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August 18, 2016

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

RE: Deree Norman v. PECO Energy Company
PUC Docket No.: C-2015-2472605

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *Reply Exceptions of PECO Energy Company* 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/ab

I. BACKGROUND AND PROCEDURAL HISTORY

This matter was initiated by Complainant on March 16, 2015, by filing a formal complaint. On March 19, 2015, PECO was served with the formal complaint. In Complainant's formal complaint, Complainant checked the box "The utility is threatening to shut off my service or has already shut off my service" and "Incorrect charges are on my bill". Complainant attached a typewritten statement in which he alleged that PECO was using fictitious billing algorithms to increase his bill during the winter months. For relief, the Complaint indicated that he wanted compensation for his "inconvenience and anguish"; his billing corrected and PECO investigated.

PECO filed its Answer to the Complaint on April 8, 2015. PECO denied the material allegations of the Complaint, and stated the company had performed a high bill field investigation. PECO averred that the company had addressed Complainant's billing concerns during an August 24, 2011, field visit, which confirmed the billing is accurate. A hearing was held in this matter on September 3, 2015, October 29, 2015 and January 21, 2016. At the hearing, Complainant represented himself and offered several exhibits into evidence. PECO presented the testimony of four witnesses and admitted ten exhibits into the record. The Briefing Order in this matter was issued on February 23, 2016. On June 17, 2016, Administrative Law Judge Mary D. Long ("ALJ Long") issued an Initial Decision, dismissing Complainant's formal complaint. Exceptions in this matter were due on July 28, 2016. On July 26, 2016, Complainant requested an extension to file Exceptions, claiming that he was in the hospital. He did not provide any documentation to support his contention that he was in the hospital but was

granted a 20-day extension to submit exceptions. On August 17, 2016, Complainant served his Exceptions on PECO.

Complainant's exceptions demonstrate that he wants to re-litigate his billing dispute and continue to use the PUC administrative process to avoid paying his PECO bill. Complainant has not paid for electricity since October 2014.¹

II. COMPLAINANT'S EXCEPTIONS DISPUTING ALJ LONG'S FINDINGS OF FACT SHOULD BE DENIED.

A. Complainant alleges in his exceptions that ALJ Long failed to rule on his Petition to Proceed In Forma Paupers.

Complainant claims that ALJ Long did not rule on his Petition to Proceed In Forma Paupers. Complainant states that if she had ruled on his petition, then he would have received a copy of the transcript at no cost; and therefore, he has been denied access to the transcript.

The docket reflects that ALJ Long ruled on Complainant's Petition to Proceed in Forma Paupers by Interim Order, dated December 17, 2015. In that Order, ALJ Long dismissed Complainant's Petition because he did not state the costs or fees from which he needed to be excused. ALJ Long also dismissed the Petition because there is no Commission regulation that provides the ALJ authority to waive fees or costs for a Complainant. ALJ Long noted that while the transcript could not be provided to Complainant free of charge, the Commission could make the transcript available for Complainant to view and make notes. As ALJ Long ruled on Complainant's Petition and offered him an alternative for gaining access to the transcript, Complainant's Exception in this regard should be denied.

¹ Complainant has also used the administrative process against Philadelphia Gas Works with the same allegation of billing discrepancies. See Deree Norman v. Philadelphia Gas Works, Docket Number C-2015-2489503 (Initial Decision entered, March 11, 2016). In that case, the Complainant filed Exceptions to Administrative Law Judge Dennis Buckley's Initial Decision on August 11, 2016, and is continuing the abuse of the administrative process against PGW to avoid paying his gas bill.

B. Complainant disputes the high bill field investigation performed at his home.

Complainant alleges in his exceptions that he that he does not possess an electric range in his home; and disputes the field visit by field technician Mary McQuilken and High Bill Field Foreman, Thomas Lerro with his electrician. Complainant disputes the calculation of Ms. McQuilken's analysis of his appliances and the kilowatt hours she determined he had the potential to use in the winter and summer. Complainant additionally disputes that Mr. Lerro took photographs during the field visit. Complainant's exceptions in this regard should be denied. Complainant continues to dispute his billing and is attempting to re-litigate these issues in the form of exceptions.

The record reflects that in 2011, Complainant began contacting PECO to dispute his winter bills. Per PECO's company process, PECO sent high bill field investigator Mary McQuilkin to Complainant's service address on August 24, 2011 to investigate his concerns. (PECO 10; PECO 11). At that time, Complainant was convinced that PECO was increasing the usage during the winter from a computer back at the company. (PECO 10). Complainant neglected to consider the fact that his use of an electric heat source caused his bills to be high. (PECO 11). Ms. McQuilkin noted that Complainant had no gas heat in his home and claimed to have kerosene heaters but they were not present during the visit. (PECO 10). So, how was Complainant heating his home if there were no kerosene heaters present and no gas heat? It is not surprising that Complainant's winter bills in 2011 increased. In his Exceptions, the Complainant admits that his gas service was disconnected in 2009 and admitted in his testimony that gas was not used to heat the home in 2010 and 2011. It is reasonable to believe that

Complainant's higher winter bills were not from a billing algorithm, but rather, use of electric heating.

Complainant continued to complain of high bills and filed this formal complaint alleging that PECO is using an algorithm that generates fictitious bills during the winter. PECO, once again, tested Complainant's AMR meter by performing an instrument meter test on September 24, 2015. (PECO 13). Complainant's personal electrician was present and confirmed the meter test was conducted accurately. (Tr. 187-188). The meter tested 100.025 percent accurate on full load and light load. (PECO 12). PECO looked for foreign wiring to determine if that could be the cause of Complainant's increased winter usage and found no issues. (Tr. 188). PECO's technician walked through Complainant's property and noted all of the electrical appliances present and noted that Complainant had the potential to use the service for which he was billed. (PECO 10; Tr. 187). During the visit, High Bill Foreman, Thomas Lerro took a photograph of the Complainant's new heating system, which demonstrated the system had been recently installed on May 21, 2015. This evidence further supported the fact that the Complainant had no heating during the billing period in dispute. Complainant and his electrician signed off on a checklist that confirmed PECO had performed all of the testing and analysis requested by Complainant and there were no issues found with the meter or Mr. Norman's service. (PECO 188).

Based on the August 24, 2011 and September 24, 2015 field visits and meter tests, there is no objective evidence that the meter is not registering properly; Complainant has received incorrect bills or was not properly billed on the meter readings. Indeed, in number 26 of the Complainant's Exceptions, he concurs with ALJ Long that PECO's meter was operating properly. As the evidence demonstrates that PECO's meter was functioning properly and the

field investigation demonstrates Complainant has the potential to use the service billed, Complainant's exceptions should be denied.

- C. Complainant continues to dispute that he has a Smart (AMI) Meter rather than an AMR Meter.

In his exceptions, Complainant states that ALJ Long mischaracterizes his meter as an AMR meter. The testimony and record reflects Complainant's service address has AMR meter number 107316622, which was installed and tested on February 14, 2002. (Tr.184; Tr. 233). Complainant does not have an AMI – Smart Meter installed at his service address. (Tr. 233; Tr. 236). Complainant has had the same AMR meter installed at his house since February 14, 2002. (PECO 9). During Complainant's case, he spent a considerable amount of time discussing the Smart Meter – an AMI meter - and provided exhibits and written information regarding AMI meters. He also spent quite a bit of time cross-examining PECO's witnesses about the AMI meter. However, Complainant does not have an AMI meter. (Tr. 233). Complainant has the same AMR meter number 107316622, which has been present at his address since he established service at the premises. Therefore, this Exception has no basis, is not supported by the evidence and should be denied.

- D. Complainant continues to claim that PECO has a mysterious algorithm it uses to calculate his bill and claims the company alters the algorithm in the winter to make his bill higher.

Complainant has a theory that PECO is using a fictitious algorithm in the company's billing system during the winter to generate higher bills for its customers. PECO does not use complex mathematical algorithms, statistical data or empirical data in the company's billing

system. (Tr. 214; Tr. 229). Complainant presented no evidence to support his theory and the testimony of PECO's billing manager, Richard King proves this is simply not true. Mr. King has been employed with PECO for 44 years and started with the company as a meter reader. (Tr. 203). Mr. King testified that PECO collects actual daily meter readings from Complainant's meter (Tr. 204; Tr. 205). These meter readings are transmitted through the L & G (Landis & Gyr) system to PECO's Customer Information Management billing system every night at 12:00 a.m. (Tr. 203; Tr. 230). The actual meter readings are then calculated with the rate PECO has in place and a bill is generated. (Tr. 204; Tr. 213). Mr. King testified that he has worked with the IT programmers of PECO's billing system and any project that relates to billing and meters and he is responsible for signing off and approving the requirements for bills that go out to customers every month. (Tr. 231). In that capacity, Mr. King testified there are no billing algorithms that go into PECO's system. (Tr. 214; Tr. 229; Tr. 230).

In his Exceptions, Complainant disputes Mr. King's testimony of the "MCC" device which is used to communicate meter readings to PECO's Customer Information Management system and disagrees with ALJ Long's finding of fact. The Complainant's Exceptions should be denied as Complainant does not allege that ALJ Long made an error of law or abused her discretion in any manner.

III. THE COMPLAINANT'S EXCEPTIONS ALLEGING EXHIBITS ILLEGALLY EXCLUDED FROM EVIDENCE SHOULD BE DENIED

- A. Complainant's Exhibits Were Irrelevant and Contained Information Beyond the Scope of PECO Witness, Mary McQuilkin's Testimony.

The Complainant presented exhibits for hearing, which contained literature regarding Smart Meters and charts to compare his PECO and PGW billing. In his Exceptions, Complainant states: "PECO's witnesses were not supplied with copies of [Complainant's] exhibits." He additionally alleges that "his exhibits were illegally excluded from evidence as a result of PECO's attorney." The Complainant claims that PECO failed "to provide its witnesses with copies of the Complainant's exhibits during the telephonic hearing." Preliminarily, the record reflects that all of PECO's witnesses who testified had a copy of the Complainant's exhibits except for high bill field technician Mary McQuilkin who testified from a remote location. The Complainant's Exceptions appear to center around an argument that he was somehow prejudiced because Ms. McQuilkin did not have a copy of his exhibits when she testified in PECO's case. When Ms. McQuilkin testified, she had a copy of the high bill field reports of the visits she conducted at the Complainant's property. Ms. McQuilkin testified regarding her visits, the appliances she found at the Complainant's residence, and her check of the Complainant's meter.

Ms. McQuilkin did not have a copy of the Complainant's proposed exhibits; however, the exhibits were entirely irrelevant to her direct testimony. The Complainant presented proposed exhibits, which primarily contained literature regarding Smart Meters and charts of billing data. Ms. McQuilkin had no knowledge of the Smart Meter literature the Complainant proposed in his exhibits – even if she did – the literature was irrelevant because the Complainant has no Smart Meter installed at his home. Ms. McQuilkin did not testify regarding a Smart Meter; therefore, any cross-examination with these exhibits would have been beyond the scope of her testimony. Additionally, Ms. McQuilkin did not have the billing data the Complainant proposed in his exhibits, which listed a comparison of the Complainant's PECO bills and Philadelphia Gas

Works bills. However, this data was not relevant to Ms. McQuilkin's direct testimony of her high bill field visit. Ms. McQuilkin is not a billing analyst and has no insight into the Complainant's billing. That is why PECO presented Billing Manager, Richard King who testified extensively about the billing data the Complainant had compiled in his exhibits. Further, Ms. McQuilkin did not testify regarding the Complainant's billing; therefore, any cross-examination on this subject with the Complainant's billing exhibits would have been beyond the scope of her direct testimony.

Thus, in sum, the Complainant's argument that Ms. McQuilkin did not have his exhibits before her when she testified in PECO's case has no basis. Any cross-examination the Complainant directed to Ms. McQuilkin was properly limited to the scope of her testimony – her high bill field reports. It would have been improper for the Complainant to cross-examine Ms. McQuilkin on Smart Meter literature she did not testify to and had no knowledge of or on billing data that she did not testify to and has no expertise in. Accordingly, ALJ Long correctly let Ms. McQuilkin's testimony proceed and correctly did not declare "a mistrial" as the Complainant states in his exceptions. Complainant's exception arguing that "PECO's witnesses were not supplied with copies of [Complainant's] exhibits" is inaccurate and should be denied.


IV. CONCLUSION

Complainant's exhibits and testimony did not meet the burden of proof required to demonstrate that PECO improperly billed him. Complainant presented no evidence to establish that PECO violated a regulation or the Public Utility Code. His evidence regarding overbilling consisted mostly of unsupported assertions and irrelevant documentation related to a meter type he does not have installed at his premises. As Complainant did not meet his burden of proof,

ALJ Long properly dismissed his complaint. The Complainant should not be allowed to continue to use the PUC administrative process to avoid paying his bill, which he has not paid in almost two years.

For the reasons set forth above, PECO respectfully requests that the Commission deny the Complainant's Exceptions and issue an Order upholding the Initial Decision in its entirety.

Respectfully submitted,



Shawane L. Lee

Dated: August 18, 2016

