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April 8, 2022

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

RE: Michael Liddy v. PECO Energy Company
PUC Docket No. C-2021-3028123

Dear Ms. Chiavetta:

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

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



Khadijah Scott, Esquire
Assistant General Counsel, Exelon BSC
Encl.

Cc: Honorable Eranda Vero, ALJ (w/encl)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL LIDDY

Complainant

v.

PECO ENERGY COMPANY

Respondent

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Docket No. C-2021-3028123

**EXCEPTIONS OF
PECO ENERGY COMPANY**

Pursuant to 52 Pa Code §5.533, PECO Energy Company (“PECO”) hereby files its Exceptions to the Initial Decision (“*Liddy I.D.*”) of Administrative Law Eranda Vero (“ALJ Vero”) issued on March 21, 2022, in the above-referenced matter and states the following:

I. Introduction

On August 25, 2021, PECO Energy was served with a Complaint where the Complainant disputed the denial of his request to install a natural gas generator because PECO Energy’s system cannot support it. He requested that his application be approved immediately. On September 7, 2021, PECO filed an Answer to the Complainant’s Complaint denying all material allegations of fact and conclusions of law. PECO averred that on June 9, 2021, it received a gas service application from the Complainant. PECO notified the Complainant that his gas application was denied and explained to the Complainant that he was unable to add a generator using natural gas due to insufficient capacity on PECO’s low pressure gas system. On October 27, 2021, a hearing was held before ALJ Vero. On November 19, 2021, a further hearing was

held. The Complainant testified on his own behalf. Four (4) witnesses testified on behalf of PECO. Exhibits were entered into the record by both parties.

On March 21, 2022, ALJ Vero issued an Initial Decision granting in part; denying in part the Complainant's Complaint. The *Liddy* I.D. held that PECO provided the Complainant with unreliable and inadequate electric and gas service. The Complainant was denied to the extent it claimed that Mr. Liddy suffered discrimination in service. A total fine of \$22,000.00 was levied against PECO, at \$1,000.00 per month for each month (June 2020 – March 2022) that the combination of reliability issues in the Doylestown 004 circuit with the capacity constraints in the gas system left Mr. Liddy without a reliable power source.

As set forth below, PECO respectfully submits that the *Liddy* I.D. fine is arbitrary and excessive.

II. Argument

A. **The fine of \$22,000.00, encompassing \$1,000.00 for the time frame of June 2020-March 2022, against PECO is arbitrary and excessive**

The *Liddy* I.D. states that the Complainant's Complaint "is granted to the extent he claimed that PECO provided him with unreliable and inadequate electric and gas services but is denied to the extent it claimed that Mr. Liddy suffered discrimination in service." *Liddy* I.D. at 1. In support of its conclusion, it identifies 54 findings of facts. Of specific importance, the *Liddy* I.D. states that:

24. In June 2020, Mr. Liddy received a permit from the Borough of Doylestown to install the generator on his property. Complainant Exhibit B.

25. On June 14, 2020, Mr. Liddy applied to PECO for a permit to connect his generator to the gas supply line serving the Service Address. Tr. 10; Complainant Exhibit H.

26. On June 16, 2020, PECO denied Mr. Liddy's application because of a concern regarding the total amount of available gas in the distribution system that currently feeds the Service Address. Id.

Liddy I.D. at 6-7; 12.

Respectfully, these findings of facts are inaccurate. The Complainant did not receive a permit from the Borough of Doylestown to install the generator on his property until June 24, 2021. (*emphasis added*) See, Complainant's Exhibit B at 4. The Complainant did not file for a permit to connect his generator to the gas supply line serving the Service Address on June 14, 2020. The Complainant applied for a permit to connect his generator in June 2021. (*emphasis added*) The Complainant's application was not denied on June 16, 2020. The Complainant's application was not denied until June 2021, because the application was not filed until June 2021. (*emphasis added*)

Within the discussion of the *Liddy I.D.*, ALJ Vero restates these findings of facts as "undisputed." *Liddy I.D.* at 11-12. However, PECO disputes these findings of facts, inasmuch as they are inaccurate. PECO purports that it is undisputed by both the Complainant and the Respondent that the application to install a gas generator and the rejection of the Complainant's application occurred in June 2021. All exhibits submitted by both the Complainant and PECO reference June 2021. All testimony provided by both the Complainant and PECO reference June 2021. At no point in time during the Initial Hearing, nor the Further Hearing did anyone testify to facts relating to the Complainant's

gas generator events occurring in June 2020. Moreover, the Complainant specifically states on his own exhibit, “this is my application rejection date” next to the date of June 16, 2021. (*emphasis added*) See, Exhibit Complainant’s “H”.

ALJ Vero ultimately held that PECO failed to fulfill its duty under 66 Pa.C.S.A. §1501. *Liddy* I.D. at 14. As a result, “a civil penalty in the amount of \$22,000.00 (\$1,000.00 for each month (June 2020 – March 2022) that the combination of reliability issues in the Doylestown 004 circuit with the capacity constrains in the gas system left Mr. Liddy without a reliable power source)” was assessed against PECO. It is PECO’s contention that the fine of \$22,000.00 is arbitrary and excessive. The fine is based on the amount of \$1,000.00 beginning from June 2020 to March 2022. (*emphasis added*) However, as stated above, there was no testimony, evidence or exhibits introduced by either party relating to June 2020. All testimony, evidence and exhibits introduced by both parties regarding permit approval, the application and rejection of the Complainant’s gas generator, relate to June 2021, not June 2020. Even the Complainant’s Complaint references 2021. Thus, it is undisputed that all evidence, testimony and exhibits introduced were relating to June 2021. Therefore, the \$1,000.00 per month fine levied by ALJ Vero encompasses an extra twelve (12) months of fines, without any support from the record by either party.

Accordingly, PECO respectfully requests that the Commission conclude that the fine of \$22,000 is arbitrary and excessive and not in congruence with the testimony and evidence presented at the initial and further hearings.

III. Conclusion

For the reasons stated above, PECO respectfully requests that the Commission issue an Order in this proceeding that:

1. The fine of \$22,000.00 levied against PECO is arbitrary and excessive.
2. The docket is closed.

Respectfully submitted,



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Counsel for PECO Energy Company

Dated: April 8, 2022

**BEFORE THE
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MICHAEL LIDDY

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VERIFICATION

I, Khadijah Scott, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Date: April 8, 2022



Khadijah Scott

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL LIDDY	:	
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Complainant	:	
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v.	:	Docket No. C-2021-3028123
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PECO ENERGY COMPANY	:	
	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, KHADIJAH SCOTT, hereby certify that I have this day served a copy of PECO Energy Company's Exceptions to ALJ Eranda Vero's Initial Decision in the above matter upon all interested parties by E-mailing a copy to:

MICHAEL LIDDY
211 W. COURT STREET
DOYLESTOWN, PA 18901
E-mail: mliddy13@icloud.com

Dated: April 8, 2022



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