told customer service had no information they could provide me in response to my request. I asked if there was anyone else I could talk to at PECO headquarters regrading my information request. I was told no there was not. I needed to contact Grid One. This circular subterfuge ended when a representative of PECO advised me to contact AMI Meter. I was given no information at this entity and they do not pick up the phone at the number I was given.

No assistance was given by PECO or Grid One in regards to my concerns about the shut off notice.

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8. Legal Representation

I have no legal representation at this time.

9. Verification and Signature

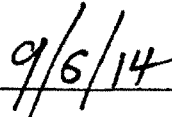
You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you **do not sign** the Formal Complaint, the PUC **will not accept** it.

Verification:

I Vincent Feldman, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



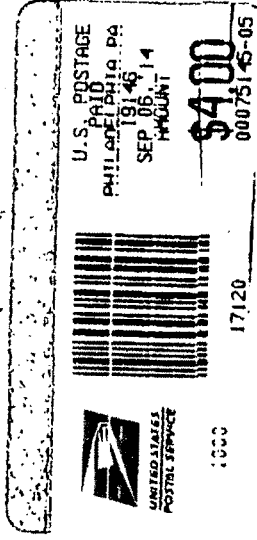
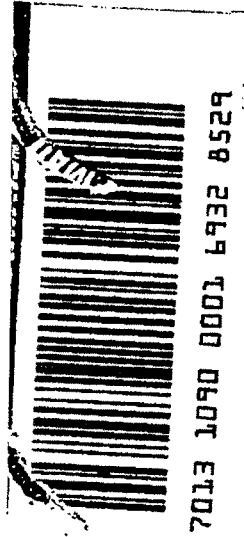
(Signature of Complainant)



(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

V. Feldman
717 S. 20th St.
Phila. PA
19146



Secretary

PA Public Utility Commission
400 North Street
Harrisburg, PA
17120

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