

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANTONIO ROMEO	:	
Complainant,	:	DOCKET NO. C-2015-2479260
v.	:	
PECO ENERGY COMPANY	:	
Respondent.	:	

**RESPONSE OF COMPLAINANT, ANTONIO ROMEO, TO PECO ENERGY
COMPANY'S PRELIMINARY OBJECTION**

Complainant, Antonio Romeo, hereby responds to the Preliminary Objection of PECO Energy Company ("PECO") as follows:

1. Denied as stated. By way of further response, complainant's Formal Complaint, including the day on which it was served on PECO, speaks for itself. Complainant incorporates his Formal Complaint as if fully set forth herein.
2. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret complainant's Formal Complaint, which speaks for itself.
3. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret complainant's Formal Complaint, which speaks for itself.
4. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret complainant's Formal Complaint, which speaks for itself. Moreover, PECO has ignored the portion of the Formal Complaint which states that Act 129 is preempted by federal law and that PECO therefore does not have legal authorization to force installation of the smart meter on complainant's property.
5. Denied as stated. By way of further response, the timing of PECO's filing of an Answer and Preliminary Objection is a matter of record and speaks for itself.

6. Denied as stated. By way of further response, 52 Pa. Code § 5.101 speaks for itself.
7. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
8. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
9. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
10. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
11. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
12. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
13. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
14. Denied. By way of further response, complainant's Formal Complaint is legally sufficient, and the facts, if taken as true, entitle complainant to the relief requested.

Contrary to PECO's Assertions, Complainant's Formal Complaint is Legally Sufficient

15. Denied as stated. By way of further response, certain of the allegations in this paragraph purport to characterize and interpret complainant's Formal Complaint, which speaks for itself. Complainant is without knowledge or information sufficient to form a belief as to the truth of the other allegations in this paragraph and therefore denies the same.

16. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
17. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
18. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
19. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
20. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
21. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
22. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
23. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
24. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
25. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
26. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

27. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
28. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
29. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
30. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
31. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
32. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
33. Complainant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.
34. Denied. By way of further response, PECO completely ignores complainant's argument that Act 129 is preempted by federal law, which, on its own, entitles complainant to the relief requested. A preliminary objection is not the proper vehicle through which to litigate the preemption question or the other issues raised by the Formal Complaint.
35. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret the decision of Administrative Law Judge Joel H. Cheskis referenced by PECO, which speaks for itself, and which, upon information and belief, did not address, for instance, the issue of whether Act 129 is preempted by federal law.

36. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret the decision of Administrative Law Judge Joel H. Cheskis referenced by PECO, which speaks for itself, and which, upon information and belief, did not address, for instance, the issue of whether Act 129 is preempted by federal law.
37. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret the decision of the Commission referenced by PECO, which speaks for itself, and which, upon information and belief, did not address, for instance, the issue of whether Act 129 is preempted by federal law.
38. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret other formal complaints filed by other complainants which, upon information and belief, did not address, for instance, the issue of whether Act 129 is preempted by federal law.
39. Denied. By way of further response, PECO completely ignores complainant's argument that Act 129 is preempted by federal law, which, on its own, entitles complainant to the relief requested. A preliminary objection is not the proper vehicle through which to litigate the preemption question or the other issues raised by the Formal Complaint.
40. Denied as stated. By way of further response, the allegations in this paragraph purport to characterize and interpret complainant's Formal Complaint, which speaks for itself, and PECO has completely ignored complainant's argument that Act 129 and all of the purported legal authority PECO relies on is preempted by federal law.
41. Denied. By way of further response, PECO has completely ignored complainant's argument that Act 129 and all of the purported legal authority PECO relies on is preempted by federal law.

42. Denied. By way of further response, PECO completely ignores complainant's argument that Act 129 is preempted by federal law, which, on its own, entitles complainant to the relief requested. A preliminary objection is not the proper vehicle through which to litigate the preemption question or the other issues raised by the Formal Complaint.
43. Denied. By way of further response, PECO has completely ignored complainant's argument that Act 129 and all of the purported legal authority PECO relies on is preempted by federal law.
44. Denied. By way of further response, PECO completely ignores complainant's argument that Act 129 is preempted by federal law, which, on its own, entitles complainant to the relief requested. A preliminary objection is not the proper vehicle through which to litigate the preemption question or the other issues raised by the Formal Complaint.
45. Denied. By way of further response, PECO has completely ignored complainant's argument that Act 129 and all of the purported legal authority PECO relies on is preempted by federal law.
46. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
47. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
48. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required.
49. Denied. By way of further response, the allegations in this paragraph set forth conclusions of law to which no response is required. Moreover, PECO completely ignores complainant's argument that Act 129 is preempted by federal law, which, on its

own, entitles complainant to the relief requested. A preliminary objection is not the proper vehicle through which to litigate the preemption question or the other issues raised by the Formal Complaint.

50. Denied. By way of further response, PECO completely ignores complainant's argument that Act 129 is preempted by federal law, which, on its own, entitles complainant to the relief requested. A preliminary objection is not the proper vehicle through which to litigate the preemption question or the other issues raised by the Formal Complaint.
51. Denied. By way of further response, PECO completely ignores complainant's argument that Act 129 is preempted by federal law, which, on its own, entitles complainant to the relief requested. A preliminary objection is not the proper vehicle through which to litigate the preemption question or the other issues raised by the Formal Complaint.

WHEREFORE, complainant, Antonio Romeo, respectfully requests that the Public Utility Commission overrule PECO's Preliminary Objection.

Dated: May 23, 2015

Respectfully submitted,



Antonio Romeo
Complainant