



An Exelon Company

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

Direct Dial: 215-841-6841

November 7, 2016

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

**RE: Aftab Malik v. PECO Energy Company**  
**PUC Docket No.: F-2016-2571683**

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**

<b>AFTAB MALIK</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2016-2571683</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

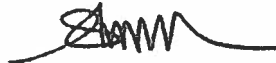
**NOTICE TO PLEAD**

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, November 7, 2016.



---

Shawane L. Lee  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103  
(215) 841-6481  
[Shawane.Lee@exeloncorp.com](mailto:Shawane.Lee@exeloncorp.com)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>AFTAB MALIK</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2016-2571683</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**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 October 17, 2016, PECO Energy was served with a formal complaint filed by Aftab Malik (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.
2. In his Complaint, Complainant states that he owns a rental property located at 2233 Reed Street, Philadelphia, PA.
3. The Complainant states that PECO transferred electric service into his name as the landlord because of a foreign load.
4. The Complainant avers that a PECO technician came to his property and found one common hallway light bulb connected to the first floor meter.
5. The Complainant states that he believes PECO is wrong on the law regarding the foreign load.

6. The Complainant avers that the Pennsylvania bulletin states there may be a “permissible minimal foreign load” if it is “fully disclosed to the tenant, who is willing to accept full responsibility for payment of all dues.”

7. The Complainant states that PECO is wrong for transferring the electric service into his name because the foreign load found is explicitly covered in the PUC’s statement of policy at Pennsylvania Bulletin, Vol. 28, No. 44, October 31, 1998.

8. In his request for relief, the Complainant requests that PECO place the service back in the name of the tenant.

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

10. 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).

11. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure.<sup>1</sup>

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

13. A complaint must be able to recover under the law to survive a preliminary objection.<sup>3</sup>

14. All of the non-moving party’s averments must be taken as true for the sake of deciding the preliminary objection.<sup>4</sup>

---

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

<sup>2</sup> 2006 Pa. PUC Lexis 111, \*7.

<sup>3</sup> *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”).

15. The court does not, however, need to accept, “unwarranted inferences from facts, argumentative allegations, or expressions of opinions.”<sup>5</sup>

16. 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.

17. 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.2<sup>nd</sup> 593 (Pa.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

18. 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.

19. 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).

20. The Complainant is the owner of the rental property at issue. See Exhibit “1”.

21. The Complainant avers that he is being held responsible for his tenant’s balance that was transferred to him. The Complainant disputes responsibility for the balance transferred to him arising from the foreign wiring condition. See Complaint at Exhibit “1”.

22. The Complainant seeks the following relief:

I am requesting that the electric service be placed back in the name of the tenant.

See Complaint at Exhibit “1”.

---

<sup>4</sup> *Id.* at 7-8.

<sup>5</sup> Feingold v. McNulty, 2009 Phila. Ct. Com. Pl LEXIS 167, \*3.

23. 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.

24. The Complainant does not allege that the property is not a rental property or that he is not the owner of the property.

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

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

27. The Complainant does not allege that PECO Energy transferred an incorrect amount to his account.

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

29. The Complainant's formal complaint simply alleges that foreign wiring was found at his property and he feels that he should not be held responsible for his tenant's balance

arising from the foreign wiring because the hallway light associated with the condition is minimal and the tenant knows about it.

30. The Complainant also challenges the foreign wiring policy and believes that the *de minimis* amount is exempt pursuant to Pennsylvania Bulletin, Vol. 28, No. 44, October 31, 1998.

31. Indeed, consistent with Ace Check Cashing, Inc. vs. Philadelphia Gas Works, Docket No. C-2008-2056428, the Commission cannot consider what the Complainant proposes (i.e., to determine the portion of the foreign wiring that is attributable to the hallway light and hold the tenant responsible).

32. In Ace Check Cashing, Inc., the Commission reversed the Initial Decision in Afshari v. PPL Electric Utilities Corporation, Docket No. C-20055547 (Order entered April 9, 2008) (Afshari) relating to foreign load situations.

33. In the Commission's decision, they stated:

The key determination in *Afshari* is that, when foreign load is found, per operation of Subsection (c), the landlord shall be responsible only for the portion of the tenant's arrearage that is related to foreign load. However, Commission precedent, such as *Elizabeth Santos v. Met Ed*, Docket No. C-00967757 (Order entered August 7, 1997), holds that Subsection (c) operates to place both current bills and all arrearages in the landlord's name if the landlord failed to provide the notice required by Subsection (a). In interpreting Subsection (c), the decision in *Afshari* sought to avoid an unreasonably harsh result for the landlord in that it does not require the owner to be responsible for the tenant's potentially large arrearages, especially where the foreign load is *de minimus*. However, the approach in *Afshari* lessens the incentive for the landlord to correct the foreign load situation that is due to a wiring, plumbing or piping problem for which the landlord is responsible. While the language in Subsection (c) can be viewed as ambiguous enough to allow some latitude for Commission interpretation, a determination that the landlord's financial responsibility for arrearages is strictly limited to the foreign load portion of the arrearage is problematic. This is because the statutory remedy for failure to provide notice provided in Subsection (c) refers back to Subsection (b) which clearly mandates that the landlord "shall thereafter be responsible for the payment for the utility services rendered [to the rental property]."

34. Further, the Complainant's formal complaint suggests that he should not be responsible for the balance attributable to the foreign wiring or have the account in his name

because his tenant knows about the foreign wiring and has agreed to pay for the utilities at the premises, including the foreign load.

35. 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.

36. 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.***

37. More recently, the Commission reached the same result in the matter George W. Kopf Jr. v. PECO Energy Company, Docket No. C-2012-2332993 (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.

38. As stated above, the landlord shall be responsible for payment for the utility services rendered to the rental property.

39. PECO Energy properly transferred the tenant's utility account, including arrearages, to the Complainant's name.

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

41. 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**

<b>AFTAB MALIK</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2016-2571683</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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: November 7, 2016



---

Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>AFTAB MALIK</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2016-2571683</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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:

Aftab Malik  
54 Militia Hill Drive  
Chesterbrook, PA 19087

Dated at Philadelphia, Pennsylvania, November 7, 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**



**PENNSYLVANIA**  
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

[Log Off eFiling](#) | [Contact Us](#) | [Search](#)

- [My Filings](#)
- [New Filing](#)
- [Modify Account](#)
- [POR Search](#)
- [eService Directory](#)
- [Subscriptions](#)
- [Technical Assistance](#)
- [eFiling FAQs](#)
- [Log Off](#)

## 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 exceeds 250 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:	F-2016-2571683
Description:	Aftab Malik - PECO Energy Company Answer to Formal Complaint
Transmission Date:	11/7/2016 1:29:34 PM
Filed On:	11/7/2016 1:29:34 PM
eFiling Confirmation Number:	1656206

### Uploaded File List

File Name	Document Class	Document Type
Aftab Malik - Answer.pdf	Communication	Answer to Formal Complaint



An Exelon Company

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

Direct Dial: 215-841-6841

November 7, 2016

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

**RE: Aftab Malik v. PECO Energy Company**  
**PUC Docket No.: F-2016-2571683**

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", with a stylized flourish at the end.

Shawane Lee  
Counsel for PECO Energy Company

SL/ab  
Enclosure

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>AFTAB MALIK</b>	:	
<b>Complainant</b>	:	
v.	:	<b>DOCKET NO. F-2016-2571683</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**ANSWER OF RESPONDENT,**  
**PECO ENERGY COMPANY**

---

On October 17, 2016 PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Aftab Malik (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 his Complaint, the Complainant states that PECO transferred electric service into his name as the landlord because of a foreign load. The Complainant avers that a PECO technician came to his property and found one common hallway light bulb connected to the first floor meter. The Complainant requests that PECO place the service back in the name of the tenant. The Complainant states that he believes PECO is wrong on the law regarding the foreign load. The Complainant avers that the Pennsylvania bulletin states there may be a "permissible minimal foreign load" if it is "fully disclosed to the tenant, who is willing to accept full responsibility for payment of all dues." The Complainant states that PECO is wrong for transferring the electric service into his name

because the foreign load found is explicitly covered in the PUC's statement of policy at Pennsylvania Bulletin, Vol. 28, No. 44, October 31, 1998.

PECO Energy's records reveal that the Complainant owns the property located at 2233 Reed Street, Philadelphia, PA. The Complainant has a tenant, Diane Varner, who established service at the premises on the 1<sup>st</sup> Floor. See Account Activity Statement, attached hereto as Exhibit "1". On April 6, 2016, Ms. Varner complained of high bills at her residence. Accordingly, on April 18, 2016, a PECO Energy technician visited the property and found foreign wiring. Specifically, the technician found the common area hallway light connected to Ms. Varner's meter. The hallway light provided common area lighting for the hallway and was found to be foreign wiring connected to Ms. Varner's meter.

On April 20, 2016, PECO connected service in the Complainant's name effective April 18, 2016, and a new account established under account number 43568-67086. See Account Activity Statement, attached hereto as Exhibit "2". PECO sent correspondence to the Complainant on April 20, 2016, advising that foreign wiring had been found. See Correspondence dated 4/20/16, attached hereto as Exhibit "3". Ms. Varner's balance in the amount of \$456.67 was transferred into the Complainant's name under account number 43568-67086. See Exhibit "2". On April 27, 2016, PECO sent a Utility Company Report to Ms. Varner advising her that foreign wiring had been found and her account was transferred to her landlord's name effective April 18, 2016. See Correspondence dated 4/27/16, attached hereto as Exhibit "4".

On May 5, 2016, the Complainant filed an informal complaint with the Bureau of Consumer Services at case number 003436182, complaining that the company had transferred his tenant's unpaid balance to his account because foreign wiring was found. The Complainant

averred that the regulation states that a tenant can have a minimum foreign load as long as the tenant is aware of it. See Case Details Report #003436182, attached hereto as Exhibit “5”. On May 18, 2016, PECO Customer Relations sent correspondence to the Complainant advising that 66 Pa. C.S. §§ 1529.1 requires PECO to place the service in the property owner’s name. See Correspondence, dated 5/18/16, attached hereto as Exhibit “6”. On August 8, 2016, the BCS issued a Decision Report, closing the Complainant’s case as follows:

**THE COMPANY DID COMPLY WITH PUC REGULSATION 1529.1 IN REGARDS TO DUTY OF OWNERS OF RENTAL PROPERTY. THE CUSTOMER IS RESPONSIBLE FOR THE TRANSFERRED BALANCE AS A RESULT OF THE FOREIGN LOAD. BILLS ARE CORRECT AS RENDERED. CASE DISMISSED.**

See BCS Decision Report #003436182 attached hereto as Exhibit “7”.

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**

**AFTAB MALIK**

**Complainant**

**v.**

**PECO ENERGY COMPANY**

**Respondent**

:  
:  
:  
:  
:  
:

**DOCKET NO. F-2016-2571683**

---

**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: November 7, 2016

---

Shawane L. Lee

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>AFTAB MALIK</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. F-2016-2571683</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**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:

Aftab Malik  
54 Militia Hill Drive  
Chesterbrook, PA 19087

Dated at Philadelphia, Pennsylvania, November 7, 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”**

Account Number: 4356867077  
 Account Name: DIANE VARNER  
 Account Status: FINAL  
 Meter Bill Group: 16

Service Address:  
 2233 REED ST FL 1  
 PHILADELPHIA, PA 19146

Mall Tax  
 DIANE VARNER  
 2233 REED ST FL 1  
 PHILADELPHIA, PA 19146  
 (267) 257-7734 Ext:

Current Bill: \$62.36  
 Billed Prior: \$402.75  
 Balance Due: \$402.75

**Account Balance: \$0.00**

Credit Amount: \$0.00  
 Deposit Requested: \$0.00  
 Deposit On-Hand: \$0.00  
 CAP Pre-program Arrears: \$0.00  
 Payment Agreement Balance: \$0.00

Rates:  
 ELECTRIC RESIDENTIAL HEATING SERVICE

Account Transaction Activity

Transaction Dt	Product Type	Credit/Debit	Billing Period	Read	Reading Type	Meter Supply Cd	ISBN	ISF	CCF	Transaction Amount	Balance Forward	Current Charges	Acct-Dues	Bill Date Dt	Total Balance	Metering Degree Days	Unappt Bill Delivered Amt
08/24/2015	CONNECTION CHARGE - STANDARD									\$6.00							
08/24/2015	ELECTRIC SERVICE		08/01/2015 - 08/22/2015	15792	ACTUAL	121906275	279	0		\$45.29	\$0.00	\$51.29	\$51.29	09/15/2015	\$51.29		\$0.00
09/17/2015		PAYMENT								-\$52.00							
09/18/2015	ELECTRIC SERVICE		08/22/2015 - 09/18/2015	16145	ACTUAL	121906275	953	0		\$59.14	\$0.00	\$58.43	\$58.43	10/13/2015	\$58.43		\$0.00
10/19/2015	ELECTRIC SERVICE		09/18/2015 - 10/19/2015	16540	ACTUAL	121906275	395	0		\$57.69	\$58.43	\$57.69	\$116.12	11/10/2015	\$116.12	34	\$0.00
10/20/2015	LATE PAYMENT CHARGE									\$0.88							
10/26/2015		PAYMENT								-\$60.00							
11/17/2015	LATE PAYMENT CHARGE									\$0.84							
11/17/2015	ELECTRIC SERVICE		10/19/2015 - 11/17/2015	17081	ACTUAL	121906275	541	0		\$76.41	\$57.84	\$76.41	\$134.25	12/09/2015	\$134.25	290	\$0.00
11/30/2015	LATE PAYMENT CHARGE									-\$60.00							
12/15/2015		PAYMENT								\$1.10							
12/16/2015	ELECTRIC SERVICE		11/17/2015 - 12/18/2015	18021	ACTUAL	121906275	940	0		-\$75.00							
01/19/2016	LATE PAYMENT CHARGE									\$127.31	\$0.35	\$127.31	\$127.66	01/11/2016	\$127.66	462	\$0.00
01/22/2016	ELECTRIC SERVICE		12/18/2015 - 01/22/2016	19999	ACTUAL	121906275	1978	0		\$1.91							
01/27/2016		PAYMENT								\$267.69	\$129.57	\$267.69	\$397.26	02/16/2016	\$397.26	820	\$0.00
02/16/2016		PAYMENT								-\$75.00							
02/22/2016	ELECTRIC SERVICE		01/22/2016 - 02/22/2016	22143	ACTUAL	121906275	2144	0		\$294.44	\$247.26	\$294.44	\$541.70	03/15/2016	\$541.70	914	\$0.00
02/23/2016	LATE PAYMENT CHARGE									\$9.71							
03/16/2016		PAYMENT								-\$125.00							
03/23/2016	ELECTRIC SERVICE		02/22/2016 - 03/23/2016	22906	ACTUAL	121906275	763	0		\$107.34	\$420.41	\$107.34	\$527.75	04/14/2016	\$527.75	517	\$0.00
04/15/2016		PAYMENT								-\$125.00							
04/20/2016	ELECTRIC SERVICE		03/23/2016 - 04/18/2016	23322	ACTUAL	121906275	416	0		\$62.36	\$402.75	\$62.36	\$465.11	05/12/2016	\$465.11	333	\$0.00
04/21/2016	LATE PAYMENT CHARGE									-\$8.44							
04/21/2016	ADJUSTMENT - TRANSFERRED TO OWNER DUE TO FOREIGN WIRING									-\$456.67							

# **EXHIBIT “2”**

Account Number: 4356867086  
 Account Name: AFTAB MALIK  
 Account Status: ACTIVE  
 Meter Bill Group: 16

Service Address:  
 2233 REED ST 1ST FL  
 PHILADELPHIA, PA 19146

Mail To:  
 AFTAB MALIK  
 QRTR WST 54 MILITIA HILL DR  
 CHESTERBROOK, PA 19087  
 (610) 788-2636 Ext:

Current Bill: \$100.00  
 Billed Prior: \$0.00  
 Balance Due: \$100.00

**Account Balance: \$100.00**

Credit Amount: \$0.00  
 Deposit Requested: \$0.00  
 Deposit On-Hand: \$0.00  
 CAP Pre-program Arrears: \$0.00  
 Payment Agreement Balance: \$0.00

Rate: ELECTRIC RESIDENTIAL HEATING SERVICE

Account Transaction Activity

Transaction Dt	Product Type	Credit/Debit	Billing Period	Read	Billing Type	Meter Equip Cd	EMR	EMV	COF	Transmission Amount	Balance Forwarded	Current Charges	Ass't-Due	Bill Due Dt	Total Balance	Heating Degree Days	Unpaid Bill Deferral Amt
04/20/2016	CONNECTION CHARGE - STANDARD									\$6.00							
04/20/2016	ELECTRIC SERVICE		04/18/2016 - 04/20/2016	23351	ACTUAL	121906275	29	0		\$4.32							
04/21/2016	ELECTRIC SERVICE		04/18/2016 - 04/20/2016	23351	ACTUAL	121906275	29	0		\$4.32	\$0.00	\$10.32	\$10.32	05/12/2016	\$10.32		\$0.00
05/03/2016		PAYMENT								\$456.67							
05/19/2016	ELECTRIC SERVICE		04/20/2016 - 05/19/2016	23723	ACTUAL	121906275	372	0		-\$10.32							
06/09/2016		PAYMENT								\$56.65	\$0.00	\$513.32	\$513.32	06/10/2016	\$513.32	211	\$0.00
06/20/2016	BUDGET BILLING									-\$513.32							
06/20/2016	ELECTRIC SERVICE		05/19/2016 - 06/20/2016	24133	ACTUAL	121906275	410	0		\$100.00							
07/08/2016		PAYMENT								\$64.16	\$0.00	\$100.00	\$100.00	07/12/2016	\$64.16		-\$95.84
07/20/2016	BUDGET BILLING									-\$100.00							
07/20/2016	ELECTRIC SERVICE		06/20/2016 - 07/20/2016	24518	ACTUAL	121906275	385	0		\$100.00							
08/10/2016		PAYMENT								\$63.49	\$0.00	\$100.00	\$100.00	08/11/2016	\$27.65		-\$72.35
08/18/2016	BUDGET BILLING									-\$100.00							
08/18/2016	ELECTRIC SERVICE		07/20/2016 - 08/18/2016	24967	ACTUAL	121906275	449	0		\$100.00							
09/09/2016		PAYMENT								\$72.64	\$0.00	\$100.00	\$100.00	09/09/2016	\$0.29		-\$99.71
09/19/2016	BUDGET BILLING									-\$100.00							
09/19/2016	ELECTRIC SERVICE		08/18/2016 - 09/19/2016	25406	ACTUAL	121906275	439	0		\$100.00							
10/07/2016		PAYMENT								\$72.44	\$0.00	\$100.00	\$100.00	10/11/2016	-\$27.27		-\$127.27
10/18/2016	BUDGET BILLING									-\$100.00							
10/18/2016	ELECTRIC SERVICE		09/19/2016 - 10/18/2016	25787	ACTUAL	121906275	381	0		\$100.00							
10/18/2016										\$39.23	\$0.00	\$100.00	\$100.00	11/09/2016	-\$68.04	22	-\$168.04

**EXHIBIT “3”**

April 20, 2016

Aftab B. Malik  
54 Militia Hill Dr  
Wayne, Pa 19087

Regarding: 2233 Reed St  
1<sup>st</sup> Fl  
Philadelphia, Pa 19146

Dear Mr. Malik:

On 4-18-16 a PECO field technician visited the above referenced property in response to a high bill complaint. The technician found common area hallway light connected to 1<sup>st</sup> floor's service. 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 215-841-6594.

Cordially,

Eyrone Moton  
Customer Field Operations

**EXHIBIT "4"**



**UTILITY COMPANY REPORT**  
**Reporte De La Compania Utilidades**

<b>Date:</b> 4/27/16	<b>Prepared By:</b> PORTELLI, ANTHONY
-------------------------	--

<b>Name:</b> DIANE VARNER
<b>Service Address:</b> 2233 REED ST, 1ST FL PHILADELPHIA PA 19146
<b>Post Office:</b> PHILADELPHIA PA 19146
<b>Account Number:</b> 43568-67077

<b>Phone Home:</b> 267-257-7734	<b>Phone Work:</b>
<b>Mailing Address:</b> 2233 REED ST FL 1 PHILADELPHIA PA 19146	

**Problem As You Described It**

On 04/06/16 you contacted our office regarding your PECO bill.

**Our Response**

On 04/18/16 a PECO field technician visited the above property in response to a high bill complaint. The technician found that the common area hallway light is connected to your meter # 121906275. 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, 66 Pa. C.S. 1529.1) Please be advised that the electric for the account in question was transferred into your landlord's name effective 04/18/16.

The balance on your account is \$0.00 as of 04/27/16. The amount due by 05/13/16 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  
Eyrone Moton  
High Bill Field

**EXHIBIT “5”**



November 7, 2016

**Case Details Report**

**BCS Case #:** 003436182 **BCS Bill Account #:** 4356867086  
**Customer Name:** AFTAB MALIK  
**Service Address:** 2243 REED STREET

**Mailing Address:** PHILADELPHIA, PA 19146

**Home Phone:** () -  
**Business Phone:** () -  
**Business name:**  
**Alternate contact:**

**Date Case Opened:** 2016-05-05 **Date Cut Out:** 9999-12-31  
**PAR Case:** N  
**Investigator Name:** BCS CASE POOL  
**Investigator Phone:** (717) 787-0000 **Universal Service:** N  
**Service class:** R **Contact Type:** TELEPHONE  
**Previous case #:** **Amount in Arrears:** \$0.00

**# Adults:** 0  
**# Children:** 0  
**Children Ages:**  
**Gross Income:** \$0.00  
**Miscellaneous Info:**

**Complaint Reason:**  
PEOPLE-DELIVERED SERVICE (I.E., SCHEDULING DELAYS, PERSONNEL, DAMAGES) (# 58)

**Customer Problem Description:**  
MR. AFTAB IS THE LANDLORD OF THE PROPERTY AND ONE OF HIS TENANTS ON THE FIRST FLOOR CALLED PECO AND DISPUTED THE BILL WAS HIGH. PECO CAME OUT AND DISCOVERED A FOREIGN LOAD. CUSTOMER STATES PECO INFORMED HIM THAT HE IS RESPONSIBLE FOR THE HALL LIGHT. CUSTOMER STATES THAT REGULATIONS SAYS A TENANT CAN HAVE MINIMUM FOREIGN LOAD AS LONG AS THE TENANT IS AWARE OF IT. CUSTOMER WOULD LIKE THE TENANT TO BE RESPONSIBLE FOR THE HALL WAY LIGHT. THE CELL PHONE



**November 7, 2016**

**NUMBER (856) 952 - 5485 HAS BEEN ALLOWED TO BE SHARED. THE EMAIL ADDRESS AFTAB.B.MALIK@GMAIL.COM HAS BEEN ALLOWED TO BE SHARED.**

**Company Position:**

**04/28/2016 PECO SENT CUSTOMER A LETTER STATING THAT THE LANDLORD IS RESPONSIBLE FOR ANY LIGHTS OUTSIDE OF THE TENANTS APARTMENT.**

# **EXHIBIT “6”**

May 18, 2016

Aftab Malik  
54 Militia Hill Drive, QRTR WST  
Chesterbrook, PA 19087

RE: 2233 Reed Street, 1<sup>st</sup> Floor  
Philadelphia, PA 19146

Account Number: 43568-67086

Dear Mr. Malik:

In response to the Informal Complaint (BCS ST# 003436182) that was filed with the Public Utility Commission on May 5, 2016, the results of the investigation are as follows:

- PECO completed a high bill field investigation at 2233 Reed Street, first floor, Philadelphia, PA on 4/18/16, at which time foreign wiring was discovered. The common hallway light was connected to the first floor meter. As a result, the service was connected in the name of Aftab Malik, account number 43568-67086. The tenant's existing balance, in the amount of \$456.67, was transferred into the account in compliance with Pennsylvania Regulation Title 66 §1529.1(b).
- **Pennsylvania Regulation Title 66 §1529.1 (b) states:** *"if the mobile home park or residential building contains one or more units not individually metered, an affected 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 utility services rendered thereunto. In the case of individually metered dwelling units, unless notified to the contrary by the tenant or an authorized representative, an affected public utility shall list the account for the premises in question in the name of the owner, and the owner shall be responsible for the payment for utility services to the premises."*
- As dictated by the law, you are responsible to pay for the electric service consumed at 2233 Reed Street, first floor, due to the foreign wiring. Once the foreign wiring corrections are completed, please call PECO to schedule an appointment to verify the corrections. After the corrections are verified, the service will be transferred back into the tenant's name.

The account balance is \$456.67. Please pay \$456.67 immediately. Please pay subsequent bills as rendered.

A report, with this information, will be forwarded to the Public Utility Commission. The Public Utility Commission will notify you of their decision.

Cordially,  
**Penni Williams**

Analyst  
Customer Relations

cc: PAPUC

6

**EXHIBIT “7”**



November 7, 2016

**BCS Decision Report**

BCS Case #: 003436182 Open Date: 2016-05-05  
Customer Name: AFTAB MALIK  
Service Address: 2243 REED ST

PHILADELPHIA, PA 19146  
BCS Bill Account #: 4356867086 Previous Case #:  
Violation Type: NO Chapter Type:  
Decision Type: W Section / Rule:  
Investigator Name: KRAIG HERST

Decision Issued Date: 2016-08-08  
Case Closed Date: 2016-08-04

Letter Description:  
BLANK LETTER - DECISION

Total Balance:	\$456.67	Balance Date:	2016-05-19
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
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:  
DECISION ISSUED. THE COMPANY DID COMPLY WITH PUC REGULATION 1529.1 IN REGARDS TO DUTY OF OWNERS OF RENTAL PROPERTY. THE CUSTOMER IS RESPONSIBLE FOR THE TRANSFERRED BALANCE AS A RESULT OF THE FOREIGN LOAD. BILLS ARE CORRECT AS RENDERED. CASE DISMISSED.