

*Gerald H. Smith, DDS*

303 CORPORATE DRIVE EAST • LANGHORNE, PA 19047

Telephone  
215 968-4781  
GHSDOC@ICNR.COM

November 15, 2014

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

**Re: Gerald H. Smith, DDS v PECO Energy Company**  
**PUC Docket No.: C-2014-2443198**

Dear Ms. Chiavetta:

Enclosed for filing with the PUC is Complainant's EXCEPTIONS' response to the Administrative Law Judge's decision.

Yours truly,



Gerald H. Smith, DDS

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**GERALD H. SMITH, DDS** :  
**Complaint** :  
v. : **DOCKET NO. C-2014-2443198**

**PECO ENERGY COMPANY** :  
**Respondent**

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**EXCEPTIONS TO INITIAL DECISION**  
**SUSTAINING PRELIMINARY OBJECTION AND DISMISSING**  
**COMPLAINT**

On November 4, 2014, the Administrative Law Judge, David A. Salapa, dismissed the complaint based on the utility company's complying with relevant Commission statutes, regulations and orders. The History of the Proceedings states "On October 3, 2014, the Respondent filed an answer with New Matter and Preliminary Objections." Stated in that New Matter was a request for payment of damages (\$1890.78) resulting from sparking of PECO's faulty AMI meter.

On October 24, 2014 PECO Energy's response was that "PECO Energy's AMI meter could not have caused any issues with the Complainant's meter board because it was not installed until June 13, 2014." This statement is in direct contradiction to four documented facts:

- a. The attached PECO's 10 Day Shut-Off Notice dated 6/9/14, which states "Call PECO & we will install AMR mtr which is the **same meter you had in the past.**" The 6/9/14 Shut-Off Notice predates PECO's allegation that they installed a smart meter on June 13, 2014 for the first time.
- b. Haller Enterprises' Invoice for replacement of the damaged meter board is dated 2/11/2014. The attached photograph is a proof of insertion date (photograph taken with TV screen dated Sat. 2/15 at 4:21pm; plus iPhone documents date and location) documenting the exact date and time I replaced PECO's existing AMI Smart meter, which did the damage.

- c. The attached photograph of the smart meter that was on my property on February 15, 2014 (date and location documented by iPhone), which documents the exact model (560xz) and serial number (005033982) of the unit that did the damage. The photograph also documents the exact meter reading at the time when the unit was removed.
- d. PECO's own records will also document when meter transmissions stopped, which was Saturday February 15, 2014 at approximately 4:25 pm.

On the morning of October 24, 2014, I received a call from a PECO representative, Robert Nickens, who interviewed me regarding the time line of events surrounding the smart meter damage to my meter board. As stated, the damaged meter board was discovered by Haller Enterprises, Inc., the contractor who was installing a generator and complete electrical panel on my property. Date of the invoice was February 11, 2014. This documentation establishes the presence of a smart meter on my property and the fact that Mr. Lee's statement of June 13, 2014 as the initial placement of a smart meter was false and misleading. Based on the above indisputable documentation and the fact that Mr. Lee had access to all PECO documents regarding initial installation of my smart meter equipment, transmission data, Shut-Off notice sent to Complainant, and Robert Nicken's interview report, Mr. Lee's false statement represents a second degree misdemeanor with a maximum penalty of two years imprisonment and a \$5,000 fine. (as stated in PA. Law: 18Pa. C.S. §4904 pertaining to false statements to authorities.) The purpose of Mr. Lee's false statement was an obvious tactic to avoid PECO's payment for meter board replacement due to damages by their faulty AMI smart meter.

Under VERIFICATION, attorney Lee declared that he is counsel for PECO Energy Company; that as such he is authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading *are true to the best of his knowledge, information and belief, and that he makes this VERIFICATION subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.*

I respectfully request that either the presiding administrative law judge adjudicate this allegation or refer this misdemeanor charge to the Pennsylvania Attorney General for action.

**WHEREFORE,** Complainant requests an investigation of PECO's submission to the Commission of a false and misleading statement to avoid financial responsibility for damages and adjudication of Mr. Lee's misdemeanor, the Complainant's case must be held active or a new case be established for the misdemeanor charge.

Respectfully Submitted,



Gerald H. Smith, DDS

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1-800-494-4000

10 Day Shut-Off Notice  
Aviso De Suspension De Servicio En 10 Dias

DATE 6/9/14

NAME <u>GERALD SMITH</u>	
ADDRESS <u>5569 CRANBERRY</u>	
TELEPHONE NUMBER	ACCOUNT NUMBER

Your Service Will Be Shut Off

We will shut off your PECO service on or after 6/19/14

- You have not provided access to meter(s).
- You did not give PECO the identification (I.D.) we need when you applied for service.
- You have not applied for service or you have not met requirements.
- Other CALL PECO + WE WILL INSTALL AMR MTR WHICH IS THE SAME MTR YOU HAD IN THE PAST. YOU CANNOT HAVE YOUR OWN METER. WE WOULD LIKE TO HAVE AMR RETURNED TO US. LEAVE AT PROPER

If we shut off your service, you may have to do the following before we turn it back on:

- Pay PECO past due amount of \$ \_\_\_\_\_
- Provide access to meter(s).
- Apply for service and/or show identification (I.D.).
- Call PECO right away to make payment arrangement or dispute your PECO past due bill.

*THANK YOU.*

We will NOT shut off your gas/electric service if you do one of the following:

- Provide us access to the meter(s).
- Apply for service.
- Meet and satisfy requirements to establish service.

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 PAYEE'S SURETY

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is seriously ill. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician or nurse practitioner certify, by phone and in writing, that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
- AND
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

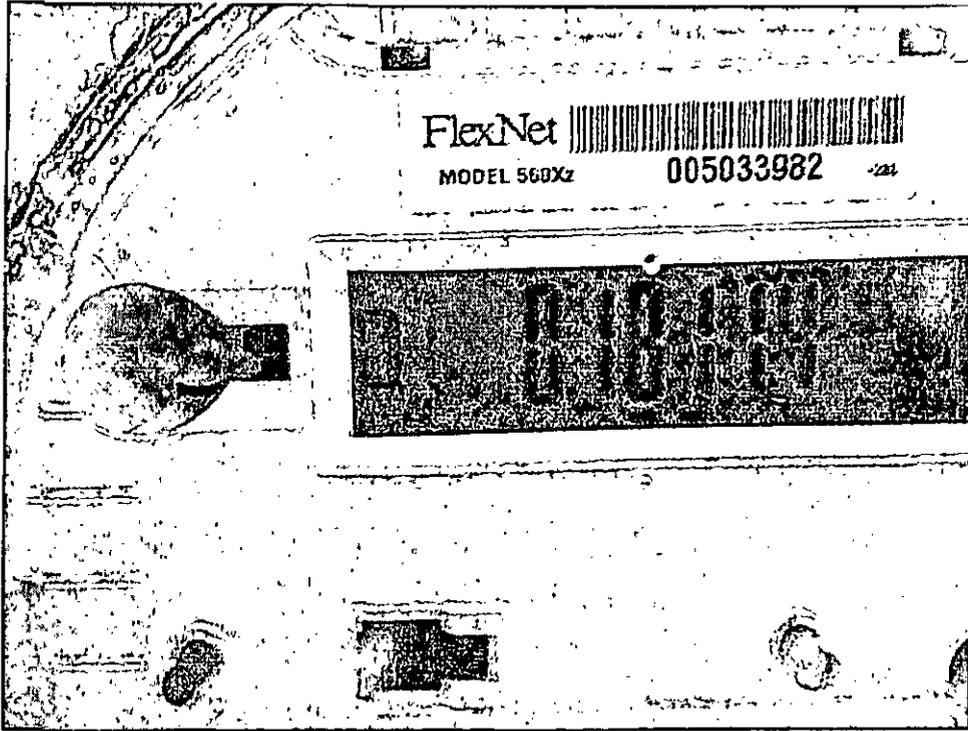
Atencion | Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-494-4000.

Pay your bill at an authorized payment location or at PECO (23rd & Market Streets, Philadelphia). To pay by credit card or check by phone, call 1-877-432-9384. The service provider will charge a convenience fee of \$3.50.

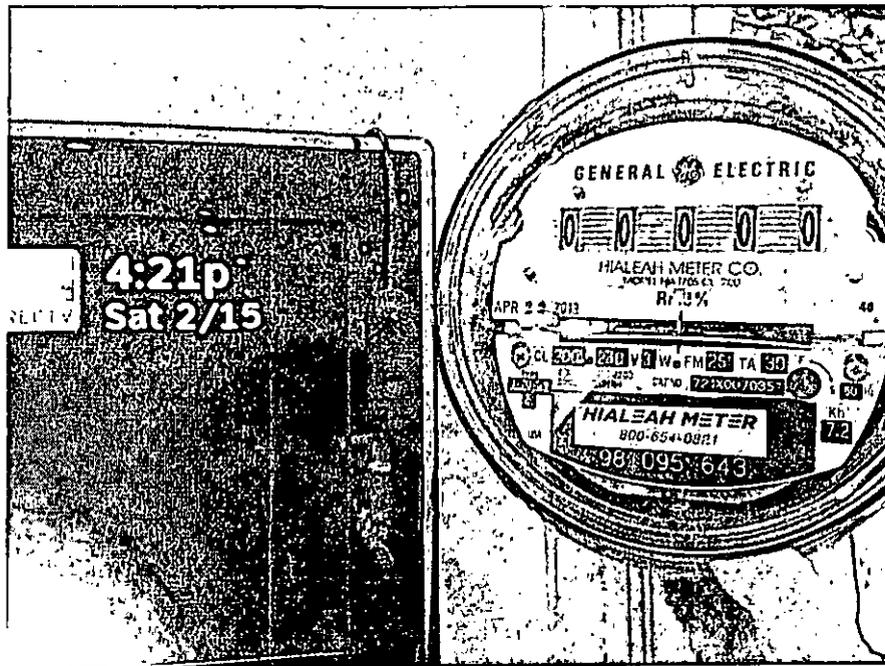
See other side for more information

When paying in person, please bring the entire bill

198-111-111-3/13 RP



Photograph documents exact model (560Xz) and serial number (005033982) of the AMI smart meter that was on my property (3569 Cranberry Drive, Huntingdon Valley, PA 19006) on February 15, 2014. This 2/15/14 date and GPS coordinates of my Huntingdon Valley property are documented on my iPhone, which took this photograph.



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Photograph documents the General Electric analog meter that was placed on my property (3569 Cranberry Drive, Huntingdon Valley, PA 19006) on February 15, 2014 at approximately 4:21p when the AMI smart meter was removed.



Plumbing • Heating • Cooling • Electrical • Water Conditioning • Home Automation

Dr. Gerald Smith  
3569 Cranberry Dr  
Huntingdon Valley, PA 19006

Dr. Smith,

This should serve as a PAID IN FULL receipt for the work completed earlier this year. Haller Enterprises replaced the mounting plate for the smart meter due to the meter sparking and causing damage to the plate.

Sincerely,  
Haller Enterprises, Inc.  
212 Bucky Drive  
Lititz, PA 17543  
[www.hallerenterprises.com](http://www.hallerenterprises.com)

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Corporate Office • 717.625.1500  
212 Bucky Drive • PO Box 375 • Lititz, PA 17543

# INVOICE

*One Call ... Handles It All!*  
Plumbing • Heating • Cooling • Electrical • Water Conditioning  
[www.HallerEnterprises.com](http://www.HallerEnterprises.com)

Page: 1 of 1  
GSNGGENCRE  
10073

Smith Dr Gerald 3569 Cranberry Dr Huntingdon Valley PA 19006	CLIENT ID: 113367 INVOICE #: 10073 INVOICE DATE: 02/11/2014 DUE DATE: 03/13/2014 BILLED THROUGH: 02/11/2014
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CRE Dr. Gerald Smith

JOB ID: GSNGGENCRE  
PO #:

Billing for Extras on the job  
Changing out of PECO meter base.

FIXED FEE ITEMS	CONTRACT AMOUNT	% COMPLETE	AMOUNT REMAINING	TOTAL BILLED TO DATE	AMOUNT PREVIOUSLY BILLED	AMOUNT THIS BILLING
QUOTED Extras	\$1,890.78	100.00%		\$1,890.78		\$1,890.78
	\$1,890.78	100.00%		\$1,890.78		\$1,890.78

PLEASE REMIT TO:  
Haller Enterprises, Inc.  
212 Bucky Drive  
Lititz, PA 17543

**Total Invoice \$1,890.78**

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*Serving Lancaster, Harrisburg, York, Lebanon, Berks & Chester Counties - PA 1867*  
For your convenience, we accept: Visa, MasterCard, AmEx & Discover. Pay by credit card online at [www.HallerEnterprises.com](http://www.HallerEnterprises.com).  
A Finance Charge of 1.5% per month which is equivalent to an ANNUAL PERCENTAGE RATE of 18% will apply to all accounts past due.

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v. : **DOCKET NO. C-2014-2443198**

**PECO ENERGY COMPANY** :  
**Respondent**

**VERIFICATION**

I, Gerald H. Smith, DDS, hereby declare that I represent myself as counsel as the Complainant. The facts set forth in the foregoing presentation 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: November 15, 2014



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Gerald H. Smith, DDS

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**CERTIFICATE OF SERVICE**

I, Gerald H. Smith, DDS, hereby certify that I have this day served a courtesy e-mail copy to the Commission's Office of Special Assistance (OAS) at [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov), and a copy of Complainant's Exceptions to above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

HONORABLE DAVID A SALAPA OALJ  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PO BOX 3265  
HARRISBURG PA 17105-3265

Dated November 15, 2014 at Montgomery County, Pennsylvania.



Gerald H. Smith, DDS  
3569 Cranberry Drive  
Huntingdon Valley, PA 19006

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1 From **[REDACTED]**  
Date **11/13/14**

Sender's Name **[REDACTED]** Phone **215 968-4781**

Company **SMITH, GERALD, DR**

Address **303 CORPORATE DR E**  
Dept./Floor/Suite/Room

City **LANGHORNE** State **PA** ZIP **19047-8009**

#### 2 Your Internal Billing Reference

3 To Recipient's Name **DAVID A SALAPA OALJ** **717 787-1191**  
Phone **FAX 717 787-0481**

Company **PA Public Utility Commission**

Address **Commonwealth Keystone Bldg.**  
We cannot deliver to P.O. boxes or P.O. ZIP codes. Dept./Floor/Suite/Room

Address **400 North Street, 2nd Fl L-M West**  
Use this line for the HOLD location address or for continuation of your shipping address

City **Harrisburg** State **PA** ZIP **17108-3265**

0113215674



8047 8014 8663

#### 4 Express Package Service \* To most locations. NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs. For packages over 150 lbs, use the FedEx Express Freight US Airbill.

##### Next Business Day

- FedEx First Overnight**  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Priority Overnight**  
Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Standard Overnight**  
Next business afternoon.\* Saturday Delivery NOT available.

##### 2 or 3 Business Days

- FedEx 2Day A.M.**  
Second business morning.\* Saturday Delivery NOT available.
- FedEx 2Day**  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Express Saver**  
Third business day.\* Saturday Delivery NOT available.

#### 5 Packaging \* Declared value limit \$500

- FedEx Envelope\***  **FedEx Pak\***  **FedEx Box**  **FedEx Tube**  **Other**

#### 6 Special Handling and Delivery Signature Options

- SATURDAY Delivery**  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- No Signature Required**  
Package may be left without obtaining a signature for delivery.
- Direct Signature**  
Someone at recipient's address may sign for delivery. Fee applies.
- Indirect Signature**  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

#### Does this shipment contain dangerous goods?

- One box must be checked.
- No**  **Yes** As per attached Shipper's Declaration.  **Yes** Shipper's Declaration not required.
  - Dry Ice** Dry ice, 9 UN 1845 \_\_\_\_\_ kg
  - Cargo Aircraft Only**
- Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

#### 7 Payment Bill to:

- Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.
- Sender** Acct. No. in Section 1 will be billed.
  - Recipient**
  - Third Party**
  - Credit Card**
  - Cash/Check**

Total Packages **1** Total Weight **1** lbs. **[REDACTED]** Credit Card Auth.

\*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.



fedex.com 1800.GoFedEx 1800.463.3339

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