

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Mary Paul
v.
PECO Energy Company

Public Meeting – March 17, 2016
2475355-OSA
Docket No. C-2015-2475355

STATEMENT OF
COMMISSIONER PAMELA A. WITMER

Before the Pennsylvania Public Utility Commission (Commission) today are the Exceptions filed by Mary Paul (Complainant) in response to the Initial Decision of Administrative Law Judge (ALJ) Joel Cheskis granting the Preliminary Objections of PECO Energy Company (PECO) and dismissing the Complaint. In her Formal Complaint, the Complainant alleged that PECO threatened to terminate service for her refusal to allow access to her meter so that a smart meter could be installed. She also alleged health and safety concerns with smart meter installation.

In its Preliminary Objections, PECO argued that the Complaint should be dismissed under 52. Pa. Code § 5.101 (a) (4) for legal insufficiency, and that it is required by regulatory and legislative authority to install smart meters. The ALJ granted PECO's Preliminary Objections and dismissed the Complaint, consistent with Commission precedent on similar cases.¹

The Complainant filed Exceptions to the Initial Decision, in which she alleged not only health concerns with smart meters, but also potential customer service violations. She maintained that PECO did not fully inform customers about smart meter technology, and that she did not receive communication from PECO prior to its smart meter initiative or its efforts to install a smart meter at her residence. The decision today reverses the ALJ's Initial Decision, denies PECO's Preliminary Objections, and remands the matter to the Office of Administrative Law Judge for further proceedings.

While I believe alleged customer service violations are well within our purview and warrant further consideration, I do not support remanding the proceeding to the OALJ to address the issue in the Complaint dealing with health and safety concerns. Act 129 of 2008 mandates universal deployment of smart meter technology by electric distribution companies with more than 100,000 customers. Act 129 provides no exception, and the Legislature has not created an opt-out provision. Moreover, the Commission approved PECO's smart meter installation plan,² which was filed to comply with the requirements of Act 129, and which similarly did not provide for an opt-out. As such, the Commission lacks the authority to prevent smart meter installation.

¹ *Maria Povacz v. PECO Energy Company*, Docket No. C-2012-2317176 (Order entered January 24, 2013); *Theresa Gavin v. PECO Energy Company*, Docket No. C-2012-2325258 (Order entered January 24, 2013)

² See *Petition of PECO Energy Company for Approval of its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123944 (Order entered May 6, 2010) (*PECO Smart Meter Plan Order*).

I believe that the better course of action would be to divide the question remanding only the matter of addressing the alleged customer service violations. Given that the referral in the instant proceeding includes health and safety allegations, for which the Commission can legally require no recourse, I respectfully dissent.

DATE: March 17, 2016


PAMELA A. WITMER
COMMISSIONER