

Legal Department  
2301 Market Street / S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Direct Dial: 215.841.6841

July 2, 2015

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

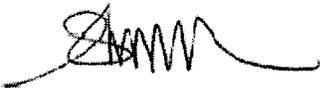
**RE: Laura Sunstein Murphy v. PECO Energy Company**  
**PUC Docket No.: C-2015-2475726**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion for Judgment on the Pleadings* 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,



Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service

SL/alb

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LAURA SUNSTEIN MURPHY**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2475726**

**NOTICE TO PLEAD**

*To: Laura Sunstein Murphy*

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 Motion for Judgment on the Pleadings within 20 days from service of this notice, the facts set forth by PECO Energy Company may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane Lee, and where applicable, the Administrative Law Judge presiding over the issue.

Failure to respond to this Motion could result in the dismissal of your case.

File with:

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

With a copy to:

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

Dated: July 2, 2015



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Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19101-8699  
Tel. (215) 841-6841  
Fax. (215) 568-3389  
shawane.lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LAURA SUNSTEIN MURPHY**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2015-2475726**

**MOTION FOR JUDGMENT ON THE PLEADINGS**

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.102, respectfully requests that your Honorable Commission dismiss the instant complaint inasmuch as Complainant seeks to "opt out" of smart meter installation due to health and safety concerns. No factual dispute has been raised in the pleadings. Pursuant to Act 129, Complainant has no option to "opt out" of Smart Meter installation, and thus Complainant fails to state a claim upon which relief can be granted. Therefore, PECO is entitled to judgment as a matter of law.

1. On April 8, 2015, PECO Energy was served with a formal complaint filed by Laura Sunstein Murphy (hereafter "Complainant"). A copy of the Complaint is attached hereto as Exhibit "1".

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

**I want PECO to stop threatening me to shut of my electric service because I and my husband are elderly and have medical conditions which will be seriously jeopardized if the electricity is shut off. We have paid all our bills on time and have been PECO customers for over 30 years.**

**This all started when PECO wanted to install a meter on our house. I refused access because PECO has not proven that smart meters will be safe for medically fragile individuals, nor has PECO proven that smart meters will not cause house fires, which they initially had done. Homes in my vicinity have burned down as recently as last year due to smart meter overheating.**

See Exhibit "1".

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

**...My son and his wife have the option to not get a smart meter in their home. Many other states offer their constituents that option.**

See Exhibit "1".

4. In essence, the Complainant is requesting to "opt out" of smart meter installation at her home because of health and safety concerns and refuses to have the meter installed. The Complainant disputes her pending service termination for failure to give PECO access to install the meter.

5. PECO Energy filed an Answer with New Matter to the Complainant's formal complaint on April 23, 2015, arguing that Complainant's case should be dismissed pursuant to Act 129.

6. The Complainant filed a response to PECO Energy's New Matter on April 30, 2015, arguing that federal law requires that the PUC and PECO allow her to "opt out" based on her disability.

7. The Commission scheduled this matter for hearing on Wednesday, August 19, 2015.

8. The Commission's regulations at 52 Pa. Code §5.102(a) permits any party to move for summary judgment or judgment on the pleadings after the pleadings are closed, but within such time as to not delay a hearing.

9. Under 52 Pa. Code §5.102(d)(1), the presiding officer will grant the motion if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law.

10. The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

11. The provision at 52 Pa. Code §5.102(c) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d. 557 (Pa. Cmwlth. 1989).

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.2<sup>nd</sup> 593 (Pa.Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

14. The pleadings in this case reveal that Complainant has requested that she be permitted to “opt out” of the smart meter installation at her residence because of health and safety concerns.

15. 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 the introduction of House Bill 394.

31. House Bill 394, which was introduced on February 9, 2015, seeks to change the existing law by adding an "opt out" provision. Specifically, House Bill 394 reads as follows:

*Section 1. Section 2807(f)(2)(iii) of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:*

*§ 2807. Duties of electric distribution companies.*

*(f) Smart meter technology and time of use rates.-*

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

*(iii) In accordance with a depreciation schedule not to exceed 15 years. Customers may opt out of receiving smart meter technology under this subparagraph by notifying, in writing, the electric distribution company. The following shall apply:*

*A) The electric distribution company shall provide an opt-out form to consumers upon request and may provide a method for consumers to opt out electronically through the electric distribution company's Internet website.*

32. House Bill 394 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 María Povacz v. PECO Energy, Docket No. C-2012-2317176 (Order entered September 28, 2012). In that case, the Complainant, María 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); Gerald H. Smith v. PECO, Docket No. C-2014-2443198 (Opinion and Order entered April 23, 2015).

39. The Theresa Gavin and Renney Thomas cases specifically dismiss complaints where the Complainant has raised a health issue in order to "opt out" of smart meter installation.

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

41. The Complainant’s formal complaint alleges that she does not want the meter installed because of health and safety concerns.

42. Assuming that everything the Complainant alleges in her 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.

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

44. 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.

45. 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 Complainant to “opt out” of smart meter installation, there is no legal basis for the Complainant’s Complaint.

46. Further, PECO has the right to terminate a customer’s service for failure to permit access to install the Smart Meter.

47. Pursuant to Section 10.5, PECO Energy has a right to access the premises of a customer at all reasonable times for the purpose of installing, removing or changing any or all equipment belonging to the company. See Section 10.5 of PECO Electric Service Tariff.

48. Section 18.3 of PECO Energy's tariff, permits the company to terminate a customer for cause if access to the meter is refused. See Section 18.3 of PECO Electric Service Tariff.

49. PECO Energy's Commission approved tariff is prima facie reasonable and has the full force and effect of law. 66 Pa.C.S. § 316; *Kossmann v. PA PUC*, 694 A.2d 1147 (Pa Cmwlft 1997); *Brockway Glass Co. v. PA. PUC*, 437 A.2d 1067 (Pa. Cmwlft 1981).

50. In this case, the Complainant is refusing the installation of the Smart Meter; therefore, she is subject to termination consistent with Section 10.5 and 18.3 of PECO's tariff.

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

52. Because no factual dispute exists and the Complaint fails to state a claim for which relief can be granted, PECO is entitled to judgment as a matter of law.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice, as it relates to a request to “opt out” of smart meter installation; and the Complaint therefore fails to state a claim upon which relief can be granted.

Respectfully submitted,



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Shawane L. Lee  
PECO Energy Company  
2301 Market Street, S23-1  
PO Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
Shawane.Lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LAURA SUNSTEIN MURPHY**

v.

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**DOCKET NO. C-2015-2475726**

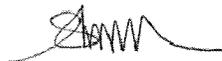
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion for Judgment on the Pleadings upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA First Class Mail

Laura Sunstein Murphy  
1191 Telegraph Road  
West Chester, PA 19380

Administrative Law Judge Jeffrey A. Watson  
Piatt Place Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222



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Shawane L. Lee

DATED: July 2, 2015

# **EXHIBIT 1**

**O'Neill, Leslie:(PECO)**

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**From:** eServe@pa.gov  
**Sent:** Wednesday, April 08, 2015 8:40 AM  
**To:** Lee, Shawane L.:(PECO)  
**Cc:** O'Neill, Leslie:(PECO)  
**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-2015-2475726**.

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 1

*1191 Telegraph Road  
West Chester, Pennsylvania 19380*

April 2, 2015

*Via US certified mail, first class mail, return receipt requested*

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

Re: *Formal Complaint vs PECO regarding 10 day notice to shut off electricity to residential address of medically fragile elderly customers who always paid their bills on time*

Dear Secretary:

I have been unable to upload these documents to your efile system. Therefore, I am sending them to you pursuant to your instructions on the PUC formal complaint form.

Attached please find a copy of (1) my pdfed formal complaint, filled out and re-signed in ink again, (2) pdfed copy of the PECO 10 day shut off notice effective on or after April 3, 2015, which was received by the customer on March 26, 2015, and (3) pdfed copy of the letter from my physician, Peter Prociuk, MD, which he sent to PECO supervisor pursuant to the 10 day shut off notice instructions and further instructions I received after more than two hours on the phone with various PECO representatives on Friday March 27, 2015, regarding the medically fragile conditions on the residents who would suffer health consequences of the electricity were shut off at their property.

Thank you for your consideration.

Sincerely yours,



Laura Sunstein Murphy, PhD, Esquire

attachments

RECEIVED  
2015 APR -7 AM 10:52  
PA.P.U.C.  
SECRETARY'S BUREAU

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 Laura Sunstein Murphy

Street/P.O. Box 1191 Telegraph Road Apt #

City West Chester State PA Zip 19380

County Chester

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

(610 431 1984) (home) (mobile)

E-mail Address (optional): sunmur@gmail.com

Utility Account Number (from your bill) 2346901005

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

RECEIVED 2015 APR -7 AM 10:52 PA. P.U.C. SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent) PECO an Exelon Company

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.

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).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

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.

I want PECO to stop threatening me to shut off my electric service because I and my husband are elderly and have medical conditions which will be seriously jeopardized if the electricity is shut off. We have paid all our bills on time and have been PECO customers for over 30 years.

This all started when PECO wanted to install a smart meter in our house. I refused access because PECO has not proven that smart meters will be safe for medically fragile individuals, nor has PECO proven that smart meters will not cause house fires, which they initially had done. Homes in my vicinity have burned down as recently as last year due to smart meter overheating.

We live in a rural area and are dependent on electricity to power the well pump to pump our water to the house and barn. Without electricity, we have no water.

Without electricity, I would not have been able to download the PUC complaint form to file a formal complaint.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

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 xxxxx

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 xxxxxx

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

xxxx

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.

As soon as we received the shut off notice (copy attached), in the evening of Thursday, March 26, 2015 (which stated it was a ten day shut off notice, but only gave us five business days to respond, with shut off on or after April 3, 2015), I immediately contacted my doctor to invoke the emergency shut off stay provisions in the notice, because of my and my husband's medical conditions which would be worsened if our electricity was shut off. My physician called PECO the following morning Friday, March 27, 2015, and was told that the PECO customer had to call PECO and talk to the legal department to get forms faxed to him for him to fill out.

I called PECO as soon as my physician called me back, that same afternoon, Friday March 27, and spent at least 2 hours on the phone with various representatives from PECO, each one wondering why I had been transferred to him or her. I was cut off three times, and called back each time. Finally, I reached someone who said her supervisor would call me back with an address where my doctor should send a letter, and she stated that there were no forms to fill out and legal only got involved with non payment notices. My doctor sent PECO a medical necessity letter (copy attached) that same day to the PECO supervisor mentioned in my call back.

One of the PECO representatives I spoke with before the call back, informed me that the medical protections offered to those who received shut off notices were only for customers who did not pay their bills, and if I did not grant access to smart meter installation, my electricity would be shut off no matter what my and my husband's medical conditions happened to be. It is astonishing to me that scofflaws who do not pay their electric bills get more protections for their health than those who pay their bills on time. This is unconscionable.

I learned from emails that others in the greater Philadelphia area had received shut off notices regarding smart meter issues. And that I needed to send a formal complaint to the PUC.

My son and his wife in California have the option to not get a smart meter in their home. Many other states offer their constituents that option.

I have learned in the interim that several bills have been brewing in the PA legislature regarding smart meter safety and opt outs, but that a certain law maker has been blocking those bills from the floor, a law maker whose son is connected with the smart meter roll out.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

I am a lawyer. Information above

Lawyer's Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

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, Laura Sunstein Murphy, 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)

April 2, 2015 \_\_\_\_\_  
(Date)

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

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

**10. Two Ways to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>. I will be filing my complaint electronically. I have set up an account.

**Note:** If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

**Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120**

**Note:** Formal Complaints sent by fax or e-mail will not be accepted.

**If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.**

**Keep a copy of your Formal Complaint for your records.**



**Peter J. Prociuk, M.D.**  
**322 North High Street,**  
**West Chester, PA 19380**  
**Tel: 610-701-5702 Fax: 610-701-4225**  
**www.drpeterprociuk.com**  
**peterprociukmd@gmail.com**

March 27, 2015

PECO  
Brenda Eison, Supervisor  
2301 Market St.  
Philadelphia, PA 19103

Re: Acct # 234-690-1005  
1191 Telegraph Rd., West Chester, PA 19382  
Medical Necessity To Keep Electricity On

RECEIVED  
2015 APR -7 AM 10:53  
PA.P.U.C.  
SECRETARY'S BUREAU

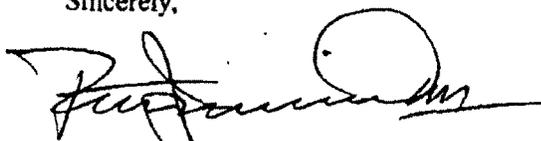
Dear Ms. Eison,

I understand that PECO will shut off electricity on April 3, 2015 unless a new smart meter is installed on the above mentioned property, to which Laura and John Murphy, the owners, are opposed. I have no interest in the outcome of this dispute but it is an unequivocal medical necessity for electric service to be maintained without interruption.

Both the owners are elderly and in fragile health for a number of reasons which is documented extensively by a number of health care providers. Their water comes from a well and is dependent on electricity. Any unnecessary or prolonged interruption in electric service would seriously jeopardize their health.

Your attention, understanding and courtesy in resolving this important health issue is greatly appreciated.

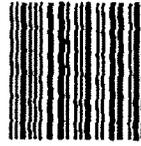
Sincerely,

  
Peter J Prociuk MD

1191 Telegraph Road  
West Chester PA 19380



1000



17120

U.S. POSTAGE  
PAID  
WEST CHESTER, PA  
19380  
APR 03, 15  
AMOUNT  
**\$0.70**  
00109433-05



Formal  
complaint  
copy  
enclosed

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg PA 17120