

LAW OFFICES OF DAVID J. AVERETT, P.C.
DAVID J. AVERETT, ESQUIRE
7719 CASTOR AVENUE
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(215) 342-5024
IDENTIFICATION # 43760

ATTORNEY FOR COMPLAINANT

K & J PIZZA : COMMON WHEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
V. : C-2015-2501838
PECO ENERGY COMPANY :

**EXCEPTIONS TO INITIAL DECISION OF
ADMINISTRATIVE LAW JUDGE, ERANDO VERO, DATED 8/31/17**

K & J Pizza hereby files exceptions to the initial decision of Administrative Law Judge, Erando Vero and alleges the following in support thereof:

- 1) K & J Pizza is located at 6201 Jenkintown Road, Glenside, PA 19038. This complaint concerns PECO utility service at the business address, 1333 B. Easton Road, Roslyn, PA.
- 2) K & J Pizza filed a complaint alleging that its bills from PECO were incorrect and excessive.
- 3) The initial decision of ALJ Erando Vero granted, in part, concerning the format complaint of K & J Pizza with regard to its claim regarding inadequate service relating to numerous estimated bills.
- 4) The initial decision was denied, in part with regard to the claims of high billing, improper billing for services not rendered, and improper withholding of security deposit and improper assessment of late payment charges.
- 5) A civil penalty of \$ 2,000.00 was assessed against PECO payable to the Commonwealth of PA and PECO was ordered to cease and desist from further violations of the Public Utility Code, 66 Pa, C.S.A §§ 101 et, seq.
- 6) K & J Pizza takes exceptions to the initial decision because it fails to make a finding that PECO excessively billed, improperly billed or over billed K & J Pizza for electric service to its business.

- 7) K & J Pizza takes exceptions to the initial decision because it falls to order PECO to reimburse K & J Pizza for any overpayments, excessive payments or improper payments.
- 8) The complaint met its burden of proof of establishing that it was excessively billed, improperly billed, over billed and made over payments of its electric bills for the period of 9/2002 through the date of the hearing.
- 9) Complainant's claim for overpayment should have been granted back to 9/1/12, three years before filing its formal complaint with the PUC.
- 10) In addition, an informal complaint was filed with the PUC on 10/28/09 and therefore the claimant's complaint should have been granted retroactive to 10/28/06, three years before the informal complaint.
- 11) The complainant has established that a "high bill" has been demonstrated for its premises during the relevant period set forth above.
- 12) PECO breached its duty under 66 Pc, C.S.A § 1501 to furnish and maintain adequate efficient safe and reasonable service and facilities, including a reasonable and actual bill for the supplying of its electric service.
- 13) Complainant is entitled to a return in full of its security deposit.
- 14) The \$ 1,018.62 bill from the former business Account No. 8356-31019 should not have been transferred to the new Account, No. 05254.00306.
- 15) The PUC did not consider attempts by complainant to reduce or minimize his electric bill such as not installing air conditioning prior to 2015 or installing LED lighting.
- 16) The electricity usage of the complainant's business decreased substantially after the new meters were installed.
- 17) Complainant was billed for charges related to other businesses unrelated to complainant's business, including Milano's Pizzeria, which is a business unrelated to its business.
- 18) The estimated readings of complainant's PECO bills are in excess of the actual electricity usage by his business.

19) Since the amount of the electric bill was excessive, late payment and interest charges on the account should be deducted and stricken from the account.

Wherefore the complainant demands that the exceptions be sustained and they be granted a de novo hearing on his complaint.

BY:

A handwritten signature in black ink, appearing to read 'D. J. Averett', written over a horizontal line.

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CERTIFICATE OF SERVICE

David J. Averett, Esquire, attorney for K & J Pizza certifies that he did serve a true and correct copy of Complainant's Exceptions upon the following persons by regular mail on September 19, 2017:

K & J Pizza
6201 Jenkintown Road
Glenside, PA 19038.

PECO c/o
Shawane L. Lee, Esquire
2301 Market Street, S-23
Philadelphia, PA 19103

The Exceptions were also served on the Commission's Office of Special Assistants (OSA) at ra-OSA@pa.gov on the same date.

By:



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