

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

John J. Rounce
v.
PECO Energy Company

**Public Meeting November 9, 2016
2506941-OALJ
Docket No. C-2015-2506941**

MOTION OF COMMISSIONER DAVID W. SWEET

Before the Commission for consideration and disposition is the initial decision of Administrative Law Judge Eranda Vero in the above captioned proceeding. The initial decision provides a very competent and thorough discussion of the case but dismisses the Complaint based on the Complainant's failure to meet the burden of proving the entitlement of relief from the Commission. No Exceptions were filed.

The Complainant, John J. Rounce, is an electrical and environmental engineer who worked as a design engineer for high voltage transmission lines, which makes his testimony highly credible. He filed a formal complaint with the Commission against PECO Energy Company (PECO or Company) on September 30, 2015, alleging that he was having reliability, safety or quality problems with his electricity service. In particular, Mr. Rounce avers that in his 30 years as a PECO customer he has experienced problems with numerous outages, surges, spikes and brownouts which have persisted despite his complaints to PECO. PECO filed an answer denying the material allegations of the Complaint on October 26, 2015.

The Complainant's service line is fed by a 34kV circuit known as Middletown 352, which runs along PA Route 352. From January 1, 2011 to January 1, 2016, PECO recorded 18 sustained outages affecting the Complainant's service, which lasted more than five minutes in duration. Although the Company identified the cause for Mr. Rounce's power outages, and has implemented a series of improvement procedures intended to ensure future reliable service,¹ the fact remains that the customer did not receive reasonably continuous service as required by the Public Utility Code (Code). Specifically, PECO has installed and reconfigured reclosers² in the Middletown 352 circuit since it was first added to the Company's reliability program.³ However,

¹ In January 2012, the Middletown 352 circuit was reconfigured and a portion of the power was redirected to another source. As part of the January 2012 project, PECO installed a recloser which helps isolate some of the aerial portions of the Middletown 352 circuit so that any vegetation issues on that stretch of the circuit have less or no impact on Mr. Rounce's service. In January 2014, April 2015 and August 2015, PECO upgraded the reclosers in the Middletown 352 circuit. Tr. 89-90, 125-26.

² Reclosers are considered to be a reliability enhancement measure. PECO employs recloser devices in its circuits, programming them to restore power to as many customers as possible, typically within 60 seconds. Tr. 66, 123.

³ PECO's reliability program, Top Reliability Circuit (TPC), is aimed at addressing the top 10 percent of circuits that are determined to be poor performers based on data from System Average Interruption Frequency Index (SAIFI) and Customer Average Interruption Duration Index (CAIDI). Tr. 90, 119.

the number of sustained outages on the Middletown 352 circuit since 2011 is simply too high to be dismissed out of hand and merits further review.⁴

Regarding safety, the Complainant reported a high voltage underground cable that remained exposed for 81 days following a service outage on August 29, 2015. PECO confirmed that on August 29, 2015, a contractor was employed to respond to a power outage caused by a faulty underground cable. The contractor installed a temporary, unburied cable in order to quickly restore power until permanent repairs could be made⁵. The temporary cable was fully insulated and the portion that crossed a local road was also insulated by a cable raise to guard against oncoming traffic.

In addition to outage history and safety concerns, the Complainant alleges to have experienced surges, voltage spikes, voltage drops, brownouts and service outages for over 30 years, resulting in the destruction of several appliances and the loss of business data from his personal computer.⁶ On October 20, 2012, Mr. Rounce sent a letter to PECO detailing his experience over the course of his residency at the Service Address. As a result, on March 1, 2013, PECO installed a recording volt meter (RVM)⁷ in the Complainant's house in order to capture the *average* current and voltage data over the course of ten days, which yielded results that were within the limits set forth by the Commission.⁸

Under the Code, the Company is obligated to provide service that is reasonably continuous and without unreasonable interruptions or delay.⁹ While a public utility is not obligated to provide perfect service and facilities 100% of the time,¹⁰ I believe there is substantial evidence to support the Complainant's reliability concerns and that the safety and quality of service issues raised in the Complainant warrant further review by the Commission.

The record shows that PECO has taken this Complaint seriously and has engaged in numerous efforts to upgrade the service on the subject line, but I am concerned that these efforts have fallen short of achieving the level of service expected by PECO's customers and required by the Code.

Therefore, I move that the portion of the Complaint raising outage issues be sustained and be referred to the Commission's Bureau of Technical Utility Services (TUS) for further review. I also move that the matter be referred to the Bureau of Investigation and Enforcement

⁴ By way of context, PECO's 3-year average SAIFI for 2013 to 2015 was 0.76, which means the average customer experienced less than one sustained outage per year in that timeframe.

⁵ Cable burial depth requirements may be waived for temporary emergency installations.

⁶ Tr. 54,56

⁷ A recording volt meter (RVM) is attached to the service wire of a property for a certain period of time for the purpose of monitoring and recording voltage and current into and out of the property. Tr. 110-11

⁸ For services rendered primarily for lighting purposes, the allowable variation in voltage measured at the service terminal of the customer may not exceed, for a longer period than 1 minute in each instance, 5% above or below the standard nominal service voltage and a total variation from minimum to maximum of 8% during normal system operations. 52 Pa.Code § 57.14(c)

⁹ 66 Pa. C.S.A. § 1501

¹⁰ *A-Rize-N Management Co. LLC v. Pennsylvania American Water Co.*, Docket No. C-2009-2119162.

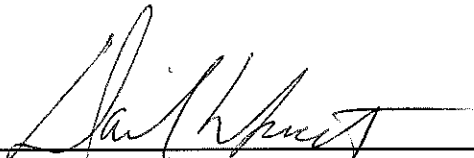
(I&E) to take whatever further action may be warranted with respect to the alleged inadequate service issues raised by the Complainant.

Furthermore, I believe a civil penalty is not appropriate in this instance under the Commission's standards for determining civil penalties, largely because of PECO's considerable efforts to address the reliability problems with the circuit.

THEREFORE, I move:

1. That the Initial Decision of Administrative Law Judge Eranda Vero is reversed.
2. That the Complaint filed by John J. Rounce against PECO Energy Company at C-2015-2506941 is sustained, in part.
3. That this case be referred to the Commission's Bureau of Technical Utility Services to further review and monitor the reliability and power quality issues of the Middletown 352 circuit and the service provided to the Complainant's home.
4. That the Opinion and Order issued in this matter be served on the Bureau of Investigation & Enforcement to take whatever further action may be warranted.
5. That the Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

DATE: November 9, 2016



DAVID W. SWEET
COMMISSIONER