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December 14, 2018

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

RE: Michael Guagenti v. PECO Energy Company
PUC Docket No.: F-2018-3001891

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are *Reply Exceptions of PECO Energy Company*.

Very truly yours,



Shawane Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

cc: Certificate of Service

REPLY EXCEPTIONS

PECO Energy Company (“PECO”) hereby replies to the Exceptions filed by Michael Guagenti (“Complainant”) in the above-referenced matter on December 4, 2018.

On April 27, 2018, Complainant filed a formal complaint against PECO. In his formal complaint, Complainant ticked off the boxes “I would like a payment agreement” and “Incorrect charges are on my bill.” The Complainant alleges in his complaint that his budget bill increased to \$95.00. The Complainant alleges he received a bill for \$247.00 and was told it was because he requested to be removed from budget billing. The Complainant alleges that he never requested removal from budget billing. The Complainant requests to be reenrolled in budget billing or enrolled in another program to assist him. Respondent, PECO filed an Answer on June 1, 2018, denying the allegations in the complaint and averred that the Complainant is a Customer Assistance Program (CAP) customer enrolled under the Fixed Credit Option. PECO averred that the Complainant had been removed from budget billing at his request and reenrolled on May 1, 2018.

A telephonic hearing was held before Administrative Law Judge Darlene D. Heep (“ALJ Heep”) on July 31, 2018. During the hearing, the Complainant offered no exhibits and had no witnesses testify. ALJ Heep issued an Initial Decision on November 13, 2018, dismissing the Complainant’s formal complaint.

In his Exceptions, the Complainant states that he disagrees with ALJ Heep’s Initial Decision and believes the hearing was not “fair (sic) and [he] was not treated right.” The Complainant continues to dispute his budget billing and argues that “something is wrong”. The Complainant believes he is entitled to another hearing.

The Commission should sustain the Initial Decision of ALJ Heep. The Complainant's exceptions do not meet the requirement that exceptions must include "supporting reasons for the exceptions." The Commission's regulations, 52 Pa. Code §5.533, describe the procedure for excepting to an Initial Decision and state in relevant part (emphasis added) that each exception must be accompanied by a "supporting reason":

(b) Each exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. *Supporting reasons for the exceptions shall follow each specific exception.*

The Complainant's exceptions do not conform to this requirement. In his Exceptions, he simply disagrees with the Initial Decision and states it was not fair without providing any supporting reasons for his disagreement. Further, the Complainant does not allege the ALJ made an error of law or abused her discretion in any manner. The Complainant's attempt to further litigation in this matter by simply disagreeing with the outcome of the Initial Decision without identifying any specific error of law or abuse of discretion fails to satisfy the requirements is procedurally improper and should be dismissed summarily. Further, Complainant's exceptions are without merit as follows:

First, the Complainant continues, without supporting evidence, to dispute his budget billing. The evidence of record demonstrates that the Complainant's budget bill ranged from \$63.00 to \$81.00 between the service periods July 2016 through July 2018. (PECO 1) PECO's witness testified that the Complainant contacted the company on November 9, 2017, and said he could not afford budget billing because his budget was scheduled to increase to \$98.00. (PECO 4; Tr. 42). PECO removed the Complainant from budget billing and advised him that he could reenroll. (PECO 4). PECO's witness testified that when a customer is removed from budget billing, if there is a deferred budget billing balance it becomes due in the form of a "budget

billing settlement.” On November 9, 2017, PECO posted a \$212.66 budget billing settlement to the Complainant’s account. (PECO 1). In May 2018, the Complainant requested reenrollment in budget billing. PECO reenrolled the Complainant in budget billing on May 1, 2018. (PECO 4). As of the date of the hearing, the Complainant’s budget bill was \$68.00 (PECO 1).

ALJ Heep correctly concluded that the Complainant has not sustained his burden of proof to establish a PECO violation with respect to how the company handled his budget billing. As ALJ Heep astutely determined:

Section 1501 requires reasonable service, not perfect service. The company removing the Complainant from Budget Billing, while perhaps not what the customer intended when he called PECO in November of 2017, does not rise to the level of a violation. Further upon the Complainant contacting PECO months later and asking to receive Budget Billing, the company honored his request immediately and placed him back on Budget Billing. There is no violation here.

Accordingly, the Complainant’s exception in this regard has no merit and should be denied.

Second, the Complainant states in his exceptions there “was a lot of other things, like about my CAP history record.” The evidence of record demonstrates that the Complainant initially enrolled in PECO’s Customer Assistance Program (CAP) on December 29, 2015. (PECO 3) The program requires customers to submit household income information to recertify in the program. (Tr. 34) PECO advised the Complainant that the company required the Complainant’s wife’s benefits awards letter to determine household income. (Tr.8;13) Since the company did not receive this information, PECO removed the Complainant from CAP on July 20, 2018. (PECO 3) The Complainant admitted he had not provided the documentation. (Tr. 30) As of the date of the hearing, the Complainant still had not submitted his wife’s benefits

awards letter. (Tr. 36-37) Clearly here, the Complainant has created the issue with respect to his CAP enrollment, not PECO. As ALJ Heep correctly concluded:

There is no other impediment to the Complainant participating in the CAP program. Moreover, the Complainant did not offer anything to establish that PECO violated the Code, a Commission Order or Commission regulations by requiring that the household provide income statements before reenrollment in the CAP program. There was no violation by PECO.

As ALJ Heep properly addressed the Complainant's budget billing and CAP enrollment concerns, the Complainant's exceptions have no merit and should be denied. ALJ Heep correctly concluded that the Complainant has not met his burden of proof in this matter. Accordingly, ALJ Heep's decision to dismiss the Complainant's case against PECO should be upheld.

For the reasons set forth above, PECO respectfully requests that the Commission deny the exceptions and issue an Order upholding the Initial Decision in its entirety.

Respectfully submitted,



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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL GUAGENTI

COMPLAINANT

v.

PECO ENERGY COMPANY,

RESPONDENT

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Docket Nos. F-2018-3001891

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a true copy of the foregoing Reply Exceptions upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Michael Guagenti
25445 Jessup Street
Philadelphia, PA 19148**

Dated at Philadelphia, Pennsylvania, December 14, 2018.



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