



An Exelon Company

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

Direct Dial: 215-841-6841

March 27, 2017

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

RE: Kenneth Groschopp v. PECO Energy Company
PUC Docket No.: C-2017-2594740

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**

KENNETH GROSCHOFF	:	
Complainant	:	
v.	:	DOCKET NO. C-2017-2594740
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

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

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

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

Dated at Philadelphia, PA, March 27, 2017.



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KENNETH GROSCHOFF	:	
Complainant	:	
v.	:	DOCKET NO. C-2017-2594740
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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

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

1. On March 22, 2017, PECO Energy was served with a formal complaint filed by Kenneth Groschopp (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.
2. In his Complaint, the Complainant states that he manages a rental property in Norristown, PA.
3. The Complainant states that a former tenant left the rental property with an outstanding balance of over \$5,500.
4. The Complainant states that PECO determined that one hallway light was connected to the tenant’s meter.
5. The Complainant states that PECO required him to rewire the light to the common area electric panel.

6. The Complainant states that PECO transferred the full amount of the \$5,500 balance into his name and is demanding payment.

7. The Complainant requests that the PUC determine the monthly portion of the bill that is attributed to the common area light.

8. The Complainant states that the remaining balance should be recovered from 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.¹

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.²

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

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

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

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

² 2006 Pa. PUC Lexis 111, *7.

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

⁴ *Id.* at 7-8.

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.2nd 593 (Pa.Commw. 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. 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

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

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.

23. The Complainant does not allege that the property is not a rental property or that he is not responsible for the property.

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

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

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

27. The Complainant does not disagree that foreign wiring was found. Indeed he admitted that he corrected the foreign wiring condition by rewiring the common area light.

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 condition because he believes the cost for the monthly common area hallway light is minimal.

30. 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 common area hallway light and hold the tenant responsible for the remaining balance).

31. 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.

32. 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]."

33. More recently, the Commission reached the same result in the matter Vito Satiro v. PECO Energy Company, Docket No. F-2015-2510660 (Opinion and Order entered, June 9, 2016). In that case, Mr. Satiro argued that the hallway light attached to his tenant's meter was *de minimis* and that he should not be responsible for his tenant's \$1,439.98 balance. Mr. Satiro averred that his tenant had vacated the apartment without paying rent. Administrative Law Judge Joel H. Cheskis granted PECO Energy's Preliminary Objection and dismissed Mr. Satiro's formal complaint in a well-reasoned opinion wherein he determined that PECO acted

reasonably by transferring the entire amount of the tenant's arrearage to Mr. Satiro regardless of whether the amount of foreign load was *de minimis*. Id. at 5.

34. The Commission upheld ALJ Cheskis' Initial Decision and stated:

We explained our foreign load policy in detail in *Ace Check Cashing*. Specifically, we concluded that upon discovering foreign load, the utility must list the account, including any arrearages, in the landlord's name and the landlord must assume the responsibility of paying the utility bills at the service address until the foreign load is corrected. After the foreign load is corrected by the landlord and verified by the utility, the utility is to place the account back into the tenant's name. Id. At 7. However, the landlord remains responsible for any arrearages on the tenant's account. Id. At 7-8. This rule applies even if the amount of usage attributable to foreign load is considered *de minimis*.

See Vito Satiro, supra.

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

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

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

38. 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 Complainant's 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**

KENNETH GROSCHOFF
Complainant

v.

PECO ENERGY COMPANY
Respondent


:
:
:
:
:
:

DOCKET NO. C-2017-2594740

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: March 27, 2017



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KENNETH GROSCHOPP	:	
Complainant	:	
v.	:	DOCKET NO. C-2017-2594740
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

Kenneth Groschopp
3437 Mill Road
Collegeville, PA 19426

Dated at Philadelphia, Pennsylvania, March 27, 2017



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

EXHIBIT 1

Botak, Amy:(PECO)

From: eServe@pa.gov
Sent: Wednesday, March 22, 2017 10:01 AM
To: Lee, Shawane L:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL] PA PUC eServe Notice

Importance: High

Dear Shawane L Lee,

A(n) Formal Complaint has been served in this proceeding. This document is docketed as C-2017-2994740. You may view this document at

[Formal Complaint](#)

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

**Thank You,
Public Utility Commission
Commonwealth of Pennsylvania**

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

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

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

1. Customer (Complainant) Information

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

Name Kenneth Groeschopp

Street/P.O. Box 3437 Mill Road

City: Collegeville State: PA Zip: 19426

County: Montgomery

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

(610) 584-0735 (home) (267) 872-7957 (mobile)

E-mail Address (optional): kgroschopp@gmail.com

Utility Account Number (from your bill) 51857-71069

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

Name: Ken S Groschopp

Street/P.O. Box 1015 DeKalb Street, 2ND FR

City: Norristown State: PA Zip: 19401

2. Name of Utility or Company (Respondent)

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

PECO (An Exelon Company)

RECEIVED

MAR - 4 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

3. Type of Utility Service

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

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

4. Reason for Complaint

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

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

I manage a rental property in Norristown, PA. A former tenant left the building with an outstanding balance of over \$5,500. Upon shutoff of their electric utility, we determined that one hallway light was connected to the tenant's meter. PECO required me to rewire the light to the common area electric panel. They subsequently, transferred the full amount of the \$5,500 balance to my name and are demanding full payment for the balance that the tenant accumulated in during their 3 year lease term.

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

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

5. Requested Relief

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

I would like to determine the monthly portion of the bill that is attributed to the common area light, and pay the calculated balance for the 36 month lease. This calculated balance would be approximately \$540. The remaining balance should be recovered from the tenant that accumulated the larger balance of the bill.

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

6. Protection From Abuse (PFA)

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

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

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

YES

NO

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

7. Prior Utility Contact

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

YES

NO

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

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

YES

NO

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

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

I spoke with PECO and exchanged email on numerous occasions since July 2016. I have been unable to secure agreement for an equitable compromise on this issue.

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

8. Legal Representation

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

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

Lawyer's Name: Not applicable

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

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

9. **Verification and Signature**

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

Verification:

I Kenneth Groschopp, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4004 (relating to unsworn falsification to authorities).



(Signature of Complainant)

3-7-2017

(Date)

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

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

10. **Two Ways to File Your Formal Complaint**

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

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

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

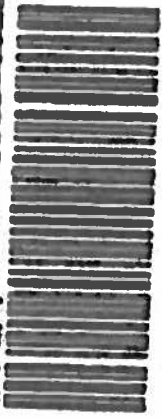
Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

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

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

Keep a copy of your Formal Complaint for your records.

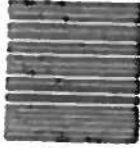
3487 Ave L3
Conoverville, Pa 17426



7075 3030 0002 1910 6325



1000



17120

U.S. POSTAGE
CONOVERVILLE, PA
PA 17426
\$4.05
ACCOUNTS 5448-14

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

1712000079 0000



EXHIBIT 2



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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eFiling Successfully Transmitted



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

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

If your filing 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:	C-2017-2594740
Description:	Kenneth Groschopp v. PECO Energy Company Answer to Complaint
Transmission Date:	3/27/2017 10:40:40 AM
Filed On:	3/27/2017 10:40:40 AM
eFiling Confirmation Number:	1670963

Uploaded File List

File Name	Document Class	Document Type
Kenneth Groschopp - Answer.pdf	Communication	Answer to Formal Complaint



An Exelon Company

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

Direct Dial: 215-641-6841

March 27, 2017

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

RE: Kenneth Groeschopp v. PECO Energy Company
PUC Docket No.: C-2017-2594740

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 "Shawnee Lee".

Shawnee Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KENNETH GROSCHOPP
Complainant

v.

PECO ENERGY COMPANY
Respondent

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:

DOCKET NO. C-2017-2594740

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On March 22, 2017, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Kenneth Groeschopp (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 he manages a rental property in Norristown, PA. The Complainant states that a former tenant left the rental property with an outstanding balance of over \$5,500. The Complainant states that PECO determined that one hallway light was connected to the tenant's meter. The Complainant states that PECO required him to rewire the light to the common area electric panel. The Complainant states that PECO transferred the full amount of the \$5,500 balance into his name and is demanding payment. The Complainant requests that the PUC determine the monthly portion of the bill that is attributed to the common area light. The Complainant states that the remaining balance should be recovered from the tenant.

PECO Energy's records reveal that the Complainant owns the property located at 1015 Dekalb Street, 2nd Floor, Norristown, PA. See Montgomery County Property Tax records, attached hereto as Exhibit "1". The Complainant had a tenant, Darryl Bennett, who established service at the premises on August 31, 2013. See Account Activity Statement, attached hereto as Exhibit "2". On August 3, 2016, Mr. Bennett complained of high bills at his residence. Accordingly, on August 23, 2016, a PECO Energy technician visited the property and found foreign wiring. Specifically, the technician found the first and second floor shared/common hall way lighting connected to Mr. Bennett's meter.

On August 30, 2016, PECO connected service in the Complainant's name effective August 9, 2016, and a new account established under account number 51857-71069. See Account Activity Statement, attached hereto as Exhibit "3". PECO sent correspondence to the Complainant on August 25, 2016, advising that foreign wiring had been found. See Correspondence dated 8/25/16, attached hereto as Exhibit "4". Mr. Bennett's balance in the amount of \$5,439.05 was transferred into the Complainant's name under account number 51857-71069. See Exhibit "3". On August 31, 2016, PECO sent a Utility Company Report to Mr. Bennett advising him that foreign wiring had been found and his account was transferred to his landlord's name effective August 30, 2016. See Correspondence dated 8/31/16, attached hereto as Exhibit "5". On November 11, 2016, PECO's high bill field technician went to the property and verified that foreign wiring repairs had been completed. On November 29, 2016, PECO sent the Complainant a Utility Company Report, advising that the repairs had been completed. See Utility Report, dated 11/29/16, attached hereto as Exhibit "6".

PECO Energy avers that the company properly determined there was a foreign load condition at the Complainant's rental property and transferred the service and charges into the

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

5. Denied.
6. Admitted.
7. Admitted.

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

Respectfully Submitted,



**Shawana 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
shawana.lee@exeloncorp.com**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KENNETH GROSCHOFF
Complainant
v.

DOCKET NO. C-2017-2594740

PECO ENERGY COMPANY
Respondent

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:
:
:

VERIFICATION

I, Shawane Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.



Date: March 27, 2017

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KENNETH GROSCHOPP
Complainant
v.

:
:
:
:
:
:

DOCKET NO. C-2017-2594740

PECO ENERGY COMPANY
Respondent

CERTIFICATE OF SERVICE

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

Kenneth Groschopp
3437 Mill Road
Collegeville, PA 19426

Dated at Philadelphia, Pennsylvania, March 27, 2017.



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"

- Profile
- Accessory Structures
- Assessment Breakdown
- Assessment History
- Commercial
- Lot
- Map
- Parcels
- Photos
- Residential
- Sales
- Sketch
- Spills and Contributions

PARID: 130010072004
 GROSCHOPP KBERETH & CASSEL DARREN
 1015 DEKALB ST

1015 DEKALB ST
 Return to Search Results

Parcel	
TaxParcel	13007 000
Roll	13-00-0070-00-0
Land Use Code	1000
Land Use Description	R - RESIDENTIAL
Property Location	1015 DEKALB ST
Lot #	
Lot Size	2000 SF
Front Feet	30
Municipality	COLLEGETOWN
School District	COLLEGETOWN AREA
City/State	PA PENNSYLVANIA

- Address
- Printable Summary
- Printable Vendors

Owner	
Name(s)	GROSCHOPP KBERETH & CASSEL DARREN
Roll(s)	
Rolling Address	3407 HILL RD
City/ST	
Rolling Address	
Rolling Address	COLLEGETOWN PA 19028

Current Assessment		
Assessed Value	Assessed Value	Market Value
64,000	64,000	

Estimated Taxes	
County	200
County Community College	30
Municipality	1,000
School District	2,000
Total	4,000
Tax Use	Tax Class Group Parcel Street

Land Sale	
Sale Date	03-02-03
Sale Price	600,000
Tax Stamps	2000
deed Book and Page	5000-02004
County	MONTGOMERY & MERION JONES &
County	GROSCHOPP KBERETH & CASSEL DARREN
Date Recorded	07-08-03

Montgomery County
 Board of Assessment Appeals
 P.O. Box 311
 Norristown PA 19004-0311

Contact Us
 Phone: (610) 275-3761
 Email: baa@mtgpc.org
 Hours: Monday-Friday 8:30am-4:15pm

Location [Google Map](#)

[Search Disclaimer](#)
[Privacy Policy](#)



EXHIBIT "2"

EXHIBIT "3"

EXHIBIT "4"

August 25, 2016

Kenneth Groschopp
3437 Mill Road
Collegeville, Pa 19426

Regarding: 1015 Dekalb St
2nd Fr
Norristown, Pa 19401

Dear Mr. Groschopp:

On 8-23-16 a PECO field technician visited the above referenced property in response to a high bill complaint. The technician found 1st and 2nd floor hallway lighting connected to 2nd 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,

Aaron Saunders
Customer Field Operations

PECO ENERGY
EXHIBIT 4

EXHIBIT "5"



UTILITY COMPANY REPORT
Reporte De La Compania Utilidades

Date: 8/31/16	Prepared By: CHRISTOPHER KARPUK
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Name: DARRYL BENNETT
Service Address: 1015 DEKALB ST, 2ND FR NORRISTOWN PA 19401
Post Office: NORRISTOWN PA 19401
Account Number: 51857-71050

Phone Home: (215) 688-0377	Phone Work: (908) 267-2812
Mailing Address: 1015 DEKALB ST, 2ND FR NORRISTOWN PA 19401	

Problem As You Described It

On 8/3/16 you contacted our office regarding your PECO bill.

Our Response

On 8/23/16 a PECO field technician visited the above property in response to a high bill complaint. The technician found 1st and 2nd floor shared/common hall lighting was connected to your meter #121011413. This is known as foreign wiring/piping.

When PECO identifies foreign wiring, Pennsylvania State Law requires the electric/gas 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/gas for the account in question was transferred into your landlord's name effective 8/30/16.

The balance on your account is \$0.00 as of 8/31/16. The amount due by 9/16/16 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,
Christopher Karpuk
High Bill Field

UTILITY COMPANY REPORT

To file a Complaint

If you do not agree with this report you may file a Complaint with the Public Utility Commission (PUC). You may file a complaint by calling the PUC at 1-800-692-7380 or by writing to the following address:

Pennsylvania Public Utility Commission
P. O. Box 3285
Harrisburg PA 17105-3285
Attention: Service Termination Mediation Unit

To protect your rights your complaint should be filed within 10 days of the date on this report and should include the following information:

1. Your name.
2. Your address.
3. The address where this service is being used.
4. Your account number.
5. Our name, PECO Energy Company.
6. A brief statement of the problem.
7. Whether a Complaint about this problem was filed with the PUC before.
8. Whether the problem was investigated and reported by us on or before the shut-off date, if any.
9. How you would like the problem to be solved.

If you file a complaint and do the things the PUC tells you to do, we will not shut off your service while they are handling your complaint.

PECO ENERGY COMPANY

If you need to talk to us, please call 1-800-494-4000, between 7:00 a.m. and 7:00 p.m., Monday through Friday.

PECO Energy Company's Business Office hours are Monday through Friday, from 8:30 a.m. to 5:00 p.m. Our Business Office is located at:

2301 Market Street, Philadelphia, PA 19101

EXHIBIT "6"



UTILITY COMPANY REPORT
Reporte De La Compania Utilidades

Date: 11/29/16	Prepared By: ROBERTSON, KIMBERLY A
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Name: KEN S GROSCHOPP
Service Address: 1015 DEKALB ST, 2ND FR NORRISTOWN PA 19401
Post Office: COLLEGEVILLE PA 19428
Account Number: 51857-71099

Phone Home: 287-872-7957	Phone Work:
Mailing Address: 3437 MILL RD COLLEGEVILLE PA 19428	

Problem As You Described It

On 10/31/16 you contacted PECO stating foreign wiring was corrected.

Our Response

On 11/11/16 a PECO field technician visited the above property to verify the foreign wiring repairs have been corrected. The technician verified foreign wiring has been corrected.

When PECO identifies foreign wiring repairs have been corrected, Pennsylvania State Law requires the electric service to be transferred back into the name of the tenants (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 account in question will remain in your name until a new tenant applies for service.

The balance on your account is \$5,520.64 as of 11/29/16. The amount due by 12/17/16 to avoid delinquency is \$5,520.64.

We at PECO Energy want you to be completely satisfied. If you have any further questions or need payment arrangements, please contact Financial Care Center at 1-888-480-1533.

Cordially,
Murray, Steven
High Bill Field

PECO ENERGY
SUBMIT 

UTILITY COMPANY REPORT

To file a Complaint

If you do not agree with this report you may file a Complaint with the Public Utility Commission (PUC). You may file a complaint by calling the PUC at 1-800-692-7380 or by writing to the following address:
Pennsylvania Public Utility Commission
P. O. Box 3285
Harrisburg PA 17105-3285
Attention: Service Termination Mediation Unit

To protect your rights your complaint should be filed within 10 days of the date on this report and should include the following information:

1. Your name.
2. Your address.
3. The address where this service is being used.
4. Your account number.
5. Our name, PECO Energy Company.
6. A brief statement of the problem.
7. Whether a Complaint about this problem was filed with the PUC before.
8. Whether the problem was investigated and reported by us on or before the shut-off date, if any.
9. How you would like the problem to be solved.

If you file a complaint and do the things the PUC tells you to do, we will not shut off your service while they are handling your complaint.

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