

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Beth Trivelpiece, :
Complainant :
 : Docket No. C-2015-2462644
v. :
PECO Energy Company, :
Respondent :

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Replies to Exceptions of PECO Energy Company

I. Introduction

An Initial Decision was sent on October 29, 2016. PECO, despite having certified that responses were mailed on November 18th, did not mail responses to Counsel until November 19th. The Envelope is attached as exhibit A. AS PECOS exceptions were not timely sent to Counsel, they should be denied.

II. Argument

A. PECO did delay processing Ms. Trivelpiece's application for service. The transcript supports the finding in the Initial decision.

PECO now attempts to introduce new argument in their exceptions, as well as new evidence, the PAR report, marked as exhibit A. This obliterates Ms. Trivelpiece's due process rights, and should not be considered as a proper legal exception. As was proven at the hearing, PECO made many mistakes in their record, there is no reason to believe the PAR report is any different. Further, there is no reason to have a remand. PECO was fully aware of all the issues raised in the complaint, they should not have a second opportunity to meet their burden of proof.

B. There is no error in the Initial Decision as to the repayment of an outstanding balance over four years old.

There was no evidence to prove that any of the times Ms. Trivelpiece entered into repayment agreements, in order to have new service that she had any knowledge that she was affirming old debt, or was knowingly waiving her right to contest past charges.

PECO has the upper hand in all agreements, as Ms. Trivelpiece needed electric service. In entering into such contract of adhesion, without any intelligent waiver, PECO violates the Unfair Trade Practices and Consumer Protection Law. 73PS §201-2 (4) (xxi) The testimony was that in fact, Ms. Trivelpiece was never given any information as to what any past bills were and in fact, when she finally was given a past bill, she raised the issue in her complaint, that in one instance she was charged when she clearly lived at a different residence. Further, again, PECO is trying to collect for past due bills over four years old, through a termination process. Their remedy should be through the Commonwealth Court. Reliance on Daniel Vermeychuck v. PECO Energy Company, Docket No. C-2013-2388323 is misplaced.

C. PECO was required to perform a high bill and energy efficiency investigation.

As was testified to, Ms. Trivelpiece was constantly wondering about her electric usage. PECO did nothing from December, 2013 to June, 2014, to investigate the problem. The high bill and usage issue was raised in the complaint. There was never a need to amend the complaint, as it had been raised. There was no ambiguity. Further to argue that PECO was not aware of her income until June, 2014, is clearly false, and ignores the evidence of the prior payment arrangements, and prior entrees into the CAP program.

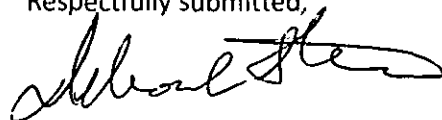
D. PECO did fail to explain its 'reinstate bad debt charges'

Here again, Ms. Trivelpiece's uncontested testimony is key. Rather than have any evidence, PECOS exception here is to propose a scenario, by which she was given explanations, and either did not understand or did not agree with them! Luckily, the initial decision is based on findings from the testimony, not proposed scenarios! As noted, Ms. Tarpley, the sole PECO witness, finally explained this charge at the hearing. What does make this a bit more complex, than Ms. Tarpley's statement, is the issue interest, and reordering is not clear at all on the late payment charges incurred in reinstating the bad debt, as argued in the original memorandum.

III. Conclusion

For the reasons stated above, and in the original memorandum of law, Beth Trivelpiece respectfully requests that the Commission issue and Order in this proceeding just as the Order found in the Initial Decision of the Administrative Law Judge.

Respectfully submitted,



Deborah M. Steeves
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November 30, 2015



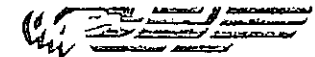
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CERTIFICATE OF SERVICE

I, Deborah M. Steeves, hereby certify that I have this day served a copy of Reply to Exceptions of PECO Energy Company in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Honorable Conrad A. Johnson, ALJ
Pennsylvania Public Utility Commission
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301 5th Avenue, Suite 220
Pittsburg, PA 1522

Beth Trivelpiece
852 Aspen Avenue
Spring City, PA 19475

Ward L. Smith
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2301 Market Street, S23-1
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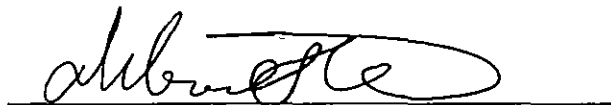
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Dated at West Chester, Pennsylvania, November 30, 2015.



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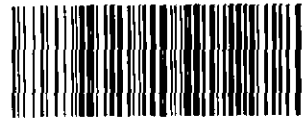
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