

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Patrice Harris
v.
PECO Energy Company

Public Meeting: January 18, 2018
2537039-OSA
Docket No. F-2016-2537039

MOTION OF VICE CHAIRMAN ANDREW G. PLACE

Before the Commission for consideration are the Exceptions and Reply Exceptions to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Christopher P. Pell in the complaint of Patrice Harris regarding PECO Energy Company (PECO or Company) in the above-captioned proceeding.

On March 28, 2016, Ms. Harris filed a Formal Complaint with the Commission against PECO alleging foreign load, incorrect charges on her electric bill, and inadequate service in PECO's investigation of her billing concerns. She requested that the Commission investigate PECO's charges and remove any unauthorized charges from her bill.¹ In April 2016, PECO filed an answer in which they denied all material allegations in the complaint, and indicated that they investigated the high bill concerns on several occasions but found them to be baseless.² The I.D. denied the Complaint for failure by the Complainant to demonstrate her burden of proof. However, in reviewing the merits of the case, I believe PECO provided unreasonable service and, therefore the Exceptions filed by Ms. Harris, should be granted in part.

Ms. Harris has presented sufficient evidence in this proceeding regarding billing and metering at her residence. The record indicates that in April 2015³ there was an apparent mix-up with the meters in the multi-tenant building where she resides, and PECO indicated the issue had been resolved and appropriately adjusted Ms. Harris's bill. However, the same issue occurred in November 2015⁴ resulting in Ms. Harris receiving yet another bill that did not reflect her usage. In both instances the issue was brought to PECO's attention and both times PECO claimed it was corrected. In both instances, PECO appropriately adjusted the bill and made the complainant whole in terms of payments to the extent that was necessary.

¹ Complaint at 2-6; I.D. at 1-2.

² Answer at 1-4.

³ Tr. 56,77, 89-90.

⁴ Id.

Additionally, Ms. Harris had an Automated Meter Reading (AMR) meter at her home, which if working properly should have been transmitting readings to PECO which would have resulted in the issuance of bills to Ms. Harris based on her actual usage. However, it was not functioning properly resulting in the issuance of estimated bills for Ms. Harris from May 2014 through February 2015⁵ in violation of Commission regulations at 52 Pa Code § 56.12. When an AMR was consistently not reporting data, PECO should have addressed the issue and taken actual meter readings. Unfortunately, in this instance, the Company did not perform the necessary follow-up which violated the Commission's regulations.

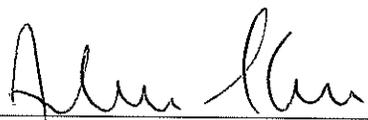
While I agree with the ALJ that the Complainant has not met her burden of proof regarding the complaint in its entirety, I find that the record in this proceeding demonstrates that PECO provided unreasonable service regarding billing concerns, as it relates to the repeated meter mix-up issue and actual billing in violation of Commission regulations.

Based on a review of the Rosi⁶ factors, we believe that a civil penalty is appropriate. In reviewing the appropriateness of a civil penalty, we consider many factors including the nature of the alleged violations. For unintentional or negligent alleged conduct, the Commission starts with the presumption that the civil penalty will be in the range of zero dollars to \$500 per day; whereas, for intentional actions, the Commission starts with the presumption that the civil penalty will be between \$500 and \$1,000 per day.⁷ As I believe this action by PECO to have been unintentional, not widespread and mitigated by the swift manner in which they adjusted and appropriately rebilled Ms. Harris, I propose a penalty of \$500 be imposed.

THEREFORE, I MOVE THAT:

1. The Exceptions of Patrice Harris, filed on November 7, 2016, to the Initial Decision of Administrative Law Judge Christopher P. Pell, are granted in part and denied in part consistent with this Motion.
2. That the Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

Date: January 18, 2018



Andrew G. Place, Vice Chairman

⁵ Tr. 23-24, 30, 53-55; PECO Exh. 1

⁶ 52 Pa Code §69.1201

⁷ *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc. And Sprint Communications Company, L.P.*, C-00992409 (March 16, 2000) at 10.