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August 14, 2017

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

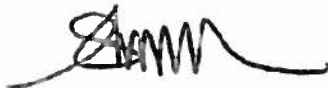
RE: Kathie Johns v. PECO Energy Company
PUC Docket No. F-2017-2605058

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the *Response to Complainant's Motion to Compel the Response of PECO Energy Company to Complainant Kathie Johns' Interrogatories and Requests for Production of Documents, Set I* 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,



Shawane Lee
Counsel for PECO Energy Company

SL/alb
Enclosure

cc: Honorable Marta Guhl, ALJ
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KATHIE JOHNS	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2017-2605058
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**PECO ENERGY'S RESPONSE TO COMPLAINANT'S MOTION TO COMPEL THE
RESPONSE OF PECO ENERGY COMPANY TO COMPLAINANT KATHIE JOHNS'
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET I**

PECO Energy Company ("PECO Energy"), hereby responds to Complainant's Motion to Compel PECO's Response to Complainant's Interrogatories and Request for Production of Documents, Set I and states the following:

1. Admitted.
2. PECO Energy neither admits nor denies the allegations in Paragraph 2 of Complainant's Motion. PECO's records indicate that Complainant initiated electric service at 5017 Griscom Street effective January 20, 2016.
3. PECO Energy neither admits nor denies the allegations in Paragraph 3 of Complainant's Motion.
4. PECO Energy neither admits nor denies the allegations in Paragraph 4 of Complainant's motion. By way of further response, PECO's billing indicates that Complainant's usage increased during the winter months of December 8, 2016 through February 10, 2016, to 1401 kilowatt hours and then decreased when the weather got warmer beginning March 13, 2017 to 441 kilowatt hours and the Complainant's usage continued to decrease in the warmer months.

5. Denied. PECO's high bill field technician went to the Complainant's premises on February 2, 2017, and observed that the Complainant has electric baseboard heaters and an electric space heater. The basement was locked and the technician could not gain access to the Complainant's meter. PECO's high bill field technician returned to the property on February 14, 2017, and gained access to the Complainant's meter and apartment. The technician shut off the breakers and idled the Complainant's meter. The technician performed an appliance analysis which justified the Complainant's billed usage. At that visit, the Complainant called the landlord who was not able to give access to other tenant's apartments. PECO returned to the property on March 31, 2017, and called ahead to the landlord to obtain access. The landlord did not show up to give PECO access to the other apartments.

6. Denied. PECO performed a proper and complete investigation. The Complainant's bills are correct and her complaint should be dismissed and denied.

7. Admitted.

8. Admitted.

9. Admitted.

10. Paragraph 10 of the Complainant's Motion is a statement to which no response is required.

11. Admitted.

12. Denied. The Complainant's discovery requests number 15 and number 17 are beyond the scope of the proceeding and cannot result in the discovery of admissible evidence, and the information the Complainant seeks is beyond the proceeding and the standing of the Complainant. Each of these questions asks about usage and meters that belong to PECO customers other than the Complainant. PECO has produced information regarding the Complainant's usage and her meter changes. The questions seek data beginning 2010 when the

Complainant did not even have service with PECO. The usage on other PECO customer's meters and meters that are not the Complainant's meter beginning in 2010 is not relevant to Complainant's claim that PECO did not properly investigate her foreign wiring allegations or that she is entitled to a billing adjustment. For instance, different customers have different habits. Some sleep with the television on all night. Others like to do laundry every day. Some customers leave the lights on in their living room at night all night because they are afraid of the dark. The PECO customers living at the premises may have different appliances than the Complainant. Perhaps their appliances are newer and more efficient or older and less efficient. Perhaps the other PECO customers living at the premises prefer not to use space heaters in the winter. Accordingly, the electric usage on other PECO customer's meters who, at one time, lived at the premises or currently live at the premises is not relevant to what the Complainant used on her meter or how her meter is functioning. The requests are beyond the scope of her complaint and beyond her standing as she cannot raise usage or meter issues for other customers living at the premises.

13. Admitted. However, the information the Complainant seeks is not "reasonably calculated to lead to the discovery of admissible evidence." The Complainant seeks usage information for other PECO customers living at the service address and information regarding their meters. What another customer uses in their daily electric habits is simply not relevant to whether PECO addressed Complainant's foreign wiring concerns or whether she is entitled to a billing adjustment.

14. Admitted.

15. Denied. The Complainant's request for usage information on other PECO customer's meters and whether these customers had their meters changed will not prove whether: (1) PECO failed to investigate her foreign wiring concerns (2) whether the Complainant has

foreign wiring and (3) whether she is entitled to a billing adjustment. Indeed, the Complainant seeks usage and meter information beginning in 2010 when she did not even begin service with PECO until January 2016. The Complainant admits that she only moved to the premises in February 2016. So, clearly the usage and meter information for the time period she did not live there cannot be relevant to her complaint. Further, the information request is beyond the 4 year regulatory record retention requirement for PECO. Finally, the daily electric usage habits of the Complainant's neighbors are not relevant to whether she has foreign wiring. For instance, suppose the data PECO provides shows that her neighbor had no usage in the winter months. Does that prove there was foreign wiring or does that prove perhaps that her neighbor travelled outside the country during that period? Perhaps the neighbor was working abroad that year. Perhaps the neighbor does not like his or her apartment to be warm in the winter because of a breathing condition so they use very little heat. There are multiple variations as to why individual PECO customers have specific electric usage and none of them are relevant to what the Complainant used or uses every day. Accordingly, the Complainant's request for usage and meter change information for other customers is not relevant and should be denied.

16. Denied. PECO provided the Complainant with information on when her specific meter was changed. However, information on whether her neighbor's meters were changed is not relevant to her complaint. For instance, beginning 2012, PECO began deployment of AMI meters throughout the company's service territory. Is the change of the Complainant's neighbor's meter from an AMR meter to an AMI meter relevant to whether the Complainant has foreign wiring? Indeed, if the Complainant had foreign wiring, then someone else's service would be connected to HER meter. So, how is whether another PECO customer's meter was changed relevant to whether there was wiring connected to the COMPLAINANT'S METER? Further, the Complainant seeks information beginning 2010 when she did not even live at the

premises or have service with PECO. Whether a PECO customer who lived at the premises back in 2010 had their meter changed is not relevant to proving whether PECO provided unreasonable customer service by failing to address the Complainant's foreign wiring concerns. Accordingly, the Complainant's request should be denied.

17. Denied.

18. Denied. The Complainant has averred that PECO failed to investigate her foreign wiring concerns. This is demonstrably false. PECO accessed the Complainant's apartment, her meter and shut off her breakers and justified her billed usage. The Complainant alleges that PECO has provided unreasonable customer service because the company cannot force the property owner to provide access to OTHER TENANT'S APARTMENTS. Not their meters – to their apartments. PECO went to the property on three separate occasions and gained access to the Complainant's apartment and meter on one of those occasions.

19. Denied. The Complainant has alleged that PECO failed to investigate her foreign wiring concerns. Whether PECO changed other customer's meters from 2010 through present and their daily electric usage during this period is not relevant to the Complainant's claims against PECO.

20. Denied. PECO produced discovery to the Complainant, which included three reports of PECO's field investigations, including the report of the field visit on February 14, 2017, where PECO gained access to the Complainant's meter and apartment. Whether PECO changed other meters at the premises between 2010 through present and the usage of Complainant's neighbors on their meters is not relevant to Complainant's claim of whether PECO provided reasonable service by investigating her foreign wiring claims.

21. Denied. Complainant claims that "a significant increase or decrease in usage on another meter at 5017 Griscom Street" and "the usage (or lack thereof) registering on other

meters at 5017 Griscom Street” is relevant to PECO’s foreign wiring investigation and when foreign wiring may have begun. PECO’s customers have significant increases or decreases in their usage based on numerous factors. Perhaps there was a significant increase in the neighbors’ usage because they had relatives come over to visit during a specified period. Perhaps the usage increased significantly because they had a new baby and started washing more loads of laundry and increased the heating in their residence for the new baby. Perhaps another neighbor’s usage decreased significantly because they went to their vacation property in Florida during the winter period. Or perhaps, the neighbor’s usage decreased significantly because they were not living at the premises during a specified period. Obtaining usage information on other individuals is not relevant and cannot result in the discovery of admissible evidence. Moreover, Complainant wants usage information and meter change data for the residents of 5017 Griscom Street beginning 2010 when the Complainant did not move to the premises until early 2016. The usage and meter change information for the Complainant’s neighbors is not relevant to whether PECO investigated her foreign wiring concerns and determined whether foreign wiring exists.

22. Denied. The Complainant’s request to provide the daily usage data for every resident who lived at 5017 Griscom Street and had service with PECO from 2010 until present plus every meter change at the property for each resident who lived at this address for this time period is overly broad, unduly burdensome and oppressive. Preliminarily, the regulatory record retention regulations only require PECO to keep records for 4 years. The Complainant is requesting records beyond PECO’s record retention requirement, which is unduly burdensome. Further, the manpower hours to review and retrieve usage data on every individual who has lived at 5017 Griscom Street and had service with the company since 2010 is unduly burdensome. PECO would have to remove a PECO employee from their normal duties to look through each service account and pull this data, which is unfair to the company and PECO’s ratepayers. In

addition, beginning in 2012, PECO deployed and changed AMR meters for every customer in the company's service territory, including the residents of 5017 Griscom Street. This AMI meter deployment adds to the significant amount of data the company would have to produce in response to the Complainant's unduly burdensome requests. The data the Complainant is requesting will not resolve whether the Complainant has foreign wiring and whether PECO properly investigated the Complainant's foreign wiring concerns.

23. Denied. The Complainant's request for PECO to provide the daily usage data for every resident who lived at 5017 Griscom Street and had service with PECO from 2010 until present and meter change information for every customer is overly broad. The Complainant did not live at the property until 2016; therefore, her request has not been narrowed to the service period relevant to the Complainant. Moreover, the Pennsylvania Legislature and this Commission have determined that PECO's obligations under 66 Pa. C.S. §§ 1529.1 begin when the company discovers the existence of foreign load. 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). Accordingly, even if there was foreign load back in 2010, 2011 or present, it is not relevant to the Complainant's action against PECO. The issue is whether PECO properly investigated the Complainant's foreign wiring concerns and if she is entitled to a billing adjustment. So, for example, say if there was foreign load back in 2010 and 2011. Then, the property owner corrected the condition. So, when PECO visited in February 2017, there was no foreign wiring found. It is irrelevant if there was foreign wiring in 2010, 2011, 2012, 2013, 2014, 2015 or 2016 because PECO is only charged with investigating when the customer complains of the possibility of foreign wiring, and acting with respect to billing when the company finds the condition complained of. Accordingly, obtaining usage data on

other customer's meters and meter change information to determine if foreign load existed back when the Complainant never lived at the premises or complained to PECO about a condition is overly broad, not relevant to this litigation and unduly burdensome.

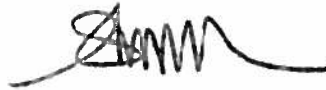
24. PECO neither admits nor denies the allegations contained in paragraph 24 of the Complainant's Motion. PECO has produced information to the Complainant of the Complainant's usage on her meter and when her meter was changed. However, she does not have a due process right to obtain information on other customer's usage and their meters, which is not relevant to her complaint against PECO.

25. Denied. PECO has set forth valid objections to the Complainant's discovery requests in numbers 15 and 17, which requests information that is irrelevant and would not be permissible to introduce at the hearing. The Complainant has lodged discovery against the company that is overly broad and unduly burdensome, which if required, would be beyond the regulatory requirement of record retention, cause the company to pull an employee to review the accounts for every single ratepayer who had service at 5017 Griscom Street from 2010 to present, and be forced to provide usage data on every single ratepayer who has lived there to prosecute a case about whether PECO investigated foreign wiring. PECO has produced its high bill field reports to the Complainant, usage data on her account, and meter changes and maintenance data on the meter servicing her apartment unit.

26. Denied. The Complainant's discovery requests are not relevant and the data requested would be impermissible at a hearing as evidence against PECO for the allegations the Complainant raises in her complaint.

WHEREFORE, PECO Energy avers that the Complainant's Motion to Compel should be dismissed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Shawane L. Lee', with a long horizontal flourish extending to the right.

Shawane L. Lee
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Fax: 215.568.3389
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KATHIE JOHNS

Complainant

v.

PECO ENERGY COMPANY

Respondent

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DOCKET NO. F-2017-2605058

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.



Shawane L. Lee

Date: August 14, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KATHIE JOHNS	:	
Complainant	:	
v.	:	DOCKET NO. F-2017-2605058
	:	
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 Response to Complainant's Motion to Compel in the above matter upon all interested parties by mailing and emailing a copy, properly addressed and postage prepaid to:

Kathie Johns
PO Box 9219
Philadelphia, PA 19139

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Administrative Law Judge Marta Guhl
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
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Dated at Philadelphia, Pennsylvania, August 14, 2017