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EXPRESS MAIL

July 10, 2018

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

Re: Arthur Larson v. PECO Energy Company
Docket No. C-2017-2615206

Dear Ms. Chiavetta:

I enclose for filing an original and two copies of the Reply Brief of Complainant Arthur Larson in Accordance with the Order of May 9, 2018 and an original and two copies of a Certificate of Service for filing in the above matter. Please be kind enough to time-stamp and return copies of each document to me in the enclosed, self-addressed envelope.

Thank you for your consideration.

Very truly yours,


Arthur L. Jenkins, Jr.

ALJ/cz
Enclosures

cc: Ward L. Smith, Esquire (w/enc.)

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ARTHUR LARSON : DOCKET NO. C-2017-2615206
Complainant :
v. :
PECO ENERGY COMPANY :

**REPLY BRIEF OF COMPLAINANT ARTHUR LARSON
IN ACCORDANCE WITH THE ORDER OF MAY 9, 2018**

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Arthur L. Jenkins, Jr., Esquire
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HISTORY OF THE CASE

The present matter is pending before the Administrative Law Judge for a determination of the rights of complainant Arthur Larson to resist the installation of a AMI Meter by respondent PECO Energy Company. The parties hereto have filed timely briefs. It is the purpose of this Reply Brief to respond to assertions, contentions and arguments made by respondent PECO Energy Company in its brief.

ARGUMENT SUMMARY

The complainant, despite arguments to the contrary, has sustained his burden of proof in establishing that Section 1501 of the Pennsylvania Code, 66 Pa. C.S. Section 1501 has been violated because the proposed meter is unsafe.

REPLY ARGUMENT

Section 1501 of the Pennsylvania Code, 66 Pa. C.S. Section 1501 requires public utilities in Pennsylvania to maintain adequate, efficient, safe and reasonable service and facilities to customers. The record in the present case establishes that the backside of the proposed Smart Meter which is installed against the home of the customer has inadequate controls to prevent malfunctions. The rehearsed case of PECO fails to disprove what has been established by the complainant.

PECO has failed to produce quality control reports rebutting the case produced by the complainant Arthur Larson. The PECO employee admittedly qualified to testify as an expert simply failed to investigate quality control alarms on the Smart Meter.

Contrary to the assertion in the brief of PECO that Mr. Pritchard deemed the Smart Meter safe, his failure to produce quality control reports and his failure to investigate alarms generated by the Aclara I-210+c Meter leaves the safety concern of the complainant un rebutted.

While it is conceded that the complainant must maintain his burden of proof by a preponderance of the evidence, the complainant does not need to establish that his residence will catch fire, but only that the proposed meter is unsafe. The main brief of PECO leaves the reader with the impression that fire itself must be established.

The testimony of Mr. Pritchard does not disclose that the thermocouple heat sensors have been revised on the originally proposed AMI Meter; nor has he produced documentation of the revision or its safety record. The transcript in this case

demonstrates that but for the allegations in the brief of PECO, it is the re-branded Smart Meter which the complainant justifiably objects to in terms of safety.

CONCLUSION

It is respectfully submitted that an order be entered against PECO Energy Company preventing them from shutting off the electrical service of Arthur Larson and to cease in its attempts to install the proposed Smart Meter on his property.

Respectfully submitted,

LAW OFFICES OF ARTHUR L. JENKINS, JR.

By: Arthur L. Jenkins, Jr.
Arthur L. Jenkins, Jr., Esquire
Attorney for Arthur Larson

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v. :
PECO ENERGY COMPANY :

CERTIFICATE OF SERVICE

I, Arthur L. Jenkins, Jr., hereby certify that I have this day served a true and correct copy of the Reply Brief of Complainant Arthur Larson in Accordance with Order of May 9, 2018 in the above matter upon all interested parties via e-mail and United States First Class Mail, postage prepaid to:

Administrative Law Judge Darlene D. Heep
801 Market Street, Suite 4063
Philadelphia, PA 19107

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

Ward L. Smith, Esquire
Assistant General Counsel
PECO Energy Company
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LAW OFFICES OF ARTHUR L. JENKINS, JR.

By: 
Arthur L. Jenkins, Jr., Esquire
Attorney for Arthur Larson

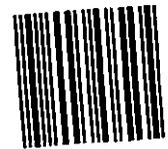
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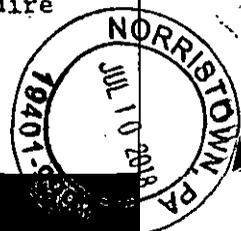
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