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EXPRESS MAIL

October 17, 2018

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

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OCT 17 2018

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

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Ms. Chiavetta:

I enclose for filing an original and three copies of Exceptions of Arthur Larson, Complainant, to Decision of Administrative Law Judge together with the Certificate of Service in the above matter. Please be kind enough to time-stamp and return the copies to me in the enclosed, self-addressed envelope.

Thank you for your consideration.

Very truly yours,


Arthur L. Jenkins, Jr.

ALJ/cz
Enclosures

cc: Administrative Law Judge Darlene D. Heep (w/enc.)
Ward L. Smith, Esquire (w/enc.)

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OCT 17 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

**EXCEPTIONS OF ARTHUR LARSON, COMPLAINANT,
TO DECISION OF ADMINISTRATIVE LAW JUDGE**

AND NOW comes complainant Arthur Larson by his attorney, Arthur L. Jenkins, Jr., and takes the following exceptions to the decision of the Administrative Law Judge:

1. Exception is taken to the conclusion that the complainant did not establish his case by a preponderance of the evidence. (See Conclusion of Law No. 4).

2. Exception is taken to the conclusion that the complainant by virtue of his expert testimony failed to shift the burden of going forward with evidence to PECO. (See Conclusion of Law No. 4).

3. Exception is taken to the failure of the trier of fact to recognize that the complainant need only establish his case by substantial evidence where the safety of the PECO proposed Smart Meter is at issue. (See Conclusion of Law No. 5).

4. Exception is taken to the conclusion that PECO established the safety of the Smart Meter through the testimony of Glen Pritchard in that he is a PECO employee, has acknowledged that he has an interest in the outcome of the proceedings and he has failed to opine with a reasonable degree of certainty that the proposed PECO Smart Meter is safe. (See Conclusion of Law No. 4) (See T-83 to T-98).

5. Exception is taken to the trier of fact not drawing an adverse inference

from the failure of Glenn Pritchard to produce any quality control report showing the safety of the Smart Meter. (See T-104-107) (See T-109).

6. Exception is taken to the failure of the trier of fact not drawing an adverse inference from the failure of PECO to document a single quality control report on the Aclara I-210+c Meter. (See T-123).

7. Exception is taken to the failure of the trier of fact to draw an adverse conclusion from the failure of Mr. Pritchard to investigate whether the proposed Smart Meter has a record of setting off alarms to PECO indicating electrical trouble. (See T-123).

8. Exception is taken to the failure of the Administrative Law Judge to sequester the witnesses for the defense in that prejudice resulted to Complainant.

9. Exception is taken to the failure of the Administrative Law Judge to recognize that the testimony of all witnesses for the defense appeared rehearsed, undocumented and biased in that all witnesses were employed by PECO.

10. Exception is taken to the failure of the Administrative Law Judge to find as fact the proposed findings of fact submitted by complainant from number 1. to 16. inclusive, in his brief.

11. Exception is taken to the failure of the Administrative Law Judge to adopt the proposed conclusions of law set forth by the complainant from paragraphs 1 through 5 inclusive in his brief.

12. Exception is taken to the failure of the trier of fact to recognize that absent proof of mailing pursuant to Pennsylvania law, it was error to conclude that complainant

received all documents from PECO except those he admitted to receiving.

13. Exception is taken to the failure of the Administrative Law Judge to conclude that the proposed AMI Meter is simply a re-branding of an earlier unsafe meter.

14. Exception is taken to the conclusion of the Administrative Law Judge that the Complainant has failed to establish that the installation of an AMI Meter is unsafe and unreasonable in violation of 66 Pa. C.S. §1501 or that PECO did not violate the Public Utility Code, Regulations or a Commission Order by issuing a shut-off notice to the Complainant.

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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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 :

CERTIFICATE OF SERVICE

I, Arthur L. Jenkins, Jr., hereby certify that I have this day served a true and correct copy of the foregoing document upon the parties, listed below, in accordance with the requirements of §1.54 in the above matter via e-mail, United States First Class Mail, and United States Express Mail postage prepaid to:

Administrative Law Judge Darlene D. Heep
801 Market Street, Suite 4063
Philadelphia, PA 19107
(Served via E-Mail and First Class Mail)

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120
(Served via Express Mail)

Ward L. Smith, Esquire
Assistant General Counsel
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(Served via E-Mail and First Class Mail)

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OCT 17 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated this 17th day of
October, 2018

LAW OFFICES OF ARTHUR L. JENKINS, JR.

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

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