



An Exelon Company

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April 24, 2015

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 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  
Vincent Feldman

SL/ab



## REPLY EXCEPTIONS

PECO Energy Company (“PECO Energy”) hereby replies to the Exceptions filed by Vincent Feldman (“Complainant”) in the above-referenced matter on April 22, 2015. PECO Energy was served with the Exceptions on April 23, 2015.

On September 6, 2014, Complainant filed a formal complaint against PECO Energy. In his formal complaint, Complainant objected to the installation of an AMI electric “Smart Meter” at his residence and requested to “opt out” of the meter installation. Complainant additionally alleged that PECO Energy had not responded to his requests for information regarding the safety, health, testing and privacy disclosures for the AMI meter. Respondent, PECO Energy filed an Answer with New Matter on September 17, 2014, denying the allegations in the Complaint. PECO Energy also filed a Preliminary Objection to Complainant’s Complaint on September 15, 2014, averring that PECO Energy is required to install the meter pursuant to Act 129 and there are no consumer “opt out” provisions in the current statute. Complainant did not file a response to PECO Energy’s Preliminary Objections.

On January 20, 2015, Administrative Law Judge Ember S. Jandebour (“ALJ Jandebour”) issued an Order, granting in part and denying in part PECO Energy’s Preliminary Objections. In her decision, ALJ Jandebour dismissed the Complainant’s complaint, requesting to “opt out” of AMI meter installation and determined that the hearing would be limited to whether PECO Energy responded to Complainant’s requests for information about the AMI meter. The telephonic hearing proceeded as scheduled on March 5, 2015. On April 1, 2015, ALJ Jandebour issued an Initial Decision, dismissing the Complainant’s formal complaint and stated the following:

PECO has provided a significant amount of information to the Complainant regarding its smart meters. I find that the information provided is reasonable and adequate. I do not find that PECO failed to respond to the Complainant. Indeed, the Complainant's telephone call is an example of the degree to which PECO willingly addressed the Complainant's concerns. PECO has not violated Section 1501.

See Vincent Feldman v. PECO Energy Company, C-2014-2442308 (“Initial Decision”).

The Commission should sustain the Initial Decision of ALJ Jandebour. Complainant does not allege that ALJ Jandebour made an error of law or abused her discretion in any manner. Instead, Complainant excepts to the decision issued by ALJ Jandebour because he simply disagrees with her decision. 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.

In his Exceptions, Complainant disputes the response PECO Energy gave to him concerning his information request on the safety, testing, privacy policy and health effects of the meter. Yet, throughout his Exceptions, the Complainant admits that PECO Energy provided him information he requested but he just does not like the information he received. This is not a basis for filing Exceptions. Specifically, the Complainant admits the following:

“I will state that I am satisfied that my request for safety testing information (UL Certificate of the Smart Meter) has been satisfied.” Despite this admission, the Complainant launches into a diatribe about the increased scrutiny of Smart Meter safety and the alleged

hazards associated with the newest generation of Smart Meters. The fact is that PECO provided information to the Complainant as requested and did not violate its tariff or regulations.

The Complainant alleges in his Exceptions that he needs to know “precisely the owner of the meters” and the “liabilities this owner are taking on by installing this device within my home.” The Complainant claims that ownership information has not been presented to him verbally or in written documents. However, the record reflects that the Complainant had a telephone conversation with AMI Manager, Brenda Eison on February 11, 2015, where he was permitted to ask any questions he wanted about the meter. Tr. at 33, 34, 48. The Complainant never stated during his testimony that Brenda Eison refused to provide him any information requested.

The Complainant admits in Exceptions that he received information from PECO about his health concerns. Specifically, he received a “two page document (New Meter Technology) which included only one hundred and sixty words addressing Radio Frequency.” The Complainant claims that the document does not mention health or safety. What the Complainant fails to mention; however, that in addition to this document, the Complainant received health information on PECO’s website. Tr. 28. The Complainant also received health information from PECO’s legal office. Tr. 31. Further, he had the ability to ask the AMI manager, Brenda Eison any questions about the meter during his February 11, 2015, conversation with her. Tr. at 33, 34, 48. This clearly demonstrates that PECO went above and beyond to fulfill the Complainant’s requests for information. The Complainant is simply dissatisfied because he does not like the information he received and does not want the meter installed in his home.

The Complainant Excepts to ALJ Jandebour’s Initial Decision because he claims she “did not challenge the validity of PECO’s presentation of the privacy policy presented for the

hearing.” The issue in this case is whether PECO provided the Complainant information regarding safety, testing, health and PECO’s privacy policy. The facts in the record demonstrate that PECO provided its privacy policy information. PECO’s legal office gave the privacy policy information to the Complainant. Tr. 31. Additionally, the Complainant admitted he found the privacy policy information on PECO’s website. Tr. 29-30. Again, just because the Complainant does not like the privacy policy presented to him, does not mean that the privacy policy is not valid or that PECO failed to give it to him. The Complainant received the information he requested and has no basis for this Exception.

The Complainant enumerates several additional factors in his Exceptions regarding Radio Frequency (“RF”) emissions and exposure to RF and the risks to his body and home environment. The Complainant complains that he the level of radiation the meter emits violates his right to control the quality of his household living environment. The factors the Complainant raises in his Exceptions are not pertinent to (1) whether PECO provided him with safety, testing, health and the company’s privacy policy; and (2) whether PECO Energy violated The Public Utility Code, Commission Order or Commission-approved tariff. Complainant’s argument regarding RF emissions and his health and environmental concerns surrounding the AMI meter still does not challenge ALJ Jandebour’s ruling that PECO provided the Complainant with adequate information regarding the meter. Therefore, these factors are an irrelevant basis to overturn ALJ Jandebour’s decision.

In his Exceptions, Complainant has provided no legal justification to support his allegations, regarding PECO not providing him adequate safety, health, testing and privacy information regarding the AMI meter. Complainant’s Exceptions do not present any grounds for overturning the Initial Decision. The Exceptions do not allege any misstatement of facts or

misapplication of law. Complainant did not provide any argument regarding why the Initial Decision was incorrect or improper. The Exceptions provide no grounds for overturning the Initial Decision whatsoever, and consist solely of his personal feelings and assumptions. The Exceptions, raising either irrelevant points or raising his personal feelings about the meter and assumptions about the safety of the meter, are without any merit. Nothing in the Complainant's Exceptions warrants a reversal of the ALJ's decision.

Here, as noted by ALJ Jandebaur in the Initial Decision, it is clear that "PECO adequately and reasonably provided information regarding its smart meters to the Complainant" and that PECO has not violated Section 1501. None of the facts or evidence asserted in Complainant's formal complaint and case against PECO Energy meets the requisite burden of proof. PECO provided information to the Complainant regarding the AMI meters. The Complainant just does not like the information he received. The fact the Complainant does not like the information is not a basis for overturning ALJ Jandebaur's Initial Decision or a determination that PECO violated its tariff or Section 1501. Accordingly, ALJ Jandebaur's Initial Decision 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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