



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
April 19, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: F-01482857

(See attached list)

**DOCUMENT  
FOLDER**

Donald and Patty Taylor v. PECO Energy Company

Billing dispute.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Further Hearing on Remand

Date: Thursday, May 25, 2006

Time: 10:00 a.m.

Location: In an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, PA 19130

Presiding: Administrative Law Judge Herbert Smolen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

**DOCKETED**  
MAY 01 2006

*Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.*

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Smolen  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

**OALJ Hearing Report**

Please Check Those Blocks Which Apply

Docket No.:	F-01482857	YES	NO
Case Name:	Donald and Patty Taylor v. PECO Energy	Prehearing Held:	<input type="checkbox"/> YES <input type="checkbox"/> NO
Company:		Hearing Held:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Location:	Philadelphia, PA	Testimony Taken:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Date:	May 25, 2006	Transcript Due:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ALJ:	Herbert Smolen	Hearing Concluded:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Reporting Firm:	Commonwealth Reporting	Further Hearing Needed:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<p align="center"><b>RECEIVED</b></p> <p align="center">JUN - 2 2006</p> <p align="center">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p>		Estimated Add'l Days:	* ONE DAY
		RECORD CLOSED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Briefs to be Filed:	<input type="checkbox"/> YES <input type="checkbox"/> NO
		Bench Decision:	<input type="checkbox"/> YES <input type="checkbox"/> NO
		REMARKS:	* PLEASE SCHEDULE ONE DAY IN PERSON FURTHER HEARIN

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Lisa Lutz, Esq. Telephone: (215) 541-1641	2301 Market Street City: Philadelphia PA 19101	PECO Energy
Donald + Patty Taylor Telephone: (215) 473 8055	4907 Parkside Avenue City: Phila Pa 19131	SELF

Check this box if additional parties or attendees appear on back of form.

*elp*

*Deanna S. Higgins*  
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
July 28, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: F-01482857

(See letter of 4-19-06)

Donald and Patty Taylor v. PECO Energy Company  
Billing dispute.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Further Hearing on Remand  
Date: Thursday, August 24, 2006  
Time: 10:00 a.m.  
Location: In an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, PA 19130  
Presiding: Administrative Law Judge Herbert Smolen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

DOCUMENT  
FOLDER

**DOCKETED**  
OCT 3 2006

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

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- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Smolen  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

**Legal Department**

Exelon Business Services Company  
2301 Market Street / S23.1  
PO Box 8699  
Philadelphia, PA 19101-8699

Telephone 215 841 5544  
Fax 215 568 3389  
www.exeloncorp.com

Business Services  
Company

Direct Dial: 215 841 6841

August 10, 2006

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

ORIGINAL

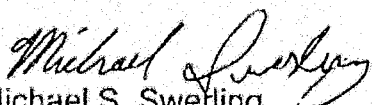
RE: Donald and Patty Taylor v. PECO Energy Company  
Pa. PUC Docket No.: F-01482857

Dear Secretary McNulty:

Please find original and three copies of Entry of Appearance of Michael S. Swerling to be filed in the above referenced matter scheduled for Thursday, August 24, 2006.

Thank you.

Very truly yours,

  
Michael S. Swerling  
Counsel for PECO Energy Company

MSS/zr

Enc.

cc: Donald and Patty Taylor  
ALJ Herbert Smolen  
Sue Licon (via fax)

DOCUMENT  
FOLDER

RECEIVED

AUG 11 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DONALD AND PATTY TAYLOR

v.

PECO ENERGY COMPANY

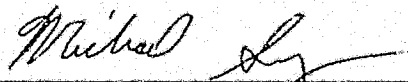
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DOCKET NO. F-01482857

ENTRY OF APPEARANCE

TO JAMES MCNULTY, SECRETARY:

Kindly enter my appearance on behalf of Respondent PECO Energy  
Company in the above-captioned matter.



---

MICHAEL S. SWERLING  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699  
215-841-6841  
[michael.swerling@exeloncorp.com](mailto:michael.swerling@exeloncorp.com)

DOCUMENT  
FOLDER

Dated: August 10, 2006

**DOCKETED**  
SEP 12 2006



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 23, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: F-01482857

(See letter of 7-28-06)

DOCUMENT  
FOLDER

Donald and Patty Taylor v. PECO Energy Company

Billing dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the Further Hearing on Remand on the above-captioned case previously scheduled for August 24, 2006 has been canceled.

The hearing has been rescheduled as follows:

Type: Further Hearing on Remand  
Date: Thursday, October 12, 2006  
Time: 10:00 a.m.  
Location: In an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, PA 19130  
Presiding: Administrative Law Judge Herbert Smolen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

**DOCKETED**  
OCT 6 2006

RJP

*Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.*

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

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- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Smolen  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	F-01482857		YES	NO
Case Name	Donald and Patty Taylor v. PECO Energy	Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Company		Hearing Held: <i>X</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date	August 24, 2006	Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Herbert Smolen	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days: <i>X</i>	<i>ONE DAY</i>	
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision: <i>X</i>	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<i>Cont'd To 10/12/06</i>	

DOCUMENT  
FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

*[Handwritten Signature]*

Reporter's Signature

*Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.*

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	F-01482857		YES	NO
Case Name:	Donald and Patty Taylor v. PECO Energy	Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Company:		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	October 12, 2006	Estimated Add'l Days:		
ALJ:	Herbert Smolen	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Briefs to be Filed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:	1-15-07	
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:		

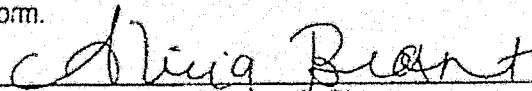
DOCUMENT FOLDER

MAIN: 1-15-06  
REPLY: 1-15-07

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Michael S Swerling Telephone: 215 <del>568</del> <sup>841</sup> -6481	2301 Market St S 23-1 City: Philadelphia State: PA Zip: 19101	PECO Energy
WARD SMITH Telephone: 215-841-6863	2301 Market St. S 23-1 City: Philadelphia State: PA Zip: 19103	PECO Energy

Check this box if additional parties or attendees appear on back of form.

  
 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHILADELPHIA STATE OFFICE BUILDING  
1400 SPRING GARDEN STREET  
PHILADELPHIA, PENNSYLVANIA 19130

IN REPLY PLEASE  
REFER TO OUR FILE

October 18, 2006

SEE SERVICE LIST

Re: Donald and Patty Taylor v. PECO Energy Company  
Docket Number F-01482857

Dear Parties:

A hearing in the above matter was held on October 12, 2006. The parties will file briefs.

The briefing schedule is as follows: main briefs shall be filed on or before December 15, 2006 and reply briefs shall be filed on or before January 15, 2007. If briefs are not received within the allotted time, they shall not be accepted for filing, except by special permission of the presiding officer.

An original and nine (9) copies of each main and reply brief must be filed with the Secretary of the Commission, a copy must be served on the presiding Administrative Law Judge and a copy on each party of record.

Please note that all Briefs must comply with the Commission's Rules and Regulations promulgated at 52 Pa. Code §§5.501 and 5.502. In addition, the Briefs should contain a history of the case; proposed findings of fact with references to transcript pages and exhibits; proposed conclusions of law; proposed ordering paragraphs; and a conclusion.

Very truly yours,

Herbert Smolen  
Administrative Law Judge

cc: File Room

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OCT 20 2006

OCT 20 11:09 AM '06

FILED

Donald and Patty Taylor v. PECO Energy Company  
Docket Number F-01482857

SERVICE LIST

Donald and Patty Taylor  
4907 Parkside Avenue  
Philadelphia, PA 19131

Michael S. Swerling, Esquire  
PECO Energy Company  
2301 Market Street S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Ward Smith, Esquire  
PECO Energy Company  
2301 Market Street S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHILADELPHIA STATE OFFICE BUILDING  
1400 SPRING GARDEN STREET  
PHILADELPHIA, PENNSYLVANIA 19130

IN REPLY PLEASE  
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December 14, 2006

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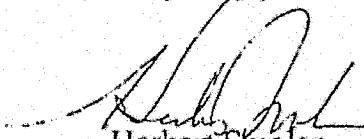
Michael S. Swerling, Esquire  
PECO Energy Company  
2301 Market Street S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Re: Donald and Patty Taylor v. PECO Energy Company  
Docket Number F-01482857

Dear Mr. Swerling:

Your request for a continuance to December 22, 2006 to file a main brief in the above matter is granted.

Very truly yours,

  
Herbert Smolen  
Administrative Law Judge

cc: Donald & Patty Taylor  
Beth Plantz  
File Room

BTL

ORIGINAL

Legal Department

Exelon Business Services Company  
2301 Market Street/5231  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Telephone 215 841 5544  
Fax 215 568 3789  
www.exeloncorp.com

Business Services  
Company

Direct Dial 215 841 6841

December 29, 2006

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

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DEC 29 2006

Re: Donald and Patty Taylor v. Peco Energy Company  
PUC Docket No. F-01482857

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

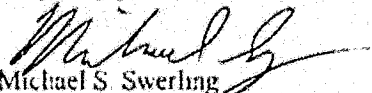
Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above:

- \_\_\_\_\_ Answer and New Matter (original and 3 copies)
- \_\_\_\_\_ Petition (original and 3 copies)
- \_\_\_\_\_ Preliminary Objection (original and 3 copies)
- \_\_\_\_\_ Reply to Motion/Petition (original and 3 copies)
- \_\_\_\_\_ Exceptions (original and 9 copies)
- \_\_\_\_\_ Reply Exceptions (original and 9 copies)
- X   Brief (original and 9 copies)
- \_\_\_\_\_ Reply Brief (original and 9 copies)

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,

  
Michael S. Swerling  
Counsel for PECO Energy Company

DOCUMENT  
FOLDER

MSS/zr

Enc

BTL

cc: Administrative Law Judge Herbert Smolen  
Donald and Patty Taylor

H7

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DONALD & PATTY TAYLOR

COMPLAINANT

v.

PECO ENERGY COMPANY

RESPONDENT

DOCKET NO. F-01482857

RECEIVED

DEC 29 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PECO ENERGY COMPANY'S MAIN BRIEF

DOCUMENT  
FOLDER

**DOCKETED**  
JAN 03 2007

Michael Swerling, Esq.  
Ward L. Smith, Esq.  
Counsel for PECO Energy  
2301 Market Street  
S23-1  
Philadelphia, PA 19101  
Michael.Swerling@exeloncorp.com

December 29, 2006

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 29 2006

DONALD & PATTY TAYLOR

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

COMPLAINANT

v.

DOCKET NO. F-01482857

PECO ENERGY COMPANY

RESPONDENT

**PECO ENERGY COMPANY'S MAIN BRIEF**

**STATEMENT OF THE CASE**

On January 11, 2002, a PECO Energy Company ("PECO") field technician visited the property of Donald and Patty Taylor ("Complainants" or the "Taylors") to remove the existing manual-read electric meter and, in its place, install an automatic meter reading ("AMR") meter. (The meter change was part of PECO's system-wide move to an AMR system.) While performing this work, the field technician discovered that the existing manual-read meter had been tampered with; the meter seal was missing, the meter ring had been opened, and "jumpers" had been hard-wired into the meter board. This tampering caused electric usage to not register on the meter, put most simply, the Taylors were not paying for all of the electricity they were using. The field technician removed the tampered meter, removed the jumper wires from the meter board, and installed a new AMR meter.

On July 3, 2003, PECO Energy issued a revised "make-up" bill to the Taylors. The purpose of the make-up bill was to charge the Taylors for the electricity that, because of the tampered meter, they had used, but not paid for. The revised bill covered a period of approximately 46 months – from March 27, 1998 through January 11, 2002 – and was in the amount of \$5,411.30.<sup>1</sup>

On September 9, 2003, the Taylors filed an informal complaint with the Bureau of Consumer Services ("BCS"). After investigation, the BCS concluded that the Taylor's meter had been tampered with, and that the Taylors had benefited from service used but not paid for. The BCS concluded that the Taylors were responsible for paying the \$5,411.30 revised bill, and dismissed their informal complaint.

On August 23, 2004, the Taylors filed a formal complaint with the PUC. The Complaint stated (§ 4) that: "We are being accused of meter tampering by PECO which we strongly deny. PECO estimates a bill over \$5,000.00." PECO Energy was served the Complaint on August 27, 2004 and filed its Answer on September 16, 2004. In its Answer, PECO Energy stated that its representative had visited the Taylors' property and found evidence of meter tampering, that its representative then replaced the meter and that the Taylors were subsequently back-billed for service provided during the period of meter tampering in the amount of \$5,411.30. PECO also reiterated the BCS's findings that metering tampering had occurred, that the Taylors had benefited from service used but not paid for, and that the Taylors were responsible for the \$5,411.30 revised bill.

---

<sup>1</sup> The Taylor's service was initiated on March 27, 1998; as noted in text, the meter tampering was discovered and halted on January 11, 2002.

An initial hearing was held on January 12, 2005 before Administrative Law Judge ("ALJ") Herbert Smolen. Mr. Taylor appeared and testified, as did two witnesses on behalf of PECO Energy: Mr. Charvez Walker, the PECO Revenue Protection Technician who had discovered the tampered meter, and Ms. Renee Tarpley, the PECO Regulatory Assessor who presented the revised bill. This hearing resulted in a 69- page transcript and four written exhibits admitted into evidence.

On February 22, 2004, the ALJ issued an Initial Decision ("I.D.") Some of the key elements of the Initial Decision are:

- The ALJ found that the credible evidence of record demonstrated that meter tampering in fact had occurred at the Taylor residence. I.D., Finding of Fact 5 and p. 5.
- The ALJ noted the Taylors' claim that they were not responsible for the tampering. I.D., Finding of Fact 7. The ALJ further noted that it is not relevant in this case whether or not the Taylors were responsible for the tampering because, under the rule of *Angie's Bar* (*Angie's Bar v. Duquesne Light Company*, 72 Pa. PUC 213, 217 (1990)), PECO is entitled to backbill the Taylors for up to four years even if the Taylors have "no culpability." I.D., pp. 5-6.
- The ALJ found that, during the meter-tampering period, the Taylor's Daily Average Usage registered on the tampered meter at between 9 and 12 kWh. I.D. p. 6. The ALJ also found that, after an accurate, untampered meter was installed the Taylor's Daily Average Usage ranged from 21.8 to 64.5 kWh.
- The ALJ discussed the process of calculating the make-up bill – that is, by comparison of the Daily Average Usages during the period in which the tampered meter was in place with the Daily Average Usages during the period in which the accurate meter was in place – and concluded that the Taylors were responsible for paying the revised billing of \$5,411.30

The Initial Decision, dated February 22, 2005, was issued by the Commission on March 14, 2005, with Exceptions due within 20 days (by Commission rule, on Monday,

April 4, 2005). On April 11, 2005 the Taylors filed Exceptions to the Initial Decision (albeit the Taylors' Exceptions did not arrive at the Commission until June 14, 2005).<sup>2</sup> The Taylors did not serve their Exceptions on PECO; the Commission served the Taylor's Exceptions on PECO on August 12, 2005.

The Taylors' Exceptions were comprised of a single paragraph, and were essentially limited to a challenge of whether any meter tampering had, in fact, ever occurred and questioning whether PECO (or the BCS) truly had evidence that meter tampering had occurred.

PECO Energy filed its Reply Exceptions on August 23, 2005 wherein it agreed with the ALJ's Initial Decision. PECO Energy explained that, in testimony at the January 12, 2005 hearing, it had provided extensive evidence of meter tampering and that the ALJ properly concluded that the Taylors owed the revised billing amount.

The Pennsylvania Public Utility Commission called the Taylors' case for review at its Public Meeting held on March 16, 2006 and entered an Opinion and Order on March 17, 2006. The Commission (p. 11) denied the Taylors' Exceptions, finding that the record evidence supports a finding that the meter had been tampered with and was registering less than actual usage. Moreover, the Commission agreed (pp. 5-6) with the ALJ's analysis of the *Angie's Bar* case, concluding that PECO Energy is authorized to back-bill the Taylors for a period of four years prior to discovering the meter tampering.

However, the Commission *sua sponte* raised two issues on which it directed remand hearings. First, the Commission raised (pp 7-12) several questions regarding the procedure for calculating the revised make-up bill, including whether PECO had properly

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<sup>2</sup> The Commission accepted the late-filed Exceptions *nunc pro tunc*.

adjusted for (a) full-year usage data that was available at the time PECO did its revised bill calculations, (b) the varying number of occupants in the Taylor residence over the time in question, (c) weather effects, and (d) potential conservation measures. Second, the Commission directed (p. 12) the ALJ to investigate why PECO did not discover the meter tampering at an earlier date.

Two days of remand hearings took place. On May 25, 2006, PECO Energy presented the testimony of two witnesses with respect to revised make-up bill issues: Ms. Renee Tarpley, a PECO Regulatory Assessor who had previously testified during the January 12, 2005 hearing, and Mr. Rich King, a senior supervisor in PECO's Billing and Revenue Protection Group with thirty-four years of experience in utility matters. In respect to the discovery of the meter tampering, PECO presented the testimony of Mr. John Kratzinger, a senior supervisor in Revenue Protection with thirty-nine years of experience in utility matters, including a current position as Chairman of the Revenue Protection Task Force of the Energy Association of Pennsylvania. At the second day of remand hearings on October 12, 2006, PECO Energy presented the testimony of Ms. Teresa Ferrier, a PECO Regulatory Assessor, and Ms. Jayne Kueny, a Revenue Protection billing consultant, both with respect to the revised make-up bill. The total record in this case, derived from the three days of evidentiary hearings, is comprised of twelve written exhibits prepared by PECO, as well as hearing transcripts of the testimony of Mr. Taylor and PECO's six witnesses totaling approximately 189 pages.

## SUMMARY OF ARGUMENT

PECO has properly calculated a make-up bill for the Taylors in the amount of \$5,308.60. This is based upon a reasonable use of summer and winter sampling periods and gives the Taylors full credit for the amounts that they were billed for service during the period of meter tampering (1998-2001). It is based upon PECO's estimate that, while the meter tampering was in place, the Taylors used 54,028 kWh of electricity.

When a 365-day data sample was used to develop a separate usage estimate, it resulted in an estimate of 52,361 kWh used, which is virtually identical to the original PECO estimate, varying from it by only 3%. This approach would result in a make-up bill of \$5,022.75. The consistency between the two approaches is strong support for continued use of the more available, easier summer/winter sampling that PECO currently uses.

When the effects of weather, occupancy, and conservation were measured, the record evidence shows that substantial changes in all three factors between 2003 and 2004 resulted in very little change in actual electric usage (about 6%). Moreover, the differences in weather, occupancy and opportunity to conserve between the estimation period and the meter-tampering period were even smaller than the differences in 2003-04, thus suggesting that the changes in actual electric usage would also be smaller (about 3%). Again, this is strong support for continued use of the more available, easier, summer/winter sampling approach.

With respect to originally discovering the meter tampering at the Taylor residence, the record evidence demonstrates that the meter in question was of a design that gave limited external visual cues of tampering. Having said that, it would have been possible for meter readers to notice that the seal of the meter was missing. This gives rise to several possibilities; most noteworthy are that the meter readers overlooked the missing seal because their job was primarily to read the meter, or alternatively that the meter seal had been pressed back into place for most of the meter-tampering period, but later removed. The witnesses did not know which of these things had actually occurred. In any event, the meter has been replaced with an automatic meter reader ("AMR"), in part for the specific purpose of making it easier to detect future instances of meter tampering. This is part of a system-wide PECO AMR effort that will make it easier to detect meter tampering across its system.

## ARGUMENT

### A. The Basis For PECO's Revised Make-Up Bill

The fundamental issue involved in rendering a revised make-up bill in a meter-tampering case is that the actual billing data that would normally be used to issue a bill – that is, the measurement of the Taylors' actual usage from 1998 to 2002 – was destroyed by the act of tampering with the meter. Thus, the single act of tampering with the meter not only resulted in the customer being underbilled for the period of time until the meter tampering was discovered; the tampering also makes it necessary that the make-up bill be based on an estimate of usage applied to the meter-tampering period.

Creating a make-up bill thus inevitably involves the process of estimation. PECO has estimated that, from March 27, 1998 to January 11, 2002, the Taylors actually used electricity for which they should have been billed \$7,346.31. Due to the tampered meter, the actual billings, in fact, were only \$2,037.71. As a result, PECO estimates that the Taylors still owe \$5,308.60.<sup>3</sup>

The Initial Decision noted (p. 9) that, in the original January 12, 2005 hearing, PECO's make-up bill estimate was made "[w]ithout presenting supporting schedules." To remedy this, at the October 12, 2006 hearing PECO presented its supporting schedules at length. It is worth reviewing those schedules here.

PECO witness Jayne Kueny, who is a billing consultant in PECO's Revenue Protection function, testified regarding PECO's calculation of the Taylors' revised make-up bill, given that the actual usage data was destroyed by the meter tampering. N.T. 12 (October 12, 2006 hearing.)<sup>4</sup> Effectively, PECO treats each billing month as either a summer month or a winter month. PECO seeks a single estimate to use as a proxy for usage for all winter months, and a second estimate to use as a proxy for all summer months. Put differently, PECO seeks to develop a reasonable estimate of the usage that the subject household might have had during the meter-tampering period. It does this by utilizing data from the new, fully functional meter -- that is, in order to establish its estimate of past usage, PECO examines the usage profile that this household experiences when the actual usage is registering on the meter.

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<sup>3</sup> PECO originally calculated the make-up bill amount as \$5,411.30. During the remand hearings, PECO discovered a clerical error in the billing calculation equal to \$102.70, and has revised its estimate accordingly.

<sup>4</sup> The supporting schedules for the calculation of the Taylor make-up bill, with month-by-month application of the PECO methodology to the Taylor account, were admitted as PECO Exhibit 9.

As the first step in this process, PECO develops one estimate for winter usage, and a second estimate for summer usage. To develop the winter usage estimate, PECO samples actual usage at the subject household during months that are considered to be "winter" months – typically September through May. PECO normally samples from 30-60 days of winter usage, and uses that data to develop an estimated Daily Average Usage (Winter). For the Taylors, the sample period used to develop the winter estimate was 60 days – from February 25, 2002 to April 26, 2002 – and the Daily Average Usage (Winter) was 26.3 kWh.

To develop the summer usage estimate, PECO samples actual usage at the subject household during months that are considered to be "summer" months – typically June through August. PECO normally samples from 30-60 days of summer usage, and uses that data to develop an estimated Daily Average Usage (Summer). For the Taylors, the sample period used to develop the summer estimate was 62 days – from June 26, 2002 to August 28, 2002 – and the Daily Average Usage (Summer) was 62.0 kWh.

This information was presented as part of PECO's Exhibit 9, and is reproduced below in tabular form:

**PECO Brief Table 1**

**PECO Exhibit 9, Step 1: Determine the Average Per Day over the sample Winter and Summer Re-Bill Period.**

<b>Average Per Day (Winter):</b>		
Meter Reading on 4/26/2002:	3054 Kwh	*(2/25/02 to 4/26/02 is 60 days)
Meter Reading on 2/25/2002:	-1474 Kwh	
Total Difference in usage:	1580 Kwh	
Average Per Day (Winter):	1580 Kwh ÷ 60 days* = 26.3 APD	

<b>Average Per Day (Summer):</b>		
Meter Reading on 8/27/2002:	8821 Kwh	*(6/26/2002 to 8/27/2002 is 62 days)
Meter Reading on 6/26/2002:	-4975 Kwh	
Total Difference in usage:	3846 Kwh	
Average Per Day (Summer):	3846 Kwh ÷ 62 days* = 62 APD	

The period for which PECO needed to establish a new estimate of usage stretched from March 27, 1998 –the date on which service commenced for the Taylor household – to January 11, 2002 – the date on which the meter tampering was discovered. As a second step in developing its make-up bill, PECO used the Daily Average Usage estimates as described above -- both Winter and Summer -- as PECO's estimate of the actual usage at the Taylor household during the tampering period. For the Taylor household, this resulted in an estimate that, during the 46-month period in question, the Taylor's actually used 54,028 kWh. The application of the Winter and Summer Daily Average Usage estimates to the Taylor account is set forth in the following table:

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PECO Brief Table 2

PECO Exhibit 9, Step 2: Multiply the Average per day times the applicable winter and summer rebilling periods to get the Revised KWH Usage.

BILLING PERIOD	Number of days	Average Per Day	Summer/Winter	Revised KWH Usage
3/27/1998 - 5/27/1998	60	26.3	Winter	1,580
5/27/1998 - 9/25/1998	121	62	Summer	7,502
9/25/1999 - 5/26/1999	243	26.3	Winter	6,391
5/26/1999 - 9/27/1999	124	62	Summer	7,688
9/27/1999 - 5/25/2000	241	26.3	Winter	6,338
5/25/2000 - 9/26/2000	124	62	Summer	7,688
9/26/2000 - 5/25/2001	241	26.3	Winter	6,338
5/25/2001 - 9/26/2001	124	62	Summer	7,688
9/26/2001 - 1/11/2002	107	26.3	Winter	2,814
	1385 <sup>5</sup>			
<b>TOTAL REVISED KWH USAGE</b>				<b>54,028</b>

As a third step in calculating its make-up bill, PECO then compared this estimate of the Taylor's usage to the amount that the Taylors were billed during the 46-month tampering period. This comparison showed that, while PECO's reasonable estimate of usage during the 46-month period was 54,028 kWh, the Taylors had only been billed for usage of 14,486 kWh, leaving a presumed usage of 39,541 kWh that had been used but not paid for:

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<sup>5</sup> This column was not originally totaled in PECO Exhibit 9, but for the Commission's convenience a total has been calculated and added to the table in text.

**PECO Brief Table 3**

**PECO Exhibit 9, STEP 3: Subtract the Previously billed KWH usage from the Revised KWII Usage to get the Total Rebilled KWH Usage.**

Re-Billed KWH Usage:	Previously Billed KWH Usage	Revised KWH Usage	Difference
3/27/1998 to 5/27/1998	688	1580	892
5/27/1998 to 9/25/1998	1354	7502	6148
9/25/1998 to 5/26/1999	2046	6391	4345
5/26/1999 to 9/27/1999	1664	7688	6024
9/27/1999 to 5/25/2000	2522	6338	3816
5/25/2000 to 9/26/2000	1594	7688	6094
9/26/2000 to 3/28/2001	1383	4813	3430
3/28/2001 to 5/25/2001	556	1525	969
5/25/2001 to 9/26/2001	1609	7688	6079
9/26/2001 to 1/11/2002	1070	2814	1744
<b>TOTAL REBILLED KWH USAGE</b>	<b>14486</b>	<b>54027</b>	<b>39,541</b>

As its fourth and final step, PECO then made a similar calculation for revenues, comparing the revenues that it should have billed in order to be compensated for 54,027 kWh usage to the revenues that it did bill the Taylors for the 14,486 kWh that registered on the tampered meter. As set forth in more detail below, PECO should have billed the Taylors \$7,346.31 in total over the 46 month period. Because of the meter tampering, the actual bills rendered were for \$2,037.71, leaving \$5,308.60 of revenue that should have been billed, but because of the meter tampering was not billed.

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PECO Brief Table 4

PECO Exhibit 9, Step 4: Subtract the Previously billed Revenue from the Revised Revenue to get the total amount owed.

Re-Billed Revenue	Revised Revenue	Previously Billed Revenue	Difference
3/27/1998 to 5/27/1998	\$ 216.39	\$ 105.09	\$ 111.30
5/27/1998 to 9/25/1998	\$ 1,098.37	\$ 197.10	\$ 901.27
9/25/1998 to 5/26/1999	\$ 841.25	\$ 295.30	\$ 545.95
5/26/1999 to 9/27/1999	\$ 1,033.26	\$ 219.56	\$ 813.70
9/27/1999 to 5/25/2000	\$ 801.60	\$ 342.71	\$ 458.89
5/25/2000 to 9/26/2000	\$ 1,046.94	\$ 212.96	\$ 833.98
9/26/2000 to 3/28/2001	\$ 624.37	\$ 200.84	\$ 423.53
3/28/2001 to 5/25/2001	\$ 204.44	\$ 81.65	\$ 122.79
5/25/2001 to 9/26/2001	\$ 1,102.42	\$ 227.15	\$ 875.27
9/26/2001 to 1/11/2002	\$ 377.27	\$ 155.35	\$ 221.92
<b>TOTAL REBILL OWED</b>	<b>\$ 7,346.31</b>	<b>\$ 2,037.71</b>	<b>\$ 5,308.60</b>

As noted above, this figure -- \$5,308.60 -- is slightly lower than the \$5,411.30 that PECO presented in the January 12, 2005 hearings and which formed the basis of its revised make-up bill to the Taylors. The reason for this difference, as explained by Ms. Kueny, N.T. 19-20, is that the January 2005 number had a minor clerical error that inflated the estimate of the Taylor's 1998-2002 usage by approximately \$102.00. With that clerical error corrected, as shown in the following table, the proper make-up bill amount is \$5,308.60.

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**PECO Brief Table 5**

**Demonstration of Adjustment for Clerical Error**

	PECO Estimate, based on 122 days data, used to issue revised make-up bill to the Taylors, as described at Jan. 2005 hearing	PECO Estimate, based on 122 days date, corrected for computational/ clerical error, as described at Oct. 2006 hearing
Total Usage (estimated)	\$7,449.01	\$7,346.31
Amount billed to the Taylors on regular monthly bills from 3-27-98 to 01-11-02	(\$2,037.71)	(\$2,037.71)
Revised "Make-Up" Bill Amount	\$5,411.30	\$5,308.60

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The above forms the basis for PECO's make-up bill to the Taylors in the amount of \$5,308.60, which PECO continues to believe is a reasonable estimate of the electricity used, but not paid for, during the meter-tampering period.

**B. A Make-Up Bill Developed Using 365 Days Of Data Was Remarkably Consistent With PECO's Original Calculation**

In a typical meter-tampering case, PECO issues its revised make-up bill shortly after it has sufficient summer and winter usage data to develop its Daily Average Usage estimates. Depending upon the date on which the tampering is discovered, this could result in a relatively quick rebill (if the date of discovery allows quick sampling of both winter and summer periods) or somewhat longer (if, for example, the tampering is discovered in September, then summer sampling cannot occur until the next summer and

the bill cannot be issued until that time.) Generally, however, PECO aims to issue the make-up bill as soon as possible after it has had the opportunity to conduct both winter and summer sampling with the new, untampered meter. This works to the benefit of PECO, because it allows it to more quickly pursue collection of the revenues involved; it similarly works to the benefit of the customer because it allows for quick knowledge of the scope of the customer's obligation. PECO used this normal winter/summer sampling method in the Taylor case.

In the Taylor case, however, the Company did not issue its revised make-up bill until August 2003, which was approximately 19 months after the meter tampering at the Taylor residence was discovered. As a result, as the Commission noted in its Opinion and Order (p. 8) at the time it issued its make-up bill PECO had available more than a full calendar year of actual usage data from the Taylor household, collected from the untampered meter. Although such data is not ordinarily available at the time a make-up bill is rendered, in recognition of the fact that it was available in the Taylor case, the Commission ordered remand hearings in part to determine whether sampling a full year's data would result in a more "accurate" make-up bill.<sup>6</sup>

PECO developed that analysis and presented it at the October 12, 2006 hearing. The results were absolutely striking – the estimate based on 365 days of data was virtually identical with the estimate that PECO had developed based on its typical

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<sup>6</sup> PECO notes that the Commission, in its Initial Decision, refers (p. 11) to the use of twelve full months of actual data as "an example of a more accurate methodology." PECO respectfully notes that there was no evidence elicited in this proceeding to support the view that use of twelve months of data is "more accurate." Indeed, as noted in text, since the data on actual usage at the Taylor residence was destroyed by the meter tampering, it is not really possible to know which estimation method will result in a "more accurate" estimate, because there is no way of comparing either estimate to the actual usage to determine which estimation methodology "more accurately" represents the actual usage. As noted in text, however, the comparison of the winter/summer sampling method and the 365-day data sampling method was helpful in demonstrating that, for the Taylors, both approaches give essentially the same outcome.

winter/summer sampling protocol. There was approximately a 3% difference between the two estimates.

PECO developed its estimate using the 365-day data sample in a manner very similar to the method it used to develop its winter/summer sampling estimate. First, PECO determined the actual usage at the Taylor household for each month for a full calendar year. Rather than having two Daily Average Usage estimates – one for winter, another for summer – PECO thus created 12 Daily Average Usage estimates, one for each calendar month:

**PECO Brief Table 6**

**PECO Exhibit 10, STEP 1: Determine Daily Average Use over the sample one year period.**

Reading Date	Usage kwh	# of Days	DAU
2/25/2002	1474	45	32.7
3/27/2002	925	30	30.8
4/26/2002	655	30	21.8
5/28/2002	886	32	27.6
6/26/2002	1035	29	35.6
7/26/2002	1781	30	59.3
8/27/2002	2065	32	64.5
9/25/2002	1158	29	39.9
10/25/2002	879	30	29.3
11/25/2002	979	31	31.5
12/27/2002	1006	32	31.4
1/28/2003	1038	32	32.4
2/24/2003	856	27	31.7

As a second step in developing an estimate based on the 365-day data, PECO used the monthly Daily Average Usage estimates as a proxy for the actual usage at the

Taylor household during the tampering period. For the Taylor household, this resulted in an estimate that, during the 46-month period in question, the Taylor's actually used 52,361 kWh, as set forth in the following table:

**PECO Brief Table 7**

**PECO Exhibit 10, Step 2: Multiply the DAU calculated over one year times the applicable re-billing periods to get the revised KWH usage**

Reading Date	# of Days	DAU	Revised KWH Usage
3/27/1998	29	30.8	893
4/28/1998	32	21.8	698
5/27/1998	29	27.6	800
6/25/1998	29	35.6	1032
7/27/1998	32	59.3	1898
8/25/1998	29	64.5	1871
9/25/1998	31	39.9	1237
10/27/1998	32	29.3	938
11/25/1998	29	31.5	914
12/29/1998	34	31.4	1068
1/28/1999	30	32.4	972
2/26/1999	29	32.7	948
3/26/1999	28	30.8	862
4/27/1999	32	21.8	698
5/26/1999	29	27.6	800
6/25/1999	30	35.6	1068
7/27/1999	32	59.3	1898
8/26/1999	30	64.5	1935
9/27/1999	32	39.9	1277
10/27/1999	30	29.3	879
11/23/1999	27	31.5	851
12/23/1999	30	31.4	942
1/27/2000	35	32.4	1134
2/25/2000	29	32.7	948
3/28/2000	32	30.8	986
4/27/2000	30	21.8	654
5/25/2000	28	27.6	773

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6/26/2000	32	35.6	1139
7/26/2000	30	59.3	1779
8/26/2000	31	64.5	2000
9/26/2000	31	39.9	1237
10/26/2000	30	29.3	879
11/28/2000	33	31.5	1040
12/27/2000	29	31.4	911
1/26/2001	30	32.4	972
2/27/2001	32	32.7	1046
3/28/2001	29	30.8	893
4/27/2001	30	21.8	654
5/25/2001	28	27.6	773
6/26/2001	32	35.6	1139
7/27/2001	31	59.3	1838
8/28/2001	32	64.5	2064
9/26/2001	29	39.9	1157
10/26/2001	30	29.3	879
11/27/2001	32	31.5	1008
12/27/2001	30	31.4	942
<b>TOTAL</b>			<b>52361</b>

As shown above in PECO Brief Table 3, the Taylors registered use during this period was 14,486 kWh. The estimate from the 365-day data sample thus shows a shortfall of 37,893 kWh used but not paid for.<sup>7</sup>

The final step in developing an estimate based on the 365-day data sample was to compare the revenues that PECO should have billed in order to be compensated for 52,361 kWh usage to the revenues that it did bill the Taylors for the 14,486 kWh that registered on the tampered meter. As set forth in more detail below, PECO should have billed the Taylors \$7,060.46 over the 46 month period. However, because of the meter tampering, the actual bills rendered were for \$2,037.71, leaving \$5,022.75 of revenue, which should have been billed, but because of the meter tampering was not billed.

<sup>7</sup> 52,361 kWh - 14,486 kWh = 37,893 kWh.

PECO Brief Table 8

PECO Exhibit 10, Step 3: Compare the Revenue Originally Billed by PECO with the Revised Revenue according to the Commission's 1 Year sample

Reading Date	# of Days	DAU	Revised kwh Usage	Revenue
3/27/1998	29	30.8	893	\$121.64
4/28/1998	32	21.8	698	\$96.19
5/27/1998	29	27.6	800	\$109.50
6/25/1998	29	35.6	1032	\$148.27
7/27/1998	32	59.3	1898	\$278.79
8/25/1998	29	64.5	1871	\$274.77
9/25/1998	31	39.9	1237	\$180.24
10/27/1998	32	29.3	938	\$128.68
11/25/1998	29	31.5	914	\$124.38
12/29/1998	34	31.4	1068	\$144.47
1/28/1999	30	32.4	972	\$131.95
2/26/1999	29	32.7	948	\$118.25
3/26/1999	28	30.8	862	\$108.02
4/27/1999	32	21.8	698	\$88.44
5/26/1999	29	27.6	800	\$100.56
6/25/1999	30	35.6	1068	\$142.06
7/27/1999	32	59.3	1898	\$255.04
8/26/1999	30	64.5	1935	\$260.08
9/27/1999	32	39.9	1277	\$170.51
10/27/1999	30	29.3	879	\$109.92
11/23/1999	27	31.5	851	\$105.90
12/23/1999	30	31.4	942	\$117.43
1/27/2000	35	32.4	1134	\$140.52
2/25/2000	29	32.7	948	\$119.61
3/28/2000	32	30.8	986	\$124.21
4/27/2000	30	21.8	654	\$84.11
5/25/2000	28	27.6	773	\$98.48
6/26/2000	32	35.6	1139	\$153.69
7/26/2000	30	59.3	1779	\$242.00
8/26/2000	31	64.5	2000	\$272.50
9/26/2000	31	39.9	1237	\$167.19
10/26/2000	30	29.3	879	\$111.28
11/28/2000	33	31.5	1040	\$130.73

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12/27/2000	29	31.4	911	\$115.15
1/26/2001	30	32.4	972	\$122.52
2/27/2001	32	32.7	1046	\$139.51
3/28/2001	29	30.8	893	\$119.85
4/27/2001	30	21.8	654	\$89.14
5/25/2001	28	27.6	773	\$104.43
6/26/2001	32	35.6	1139	\$163.10
7/27/2001	31	59.3	1838	\$265.64
8/28/2001	32	64.5	2064	\$298.79
9/26/2001	29	39.9	1157	\$165.74
10/26/2001	30	29.3	879	\$118.05
11/27/2001	32	31.5	1008	\$134.63
12/27/2001	30	31.4	942	\$126.15
1/28/2002	32	32.4	1037	\$138.35
TOTAL			52358	\$7,060.46

This estimated \$7,060.46 responsibility, minus the \$2,037.71 in actual bills rendered, leaves a make-up responsibility of \$2,037.71.

The next table compares the estimate based winter/summer sampling method (both original and revised for the clerical error) and the 365-day data method.

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PECO Brief Table 9

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Comparison of Make-Up Bill Amounts Using the Winter/Summer Sampling Method  
and the 365-Day Data Sampling Method

	Winter/Summer Sampling Method, as used to issue make-up bill and as described at Jan. 2005 hearing	Winter/Summer Sampling Method, corrected for clerical error, as described at Oct. 2006 hearing	365-Day Data Sampling Method
Total Usage (estimated)	\$7,449.01	\$7,346.31	\$7,060.46
Amount billed to the Taylors on regular monthly bills from 3-27-98 to 1-11-02	(\$2,037.71)	(\$2,037.71)	(\$2,037.71) <sup>8</sup>
"Make-Up" Bill Amount	\$5,411.30	\$5,308.60	\$5,022.75

(All amounts described in the PECO Brief Table 9 were discussed at hearing and confirmed by Ms. Ferrier. N.T. 51-52 (Oct. 12, 2006 hearing).)<sup>9</sup>

Perhaps the most remarkable and immediately striking thing about these two estimates is that *the two estimates are virtually identical*. Using the winter/summer sampling method, PECO developed an estimate that the Taylors had used 54,027 kWh over a 46-month period, while the estimate based on the 365-day data sample was usage

<sup>8</sup> In the Initial Decision (p. 11), the Commission states that "We believe the estimated re-billing of \$5,411.20 is excessive because PECO did not identify the amount already paid by the Complainant during the under billing period . . ." As the table and accompanying text demonstrates, the make-up bill amount fully credits the Taylors for all amounts billed (whether they paid them or not) during the period 1998-2002. This amount was \$2,037.71 and is credited to the Taylors in every version of PECO's calculations.

<sup>9</sup> PECO recognizes that, in its Initial Decision (p. 10), the Commission states the outcome of its own estimate based on the Commission's analysis of a 365-day estimate, and that it estimates a number well below \$5,000. PECO was not able to replicate the Commission's calculation. Hopefully, the difference in opinion was caused by the fact that PECO did not previously provide full schedules in support of its calculation; it is PECO's hope that, now that those schedules are part of the record evidence, there will be no difference between its calculations and the Commission's calculations.

of 52,361 -- a difference of only 3%. Looked at slightly differently, the winter/summer approach estimated that the Taylor's had an average daily usage over the 46 months of 39 kWh<sup>10</sup>, while the 365-day data sample estimated average daily usage of 37.8 kWh.<sup>11</sup> The difference between the two estimation methods was 1.2 kWh per day. The two methods literally came within a light bulb of each other.<sup>12</sup>

We cannot know and never will know what the actual usage was at the Taylor household in 1998-2002, because the actual usage data for the 46-month period was destroyed by meter tampering. We therefore cannot know which estimation method -- the winter/summer sampling method or the 365-day method -- hit the mark more accurately. However, it is very heartening that the two estimation methods resulted in virtually identical estimates of the Taylors' usage during that period. PECO respectfully submits that the consistency of results between these two estimation methods strongly justifies its use of the winter/summer sampling method to calculate the Taylors' make-up bill.<sup>13</sup>

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<sup>10</sup> 54,027 divided by 1385 days in the rebill period = 39 kWh per day. See text and table associated with fn 5 for determination of number of days in rebill period.

<sup>11</sup> 52,361 divided by 1385 days in the rebill period -- 37.8 kWh per day.

<sup>12</sup> A 100 watt bulb burning for 12 hours a day uses 1.2 KWH of electricity per day.

<sup>13</sup> PECO recognizes that the use of the 365-day estimate in this case would result in a \$285.85 benefit to the Taylors, and PECO has no objection to crediting that amount against the Taylors' make-up bill. However, PECO makes that concession not because the estimate based on the 365-day data sample is more accurate or more correct -- the record evidence in this case simply does not support that conclusion. PECO makes that concession simply because it recognizes that both estimates are just that -- estimates

**C. The Record Evidence Demonstrates That The Number of Occupants, Weather, and Opportunity To Conserve Had Virtually No Effect On Usage At The Taylor Household**

In its Initial Decision (pp. 7-12), the Commission directed PECO and the ALJ to adduce evidence on the potential effect of exigent factors on usage at the Taylor household. In particular, the Commission noted that weather may have been different during the estimation period (whether the winter/summer or 365-day method) and the weather in 1998-2002, which could skew whether the estimate would accurately predict the usage at the Taylor household in 1998-2002. Similarly, the Commission noted that the number of occupants changed over both the 1998-2002 usage period and the later estimation period and asked whether this difference could have meaningfully affected usage and the applicability of the estimate. Finally, the Commission noted that, when given full price signals, the Taylors might have engaged in additional conservation behaviors. The Commission thus asked whether, if the Taylors had been receiving full price signals in 1998-2002, they might have engaged in additional conservation during that period.

In its testimony on this issue, PECO addressed two issues: (1) whether changes in weather, occupancy, or opportunity for conservation actually cause any change in consumption at the Taylor household, and (2) whether there were significant changes in weather, occupancy, or opportunity for conservation between the estimation period and the meter tampering period. The answer, as set forth at more length below, is that changes in weather, occupancy, and opportunity for conservation have very minimal effects on usage at the Taylor household, especially at the levels of difference that existed

between the estimation period and the meter tampering period. PECO estimates that, totaled together, these exigent factors might affect the usage estimate by approximately 3%.

As noted above, the first question that PECO addressed is whether changes in weather, occupancy, or opportunity for conservation actually caused any change in consumption at the Taylor household. While it was not possible to isolate each of these factors for numeric analysis, the weather and the configuration of the Taylor household worked together to provide a data set that allowed the three factors to be numerically measured as a group of factors, rather than as individual factors. Put most simply, there was a single year change – from 2003 to 2004 – in which the size of the Taylor household decreased significantly (from 7 to 5, or a 29% decrease), the weather was particularly mild as compared to the prior year (a 6% decrease in heating days and a 46% decrease in cooling days), and the Taylors were fully informed about price signals and thus able to fully practice conservation. In other words, by happenstance all three factors moved from one year to the next, and moved in the same direction – in a direction that would cause the Taylors to decrease their usage, if those factors have a decrease in usage. As shown in more detail below, notwithstanding this “perfect storm” of a year for purposes of reducing usage, the Taylors’ usage in fact reduced only 6% as compared to the prior year, thus confirming that, in the Taylor household, relatively large changes in occupancy, weather, and opportunity to conserve translate into relatively small changes in actual usage.

This analysis is supplemented by PECO’s answer to the second question: whether there were significant changes in weather, occupancy, or opportunity for conservation

between the estimation period and the meter tampering period. The answer, generally, is that there were differences in weather and occupancy, but those differences were far less than the differences that caused a 6% usage decrease between 2003 and 2004 – in fact, the differences were about ½ that size. From this, PECO concludes that, at most, these factors would result in about a 3% overall effect.

**Question 1: Do changes in weather, occupancy, or opportunity for conservation actually cause any change in consumption at the Taylor household?**

As noted above, the confluence of the weather and the configuration of the Taylor household provide an excellent data comparison – 2003 vs. 2004 – to test whether changes in weather, occupancy, or opportunity for conservation actually cause any change in consumption at the Taylor household.

First, some background is necessary on how utilities measure weather. As Ms. Ferrier testified, N.T. 33-34 and PECO Exhibit 12, weather is measured by variation from a standard temperature (and, in the case of cooling needs, factoring in humidity). When the weather is cold and extra heat may be needed, the comparison is known as “Heating Degree Days,” which Ms. Ferrier defined as:

A degree day is the difference between 65 degrees and the 24 hour average temperature, when it is under 65 degrees. Hourly temperature readings are recorded for a 24 hour period, and the average of these temperatures is established. This figure then is subtracted from 65. Thus if the average temperature is 45 degrees, there are 20 degree days for this date (65-45=20).

PECO Exhibit 12.

When the weather is hot and extra cooling may be needed, the comparison is known as “Cooling Degree Hours,” which Ms. Ferrier defined as:

For the summer cooling session (June through September), cooling requirements are measured in cooling degree hours rather than in degree days, as in heating. The principle is much the same, but more complicated. This is because moisture is a great factor in cooling needs, as well as the actual temperature. Humidity readings must be considered as well as temperature readings in obtaining the number of cooling degree hours

PECO Exhibit 12.

By comparing the Heating Degree Days and Cooling Degree Hours between two given time periods, one can determine how much meaningful difference in the weather existed between the two periods.

As Ms. Ferrier testified, the weather was substantially milder in 2004 than it was in 2003, both for the winter (Heating Degree Days) and the summer (Cooling Degree Hours).

**PECO Brief Table 10**

**Comparison of Weather, 2003-04**

	2003	2004	Difference
Heating	4871	4520	-6%
Cooling	11141	6004	-46%

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PECO Exhibit 14.

This provides an excellent opportunity to see whether electric usage at the payor household – during a period of accurate metering – decreases as the weather moderates for an extended period of time.

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This excellent opportunity co-existed to determine the effects of changes in occupancy. In 2003, the Taylor residence had seven occupants; in 2004, it had five occupants. *See* Commission Order and Opinion, pp. 8-9.

**PECO Brief Table 11**

**Comparison of Weather and Occupancy 2003-04**

	2003	2004	Difference
Heating	4871	4520	-6%
Cooling	11141	6004	-46%
Occupancy	7	5	-29%

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Again, this allows the opportunity to determine weather electric usage at the Taylor household decreases as occupancy decreases for an extended period of time.

With respect to opportunity for conservation, the distinction between 2003 and 2004 is not as clearly measurable. However, PECO does note that the original make-up bill was issued on August 26, 2003. While the Taylors may have found additional reasons to conserve between January 11, 2002, when the meter tampering was fixed, and August 26, 2003, when the re-bill was issued, PECO believes that it is reasonable to assume that the bulk of the Taylors' conservation efforts, if any, would have been focused after receiving the August 26, 2003 make-up bill. This means that the Taylors would not have been highly motivated to conserve through most of 2003 – including the very hot summer of 2003 – but under the Commission's analysis would have been fully motivated and able to practice conservation in 2004. Thus, the comparison between 2003

and 2004 at least provides some opportunity to view the effect of conservation on the Taylor household.

**PECO Brief Table 12**

**Comparison of Weather, Occupancy and Opportunity for Conservation 2003-04**

	2003	2004	Difference
Heating	4871	4520	-6%
Cooling	11141	6004	-46%
Occupancy	7	5	-29%
Conservation	Some	High	

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In effect, the period 2003-2004 provides the perfect environment for determining how much change in electric usage is experienced in the Taylor household when the weather becomes much milder, occupancy goes down, and the motivation to conserve increases.

The answer, according to Ms. Ferrier, PECO Exhibit 14, is that usage decreased from 12785 kWh (2003) to 12029 kWh (2004) – a reduction of approximately 6%.

PECO Brief Table 13

Comparison of Weather, Occupancy, Opportunity for Conservation and Electric Usage 2003-04

	2003	2004	Difference
Heating	4871	4520	-6%
Cooling	11141	6004	-46%
Occupancy	7	5	-29%
Conservation	Some	High	
Electric Usage	12785	12029	-6%

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Six percent is the decrease in usage that actually occurred in the Taylor household from one year to next, during which time there was a 29% decrease in occupancy, a 6% decrease in Heating Degree Days, a 46% decrease in Cooling Degree Hours, and a higher motivation to conserve. Collectively, this clearly shows that variations in these factors, even when all of them are occurring in significant amounts, have a very limited effect on usage in the Taylor household.

**Question 2: Were there significant changes in weather, occupancy, or opportunity for conservation between the estimation period and the meter tampering period?**

Ms. Ferrier analyzed the Heating Degree Days and the Cooling Degree Hours for the 365-day data sample discussed previously in this brief, and compared it to the weather for the entire meter-tampering time period from March 27, 1998 to January 11, 2001. Her findings were presented in full in PECO Exhibit 11. In summary form, she found as follows:

**PECO Brief Table 14**

**Comparison Between Weather During the Meter-Tampering Period and the 365-Day Data Sampling Period**

	1998	1999	2000	2001	4-year Average	365-Day Sample Period	Difference	% Diff
Heating Degree Days	3810	4463	4735	4212	4305	4609	304	6.6%
Cooling Degree Hours	8134	11742	7621	9105	9151	11305	2155	19.1%

Those values show that the weather variation between the '98-'01 meter tampering period and the 365-Day Data Sample period were actually far less than the weather variations in 2003-04 variations which we know have minimal effect on usage in the Taylor household:

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**PECO Brief Table 15**

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**Comparison of Weather Differentials, 2003-04 Difference Compared to the Difference Between the '98-01 Meter Tampering Period and the 365-Day Data Sample**

	2003-04 Difference	'98-'01 -- 365 Day Difference
Heating	-6%	6.6%
Cooling	-46%	19.1%

With respect to occupancy, Ms. Ferrier derived a weighted average, based on Mr. Taylor's testimony, which showed that, during the meter-tampering period there was a weighted average of 4.3 occupants in the Taylor household:

PECO Brief Table 16

EXHIBIT 13: Number of People in the Household on a Weighted Average

Bill Period Over 45 Months	Number of People in House
3/27/1998 - 5/27/1998	3
5/27/1998 - 9/25/1998	3
9/25/1999 - 5/26/1999	3
5/26/1999 - 9/27/1999	3
9/27/1999 - 5/25/2000	4
5/25/2000 - 9/26/2000	4
9/26/2000 - 5/25/2001	7
5/25/2001 - 9/26/2001	7
9/26/2001 - 1/11/2002	7

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Bill Period	Number of People in House	Number of Months
3/27/1998-9/26/2000(Period 1)	3	30
9/26/2000-1/11/2002(Period 2)	7	15
TOTAL		45

<p>Period 1 = 30 Months x 3 People = 90</p> <p>Period 2 = 15 Months x 7 People = 105</p>
--

$105 + 90 = 195$

$195 \div 45 \text{ Months} = 4.3 \text{ Average People Per Month}$

During the period used to calculate the 365-day data sample estimate, there were five occupants in the Taylor household; that is, a 16% increase over the meter-tampering period. Again, this is a smaller percentage change than the percentage change in occupancy that was shown, in the 2003-04 data, to have little or no effect on usage.

**PECO Brief Table 17**

**Comparison of Weather and Occupancy Differentials, 2003-04 Difference Compared to the Difference Between the '98-01 Meter Tampering Period and the 365-Day Data Sample**

	2003-04 Difference	'98-'01 -- 365 Day Difference
Heating	-6%	6.6%
Cooling	-46%	19.1%
Occupancy	-29%	16%

With respect to opportunity for conservation, PECO notes that the Commission appears to believe that the Taylors would have had no motive to conserve while their meter was tampered in 1998-2001. As noted above, PECO accepts that the Taylors would have had some, but not high, motive to conserve during the 365-day data sample, which was drawn from data after the meter was changed but before the make-up bill was sent.

**PECO Brief Table 18**

**Comparison of Weather, Occupancy and Conservation Differentials, 2003-04 Difference Compared to the Difference Between the '98-01 Meter Tampering Period and the 365-Day Data Sample**

	2003-04 Difference	'98-'01 -- 365 Day Difference
Heating	-6%	6.6%
Cooling	-46%	19.1%
Occupancy	-29%	16%
Conservation	Some	None

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The final step in this analysis, of course, is to insert the known effect on usage in 2003-04 (6%) and attempt to determine what effect the measured changes might have had on usage during the 1998-2001 period:

**PECO Brief Table 19**

**Comparison of Weather, Occupancy, Conservation and Electric Usage Differentials, 2003-04 Difference Compared to the Difference Between the '98-01 Meter Tampering Period and the 365-Day Data Sample**

	2003-04 Difference	'98-'01 -- 365 Day Difference
Heating	-6%	6.6%
Cooling	-46%	19.1%
Occupancy	-29%	16%
Conservation	Some	None
Electric Usage	-6%	?

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One thing is obvious – the magnitude of differences between the 365 Day Data Sample estimate and the '98-'01 meter tampering period are, in every instance, the same as or smaller than the parallel differences in 2003-2004. The effect of the 2003-2004 differences, taken all together, was a 6% change in electric usage. Given that some of the measures are significantly smaller in the '98-'01 vs. 365 column – for example, the differential in Cooling Degree Days is less than ½ of the prior column – PECO respectfully submits that 3% is a reasonable estimate of the total change in electric usage that would be expected in the Taylor household to reflect differences in weather, occupancy, and conservation between the 365-Day data sample estimate and the meter tampering period in 1998-2001.

PECO is not, however, suggesting that the Commission order a 3% correction to the make-up bill. Rather, PECO believes that this exercise strongly suggests that it is not necessary or appropriate to go to these great lengths to assess the effect of such exigent factors. Indeed, the Taylor data shows rather strongly that the initial summer/winter analysis, which can be done quickly and soon after meter tampering has been discovered, resulted in virtually the same estimate as the much more extended analysis involving a 365 day data sample, weather data for a six-year period, occupancy data, analysis of conservation matters, and two additional days of hearings.

PECO believes that this is especially the case where, as here, there was no record evidence that weather or conservation would have any effect on the make-up bill. Moreover, the only testimony on occupancy was Mr. Taylor's statements that occupancy had changed; this was not accompanied by any testimony or proof from the Taylor's that changes in occupancy cause a change in usage at their household. In effect, the Taylors never established a *prima facie* case of excessive re-billing, as required by the Commission's *Waldron* rule.

Unsubstantiated assertions such as "occupancy changed during this period" have previously been rejected by the Commission as not being sufficient to support a challenge to a rebill. For example, in *LGS Donuts v PECO Energy Company*, Docket No. C-20054485 (March 06, 2006), as adopted by the Commission at public hearing held on June 01, 2006, the Complainant argued that PECO Energy "made no adjustment for the Complainant's earlier fewer employees, less equipment, reduced hours and less sales revenues." In *LGS Donuts*, the Complainant alleged his re-billing amount was too high

and based this point on his testimony that there were more employees working currently at the establishment during the re-bill calculation period (using more electricity) than in the past unauthorized usage period and, therefore, the bills should be reduced. The Administrative Law Judge explained that “[t]he Complainant’s testimony about its earlier fewer employees, less equipment, reduced hours and less revenue was of a general nature and only assertions. No matter how honest and strong its assertions are, they cannot form a basis for a finding in its favor. ‘Mere bald assertions, personal opinions or perceptions do not constitute evidence.’ Pennsylvania Bureau of Corrections v. City of Pittsburgh, 516 Pa. 75, (1987).” Id. at 8.<sup>14</sup>

In sum, while the record evidence in this case does show very minor differences (about 3%) between estimation approaches and does show very minor differences (about 3%) attributable to exigent factors such as occupancy, weather, and conservation, this should be seen as evidence that justifies continued use of the winter/summer sampling approach, rather than as a warrant to cause PECO and other utilities to expend substantial additional analytic resources and time – as well as legal time – to create a slightly different estimate and which is itself still an estimate.

PECO notes finally that the Commission’s decision in this area should be guided, in part, by the fact that we are dealing with meter tampering. Whether the individual

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<sup>14</sup> PECO also questions whether it is legal to make an adjustment for conservation that the Taylors could have, but did not, pursue – regardless of the reason the Taylors did not pursue the conservation. The Taylors in fact used the energy. Under the filed rate doctrine, PECO is authorized and required to charge its filed rate for all electricity that is used by a customer. The fact that the customer might have acted differently and had a different usage profile if it had different information has never been a bar to the filed rate doctrine.

customer was implicated in the tampering or not,<sup>15</sup> the practice of tampering is still one for which the Commission and utilities should have little patience. The most effective way of dealing with meter tampering is to allow a reasonable estimate to be quickly made and applied to the bill.

#### **D. Discovery of the Meter Tampering**

In its March 17, 2006 Opinion and Order (p. 12), the Commission directed the ALJ to investigate "why PECO failed to discern these meter deficiencies for forty-six months," stating in full that:

Additionally, PECO had the responsibility to read the Complainants' meter at least once every six months pursuant to our Regulations at 52 Pa. Code § 56.12. According to the record, PECO did read the Complainant's meter in compliance with our Regulations. Furthermore, for forty-six months of actual meter reads, PECO employees did not notice that the meter box was unsealed, the heavy duty sealing ring was missing, or that the barrel lock had been removed from the meter, perhaps prior to September 1996. (Tr. at 27-37). Review of the record does not reveal why PECO failed to discern these meter deficiencies for forty-six months. We note that the Initial Decision did not discuss whether PECO's actions were violative of the Code, the Commission's regulations, or PECO's tariff, and whether such violations warrant any penalty. As such, we shall also remand this issue to the OALJ.

This issue was addressed at length by Mr. Kratzinger during the May 25, 2006 evidentiary hearing. N.T. 105-133. Mr. Kratzinger testified that, given the type of meter that exists at the Taylor residence, many of the visual cues associated with meter tampering, such as the absence of a meter ring, would not have been visible to meter-readers doing normal meter-reading functions during the 46-month period at issue.

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<sup>15</sup> PECO notes that, in Pennsylvania criminal law, the mere presence of a tampered meter, coupled with a resident's access to the meter, creates a statutory inference that the resident "may be reasonably inferred to have acted to avoid or tamper with the public utility meter. . . ." 39 Pa. Cons. Statutes § 3926 (d) Theft of Services: Inferences. This is an example of the strong public policy sentiment to deal vigorously with meter tampering.

Having said that, Mr. Kratzinger did candidly admit that certain aspects of the tampering, such as the missing seal, probably would have been visible. Mr. Kratzinger testified that PECO's failure to identify the meter tampering could have been because the meter readers were focused on the front of the meter where the dials are read, or because the meter seal was pressed back into place to make it appear that the meter had not been opened – but that the seal was later removed, or for other reasons. Ultimately, Mr. Kratzinger was unable to provide a definitive answer as to why the meter tampering was not discovered for nearly four years.

First, Mr. Kratzinger testified that he had examined the meter board at the Taylor residence, N.T. 114, and that it is of the type known as a “ringless” meter board, which takes a “ringless” meter. N.T. 110, 111. Put most simply, the Taylor meter, when properly configured and sealed, does not contain a “heavy duty sealing ring.” N.T. 109-110, 114-115. (That type of seal exists only on “ring” meters, which are frequently used at residences, but not at the Taylor household.) Thus, if the meter is pushed closed, it will appear to be sealed and normal. N.T. 115. There was no visible damage to the meter or the meter board. N.T. 117. The tampering that was used at the Taylor residence – the use of “jumper” wires that partially bypass the meter – would not be visible from an external inspection of the meter. N.T. 121-22.

In fact, PECO Exhibit 8 (p. 12), which Mr. Kratzinger testified about, states that there were no visual cues to the meter tampering.

Q. In summary, Mr. Kratzinger, based on your experience, should prior meter readers have identified the tampering at this property when they were taking meter readings for the period of up to 46 months prior to the AMR installation and removal of this meter?

A. No. 1. Because this property has a ringless meter, there were no external/visual cues that would have been observed by meter readers regarding this type of tampering; 2. The jumpers were inside the meter box and were not visible from the exterior of the meter; and 3. Since there were no visible cues, there was no reason to suspect the meter was tampered nor any reason to request a technician to investigate the meter. The meter appeared normal, without tampering, when the meter readers looked at the front of the meter and recorded the usage registration.

Notwithstanding the above, during his testimony Mr. Kratzinger appeared to say that certain aspects of the meter security system would have been visible. Based on this testimony, PECO is thus only able to conclude that the actual tampering – the hardwired jumper cables on the meter board – were out of sight, that the ringless meter in place at the Taylor residence gave few visual cues that the tampering had occurred, but that there apparently were enough visual cues that discovery may have been possible. Mr. Kratzinger did suggest numerous ways that a meter could be made to look intact – by pressing the seal back into place, or use of superglue, for example – but he had no specific reason to believe that any of those approaches had been used at the Taylors. Mr. Kratzinger also speculated that the meter readers may simply have been focused on reading the five dials on the front of the meter – a job which they had about 30 seconds to accomplish – and did not notice the limited visual cues.

PECO believes that there are two additional points that the Commission should consider on this issue.

First, PECO has reviewed the Code, the Commission's regulations, and its own tariff, as directed by the Commission in its Opinion and Order. It can find no provision in those documents that requires that PECO, while conducting meter reading, also conduct a visual inspection of the meter to determine whether it has been tampered. In

other words, there does not appear to be any violation of the Code, regulations or tariff implicated by PECO's failure to discover the tampering.

Granted, it is in PECO's best interests to discover tampering as soon as possible to protect its own revenues, and as Mr. Charvez Walker testified, N.T. 22-45, when he went to change-out the existing meter and install an AMR, one of his responsibilities was to report any meter tampering. Similarly, during the years that PECO employed meter readers, it was a responsibility of meter readers to report tampering when it was observed. But that does not mean that the failure to identify this instance of tampering rises to the level of a violation of Code, regulation, or tariff.

This is especially true given the second point that PECO recommends for consideration: PECO now uses AMR meters, not meter readers, one of the significant benefits of AMRs (as well as one of the reasons that PECO chose to install AMRs) is that they make it easier to detect tampering. See testimony of Mr. Kratzinger, N.T. 107, 119-21, 125-26. Indeed, the tampering at the Taylor residence was discovered while installing an AMR.<sup>16</sup> PECO respectfully submits that, while it is regrettable that the tampering at the Taylor residence went undetected for so long, PECO has now implemented a system-wide technical fix - the AMRs - that will help solve tampering issues. As Mr. Kratzinger testified, N.T. 119-120:

Judge Smolen: So what you are saying is the AMR program went a long way to foil any type of meter tampering, because if you see an anomaly in a reading, you'll institute an investigation?

Mr. Kratzinger: That is correct, your Honor.

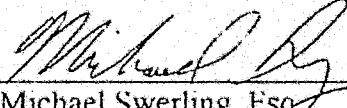
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<sup>16</sup> Imposing a fine or penalty in such a circumstance would be similar to penalizing a civil defendant for pursuing mitigation measures. A penalty imposed for potential oversights discovered during implementation of a major improvement such as AMR runs contrary to the public policy of desiring corporations to continuously seek to improve ways to improve their performance.

Even assuming that PECO's meter readers in 1998-2001 should have done a better job of identifying meter tampering, PECO has taken ameliorative action by installing the AMRs. A fine or penalty, as queried by the Commission, is not warranted with respect to a portion of operations -- meter reading -- that was made obsolete some years ago by installation of the AMRs.

### CONCLUSION

For the reasons set forth above, PECO Energy respectfully requests that the Commission issue an order allowing it to issue a make-up bill to the Taylors in the amount of \$5,308.60.<sup>17</sup> PECO also requests that the Commission mark this docket closed.

  
Michael Swerling, Esq.  
Ward L. Smith, Esq.  
Counsel for PECO Energy  
2301 Market Street  
S23-1  
Philadelphia, PA 19101  
Michael.Swerling@exeloncorp.com

December 29, 2006

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<sup>17</sup> As noted in footnote 13, PECO does not object to a rebill amount of \$5022.75, based upon the 365-day data sample, for the Taylor case, but strongly recommends against adopting a 365-day standard for other meter tampering cases.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DONALD & PATTY TAYLOR

v.

PECO ENERGY COMPANY

DOCKET NO. F-01482857

CERTIFICATE OF SERVICE

I 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:

U.S. Mail  
Donald & Patty Taylor  
4907 Parkside Avenue  
Philadelphia, PA 19131

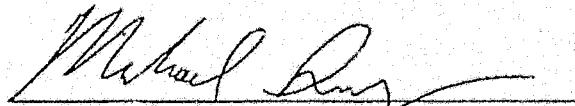
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Administrative Law Judge Herbert Smolen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
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Dated at Philadelphia, Pennsylvania, December 29, 2006.



Michael S. Swerling  
General Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Michael.Swerling@exeloncorp.com