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February 23, 2016

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

RE: David Hatchigian v. PECO Energy Company
PUC Docket No.: C-2015-2477331 and C-2015-2487879

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,



Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

sl/LD

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DAVID HATCHIGIAN	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2477331
	:	DOCKET NO. C-2015-2487879
PECO ENERGY COMPANY	:	
Respondent	:	

REPLY EXCEPTIONS OF PECO ENERGY COMPANY

**Shawane L. Lee, Esquire
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Philadelphia, PA 19103
215.841.6841
Shawane.Lee@exeloncorp.com
Counsel for PECO Energy Company**

DATE: February 23, 2016

REPLY EXCEPTIONS

PECO Energy Company (“PECO”) hereby replies to the Exceptions filed by David Hatchigian (“Complainant”) in the above-referenced matter.

On April 10, 2015, Complainant filed a formal complaint against PECO stating that PECO would not permit an electric line to be attached to a brick chimney at the property 104 Wooded Lane, Villanova, PA. On June 15, 2015, the Complainant filed another formal complaint disputing the fact that PECO required the property owners of 104 Wooded Lane, to perform an upgrade if they wanted to install a 281,000 btu gas generator because their current service only had the capacity to handle 200,000 btus. At the hearing, PECO argued that the Complainant had no standing to bring the formal complaints.

On January 13, 2016, Administrative Law Judge Cynthia Williams Fordham (“ALJ Fordham”) issued Initial Decisions for the formal complaints filed at Docket Nos. C-2015-2477331 and C-2015-2487879, dismissing the formal complaints as the Complainant has no standing to bring either of the complaints.

In his exceptions, the Complainant argues that he has standing because he has a “substantial, immediate and pecuniary interest” in this matter. The Complainant is a contractor who was hired by ratepayer, Kate King, to relocate electric service and install a gas generator at her property. The Complainant claims that he has Power of Attorney to prosecute the claims on her behalf.

First, the Complainant argues that he has a “substantial” interest in this matter. The Complainant is not the customer of record at 104 Wooded Lane, Villanova. The customer of record is Kate King. Ms. King did not appear at the hearing and the Complainant did not offer any documents, such as a power of attorney, authorizing him to act on Ms. King’s behalf.

Indeed, PECO has never heard from Ms. King regarding this issue. The ratepayer, Ms. King, has not brought this litigation or even contacted the company with a dispute. Simply put, the Complainant has no power of attorney on behalf of Ms. King and does not have the authority to act on her behalf. The Complainant attached to his exceptions a check from Catherine Dougherty from 114 Iron Works Lane in Wayne, PA on which it is written at the bottom “*and power of attorney*” for 104 Wooded Lane. Ms. Dougherty is not the ratepayer for 104 Wooded Lane. Additionally, (even if she was the ratepayer – and she is not) there is no evidence that Ms. Dougherty wrote “*and power of attorney*” on the check. The Complainant could have written these words himself. Further, the Complainant does not reside at the property; and therefore, he cannot fulfil the requirement of 66 Pa.C.S. § 1403, which defines a customer as a natural person in whose name a residential service account existed or any adult living at the residence. The Complainant does not own the property at 104 Wooded Lane and has no financial interest in the property. As the Complainant has no power of attorney, does not reside at the property, and does not own the property or have a financial interest in the property, he has no “substantial” interest as he alleges. Thus, the Complainant’s argument in this regard should be dismissed.

Second, the Complainant argues that he has an “immediate” interest in the proceedings and the dispute arising from this matter. At the hearing, the Complainant testified that the electric service was relocated and the gas generator installed. The Complainant has no “immediate” interest in this matter as the work has been performed. For instance, it is not as if the matter in dispute is holding up work at the property and the Complainant is unable to perform the work. The Complainant testified that he has already performed the work. The property owners have their electric service relocated and the gas generator is installed. Therefore, any

decision in this matter will not affect the outcome for the work the Complainant was hired to do – the work is completed. Therefore, his argument that he has an immediate interest has no basis.

Next, the Complainant argues that he has a “pecuniary” interest in this matter. At the hearing, the Complainant testified that the work has been completed and he has been paid for his work. The Complainant was not affected by PECO’s determination that the electric service could not be attached to a chimney or that the property owner’s required an upgraded gas service. The Complainant did not pay for the electric service to be removed and the gas service upgraded – he did not come out of his pocket for anything. He cannot show that he somehow lost money because of this decision or that the property owners reduced his pay. He cannot show that he has been harmed financially through having to buy extra supplies or equipment for which he was not reimbursed. He simply has no financial interest at all whatsoever. He has been paid for his work and has not been financially harmed; therefore, he has no pecuniary interest as he alleges.

In order to have standing, a person must have a direct, immediate and substantial interest in the subject matter of the proceeding. William Penn Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975); Landlord Service Bureau, Inc. v. Equitable Gas Co., 79 Pa. P.U.C. 342 (1993); Re Equitable Gas Co., 76 Pa. P.U.C. 23 (1992); In Landlord Service, the ALJ found that, in order to bring a complaint before the Commission, the Complainants must first demonstrate that they have standing to bring the action. Nye v. Erie Insurance Exchange, 470 A.2d 98 (Pa. 1983). I.D. at 9-10.

As the Complainant cannot demonstrate that he has a direct, immediate and substantial interest in the outcome of this matter, ALJ Fordham’s Initial Decision dismissing the Complainant’s formal complaints for lack of standing was proper. The Exceptions provide no

grounds for overturning the Initial Decision whatsoever. Nothing in the Complainant's exceptions warrants a reversal of ALJ Fordham's decision. The Complainant's exceptions should be denied and his formal complaints dismissed.

For the reasons set forth above, PECO respectfully requests that the Commission deny the Exceptions and issue an Order upholding the Initial Decisions at Docket Nos. C-2015-2477331 and C-2015-2487879 in their entirety.

Respectfully submitted,



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VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading 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: February 23, 2016

Shawane L. Lee

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CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a true copy of the foregoing Reply Exceptions upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**David Hatchigian
2414 Township Line Road
Havertown, PA 19083**

Dated at Philadelphia, Pennsylvania, February 23, 2016.



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