



An Exelon Company

Legal Department
2301 Market Street / S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Direct Dial: 215-841-6841

September 26, 2016

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

RE: Christine McSorely v. PECO Energy Company
PUC Docket No.: C-2016-2565864

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *Preliminary Objection of Respondent, 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

SL/ab

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHRISTINE MCSORLEY	:	
Complainant	:	
v.	:	DOCKET NO. C-2016-2565864
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection within 10 days from service of this notice, a ruling may be entered against you. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

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

With a copy to:
Shawane L. Lee
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, September 26, 2016.



Shawane L. Lee
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
(215) 841-6841
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHRISTINE MCSORLEY	:	
Complainant	:	
v.	:	DOCKET NO. C-2016-2565864
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**PRELIMINARY OBJECTION OF RESPONDENT,
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(4) respectfully petitions this Honorable Commission to dismiss the instant Complaint as legally insufficient.

1. On September 9, 2016, PECO Energy was served with a formal complaint filed by Christine McSorley (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.

2. In her Complaint, Complainant states that she owns a rental property located at 3037 Tyson Avenue, Philadelphia, PA.

3. The Complainant states that there are two additional light bulbs connected to her tenant’s meter.

4. The Complainant states that she entered into an agreement with her tenant where she has lowered the rent to compensate for the additional lights connected to her tenant’s meter.

5. The Complainant states that PECO’s demand that she perform electrical rewiring to correct the foreign wiring condition does not make economic sense.

6. In her request for relief, the Complainant requests that PECO transfer her tenant's balance back to her tenant.

7. PECO Energy simultaneously filed an Answer and the instant Preliminary Objection.

8. Pursuant to 52 Pa. Code § 5.101, preliminary objections may be filed against a complaint and dismissed for legal insufficiency. 52 Pa. Code § 5.101(a)(4).

9. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure.¹

10. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible.²

11. A complaint must be able to recover under the law to survive a preliminary objection.³

12. All of the non-moving party's averments must be taken as true for the sake of deciding the preliminary objection.⁴

13. The court does not, however, need to accept, "unwarranted inferences from facts, argumentative allegations, or expressions of opinions."⁵

14. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing of, in its opinion, a hearing is not necessary to the public interest.

¹ *Equitable Small Transportation Interveners v. Equitable Gas Co.*, 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994)

² 2006 Pa. PUC Lexis 111, *7.

³ *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) ("preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover").

⁴ *Id.* at 7-8.

⁵ *Feingold v. McNulty*, 2009 Phila. Ct. Com. Pl LEXIS 167, *3.

15. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa.Pub. Util. Comm'n, 817 A.2nd 593 (Pa.Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

16. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law with respect to all of the allegations in the Complaint.

17. The Commission has held that a landlord must pay the utility for any account balance, including arrearages, once a foreign load or wiring has been found. 66 Pa. C.S. §§ 1529.1(a), (c); and Ace Check Cashing Inc. v. Phila. Gas Works, Final Order, (May 21, 2010). See also Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997).

18. The Complainant is the owner of the rental property at issue. See Exhibit "1".

19. The Complainant avers that she is being held responsible for her tenant's balance that was transferred to her. The Complainant disputes responsibility for the balance transferred to her arising from the foreign wiring condition. The Complainant states that she has entered into an agreement with her tenant to compensate for the foreign wiring condition. See Complaint at Exhibit "1".

20. The Complainant seeks the following relief:

Request that the billing be return (sic) to the tenant who has accepted our arrangement.

See Complaint at Exhibit "1".

21. As previously explained by the Legislature and this Commission, upon discovering the existence of a foreign load a public utility is required to list the account, including any arrearages, in the name of the landlord. 66 Pa. C.S. §§ 1529.1(a), (c). See also Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997). The landlord is responsible for paying the utility bills until the foreign load is corrected. Santos at 16. Once the foreign

load is corrected by the landlord and verified by the utility, the utility will place the account back in the name of the tenant and the arrearage, if any, will remain the landlord's responsibility. Id. To the extent any dispute regarding the financial responsibility of the parties exists, that is a matter to be resolved in the Court of Common Pleas as it is outside the Commission's jurisdiction. Edmund v. Corazzini v. UGI Penn Natural Gas, Inc., No. F-2009-2101282, Opinion and Order adopted July 15, 2010 at 7.

22. The Complainant does not allege that the property is not a rental property or that she is not the owner of the property.

23. The Complainant does not allege that PECO Energy incorrectly determined a foreign wiring condition at her property.

24. The Complainant does not allege that PECO Energy delayed investigating her tenant's foreign wiring concerns.

25. The Complainant does not allege that PECO Energy transferred an incorrect amount to her account.

26. The Complainant does not allege that PECO Energy delayed their field investigation to verify the foreign wiring had been corrected.

27. The Complainant's formal complaint simply alleges that foreign wiring was found at her property and she feels that she should not be held responsible for her tenant's balance because she has entered into an agreement with her tenant to cover the foreign wiring usage.

28. Indeed, consistent with 1-A Realty v. PPL Electric Utilities Corp., Docket Nos. F-2010-2166554 and F-2010-2166976 (Order entered April 12, 2012), at 20, the Commission determined that a tenant could not waive rights pertaining to foreign load charges, and that there is no exception to the requirements of Section 1529.1 based on private agreements

between landlords and tenants. Id. The Commonwealth Court affirmed the Commission's decision and concluded that tenants are not permitted to accept utility service which is not exclusive to their homes. 1-A Realty, supra, 63 A.3d at 484.

29. As stated in 1-A Realty, the landlord shall be responsible for payment for the utility services rendered to the rental property when in a foreign load is found and tenants are not permitted to consent to having foreign load charges attributed to them.

30. The Commission reached the same result in the matter George W. Kopf Jr. v. PECO Energy Company, Docket No. C-2012-2332993 (Opinion and Order entered, June 13, 2013). In that case, Mr. Kopf argued that his tenant, by her lease agreement, agreed to pay for all utilities to the common areas. Administrative Law Judge David Salapa granted PECO Energy's Preliminary Objection and dismissed Mr. Kopf's formal complaint in a well-reasoned opinion wherein he determined that the tenant's "lease does not supersede and has no effect on the Respondent's obligation to comply with Section 1529.1 of the Code." Id. at 9.

31. In the case at bar, PECO Energy properly transferred the tenant's utility account, including arrearages, to the Complainant's name.

32. PECO Energy's actions are consistent with Pennsylvania law.

33. The PUC is not the forum for the Complainant to raise what is essentially a landlord tenant dispute, regarding the foreign wiring balance that should be attributable to her as opposed to the amount attributable to her tenant pursuant to an agreement between the parties.

34. As stated in Edmund v. Corazzini, supra that is a matter to be resolved in the Court of Common Pleas as it is outside the Commission's jurisdiction.

35. Because the Complaint relates to a dispute about the assignment of financial responsibility for a foreign load in a building she owns, as well as the portion of the balance

owed attributable to the foreign wiring condition, this complaint should be dismissed as a matter of law.

36. Accordingly, PECO Energy requests that the Commission dismiss the Complaint for legal insufficiency.

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainants' Complaint.

Respectfully submitted,



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHRISTINE MCSORLEY	:	
Complainant	:	
v.	:	DOCKET NO. C-2016-2565864
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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: September 26, 2016



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHRISTINE MCSORLEY	:	
Complainant	:	
v.	:	DOCKET NO. C-2016-2565864
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Christine McSorley
3550 Post Road
Huntingdon Valley, PA 19006

Dated at Philadelphia, Pennsylvania, September 26, 2016.



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Friday, September 09, 2016 11:24 AM
To: Lee, Shawane L:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL] PA PUC eServe Notice
Importance: High

Dear Shawane L Lee,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2016-2565864**.
You may view this document at
[Formal Complaint](#)

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

* *Please do not respond to this automatically generated email.*

LEGISLATIVE RUSH

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Richard Altopiedi for Christine McSorley
Street/P.O. Box 3530 Post Rd. Apt # _____
City Huntingdon Valley State PA Zip 19006
County Montgomery

Telephone Number(s) Where We Can Contact You During the Day:

() _____ (home) (215) 350-1212 (mobile)

E-mail Address (optional): rich_pa@comcast.net

Utility Account Number (from your bill) 97019-02033

If your complaint involves utility service provided to a different address or a different name than your mailing address, please list this information below.

Name Christine McSorley
Street/P.O. Box 3037 Tyson Ave. Apt. 1
City Philadelphia State PA Zip 19149

2. Name of Utility or Company (Respondant)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO

RECEIVED
PA PUC
OFFICE - LEG. AFFAIRS
216 AUG 23 2014 9:55
PA PUC
LEGISLATIVE RUSH

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
 GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
 WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
 STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).
See Requested Relief.

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or internet service, but may be able to resolve a dispute regarding voice communications over the internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

* It would be beneficial for everyone, if the utility company went back to billing the apartment tenant the way they had in the past, as a CAP recipient. We have lowered the rent for the apartment to more than cover any additional costs incurred by the additional 2 bulb lighting noted.

To demand electrical rewiring as PECO has, does not make economic sense for anyone except possibly the utility company, and could result in outright discrimination of low income people from a rental perspective!

We, therefore, request that billing be return to the tenant who has accepted our arrangement.

For a more in depth discussion of this circumstance and why we feel the way we do, please read the following page. Item 5A.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

5A I understand and don't disagree with the heart of why such a regulation has been put in place. However, when a person or persons of limited income is/are the essential user and recipient of utility expenses under CAP, and the utility uses the premise of "foreign wiring", for 2 light bulbs, as a reason to bill the landlord, then I think the regulation(s) is blatantly discriminatory toward low income people and unreasonable for the following reasons:

- Discounted rates go to Standard Rates when the billing is passed from the CAP eligible tenant to the Landlord.
- Many low income people would then find electric costs unaffordable from the Landlord.
- Purpose of CAP is clearly compromised.

Alternatively, Landlords are then having to:

- Spend an estimated \$2,000 for rewiring
- Pay to have a 3rd billing meter installed at the apartment
- Pay subsequent monthly equipment usage charges for that meter
- Significantly raise rent, just to satisfy this continued cost for electric connection.
- Pass along electrical costs at High Standard Rates
- Worse, perhaps deciding not to rent to low income people.

I can't believe that the PUC or any government agency is in favor of the last position, and neither are we! To ask that the remedy to correct this problem require that the landlord do what is demanded by PECO, does not make good business sense and is a deterrent to renting to low income, otherwise eligible, people.

A better and more situation sensible solution is needed in these cases. We believe our solution is both tenable and supports the best interests of the low income tenant on CAP.

- We have installed very low energy bulbs in all areas where the tenant might have added electric responsibility.
- Lowered Rent to more than cover any usage costs they would incur due to these outside 2 apartment lights.
- Further, identify these lights as part of the apartment usage with current, and any future tenant.

This way, the tenant is not denied the use of the apartment and the landlord can continue renting to low income or elderly tenants on CAP, and at reasonable rates.

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Utility company had only one answer and that was to rewire!

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept it.

Verification:

I Christine McSorley, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Christine McSorley
(Signature of Complainant)

8-16-16
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/filing/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

RECEIVED
SEP - 8 PM 2:44
PA PUC
SECRETARY'S BUREAU

Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

EXHIBIT 2



PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONSUMER INFO UTILITY & INDUSTRY FILING & RESOURCES ABOUT PUC CONTACT US

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eFiling Successfully Transmitted



Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

If your filing consists of multiple pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Please print a copy of this page and attach it to the paper copy of your filing as the first page.

eFiling Confirmation	
Docket Number:	C-2016-2565864
Description:	Christine McSorley - PECO Energy Company Answer to Formal Complaint
Transmission Date:	9/26/2016 12:00:35 PM
Filed On:	9/26/2016 12:00:35 PM
eFiling Confirmation Number:	1651307

Uploaded File List

File Name	Document Class	Document Type
Christine McSorley - Answer.pdf	Communication	Answer to Formal Complaint

PECO ENERGY
2



An Exelon Company

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19101-8699

Direct Dial: 215-841-6841

September 26, 2016

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

RE: Christine McSorley v. PECO Energy Company
PUC Docket No.: C-2016-2565864

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy's Answer to Formal Complaint*.

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".

Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHRISTINE MCSORLEY
Complainant
v.

PECO ENERGY COMPANY
Respondent

:
:
:
:
:
:

DOCKET NO. C-2016-2565864

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On September 9, 2016, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Christine McSorley hereafter "Complainant"). Pursuant to 52 Pa. Code § 5.61, PECO Energy responds to the Complaint and states:

1. Admitted
2. Admitted.
3. Admitted.
4. Denied. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the complaint. In her Complaint, the Complainant disputes a balance transferred to her from her tenant's rental unit at 3037 Tyson Avenue, Apartment 1, Philadelphia, PA. The Complainant states that for PECO to demand that she do electrical rewiring does not make economic sense. The Complainant states that she has entered into an agreement with her tenant where she has lowered her rent to cover for the two additional light bulbs connected to her tenant's meter. The Complainant requests that PECO transfer her tenant's balance back to the tenant.

PECO Energy's records reveal that the Complainant owns the property located at 3037 Tyson Avenue, Philadelphia, PA. The Complainant has a tenant, Elizabeth Mulcahey, who

established service at the premises in Apartment 1. See Account Activity Statement, attached hereto as Exhibit "1". On April 21, 2016, Ms. Mulcahey complained of high bills at her residence. Accordingly, on May 4, 2016, a PECO Energy technician visited the property and found foreign wiring. Specifically, the technician found the basement and stairway lights connected to Ms. Mulcahey's meter. The lights provided common area lighting for the basement and stairway.

On May 9, 2016, PECO connected service in the Complainant's name and a new account established under account number 97019-02033. See Account Activity Statement, attached hereto as Exhibit "2". PECO sent correspondence to the Complainant on May 6, 2016, advising that foreign wiring had been found. See Correspondence, dated 5/6/16, attached hereto as Exhibit "3". PECO sent correspondence to Ms. Mulcahey advising that foreign wiring had been found and her balance would be transferred to her landlord. See Correspondence dated 5/12/16, attached hereto as Exhibit "4". Ms. Mulcahey's balance in the amount of \$814.23 was transferred into the Complainant's name under account number 97019-02033. See Exhibit "2".

The account and service remains in the Complainant's name as she has not contacted the company to advise PECO to verify the foreign wiring condition has been corrected.

On June 24, 2016, the Complainant filed an informal complaint with the Bureau of Consumer Services at case number 003453006, complaining that the company had transferred her tenant's unpaid balance to her account because foreign wiring was found. The Complainant stated that she had an agreement with her tenant to cover the foreign wiring condition. See Case Details Report #003453006, attached hereto as exhibit "5". On August 3, 2016, the BCS issued a Decision Report, closing the Complainant's case as follows:

DISMISSAL LETTER. TITLE 66 PA.C.S. § 1529.1 ALLOWS A PUBLIC UTILITY TO HOLD THE PROPERTY OWNER (LANDLORD) RESPONSIBLE FOR THE ACCOUNT BALANCE THAT ACCRUED WHILE THE SERVICE WAS IN THE TENANT'S NAME AND SHARED METERING (FOREIGN LOAD) EXISTED ON THE TENANT'S SERVICE. ADDITIONALLY, WHEN A FOREIGN LOAD EXISTS AT THE PROPERTY, THE PUBLIC UTILITY SHALL FORTHWITH LIST THE ACCOUNT FOR THE PREMISES IN QUESTION IN THE NAME OF THE OWNER, AND THE OWNER SHALL THEREAFTER BE RESPONSIBLE FOR THE PAYMENT FOR THE UTILITY SERVICES RENDERED THEREUNTO.

See BCS Decision Report #003453006, attached hereto as Exhibit "6".

PECO Energy avers that the company properly determined there was a foreign load condition at the Complainant's rental property and transferred the service and charges into the Complainant's name consistent with 66 Pa. C.S. §§ 1529.1(a), (c); and Ace Check Cashing Inc. v. Phila. Gas Works, Final Order, (May 21, 2010). Upon discovering the existence of a foreign load a public utility is required to list the account, including any arrearages, in the name of the landlord. 66 Pa. C.S. §§ 1529.1(a), (c). See also Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997). The landlord is responsible for paying the utility bills until the foreign load is corrected. Santos at 16. Once the foreign load is corrected by the landlord and verified by the utility, the utility will place the account back in the name of the tenant and the arrearage, if any, will remain the landlord's responsibility. Id. To the extent any dispute regarding the financial responsibility of the parties exists, that is a matter to be resolved in the Court of Common Pleas as it is outside the Commission's jurisdiction. Edmund v. Corazzini v. UGI Penn Natural Gas, Inc., No. F-2009-2101282, Opinion and Order adopted July 15, 2010 at 7.

5. Denied.

6. Admitted.

7. Admitted.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



**Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
shawane.lee@exeloncorp.com**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CHRISTINE MCSORLEY
Complainant
v.

DOCKET NO. C-2016-2565364

PECO ENERGY COMPANY
Respondent

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VERIFICATION

I, Shawane 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: September 26, 2016

Shawane L. Lee

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CHRISTINE MCSORLEY
Complainant
v.

DOCKET NO. C-2016-2565864

PECO ENERGY COMPANY
Respondent

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CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Christine McSorley
3550 Post Road
Huntingdon Valley, PA 19006

Dated at Philadelphia, Pennsylvania, September 26, 2016.



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

EXHIBIT 1

PECO Account Activity Statement

*** Account Information ***

*** Current Account Status ***

Date: 09/22/16
Page: 1 of 2

Account Number: 97019-02024
Account Status: Final
Requested By: ELIZABETH AND MICHAEL
(215)332-5965 Extension:

Mail To:
ELIZABETH AND MICHAEL
3037 TYSON AVE FL 1
PHILADELPHIA PA 19149

Current Bill: \$0.00
Billed Prior: \$0.00
Balance Due: \$0.00
Service Address:
3037 TYSON AV
1ST FL
PHILADELPHIA PA 19149

Credit Amount: \$130.00
Deposit Requested: \$0.00
Deposit On-Hand: 90.00
Recor Bill Grp: 05
Rate: Electric Residential Heating Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	DAY
05/05/15	ELECTRIC SERVICE	04/10/15 05/05/15	22855	118939429	\$63.80		\$63.80		05/27	609
05/05/15	CONNECTION CHARGE - STANDARD				\$6.00		\$70.99			
05/05/15	Regular Bill									
06/02/15	Late Payment Charge									
06/04/15	CANCELLED ELECTRIC SERVICE	05/05/15 06/04/15	23847	118939429	\$0.97		\$70.99		05/27	609
06/04/15	Regular Bill				\$150.47		\$150.47			
06/11/15	Adjustment									
06/11/15	BUDGET BILLING									
06/11/15	Regular Bill	05/05/15 06/04/15			\$116.00	\$150.47	\$222.43	\$71.96	06/26	992
07/02/15	Payment									
07/02/15	BUDGET BILLING									
07/06/15	Regular Bill	06/04/15 07/06/15			\$116.00	\$116.00	\$187.96	\$71.96	07/06	992
07/31/15	Payment									
08/04/15	BUDGET BILLING									
08/04/15	Regular Bill	07/06/15 08/04/15			\$116.00	\$116.00	\$187.96		07/28	1569
08/04/15	Late Payment Charge									
08/04/15	Regular Bill				\$1.08		\$189.04	\$73.04	08/26	1703
09/01/15	Payment									
09/01/15	Late Payment Charge									
09/02/15	BUDGET BILLING									
09/02/15	Regular Bill	08/04/15 09/02/15			\$116.00	\$116.00	\$189.04			
09/29/15	Late Payment Charge									
10/02/15	BUDGET BILLING									
10/02/15	Regular Bill	09/02/15 10/02/15			\$2.82	\$363.51	\$190.12	\$74.12	09/24	1240
11/02/15	BUDGET BILLING									
11/02/15	Regular Bill	10/02/15 11/02/15			\$116.00	\$376.67	\$308.94	\$192.94	10/26	953
11/02/15	Late Payment Charge									
11/02/15	Regular Bill				\$182.00	\$305.27	\$495.50	\$313.50	11/24	808

PECO ENERGY
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EXHIBIT 2

PECO Account Activity Statement

*** Account Information ***

Account Number: 97019-02033
 Account Status: Active
 Requested By: CHRISTINE MCSORLEY
 (215)331-9005 Extension:

Mail to:
 CHRISTINE MCSORLEY
 3550 POST RD
 HUNTINGDON VALLEY PA 19006

Current Bill:
 Billed Prior: \$694.83
 Balance Due: \$871.41
 Service Address:
 3037 TYSON AV
 1ST FL
 PHILADELPHIA PA 19149

*** Current Account Status ***

Credit Amount: \$0.00
 Deposit Requested: \$0.00
 Deposit On-Hand: \$0.00

Motor Bill Grp: 05
 Rate: Electric Residential Heating Service

Date: 09/22/16
 Page: 1 of 1

DATE	CHANGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	RM#
05/09/16	Billing Adjustment									
05/09/16	CORRECTION CHANGE - STANDARD				\$814.23					
05/09/16	Regular Bill				\$6.00					
06/03/16	ELECTRIC SERVICE	05/04/16 06/03/16	37373	118939429	\$101.30		\$820.23		05/31	
07/05/16	ELECTRIC SERVICE	06/03/16 07/05/16	38460	118939429	\$163.89		\$921.53	\$820.23	06/27	737
08/02/16	Late Payment Charge	07/05/16 08/03/16	39569	118939429	\$2.37		\$1085.42	\$921.53	07/27	1087
08/03/16	ELECTRIC SERVICE				\$167.04					
08/10/16	Payment					\$360.00	\$1254.83	\$1087.79	08/25	1109
08/30/16	Late Payment Charge									
09/01/16	ELECTRIC SERVICE	08/03/16 09/01/16	40631	118939429	\$13.30		\$1071.41	\$908.13	09/23	1062
09/01/16	Regular Bill				\$163.26					
09/02/16	Payment					\$200.00				
09/22/16	Pending Payment					\$400.00				

ENERGY
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EXHIBIT 3



May 6, 2016

Christine T McSorley
3550 Post Rd
Huntingdon Valley, Pa 19006

Regarding: 3037 Tyson Ave
1st Fl
Philadelphia, Pa 19149

Dear Ms. McSorley:

On 5-4-16 a PECO field technician visited the above referenced property in response to a high bill complaint. The technician found all stairway and basement lights are connected to 1st floor's services. This is known as foreign wiring. Please have your electrician check for any additional foreign wiring that may not have been detected at the time of the field visit.

When PECO identifies foreign wiring, Pennsylvania State Law requires the electric service to be transferred into the name of the landlord, until the wiring is properly corrected. (Per Section 1529.1(b) of the Pennsylvania Public Utility Code, 66 Pa. C.S. 1529.1)

Please be advised that the electric service for the accounts in question will be transferred into your name effective immediately. If any of the current tenant's balance due is attributable to the found foreign wiring the entire balance will be transferred into your name as well. The service can only go back into your tenants name if you have your electrician correct the wiring for each apartment.

If you have completed the repairs, or have any questions regarding this matter, please telephone 215-841-6094.

Cordially,

Roberto Allica
Customer Field Operations

PECO ENERGY
EXHIBIT 3

EXHIBIT 4



UTILITY COMPANY REPORT
Reporte De La Compania Utilidades

Date: 5/12/16	Prepared By: PORTELLI, ANTHONY
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Name: ELIZABETH ANN MULCAHY
Service Address: 3037 TYSON AVE, 1ST FL PHILADELPHIA PA 19149
Post Office: PHILADELPHIA PA 19149
Account Number: 97019-02824

Phone Home: 610-604-0377	Phone Work:
Mailing Address: 3037 TYSON AVE FL 1 PHILADELPHIA PA 19149	

Problem As You Described It

On 04/21/16 you contacted our office regarding your PECO bill.

Our Response

On 05/04/16 a PECO field technician visited the above property in response to a high bill complaint. The technician found that all of the basement and stairway lights are connected to your meter # 118939429. This is known as foreign wiring.

When PECO identifies foreign wiring, Pennsylvania State Law requires the electric service be transferred into the name of the landlord, until the wiring is properly corrected. (Per Section 1529.1(b) of the Pennsylvania Public Utility Code, 68 Pa. C.S. 1529.1) Please be advised that the electric for the account in question was transferred into your landlord's name effective 05/04/16.

The balance on your account is \$0.00 as of 05/12/16. The amount due by 05/31/16 to avoid delinquency is \$0.00.

The investigation is being closed at this time. If you have any further questions, or need payment arrangements please call our Financial Care Center at 1-888-480-1533.

Cordially
Roberto Aldea
High Bill Field

PECO ENERGY
EXHIBIT 4

EXHIBIT 5

September 22, 2016

Case Details Report

BCS Case #: 003453006 **BCS Bill Account #:** 97019102024
Customer Name: CHRISTINE MCSORLEY
Service Address: 3027 TYSON AVENUE

Mailing Address: PHILADELPHIA, PA 19149
3550 POST ROAD

Home Phone: HUNTINGDON VALLEY, PA 19006
0 -
Business Phone: 0 -
Business name: RICHARD ALTOPIEDI FATHER AUTH
Alternate contact: CELL PHONE NUMBER FOR FATHER RICHARD

Date Case Opened: 2016-06-24 **Date Cut Out:** 9999-12-31
PAR Case: N
Investigator Name: BCS CASE POOL
Investigator Phone: (717) 787-0000
Service class: R **Universal Service:** N
Previous case #: **Contact Type:** TELEPHONE
Amount in Arrears: \$0.00

Adults: 0
Children: 0
Children Ages:
Gross Income: \$0.00
Miscellaneous Info: CELL PHONE NUMBER FOR FATHER RICHARD

Complaint Reason:
BILLING DISPUTES (# 18)

Customer Problem Description:
BILLING DISPUTE CUSTOMER IS DISPUTING THE BALANCE AMOUNT FOR 1000. CUSTOMER HAS A WRITTEN ARRANGEMENT FROM THE TENANT NAME IS ELIZABETH MULCAHY AND CHRISTINE MCSORLEY. PECO STATED FOREIGN WIRING FOR TWO LIGHT BULBS. CUSTOMER WOULD LIKE THE BALANCE AMOUNT FOR 1000 TO BE TRANSFERRED TO TENANT. - RELIEF SOUGHT - THE CELL PHONE NUMBER (215) 350 - 1212 HAS BEEN ALLOWED TO BE SHARED. THE EMAIL ADDRESS RICHINFORMATION@YAHOO.COM HAS BEEN ALLOWED TO BE SHARED.

Exelon.

September 22, 2016

Company Position:
**06/16/2016 PECO ENERGY STATED TO FILE A DISPUTE FOR THE PUC ABOUT THE
FOREIGN WIRING.**

EXHIBIT 6

September 22, 2016

BCS Decision Report

BCS Case #: 003453006
Customer Name: CHRISTINE MCSORLEY
Service Address: 3027 TYSON AVENUE
Open Date: 2016-06-24

BCS Bill Account #: PHILADELPHIA, PA 19149
Violation Type: 97019102024
Decision Type: NO
Investigator Name: FRANK WOLFE
Previous Case #:
Chapter Type:
Section / Rule:

Decision Issued Date: 2016-08-03
Case Closed Date: 2016-08-03

Letter Description:
SHORT BLANK LETTER

Total Balance:	\$1085.42	Balance Date:	2016-07-18
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$154.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Terms:			

PAR Description:

Resolution Description:
DISMISSAL LETTER. TITLE 66 PA.C.S. ?? 1529.1 ALLOWS A PUBLIC UTILITY TO HOLD THE PROPERTY OWNER (LANDLORD) RESPONSIBLE FOR THE ACCOUNT BALANCE THAT ACCRUED WHILE THE SERVICE WAS IN THE TENANT???S NAME AND SHARED METERING (FOREIGN LOAD) EXISTED ON THE TENANT???S SERVICE. ADDITIONALLY, WHEN A FOREIGN LOAD EXISTS AT THE PROPERTY, THE PUBLIC UTILITY SHALL FORTHWITH LIST THE ACCOUNT FOR THE PREMISES IN QUESTION IN THE NAME OF THE OWNER, AND THE OWNER SHALL THEREAFTER BE RESPONSIBLE FOR THE PAYMENT FOR THE UTILITY SERVICES RENDERED THEREUNTO.

EXCELON ENERGY
SEP 22 2016
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