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September 7, 2016

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

RE: Ronald Abrams v. PECO Energy Company
PUC Docket No.: F-2015-2513806

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,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long horizontal flourish extending to the right.

Shawane Lee
Counsel for PECO Energy Company

cc: Certificate of Service

SL/ab

REPLY EXCEPTIONS

PECO Energy Company (“PECO”) hereby replies to the Exceptions filed by Ronald Abrams (“Complainant”) in the above-referenced matter on August 10, 2016. PECO was not served with a copy of the Exceptions by the Complainant or the Public Utility Commission and recently identified them on the PUC docket. Accordingly, PECO submits its reply exceptions *nunc pro tunc*.

On November 12, 2015, Complainant filed a formal complaint against PECO. In his formal complaint, Complainant ticked off the box “other” and stated that PECO has been “cheating and stealing” and has “dishonest business practices.” The Complainant alleged that PECO billed him incorrectly and stole his LIHEAP funding. He alleged that PECO was forcing him to be enrolled in a “crooked budget billing program” which resulted in PECO overcharging him each month. The Complainant additionally alleged that he was being harassed by third party suppliers because PECO allegedly gave his telephone number and information to the suppliers. Respondent, PECO Energy filed an Answer on December 8, 2015, denying the allegations in the complaint and averred that the Complainant is a Customer Assistance Program (CAP) customer enrolled under Tier B, which has a mandatory requirement of budget bill enrollment.

A telephonic hearing was held before Administrative Law Judge Darlene D. Heep (“ALJ Heep”) on February 18, 2016. During the hearing, the Complainant offered no exhibits and had no witnesses testify. ALJ Heep issued an Initial Decision on May 26, 2016, dismissing the Complainant’s formal complaint.

In his Exceptions, the Complainant states that he disagrees with ALJ Heep’s Initial Decision. The Complainant’s exceptions are procedurally improper and should be dismissed under that basis alone. Pursuant to 52 Pa. Code 5.533(b), “[e]ach exception must . . . identify the

finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision,” and “[s]upporting reasons for the exceptions shall follow each specific exception.” Complainant’s attempt to further litigation in this matter by simply disagreeing with the outcome of the Initial Decision without identifying any specific error of law or abuse of discretion fails to satisfy the requirements is procedurally improper and should be dismissed summarily. Further, Complainant’s exceptions are without merit.

First, the Complainant alleges that PECO has and continues to abuse him when he calls the company. The Complainant claims that PECO employees have cursed at him and threatened him. The Complainant’s allegations defy belief. It is the converse – the Complainant has been combative and abusive to PECO’s customer service representatives during his calls to customer service. ALJ Heep addressed the Complainant’s allegations of poor customer service in her Initial Decision. ALJ Heep heard the testimony of Customer Service Center Senior Supervisor, Anita Armstead, who testified that she contacted the Complainant numerous times to resolve his concerns. Indeed, PECO presented a contact history retrieved from PECO’s Customer Information Management system, documenting the calls the Complainant made to the company and the company’s response. The Complainant presented no proof and there was nothing in the record to suggest that PECO abused, threatened or cursed at the Complainant. As ALJ Heep stated in her Initial Decision:

There is no basis upon which to find that PECO and its representatives were unreasonable, given that PECO employees responded to his calls and often assented to Mr. Abrams’ requests, as more fully disclosed below.

Accordingly, the Complainant’s Exception in this regard should be denied.

Second, the Complainant alleges in his Exceptions that ALJ Heep did not address his concerns about budget billing and that his balance is always incorrect. A review of ALJ Heep's Initial Decision reveals that she did address budget billing. In Section 1, ALJ Heep determined that the Complainant is enrolled in the Customer Assistance Program under Tier B. PECO's Tariff CAP Rider requires customers enrolled under Tier B to be enrolled in budget billing. ALJ Heep also noted that budget billing can increase or decrease based on the customer's usage. In the Complainant's case, ALJ Heep explained in her Initial Decision that the Complainant's winter usage resulted in an increased budget bill and a decrease in his budget bill during the summer. Accordingly, ALJ Heep determined "there is no basis upon which to find error in PECO's billings of Mr. Abrams and therefore there is no violation here." As ALJ Heep addressed the Complainant's budget billing concerns, the Complainant's Exceptions in this regard should be denied.

Next, the Complainant alleges in his Exceptions that he wants control over his LIHEAP money and that the funds have not been applied correctly to his bill. ALJ Heep addressed this issue in Section 1 of her Initial Decision and determined that PECO had credited the surplus LIHEAP grant to the Complainant's account. As such, "there is no evidence that PECO misapplied this grant in any way." At the hearing, PECO's witness testified that LIHEAP grants are posted to customer's accounts. PECO has no direct control over the LIHEAP grants and cannot appropriate the funds. The evidence in the record and the account activity statement PECO presented as Exhibit 1, demonstrates that PECO properly applied the Complainant's LIHEAP grants when they were received from LIHEAP. Accordingly, the Complainant's Exceptions should be denied.

The Complainant alleges in his Exceptions that he is continuously harassed by third party energy suppliers coming to his door and making telephone calls to him that are annoying. ALJ Heep addressed this issue in Section 4 of her Initial Decision. ALJ Heep determined that “one cannot conclude that PECO was responsible or accountable for the continued contacts by third-parties.” The record demonstrates that Customer Service Senior Supervisor, Anita Armstead, personally updated the Complainant’s account on March 5, 2015, and placed a notation on the account to “release no information.” Nevertheless, the Complainant continued to receive sales calls after PECO updated his account. There is nothing PECO could possibly do to stop the Complainant from receiving supplier calls other than update his account that no information should be released. Accordingly, as ALJ Heep stated in her Initial Decision “there is no violation here.” The Complainant’s Exceptions in this regard should be denied.

Finally, the Complainant excepts to ALJ Heep’s Initial Decision claiming that “he wrote an answer to PECO about this complaint [and PECO] did not ever reply.” During the course of the litigation, PECO did not receive an Answer or correspondence from the Complainant. The docket does not reflect that the Complainant filed an Answer or sent correspondence about his complaint. Clearly, ALJ Heep did not receive an Answer from the Complainant because it is not noted in the procedural history of the case. In any event, whether the Complainant sent an Answer to PECO is irrelevant and does not affect the Complainant’s substantive rights. For instance, ALJ Heep did not state in her Initial Decision that PECO filed New Matter and the Complainant did not answer the New Matter. ALJ Heep did not state that PECO filed a Motion for Judgment on the Pleadings and the Complainant did not answer the Motion. ALJ Heep did not rule on anything concerning an Answer the Complainant allegedly sent to PECO. Accordingly, the Complainant’s Exceptions in this regard have no merit and should be denied.

ALJ Heep correctly concluded that the Complainant has not met his burden of proof in this matter. Accordingly, ALJ Heep's decision to dismiss the Complainant's case against PECO should be upheld.

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

Respectfully submitted,



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