

Ken Groschopp  
3437 Mill Road  
Collegeville, PA 19426  
April 19, 2017

Pennsylvania Public Utility Commission

Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3625

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Reference: Kenneth Groschopp v PECO Energy Company, PUC Docket No: C-2017-2594740

Ms. Chiavetta

I received notification that the above-referenced complaint has been dismissed due to a lack of legal sufficiency, and the existence of previous case law that addresses the issues that were raised in the complaint.

However, the dismissal does not reference the two points that I raised in the response that I sent on April 20<sup>th</sup>. This response was sent via certified mail (copy enclosed) on April 20<sup>th</sup>, and receipt was confirmed by the court on April 25 (copy enclosed). I believe that this response provides additional information that needs to be considered in a full evaluation of the events that relate to this decision, and would appreciate your consideration of this additional information before closing this case.

I have enclosed a copy of this response for your convenience. I respectfully request the opportunity to present this information to representatives of the PUC for clarification.

Sincerely,



Ken Groschopp  
Owner, 1015 DeKalb Street, Norristown, PA 19401

Enclosure

cc: Darren Cassel (co-owner), Shawane L. Lee

Ken Groschopp  
3437 Mill Road  
Collegeville, PA 19426  
April 19, 2017

Pennsylvania Public Utility Commission

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

COPY

Reference: Kenneth Groschopp v PECO Energy Company, PUC Docket No: C-2017-2594740

Ms. Chiavetta

I am writing to address the response that PECO provided to the above-referenced complaint. The response that was provided on March 27, 2017 included references to numerous legal precedents and PUC Statements of Position that helped to clarify the interpretation of the laws that govern issues related to foreign wiring in a residential rental environment. However, I would like to respectfully suggest that a hearing is still warranted in this matter, based on the information provided below.

There are two issues related to this complaint that do not appear to be addressed in the response --Both items have a material bearing on the amount that has been assessed, as well as PECO's conduct during the investigation and remediation of the foreign wiring issue.

**Issue 1:**

The first issue relates to the corrective action that PECO requires for remediation of foreign wiring concerns. All communication from PECO on this topic suggested that the only option for remediation of the foreign wiring issue was through the installation of a common-area meter, with all common-area utilities to be re-wired to the common-area meter. At the time that this guidance was provided, the PECO technician was aware that the common-area wiring consisted of a single light fixture which was wired to the tenant's meter. The requirement to install a common-area meter was reiterated throughout the remediation period, and was eventually completed, at a cost of \$1,585. However, the PECO response to my complaint references Santos v Metro Edison Co (No C-00967757) to confirm the legal basis for the transfer of liability to a landlord upon discovery of foreign wiring. While the judgment does confirm the legal position on the transfer of liability, there is additional language in the PUC Statement of Policy that was issued in 1998 (52 PA, Code CH 69). In this Statement of Policy, the PUC appears to acknowledge the financial hardship that could result from the requirement to install a common-area meter in situations where the foreign load could be considered "minimal". For convenience, the exact language in this Statement of Policy is provided here.

*"Such a strict interpretation of the law has proven harsh for small building owners who have been forced to rewire or replumb an entire building to separately meter such things as hall lights, an electric fan on a furnace, a water pump, and the like, to remove foreign load from an individual dwelling unit. This can be onerous where a building owner has already rewired a building to provide an individual meter for each dwelling unit. The Commission's Bureau of Consumer Services (BCS) has employed in its informal proceedings a policy whereunder a dwelling unit would be considered to be individually metered where only minimal foreign load is registered by that unit's meter. Under this policy, wiring and piping for a unit would not need to be reconfigured to remove foreign load where, after a reasonable investigation of all circumstances, the foreign load was found to be minimal. Also, under this policy, where after a reasonable investigation the amount of foreign load is found to be minimal, the utility or BCS may determine that the account does not need to be transferred into the building owner's name. A customer who did not want to be responsible for the foreign load could file civil suit against the building owner or could file a formal Commission complaint against the utility". (Page 5498 of Pennsylvania Bulletin, Vol 28, No 44, October 31, 1998).*

The language that the PUC included in this update seems to indicate that a landlord could be permitted to allow a minimal load to remain on a tenant's meter, provided that the load was agreed to be minimal, that the load was adequately disclosed to the tenant, and the tenant explicitly accepted financial responsibility for the additional utility costs that could result from the foreign load.

If this interpretation of the SOP is accurate, it seems that PECO may be considered responsible to provide landlords with all options that are available in remediation of a foreign wiring issue. Given the authority that PECO has been provided in adjudicating matters of foreign wiring, there should be an expectation that they will provide appropriate options in remediating issues that have been reported. The fact that all communication from PECO directed to the installation of a common-area meter has effectively increased the overall cost of this issue by \$1,585.

**Issue 2:**

The second issue that requires clarification on this matter is the calculation of the outstanding balance. The account balance was submitted as part of the evidentiary material. The statement indicates the transfer of the balance of \$5,439.05. The calculation of this balance is not clear, and requires a response from PECO. While the tenant that generated these charges was severely deficient in remitting timely payments, the statement does reveal several payments that were made throughout the course of the service. The application of these payments is not clear, as there are numerous charges on the statement that were not incurred in the generation of electricity. An alternate view of the activity in this statement may place the outstanding balance at \$4,533.18 (Exhibit 1, attached). While the collection efforts by PECO on this account were not effective, it seems that the application of payments received was advantageous to PECO, and resulted in the largest balance being transferred at the time that the foreign wiring was detected.

On this issue, I would request a detailed explanation as to the application of payments which resulted in the calculation of the \$5,439.05 balance.

I respectfully request the opportunity to present this information to representatives of the PUC for clarification.

**Pennsylvania Public Utility Commission**

**April 19, 2017**

**Page 3**

**Sincerely,**

**Ken Groschopp**

**Owner, 1015 DeKalb Street, Norristown, PA 19401**

**Enclosure**

**cc: Darren Cassel (co-owner), Shawane L. Lee**

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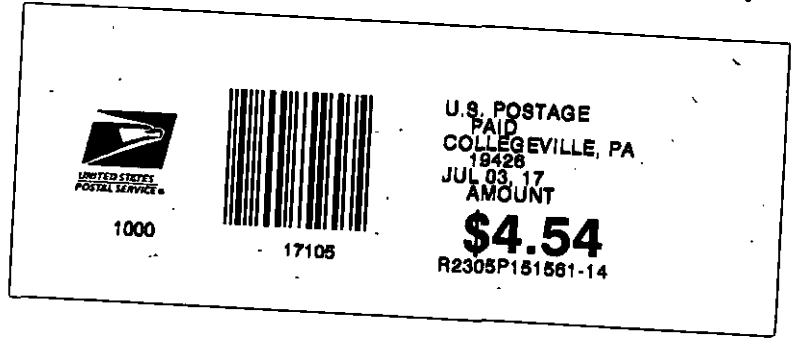
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