

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

D. Anne Wilson	:	
	:	
v.	:	F-2017-2633420
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision denies D. Anne Wilson’s formal Complaint against PECO Energy Company at Docket No. F-2017-2633420, because she failed to carry her burden of proving by a preponderance of the evidence that her electricity bills from the utility are incorrect and abnormally high.

HISTORY OF THE PROCEEDING

On November 9, 2017, D. Anne Wilson (Ms. Wilson or Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission) at Docket No. F-2017-2633420 alleging that the utility is threatening to shut off her electricity service and that there are incorrect charges on her bills from PECO. As relief, the Complainant seeks to have her PECO bills reviewed and corrected to reflect the accurate amount of electricity used.

The present Complaint is a timely appeal of the informal decision issued by the Commission's Bureau of Consumer Services (BCS) at BCS Case # 3538109.

On November 27, 2017, Respondent filed an Answer denying the material allegations of the Complaint.

A Hearing Notice dated January 18, 2018, notified the parties that an initial hearing was scheduled in this matter for Monday, March 26, 2018, at 10:00 a.m.

A Prehearing Order was issued on March 9, 2018, advising the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to the proceeding, and directing the submission of documents prior to the hearing.

On March 23, 2018, PECO distributed a packet of eight exhibits in preparation for the upcoming hearing.

On March 26, 2018, the initial hearing convened as scheduled. Ms. Wilson appeared *pro se*. Shawane Lee, Esquire, appeared on behalf of Respondent. The settlement judge process was utilized and upon conclusion of the negotiations, I instructed PECO to submit additional information with regard to Ms. Wilson's account history. Tr. 4. In particular, I instructed PECO to submit Ms. Wilson's account history from 2014 to the present in order to better understand Ms. Wilson's usage history with the Respondent. Tr. 4-5. No evidence was received on the record. I informed the parties that a further hearing would be scheduled for a later date.

A Hearing Notice dated April 5, 2018, notified the parties that a further in-person hearing was scheduled in this matter for Monday, June 4, 2018.

On April 19, 2018, I received Ms. Wilson's written request that the June 4, 2018 further in-person hearing be changed to a telephonic hearing.

Also, on April 19, 2018, I received Ms. Wilson's written request that a different Administrative Law Judge be assigned to preside over her Complaint.

As it was not clear whether Ms. Wilson had served copies of these two documents upon the Respondent, I sent scanned copies of the documents to PECO's counsel, Ms. Lee. By e-mail dated May 2, 2018, Ms. Lee informed me that Respondent did not object to Ms. Wilson's request for a telephonic hearing, but that it did object to her request for a judge change as the Complainant has not articulated or demonstrated any bias on my part.

On May 9, 2018, I issued an Order, which denied Ms. Wilson's Motion for Disqualification of the Presiding Officer and granted Ms. Wilson's request that the further hearing in this matter be conducted telephonically.

On May 31, 2018, the Commission issued a Corrected Hearing Notice informing the parties that the further hearing in this matter would be conducted telephonically.

A second Prehearing Order was issued on May 22, 2018, advising the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to the telephonic proceeding.

The initial hearing convened as scheduled on June 4, 2018. The Complainant appeared *pro se* and testified in support of the Complaint. Shawane Lee, Esq., represented the Respondent, and presented the testimony of Dana McCollum, who is a regulatory assessor for PECO, and Thomas Lerro, who is a high bill foreman with PECO. The Respondent sponsored nine exhibits, which included the same exhibits as the packet of documents distributed by PECO in March of 2018 with the addition of the updated account history for Ms. Wilson (PECO Exhibit 1) and PECO Exhibit 9 which is a copy of the Commission's final Opinion and Order entered February 28, 2013, in the matter of *D. Anne Wilson v. PECO Energy Company* at Docket No. F-2011-2272410.

At the hearing, Ms. Wilson objected to the admission of the nine PECO Exhibits into the record claiming to have received the documents the Saturday before the Monday hearing and to have had no opportunity to review them. Tr. 99, 104. Ms. Lee responded to her objections by pointing out that the original packet of PECO's proposed exhibits had been in Ms. Wilson's possession since March of 2018, and that she had been served by the Commission with a copy of the February 28, 2013 Final Opinion and Order. Tr. 101. I granted Ms. Wilson two weeks, or until June 19, 2018, to file any late-filed exhibits in support of her testimony at the hearing as well as any written objections to PECO's Exhibit 1. Tr. 104-105.

On June 18, 2018, Ms. Wilson submitted four late-filed Exhibits (Complainant Exhibits A-D) as well as written objections to the admission of PECO Exhibit 1 into the record in this matter. As it was not clear whether Ms. Wilson had served copies of these documents upon the Respondent, I sent scanned copies of the documents to PECO's counsel, Ms. Lee.

By Order dated September 24, 2018, I overruled Ms. Wilson's objections to PECO Exhibit 1 and admitted what were marked for identification as Complainant Exhibits C and D into the record in this matter. Complainant Exhibits A and B were not admitted into the record as they were found to raise issues beyond the scope of the formal Complaint or the evidentiary hearings.

The September 24, 2018 Order also closed the evidentiary record in this matter.

FINDINGS OF FACT

1. The Complainant is D. Anne Wilson, who resides at 111 Washington Street, Parkesburg, PA 19365 (Service Address). Tr. 16.
2. The Respondent is PECO Energy Company.
3. Complainant has resided at the Service Address for the last 20 years where she has continuously been the customer of record with PECO for electric service. Tr. 88.

4. Complainant is the sole occupant of the Service Address. Tr. 28, 88.

5. The Service Address is a twin residential dwelling, with three bedrooms, a kitchen, a dining room and a living room. Tr. 28, 34, 87.

6. Complainant heats her home with an oil furnace and at least one portable space heater. Tr. 21.

7. The Service Address is served by two electricity meters, the main meter (Meter # 122080843) and an off-peak meter serving the water heater (Meter # 122080841). Tr. 46-48, PECO Exhibit 1.

8. Every month, PECO receives measurements and bills the Complainant for readings from both meters. Tr. 46, PECO Exhibit 1.

9. Ms. Wilson’s electricity usage and related charges during the periods December 2014 to May 2015, and December 2015 to May 2016, were as follows:

Billing Date	Usage in KWH	Billed Amount	Heating Degree Days ¹	Billing Date	Usage in KWH	Billed Amount	Heating Degree Days
12/10/2014	523+268 = 791	\$98.41	722	12/7/2015	60+725 = 785	\$98.29	434
1/13/2015	721+469 = 1,190	\$159.08	941	1/8/2016	765+404 = 1,169	\$149.73	545
2/12/2015	453+665 = 1,118	\$148.18	997	2/9/2016	427+746 = 1,173	\$155.16	898
3/13/2015	123+402 = 525	\$61.61	1,075	3/9/2016	409+599 = 1,008	\$127.00	759
4/13/2015	416+431 = 847	\$104.05	600	4/7/2016	503+446 = 949	\$118.40	361
5/12/2015	402+357 = 759	\$91.10	135	5/6/2016	340+421 = 761	\$91.62	280
Total	5,230	\$662.43	4,470	Total	5,845	\$740.20	3,277

PECO Exhibit 1.

¹ Degree Day – A unit measuring the extent to which the outdoor mean (average of maximum and minimum) daily dry-bulb temperature falls below (in the case of heating) or rises above (in the case of cooling) an assumed base. The base is normally taken as 65°F for heating and for cooling unless otherwise designated. One degree-day is counted for each degree of deficiency below (for heating) or excess over (for cooling) the assumed base, for each calendar day on which such deficiency or excess occurs. James H. Cawley and Norman Kennard, *Rate Case Handbook, A Guide to Utility Ratemaking before the Pennsylvania Public Utility Commission*, Glossary of Terms, Appendix Q (Pa. PUC 1983).

10. Ms. Wilson’s electricity usage and related charges during the periods December 2016 to May 2017, and December 2017 to May 2018, were as follows:

Billing Date	Usage in KWH	Billed Amount	Heating Degree Days	Billing Date	Usage in KWH	Billed Amount	Heating Degree Days
12/6/2016	321+808 = 1,129	\$170.36	517	12/5/2017	624+337 = 961	\$141.09	584
1/4/2017	436+935 = 1,371	\$203.94	957	1/8/2018	769+409 = 1,178	\$170.46	1,148
2/8/2017	356+868 = 1,224	\$182.87	758	2/7/2018	640+432 = 1,072	\$153.96	853
3/10/2017	255+630 = 885	\$131.83	587	3/8/2018	346+617 = 963	\$138.04	628
4/7/2017	674+279 = 953	\$141.14	610	4/6/2018	392+702 = 1,094	\$156.10	708
5/8/2017	306+378 = 684	\$103.08	126	5/7/2018	477+345 = 822	\$119.39	314
Total	6,246	\$933.22	3,555	Total	6,090	\$879.04	4,235

PECO Exhibit 1.

11. On March 27, 2017, Ms. Wilson contacted the Company concerning high electricity bills she received in the winter months. Tr. 53, PECO Exhibit 3.

12. On March 31, 2017, a PECO technician visited the Service Address and verified that the readings from the two meters serving the Complainant’s home were correct. *Id.*

13. On May 1, 2017, the Complainant contacted PECO and requested that her meters be tested for accuracy. PECO Exhibits 4, 6 and 7.

14. On May 10, 2017, a PECO technician, Tim Fisher, visited the Service Address in order to perform a high bill field investigation. Tr. 67, PECO Exhibit 6.

15. During the May 10, 2017 visit, Mr. Fisher verified that the last billed meter readings were correct and that there was no foreign load on Ms. Wilson's line. PECO Exhibit 6.

16. During the May 10, 2017 visit, Mr. Fisher completed drop load and idled meter tests, in addition to performing passing load tests using a vacuum cleaner for the main meter and the water heater for the off-peak meter. Tr. 68-71, PECO Exhibit 6.

17. During the May 10, 2017 visit, Mr. Fisher was unable to perform a cost estimate because Ms. Wilson did not provide him full access to the Service Address and was unable to provide coherent answers to questions regarding the electric appliances in her home. Tr. 67-68, PECO Exhibit 6.

18. At the end of the visit, Mr. Fisher informed the Complainant that the two meters serving the Complainant's home were registering usage correctly and that no foreign load was detected at her property. Tr. 69-70, PECO Exhibit 6.

19. On June 15, 2017, PECO mailed to Ms. Wilson the utility report containing the results of the May 10, 2017 high bill field investigation. Tr. 72, PECO Exhibit 7.

20. Following Ms. Wilson's filing of the present formal Complaint, a PECO technician, David Bloomsburger, visited the Service Address to perform a third high bill field investigation on January 9, 2018. Tr. 72, PECO Exhibit 8.

21. During the January 9, 2018 visit, Mr. Bloomsburger verified that the last billed meter readings were correct and that there was no foreign load on Ms. Wilson's line. PECO Exhibit 8.

22. During the January 9, 2018 visit, Mr. Bloomsburger tested the accuracy of Complainant's electricity meters (Meter # 122080843 and Meter # 122080841). Tr. 76-77, PECO Exhibit 8.

23. On January 9, 2018, Meter # 122080843 tested 99.98% and 99.99% accurate on two full load tests, and 99.96% and 99.97% accurate on two light load tests. Tr. 76, PECO Exhibit 8.

24. On January 9, 2018, Meter # 122080841 tested 100% and 99.98% accurate on two full load tests, and 99.98% and 100% accurate on two light load tests. Tr. 77, PECO Exhibit 8.

25. During the January 9, 2018 visit, the Complainant did not allow Mr. Bloomsburger to visit the upper floor of the Service Address nor did she allow him to see the space heater she claimed she used. Tr. 73, PECO Exhibit 8.

26. Because the Complainant did not allow Mr. Bloomsburger to see the space heater, he used the standard measurements of 1,500 watts for 12 hours of use per day in his usage analysis for the space heater. PECO Exhibit 8.

27. Based on the electric appliances found or reported at the Service Address on January 9, 2018, Ms. Wilson has the potential to use between 1,252 kWh and 1,522 kWh of electricity per month in the colder months. Tr. 74-75, PECO Exhibit 8.

DISCUSSION

In her formal Complaint, Ms. Wilson alleged that PECO is threatening to shut off her electricity service and that there are incorrect charges on her bills from PECO. As relief, the Complainant sought to have her PECO bills reviewed and corrected to reflect the accurate amount of electricity used.

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S.A. § 332(a). To satisfy this burden, the Complainant must demonstrate that the Respondent was responsible for the problems alleged in the Complaint through a violation of the Code or a

regulation or order of the Commission. This must be shown by a preponderance of the evidence. *Patterson v. Bell Telephone Company of Pennsylvania*, 72 Pa. PUC 196 (1990). Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa.Cmwlth. 1990) *alloc. den.*, 529 Pa. 654, 602 A.2d 863 (1992). In addition, the Commission's decision must be supported by "substantial evidence," which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. A mere "trace of evidence or a suspicion of the existence of a fact" is insufficient. *Norfolk and Western Railway Co. v. Pa. Pub. Util. Comm'n*, 489 Pa. 109, 413 A.2d 1037 (1980).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied her burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa.Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa.Cmwlth. 2001).

In *Waldron v. Philadelphia Electric Company, (Waldron)*, 54 Pa. PUC 98 (1980), the Commission adopted the Michigan Public Service Commission's (PSC's) policy announced in *Hallifax v. O & A Electric Co-Op*, Case No. U-5825 (May 1979), which stated that, while the accuracy of the meter is an important factor in resolving billing disputes, it is not the sole criterion. The Michigan PSC stated that it will also consider the following factors: the billing history of the complainant; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought to light during the complaint proceeding. *Waldron* at 100.

While a comparison of the disputed monthly bill to the Complainant's billing history and the consistency of her usage pattern are important criteria to consider, they alone do not resolve the issue of the Complainant's disputed high bill. *Waldron* does not limit the establishment of a prima facie case to the above two elements alone. Rather, the Commission may consider the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), and any other relevant facts or circumstances that come to light during the proceeding. See *Charisse Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Order entered October 13, 2010); *Thomas v. PECO Energy Company*, Docket No. C-2010-2187197 (Order entered November 15, 2011).

Thus, a complainant in a high bill case has the opportunity to present any other relevant evidence which, if sufficient to establish a prima facie case, can be used to sustain the burden of proof. There is no specific requirement as to what particular facts the complainant must offer. This will likely vary from case to case. In *Waldron*, for example, the complainant did not provide a comparison of prior billing, but asserted that the apartment was uninhabited during the billing period in question and that the only operating appliances were a clock and a refrigerator; that two air conditioners were disconnected; and that, even if the latter had been connected, the complainant could not possibly have used the energy reflected in the billing. The Commission remanded the complaint in *Waldron* reasoning that, had the record been properly developed, those facts may have established a prima facie high bill case, and then the Company would have had to introduce evidence to overcome the prima facie case. *Waldron* at 101. Therefore, to establish a prima facie case under *Waldron*, a complainant must show the disputed bill was abnormally high when compared to prior usage patterns and that his or her pattern of usage has not changed or must provide other relevant evidence showing that the disputed bill is unreasonably high.

As set forth in *Waldron*, evidence proffered by a utility relating to the accuracy of a meter test alone, in response to a high bill complaint, is not conclusive evidence and would not, by itself, require a finding against a complainant and in favor of a company. *Id.* In other words,

evidence of a meter test showing that the meter worked within the acceptable degree of accuracy can be overcome with circumstantial evidence that otherwise indicates that a bill was too high.

At the hearing, Ms. Wilson clarified that she was disputing as abnormally high her electricity bills from December 2016 to May 2017, as well as those from December 2017 to June 4, 2018. Tr. 25. She testified that she has resided at the Service Address for the last 20 years and that she has been the customer of record with PECO for that entire time. Tr. 88. She added that she is the sole occupant of the Service Address and described her home as a twin residential dwelling with three bedrooms, a kitchen, a dining room and a living room. Tr. 28, 34, 87-88.

Ms. Wilson testified that she heats her home with an oil furnace and a portable electric space heater. Tr. 21. She explained that she has few electrical appliances in her home and that she uses them sparingly. Tr. 25-27, 28-29. In addition, she stated that she does not use some of the rooms in her home. Tr. 27-28.

In response to Ms. Wilson's claims, PECO put forth the testimony of Dana McCollum, who is a regulatory assessor for PECO, and Thomas Lerro, who is a high bill foreman with PECO. Ms. McCollum testified with regard to Ms. Wilson's usage and billing history. She explained that the Service Address is served by two electricity meters, the main meter (Meter # 122080843) and an off-peak meter serving the water heater (Meter # 122080841). Tr. 46-48, PECO Exhibit 1. Ms. McCollum testified that the analysis of the Complainant's electricity consumption through the years reveals that her electricity usage is seasonal, increasing in the colder months and decreasing in the warmer months. Tr. 45, 54. She also compared Ms. Wilson's electricity usage for the years 2014-2017 using the bills issued in December of those years. Tr. 45-49. According to Ms. McCollum, Ms. Wilson's electricity usage has increased from December 2014 to December 2017. Tr. 49. She further testified that the Complainant's outstanding balance is the result of several missed and partial payments made on Ms. Wilson's account with the Respondent. Tr. 50-51.

Ms. McCollum explained that PECO had conducted three high bill field investigations at the Service Address since March of 2017. She explained that on March 27, 2017, Ms. Wilson contacted the Company concerning high electricity bills she received in the winter months. Tr. 53, PECO Exhibit 3. A PECO technician visited the Service Address on March 31, 2017 and verified that the readings from the two meters serving the Complainant's home were correct. *Id.*

Mr. Lerro testified with regard to the other two high bill field investigations. He testified that on May 1, 2017, the Complainant contacted PECO again and requested that her meters be tested for accuracy. PECO Exhibits 4, 6 and 7. On May 10, 2017, a PECO technician, Tim Fisher, visited the Service Address in order to perform a high bill field investigation. Tr. 67, PECO Exhibit 6. During the visit, Mr. Fisher verified that the last billed meter readings were correct and that there was no foreign load on Ms. Wilson's line. Mr. Fisher completed drop load and idled meter tests, in addition to performing passing load tests using a vacuum cleaner for the main meter and the water heater for the off-peak meter. Tr. 68-71, PECO Exhibit 6.

Mr. Lerro explained that during the May 10, 2017 visit, Mr. Fisher was unable to perform a cost estimate because Ms. Wilson did not provide him full access to the Service Address and was unable to answer questions regarding the electric appliances in her home in a coherent fashion. Tr. 67-68, PECO Exhibit 6. At the end of the visit, Mr. Fisher informed the Complainant that the two meters serving her home were registering usage correctly and that no foreign load was detected at her property. Tr. 69-70, PECO Exhibit 6. On June 15, 2017, PECO mailed to Ms. Wilson the utility report containing the results of the May 10, 2017 high bill field investigation. Tr. 72, PECO Exhibit 7.

Mr. Lerro testified that the third high bill field investigation occurred on January 9, 2018 and was performed by PECO technician David Bloomsburger. Tr. 72, PECO Exhibit 8. During the January 9, 2018 visit, Mr. Bloomsburger verified that the last billed meter readings were correct and that there was no foreign load on Ms. Wilson's line. PECO Exhibit 8. In addition, Mr. Bloomsburger tested the accuracy of Complainant's electricity meters (Meter # 122080843 and Meter # 122080841). Tr. 76-77, PECO Exhibit 8. Meter # 122080843 tested

99.98% and 99.99% accurate on two full load tests, and 99.96% and 99.97% accurate on two light load tests. Tr. 76, PECO Exhibit 8. Meter # 122080841 tested 100% and 99.98% accurate on two full load tests, and 99.98% and 100% accurate on two light load tests. Tr. 77, PECO Exhibit 8.

Mr. Lerro testified that Mr. Bloomsburger found the following electrical appliances at the Services Address: a top/bottom refrigerator, a microwave, a hot plate, a washer, a furnace fan, a water heater, a 32" – 36" TV, a cable box, a VCR/DVD player, and lighting for nine rooms. PECO Exhibit 8. In addition, the Complainant reported to Mr. Bloomsburger that she used an electric space heater but did not allow Mr. Bloomsburger to see the space heater or to visit the upper floor of the Service Address. Tr. 73, PECO Exhibit 8. Because the Complainant did not allow Mr. Bloomsburger to see the space heater, he used the standard measurements of 1,500 watts for 12 hours of use per day in his usage analysis for the space heater. PECO Exhibit 8. Based on the electrical appliances found or reported at the Service Address on January 9, 2018, Mr. Bloomsburger calculated that Ms. Wilson has the potential to use 1,522 kWh of electricity in the colder months. Tr. 74-75, PECO Exhibit 8. Mr. Lerro explained that Ms. Wilson's recorded usage is well within her potential for electricity consumption.

During the hearing, Ms. Wilson challenged the accuracy of the January 9, 2018 high bill field investigation report, claiming that she did not own a cable box, that she only ran her space heater five hours a day instead of the 12 hours used by Mr. Bloomsburger in his calculations, and that the Service Address only has six rooms instead of the nine rooms noted in the report. Tr. 79-80, see also 24-27. Mr. Lerro responded that even if these claims were true, they would only decrease Ms. Wilson's potential for electricity usage to approximately 1,252 kWh per month, which is still within the range of her recorded usage. Tr. 74-75.

In support of her claim that PECO's bills were incorrect and abnormally high, Ms. Wilson pointed to an informational pamphlet/bill insert distributed by PECO in or about November of 2017 entitled "Understanding Your 2017 Electric Rates and How to Calculate Your Bill." Tr. 79, Complainant late-filed Exhibit D. According to Ms. Wilson, "[the bill insert]

says for the winter an average family home would be [billed] no more than \$108.25.” Tr. 79. A careful review of the bill insert, however, reveals that Ms. Wilson’s summary of the information provided in Complainant late-filed Exhibit D is incomplete and incorrect. The bill insert states that “[b]eginning with service provided December 1, 2017” a residential customer (Rate R) using 700 kWh per month would be expected to pay \$104.55 per month, whereas a residential customer using 1,000 kWh per month would be charged \$145.73. Complainant late-filed-Exhibit D. The charges assessed against Ms. Wilson’s account for services rendered after December 1, 2017, are in step with the calculation provided in the bill insert. For example, on February 7, 2018, Ms. Wilson was charged \$153.96 for 1,072 kWh of electricity used in the previous billing cycle. However, on May 8, 2018, she was charged only \$119.39 for 822 kWh used in the previous billing cycle. PECO Exhibit 1.

As mentioned above, Ms. Wilson is disputing her electricity bills from December 2016 to May 2017, as well as those from December 2017 to June 4, 2018. Tr. 25. For comparison purposes, her electricity usage during the periods December 2014 to May 2015, and December 2015 to May 2016 were as follows;

Billing Date	Usage in KWH	Billed Amount	Heating Degree Days	Billing Date	Usage in KWH	Billed Amount	Heating Degree Days
12/10/2014	523+268 = 791	\$98.41	722	12/7/2015	60+725 = 785	\$98.29	434
1/13/2015	721+469 = 1,190	\$159.08	941	1/8/2016	765+404 = 1,169	\$149.73	545
2/12/2015	453+665 = 1,118	\$148.18	997	2/9/2016	427+746 = 1,173	\$155.16	898
3/13/2015	123+402 = 525	\$61.61	1,075	3/9/2016	409+599 = 1,008	\$127.00	759
4/13/2015	416+431 = 847	\$104.05	600	4/7/2016	503+446 = 949	\$118.40	361
5/12/2015	402+357 = 759	\$91.10	135	5/6/2016	340+421 = 761	\$91.62	280
Total	5,230	\$662.43	4,470		5,845	\$740.20	3,277

whereas her electricity usage during the periods December 2016 to May 2017, and December 2017 to May 2018 was as follows:

Billing Date	Usage in KWH	Billed Amount	Heating Degree Days	Billing Date	Usage in KWH	Billed Amount	Heating Degree Days
12/6/2016	321+808 = 1,129	\$170.36	517	12/5/2017	624+337 = 961	\$141.09	584
1/4/2017	436+935 = 1,371	\$203.94	957	1/8/2018	769+409 = 1,178	\$170.46	1,148
2/8/2017	356+868 = 1,224	\$182.87	758	2/7/2018	640+432 = 1,072	\$153.96	853
3/10/2017	255+630 = 885	\$131.83	587	3/8/2018	346+617 = 963	\$138.04	628
4/7/2017	674+279 = 953	\$141.14	610	4/6/2018	392+702 = 1,094	\$156.10	708
5/8/2017	306+378 = 684	\$103.08	126	5/7/2018	477+345 = 822	\$119.39	314
Total	6,246	\$933.22	3,555		6,090	\$879.04	4,235

PECO Exhibit 1.

The analysis of Ms. Wilson’s electricity consumption reveals not only that her usage increased from December 2014 - May 2015, to December 2015- May 2016, to December 2016 – May 2017, and decreased in the period December 2017 to May 2018, but also that her electricity bills were affected by PECO’s rate increases that came into effect during the periods in question. Although neither party provided testimony on this topic, a review of Ms. Wilson’s account activity shows that she was charged more per kWh in 2016, 2017 and 2018 than in 2014. For example, Ms. Wilson was charged \$159.08 for 1,190 kWh of electricity consumed from December 10, 2014 to January 12, 2015, but on December 6, 2016 Ms. Wilson was charged \$170.36 for only 1,129 kWh. PECO Exhibit 1. Similarly, on April 7, 2016 she was charged \$118.40 for 949 kWh of electricity used, but on April 7, 2017 she was charged \$141.14 for a very similar amount of electricity used, 953 kWh. *Id.*

After carefully reviewing the evidence collected in this matter, I find that Ms. Wilson has failed to carry her burden of proving by a preponderance of the evidence that her

electricity bills from December 2016 to May 2017, as well as those from December 2017 to June 4, 2018 were inaccurate. Consequently, Ms. Wilson's present Complaint against PECO is dismissed in its entirety.

Before concluding, I will join PECO's witness, Ms. McCollum, in encouraging Ms. Wilson to apply for assistance from the Low-Income Home Energy Assistance Program (LIHEAP). The record in this case indicates that she has never applied for LIHEAP grants in the past and that she may qualify for the grant based on her gross household income.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and the subject matter of this proceeding. 66 Pa.C.S. § 701.

2. The party filing the Complaint bears the burden of proving that she is entitled to relief from the Commission. 66 Pa.C.S. § 332(a).

3. "Burden of proof" means a duty to establish one's case by a preponderance of the evidence, which requires that the evidence be more convincing by even the smallest degree, than the evidence presented by the other side. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950).

4. In establishing whether a "high bill" has been demonstrated, while the accuracy of the meter is an important factor in resolving billing disputes, the Commission will also consider the billing history of the Complainant; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought to light during the complaint proceeding. *Waldron v. Philadelphia Electric Co.*, 54 Pa. PUC 98, 100 (1980).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by D. Anne Wilson against PECO Energy Company at Docket No. F-2017-2633420 is dismissed in its entirety.
2. That the Secretary mark this docket closed.

Date: September 25, 2018

/s/
Eranda Vero
Administrative Law Judge