



Exelon Business Services Company
Legal Department

2301 Market Street/S23-1
Philadelphia, PA 19103

215 568 3389 Fax
www.exeloncorp.com

Direct Dial: 215.841.6841

October 22, 2014

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

RE: Kenneth and Tammy Williams v. PECO Energy Company
PUC Docket No.: C-2013-2383376

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's 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: Certificate of Service

s/LO

REPLY EXCEPTIONS

PECO Energy Company (“PECO”) hereby replies to the Exceptions filed by Kenneth and Tammy Williams (“Complainants”) in the above-referenced matter on October 13, 2014. On September 13, 2013, Complainants filed a formal complaint against PECO. In their formal complaint, Complainants alleged that PECO incorrectly billed them for usage at their property located at 950 Skippack Pike, Blue Bell, PA. The Complainants alleged that no one was living at the property or using electricity and requested that PECO permit them to pay \$40.00 per month while renovations were conducted at the property. Respondent, PECO filed an Answer on September 19, 2014, stating that the company’s technician went to the property to investigate and found contractors working at the property along with space heaters and the thermostat in the “On” position. PECO additionally averred that the Complainant’s billing concerns had been investigated and were unfounded.

A telephonic hearing was held before Administrative Law Judge Marta Guhl (“ALJ Guhl”) on April 22, 2014. ALJ Guhl issued an Initial Decision on August 18, 2014, wherein she held *inter alia*:

1. That the formal Complaint filed by Kenneth and Tammy Williams against PECO Energy Company at Docket No. C-2013-2383376 is dismissed.

In their exceptions, the Complainants claim they were denied an opportunity to have an independent expert perform meter testing. The Complainants also allege that PECO had no pictures to back the company’s claims that there were appliances at the property. The Complainants also additionally allege that their witness, Lonnie Thomas, never testified that he saw contractors working inside the home and the court stenographer made an error recording his testimony in this regard.

The record clearly demonstrates that the Complainants used the electric service and were properly billed for the service. The record reflects that the Complainants had a fire and flood at the service address in 2011. Tr. 26. After the fire and flood occurred, the Complainants disconnected service at the address. Tr. 29. Beginning February 2012, PECO received reports from DataRaker (a service that tracks usage on the meter) that there was usage at the address. Tr. 64. Accordingly, PECO left a 72-hour termination notice, requiring the Complainants to apply for service or the service would be terminated. Tr. 65. The Complainants complied with PECO's request and had service reconnected on July 19, 2012. Tr. 29, 66. Prior to the service being reconnected; however, the Complainants were using the service without having an account in place or paying PECO for the service used. During their testimony, the Complainants admitted that during the period they had no service with PECO, they had contractors working at the service address who had "stripped down [their] home". Tr. 31. Despite this, PECO did not attempt to back-bill the Complainants for the service used.

After receiving the 72-hour termination notice, the Complainants had service reconnected on July 19, 2012. The Complainants dispute the bills incurred after that date and claim there was no one living in the property to justify the electricity bills. To support their case, the Complainants presented the testimony of their long-time friend, Lonnie Thomas. Mr. Thomas testified that on the occasions he visited the property in 2011, he noticed the property was under construction. Tr. 14. Mr. Thomas also testified that the Complainants had workers working at the home. Tr. 16. Mr. Thomas also placed workers at the premises after 2011. He testified that "back towards 2011 and afterwards" he saw workers at the service address "about a half-dozen times." Tr. 17. Mr. Thomas specifically testified that in 2012 and 2013 he saw the results of construction work occurring at the service address including "tearing down the walls and things

like that.” Tr. 19. Mr. Thomas testified that in 2012 and 2013 he saw drywall being performed by contractors. Tr. 22. Thus, contrary to the Complainants’ and Mr. Thomas’ assertions that the stenographer made an error taking down his testimony, the transcript reflects several different occasions where Mr. Thomas testified that work occurred at the premises in 2011, 2012 and 2013. Clearly, the Complainants and Mr. Thomas did not properly recall the testimony Mr. Thomas gave during the hearing and now except to this testimony because it supports PECO’s case. As ALJ Guhl correctly stated in her Initial Decision:

While the Complainants contend that there was no work being done on the house at this time and that it was in the middle of renovations, the Complainants did not present any evidence to establish this fact and also acknowledged the presence of the electricians in the property after service was reestablished in July 2012. Tr. 30. In fact, the Complainants’ witness, Mr. Thomas, indicated that he had seen workers at the Service Address on a number of occasions. Tr. 18.

See Kenneth and Tammy Williams v. PECO Energy Company, Initial Decision (C-2013-2383376, Order entered Aug. 14, 2014).

Complainants presented no evidence there were problems with their billing or that PECO incorrectly billed them. Complainant simply alleged that the house was gutted and no electricity was in use because no one was living there. However, the record reflects that the usage and billing were properly justified through a high bill field visit on April 16, 2013. Tr. 69. During this visit, the technician found space heaters, contractor tools and the thermostat turned to the “on” position. Tr. 83-87. The technician performed an appliance analysis and found the Complainants had the potential to use the billed usage. Tr. 83. PECO Exh. 4. The Complainants dispute the fact that the technician did not take photographs of the appliances and therefore, had no proof they existed. However, the technician followed company procedure by noting all of the appliances seen in residence on the high bill field report. The Complainants did not present evidence that the technician lacked credibility or was biased in any way to warrant

the technician improperly noting these appliances. The fact is -- the field investigation demonstrated that Complainants had the potential to use the electric for which they were billed and there is nothing that caused their balance other than the contractor's usage of the appliances and heating at the premises.

In addition, the meter was removed from the property and meter shop tested December 10, 2013. PECO presented a high bill field foreman who testified that the meter at the Complainants' residence tested 99.9% operating within Company and Commission guidelines. Tr. 96. PECO Exh. 7. The Complainants had the opportunity to obtain PECO's meter and have independent testing performed on the meter. However, during the formal complaint discovery process they failed to request independent testing on the meter. The fact is -- there is nothing wrong with the Complainants' meter, which was meter shop tested and found to be working accurately. The Complainants simply failed to pay electric bills after their contractors consumed electricity to renovate their home. As ALJ Guhl correctly stated in her Initial Decision:

The Complainants have not met their burden of proof for their request for a reduction in the bill. The Complainants acknowledged that they had electricians at the property to perform work after the service was restored at the residence in July 2012. Tr. 30. The Complainants also did not present any evidence to support their claim that there was faulty wiring at the premises. The Complainants' argument that they should not be responsible for the electric used by the electricians is without merit.

The evidence demonstrates that the Complainants' billing and meter concerns were properly investigated and addressed over a field visit and separate meter test, including an meter shop test of the meter, and there is nothing to indicate that they were billed incorrectly. Accordingly, ALJ Guhl's decision, dismissing the Complainants' 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,



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841
Fax: 215.568.3389

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KENNETH AND TAMMY WILLIAMS	:	
	:	
COMPLAINANTS	:	
	:	
v.	:	Docket No. C-2013-2383376
	:	
PECO ENERGY COMPANY,	:	
	:	
RESPONDENT	:	

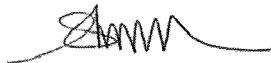
CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a true copy of the foregoing Reply Exceptions upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Kenneth and Tammy Williams
P.O. Box 687
Blue Bell, PA 19422**

**Marta Guhl, Administrative Law Judge
Pa. Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107**

Dated at Philadelphia, Pennsylvania, October 22, 2014



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841;
Fax: 215.568.3389