



Direct Dial: 215.841.6841  
khadijah.scott@exeloncorp.com

October 5, 2022

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

**RE: John Coppola v. PECO Energy Company**  
**PUC Docket No. C-2022-3035355**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are *Preliminary Objections 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,

A handwritten signature in blue ink that reads "Khadijah Scott".

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOHN COPPOLA</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2022-3035355</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection within 20 days from service of this notice, a ruling may be entered against you. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Khadijah Scott, and where applicable, the Administrative Law Judge presiding over the issue.

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

With a copy to:  
Khadijah Scott  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103

Dated: October 5, 2022

*Khadijah Scott*

---

Khadijah Scott  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-6841  
[Khadijah.Scott@exeloncorp.com](mailto:Khadijah.Scott@exeloncorp.com)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOHN COPPOLA</b>	:	
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**PRELIMINARY OBJECTION OF RESPONDENT,  
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code §5.101(a)(4) respectfully petitions this Honorable Commission to dismiss the instant Complaint as legally insufficient.

1. On September 16, 2022, PECO Energy Company (“PECO Energy”) was served with a formal complaint filed by John Coppola (hereafter “Complainant”). See, Complainant’s Complaint attached hereto as Exhibit “1”.

2. On October 5, 2022, PECO Energy filed an Answer to the Complainant’s Complaint. See, PECO Energy’s Answer to the Complainant’s Complaint attached hereto as Exhibit “2”.

3. In his Complaint, the Complainant states that PECO Energy inspected the property and identified foreign wiring on the first-floor apartment of the property.

4. The Complainant states that when he became aware that there was a foreign wiring issue, he corrected the issue.

5. The Complainant states that PECO Energy had the tenant's electric service transferred into his name after the foreign wiring was identified.

6. The Complainant requests that PECO Energy hold the tenant responsible for the balance.

7. PECO Energy files the instant Preliminary Objection.

8. Pursuant to 52 Pa. Code §5.101, preliminary objections may be filed against a complaint and dismissed for legal insufficiency. 52 Pa. Code § 5.101(a)(4).

9. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible.<sup>1</sup>

10. A complaint must be able to recover under the law to survive a preliminary objection.<sup>2</sup>

11. All of the non-moving party's averments must be taken as true for the sake of deciding the preliminary objection.<sup>3</sup>

12. The court does not, however, need to accept, "unwarranted inferences from facts, argumentative allegations, or expressions of opinions."<sup>4</sup>

13. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest.

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<sup>1</sup> 2006 Pa. PUC Lexis 111, \*7.

<sup>2</sup> *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) ("preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover").

<sup>3</sup> *Id.* at 7-8.

<sup>4</sup> *Feingold v. McNulty*, 2009 Phila. Ct. Com. Pl LEXIS 167, \*3.

14. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa.Pub. Util. Comm'n, 817 A.2<sup>nd</sup> 593 (Pa.Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

15. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law with respect to all of the allegations in the Complaint.

16. The Commission has held that a landlord must pay the utility for any account balance, including arrearages, once a foreign load or wiring has been found. 66 Pa. C.S. §§ 1529.1(a), (c); and Ace Check Cashing Inc. v. Phila. Gas Works, Final Order, (May 21, 2010). See also, Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997).

17. It is undisputed that the Complainant is the owner of the rental property at issue. See, Exhibit "1".

18. The Complainant avers that he is being held responsible for his tenant's balance that was transferred to his account. The Complainant disputes responsibility for the balance transferred to him arising from the foreign wiring condition because he asserts that the foreign wiring would not have created such a high bill. See, Exhibit "1".

19. As previously explained by the Legislature and this Commission, upon discovering the existence of a foreign load a public utility is required to list the account, including any arrearages, in the name of the landlord. 66 Pa. C.S. §§ 1529.1(a), (c). See also Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997). The landlord is responsible for paying the utility bills until the foreign load is corrected. Santos at 16. Once the foreign load is corrected by the landlord and verified by the utility, the utility will place the account

back in the name of the tenant and the arrearage, if any, will remain the landlord's responsibility. Id.

20. There is no *de minimus* exception. Any dispute between the landlord and tenant regarding the financial responsibilities of the parties is a matter to be resolved in the Court of Common Pleas and is outside this Commission's jurisdiction. Edmund v. Corazzini v. UGI Penn Natural Gas, Inc., No. F-2009-2101282, Opinion and Order adopted July 15, 2010 at 7.

21. The Complainant does not allege that the property is not a rental property or that he is not responsible for the property.

22. The Complainant does not allege that PECO Energy incorrectly determined a foreign wiring condition at the property.

23. The Complainant does not allege that PECO Energy delayed investigating the tenant's foreign wiring concerns.

24. The Complainant does not disagree that foreign wiring was found. Indeed the Complainant admitted that he corrected the foreign wiring condition.

25. The Complainant's formal Complaint simply alleges that foreign wiring was found at the property and he feels that he should not be held responsible for the tenant's balance arising from the foreign wiring condition and that PECO Energy should transfer the tenant's balance back to the tenant.

26. Indeed, consistent with Ace Check Cashing, Inc. vs. Philadelphia Gas Works, Docket No. C-2008-2056428, the Commission cannot consider what the Complainant proposes (*i.e.*, to determine the portion of the foreign wiring that is attributable to the specific light bulbs and hold the tenants responsible for the remaining balance).

27. The Commission reached the same result in the matter Vito Satiro v. PECO Energy Company, Docket No. F-2015-2510660 (Opinion and Order entered, June 9, 2016). In that case, Mr. Satiro argued that the hallway light attached to his tenant's meter was *de minimis* and that he should not be responsible for his tenant's \$1,439.98 balance. Mr. Satiro averred that his tenant had vacated the apartment without paying rent. Administrative Law Judge Joel H. Cheskis granted PECO Energy's Preliminary Objection and dismissed Mr. Satiro's formal complaint in a well-reasoned Opinion wherein he determined that PECO acted reasonably by transferring the entire amount of the tenant's arrearage to Mr. Satiro regardless of whether the amount of foreign load was *de minimis*. Id. at 9.

28. The Commission upheld ALJ Cheskis' Initial Decision and stated:

We explained our foreign load policy in detail in *Ace Check Cashing*. Specifically, we concluded that upon discovering foreign load, the utility must list the account, including any arrearages, in the landlord's name and the landlord must assume the responsibility of paying the utility bills at the service address until the foreign load is corrected. After the foreign load is corrected by the landlord and verified by the utility, the utility is to place the account back into the tenant's name. Id. At 7. However, the landlord remains responsible for any arrearages on the tenant's account. Id. At 7-8. This rule applies even if the amount of usage attributable to foreign load is considered *de minimis*.

See, Vito Satiro, *supra*.

29. As stated above, the landlord shall be responsible for payment for the utility services rendered to the rental property.

30. PECO Energy properly transferred the tenant's utility account, including arrearages, to the Complainant's name.

31. PECO Energy's actions are consistent with Pennsylvania law.

32. Accordingly, PECO Energy requests that the Commission dismiss the Complaint for legal insufficiency.

**REQUEST FOR RELIEF**

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainant's Complaint.

Respectfully submitted,

*Khadijah Scott*

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Khadijah Scott  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-6841  
Fax: 215.568.3389  
Khadijah.Scott@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOHN COPPOLA</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2022-3035355</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**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: October 5, 2022

*Khadijah Scott*

\_\_\_\_\_  
Khadijah Scott

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOHN COPPOLA</b>	:	
<b>Complainant</b>	:	
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v.	:	<b>DOCKET NO. C-2022-3035355</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**CERTIFICATE OF SERVICE**

I, Khadijah Scott, hereby certify that I have this day served a copy of PECO Energy Company's Preliminary Objections in the above matter upon all interested parties by *E-mailing* a copy to:

JOHN COPPOLA  
1742 DELSEA DRIVE  
DEPTFORD, NEW JERSEY 08096  
*Via email: readyrentals8@gmail.com*

Dated: October 5, 2022

*Khadijah Scott*

---

Khadijah Scott  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-6841  
Fax: 215.568.3389  
Khadijah.Scott@exeloncorp.com

# **EXHIBIT 1**

## Botak, Amy:(PECO)

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**From:** RA-PCESERVE@pa.gov  
**Sent:** Friday, September 16, 2022 2:02 PM  
**To:** Scott, Khadijah:(PECO)  
**Cc:** Botak, Amy:(PECO)  
**Subject:** [EXTERNAL]PA PUC eServe Notice

**Importance:** High

**EXTERNAL MAIL. Do not click links or open attachments from unknown senders or unexpected Email.**

Dear Khadijah Scott,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2022-3035355**. You may view this document at

[Formal Complaint - Coppola](#)

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,  
Public Utility Commission  
Commonwealth of Pennsylvania

*\* Please do not respond to this automatically generated email.*

*PUC has recently updated E-Service delivery E-Mail address to RA-PCESERVE@pa.gov. Please update your Address book and/or E-Mail rules accordingly.*

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Formal Complaint**

*Filing this form begins a legal proceeding and you will be a party to the case.  
If you do not wish to be a party to the case, consider filing an informal complaint.*

**To complete this form, please type or print legibly in ink.**

**1. Customer (Complainant) Information**

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name John Coppola \_\_\_\_\_

Street/P.O. Box 1742 Delsea Drive Apt # \_\_\_\_\_

City Deptford State NJ Zip 08096

County Gloucester

Telephone Number(s) Where We Can Contact You During the Day (required):

(267) 226-5289 (home) (\_\_\_\_\_) \_\_\_\_\_ (mobile)

E-mail Address (required): readyrentals8@gmail.com

Utility Account Number (from your bill) \_\_\_\_\_

**If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.**

Name Tanya Hunt Johnson

Street/P.O. Box 6927 Paschall Ave 1<sup>st</sup> FL

City Phila State PA Zip 19142

**2. Name of Utility or Company (Respondent)**

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO ENERGY - YDD/SEC

**3. Type of Utility Service**

**Check the box listing the type of utility service that is the subject of your complaint (check only one):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> STORM WATER  |
| <input type="checkbox"/> GAS                 | <input type="checkbox"/> WASTEWATER/SEWER                                     |
| <input type="checkbox"/> WATER               | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance)  |
| <input type="checkbox"/> STEAM HEAT          | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

**4. Reason for Complaint**

**What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.****

- The utility is threatening to shut off my service or has already shut off my service.
  
- I would like a payment agreement.
  
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
  
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
  
- Other (explain).

**Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.**

**In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.**

**5. Requested Relief**

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space. I want the bill that is clearly tenant usage to be the financial responsibility of the tenant not mine. They claimed the light outside her apartment door was tied into her electric which the switch to control was in her apartment. The same week that she complained we went out and discontinued the light even though she could have just turned it off. This is now affecting my credit

**Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.**

**6. Protection From Abuse (PFA)/ Domestic Violence**

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES   
NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES  BCS#3825510 ydd/sec  
NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES   
NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

**8. Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.


**9. Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

**Verification:**

***I John Coppola , hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).***

  
\_\_\_\_\_  
**(Signature of Complainant)**

  
\_\_\_\_\_  
**(Date)**

**Title of authorized employee or officer** (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

**10. How to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

**Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120**

**If you are appealing a BCS decision:** follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be eFiled or mailed.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your Formal Complaint for your records.**

**Please know that your complaint form and the utility's answer will not be published to the PUC's website. Once your complaint case moves to the Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.**

## **EXHIBIT 2**



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
Harrisburg, PA 17105-3265  
**EFILING - FILING DETAIL**

Date Created	Filing Number
10/5/2022	2437925

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

**Docket Number:** C-2022-3035355  
**Case Description:** Answer to Formal Complaint  
**Transmission Date:** 10/5/2022 2:23 PM  
**Filed On:** 10/5/2022 2:23 PM  
**eFiling Confirmation Number:** 2437925

File Name	Document Type	Upload Date
Answer to Formal Complaint.pdf	Answer to Formal Complaint	10/5/2022 2:23:06 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

**No paper submission is necessary for filings under 250 pages.**

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.



Direct Dial: 215.841.6841  
khadijah.scott@exeloncorp.com

October 5, 2022

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

**RE: John Coppola v. PECO Energy Company**  
**PUC Docket No. C-2022-3035355**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Answer to Formal Complaint*.

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,

A handwritten signature in blue ink that reads "Khadijah Scott".

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

Cc: Not Recommended for Call of Docket

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOHN COPPOLA</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2022-3035355</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**ANSWER OF RESPONDENT,**  
**PECO ENERGY COMPANY**

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On September 16, 2022, PECO Energy Company (“PECO Energy”) was served with a formal complaint filed by JOHN COPPOLA (hereafter “Complainant”) in the above captioned docket. Pursuant to 52 Pa. Code §5.61, PECO Energy responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint.

In the formal complaint, the Complainant disputes the balance transfer of his tenant, Tanya Hunt Johnson, that occurred as a result of foreign wiring that was identified at his rental property. He acknowledges that foreign wiring existed at the property, but contends that the tenant’s outstanding balance is as a result of her usage, and did not accumulate to that level as a result of the one light outside of her apartment. The Complainant requests that the balance be transferred back to the tenant.

PECO Energy's records reveal that the Complainant's tenant, Tanya Hunt Johnson, had service at 6927 Paschall Avenue, 1<sup>st</sup> Floor, Philadelphia, PA 19141 under account number 10013-72088. In January 2022, tenant, Tanya Hunt Johnson, contacted PECO Energy with foreign wiring concerns regarding her porch light being connected with her neighbor's service. On February 16, 2022, a PECO high bill field technician investigated the property for foreign wiring. See, High Bill Field Report dated February 16, 2022, attached hereto as Exhibit "1". The technician found foreign load or wiring on the Front First apartment. Id. The porch light for the second floor apartment was wired to the tenant, Tanya Hunt Johnson's first-floor unit. Id.

On February 17, 2022, a letter was sent to the Complainant advising of the foreign wiring. See, Letter dated February 17, 2022 attached hereto as Exhibit "2". On February 16, 2022, PECO Energy established service in the Complainant's name at 6927 Paschall Avenue, 1<sup>st</sup> Floor, Philadelphia, PA 19141, under account number 10013-72097. See, Account Activity Statement attached hereto as Exhibit "3". PECO Energy transferred \$890.44 from first floor tenant, Tanya Hunt Johnson, for charges that accrued at the property to the Complainant's new account number.

On March 9, 2022, a high bill field technician went to the property for inspection and confirmed that the foreign wiring had been corrected for the Front First apartment. See, High Bill Field Report dated March 9, 2022, attached hereto as Exhibit "4". On March 9, 2022, the First Front apartment was placed back into the name of the tenant and the Complainant's account was finalized.

The Complainant's outstanding balance is \$1513.55 The bills and balances are correct.

On March 30, 2022, the Complainant filed an informal complaint with the Bureau of Consumer Services (“BCS”) at case number 003825510 disputing the foreign wiring balances. On May 17, 2022, the BCS issued a Decision Report, dismissing the cases as follows:

DECISION ISSUED: THE COMPANY DID PROPERLY TRANSFER THE TENANTS BALANCE FROM TIME OF DISCOVERY UNTIL FOREIGN LOAD CORRECTED. NO BILLING ADJUSTMENT IS WARRANTED. THE CUSTOMER HAS BEEN PROPERLY BILLED. CASE DISMISSED.

See BCS Decision Report #003825510, attached hereto as Exhibit “5”.

In this matter, PECO Energy avers that the company properly determined that there was a foreign load condition at the Complainant’s rental property and transferred the service and charges into the Complainant’s name consistent with 66 Pa. C.S. §§ 1529.1(a), (c); and Ace Check Cashing Inc. v. Phila. Gas Works, Final Order, (May 21, 2010). Upon discovering the existence of a foreign load a public utility is required to list the account, including any arrearages, in the name of the landlord. 66 Pa. C.S. §1529.1(a), (c). See also, Santos v. Metro. Edison Co., No. C-00967757 (Pa. P.U.C. Aug. 7, 1997). The landlord is responsible for paying the utility bills until the foreign load is corrected. Santos at 16. There is no *de minimus* exception. Once the foreign load is corrected by the landlord and verified by the utility, the utility will place the account back in the name of the tenant and the arrearage, if any, will remain the landlord’s responsibility. Id.

To the extent any dispute regarding the financial responsibility of the parties exists, that is a matter to be resolved in the Court of Common Pleas as it is outside the Commission’s jurisdiction. Edmund v. Corazzini v. UGI Penn Natural Gas, Inc., No. F-2009-2101282, Opinion and Order adopted July 15, 2010 at 7. The bills and balances are correct.

5. This paragraph is a request for relief to which no answer is required. To the extent

this paragraph contains factual allegations, they are denied for the reasons set forth above. See,  
Response to Paragraph 4.

6. Admitted.

7. Admitted.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. PECO is  
without knowledge or information sufficient to form a belief as to the truth of this averment and,  
therefore, such allegation is deemed denied.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is  
required.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable  
Commission dismiss the instant Complaint.

Respectfully Submitted,

*Khadijah Scott*

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Khadijah Scott  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-6841  
Fax: 215.568.3389  
Khadijah.Scott@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOHN COPPOLA</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2022-3035355</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**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: October 5, 2022

*Khadijah Scott*

\_\_\_\_\_  
Khadijah Scott

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOHN COPPOLA</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2022-3035355</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

---

**CERTIFICATE OF SERVICE**

I, Khadijah Scott, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by *E-mailing* a copy to:

JOHN COPPOLA  
1742 DELSEA DRIVE  
DEPTFORD, NEW JERSEY 08096  
*Via email: readyrentals8@gmail.com*

Dated: October 5, 2022

*Khadijah Scott*

---

Khadijah Scott  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-6841  
Fax: 215.568.3389  
Khadijah.Scott@exeloncorp.com

# **EXHIBIT 1**



# High Bill Investigation Report

## High Bill Electric

Fielded By		Date Completed		Customer Name		Customer Address
109883-MARY MCQUILKIN		2022-03-09T00:00:00.000-06:00		TANYA N JOHNSON		6927 PASCHALL AVE, PHILADELPH,PA, 19142
Date Disputed		Account No		Reason for Order		
2022-03-01T00:00:00.000-06:00		1001372088		Possible Foreign Wiring		

OR/WRUR Provided   
 OR/WRUR Needed   
 Billing Work Needed

### Check All that Apply:

- General High Bill
- Foreign Wiring
- Rate Change.
- Foreign Wiring Corrected
- Meter Mix Up.
- Cost Estimate Performed
- No Issues Found
- Meter Tested

Meter No. 1		Meter No. 2		Meter No. 3
122061268				

### Meter Constant

Expected Meter Constant		Last Bill Reading Verified?
1		
Meter Constant Match?		Found Meter Constant
Changed Landlord/Tenant Code to Landlord		

### Passing Load Test Performed

Dropped Load & Idled Meter				Test Pass/Fail
Appliance Used		Kwh		No. Of Seconds
Clocked		Watts		
	Of			

### Rate Change

Change To		Change Reason (if applicable)

**Foreign Wiring**

**Check All that Apply:**

- ◇ Transfer Service/Balance into Owner's Name.
- ◇ Transfer Account into Tenant's Name.
- ◇ Leave in Owner's name until new tenant applies.
- ◇ Remove Landlord/Tenant Code – Foreign Wiring Corrected.
- ◇ Refer to Legal.

**High Bill Gas**

Date Disputed	Account No	Reason for Order
2022-03-01T00:00:00.000-06:00	1001372088	Possible Foreign Wiring

- ◇ OR/WRUR Provided    ◇ OR/WRUR Needed    ◇ Billing Work Needed

**Check All that Apply:**

- ◇ General High Bill
- ◇ Rate Change.
- ◇ Meter Mix Up.
- ◇ No Issues Found
- ◇ Foreign Piping
- ◇ Foreign Piping Corrected
- ◇ Cost Estimate Performed

Meter No. 1	Meter No. 2	Meter No. 3
<b>122061268</b>		
Module No. 1	Module No. 2	Module No. 3

**Meter Multiplier**

Expected Meter Constant			Last Billed Reading Verified?
Meter Constant Match?			Found Meter Constant
Changed Landlord/Tenant Code to Landlord			Fitting Marked Correct?

**Passing Load Test Performed**

Dropped Load & Idled Meter?				Test Pass/Fail ?
Appliance Used		FT Dial		No. Of Seconds
Clocked		BTUs		
	Of			

**Rate Change**

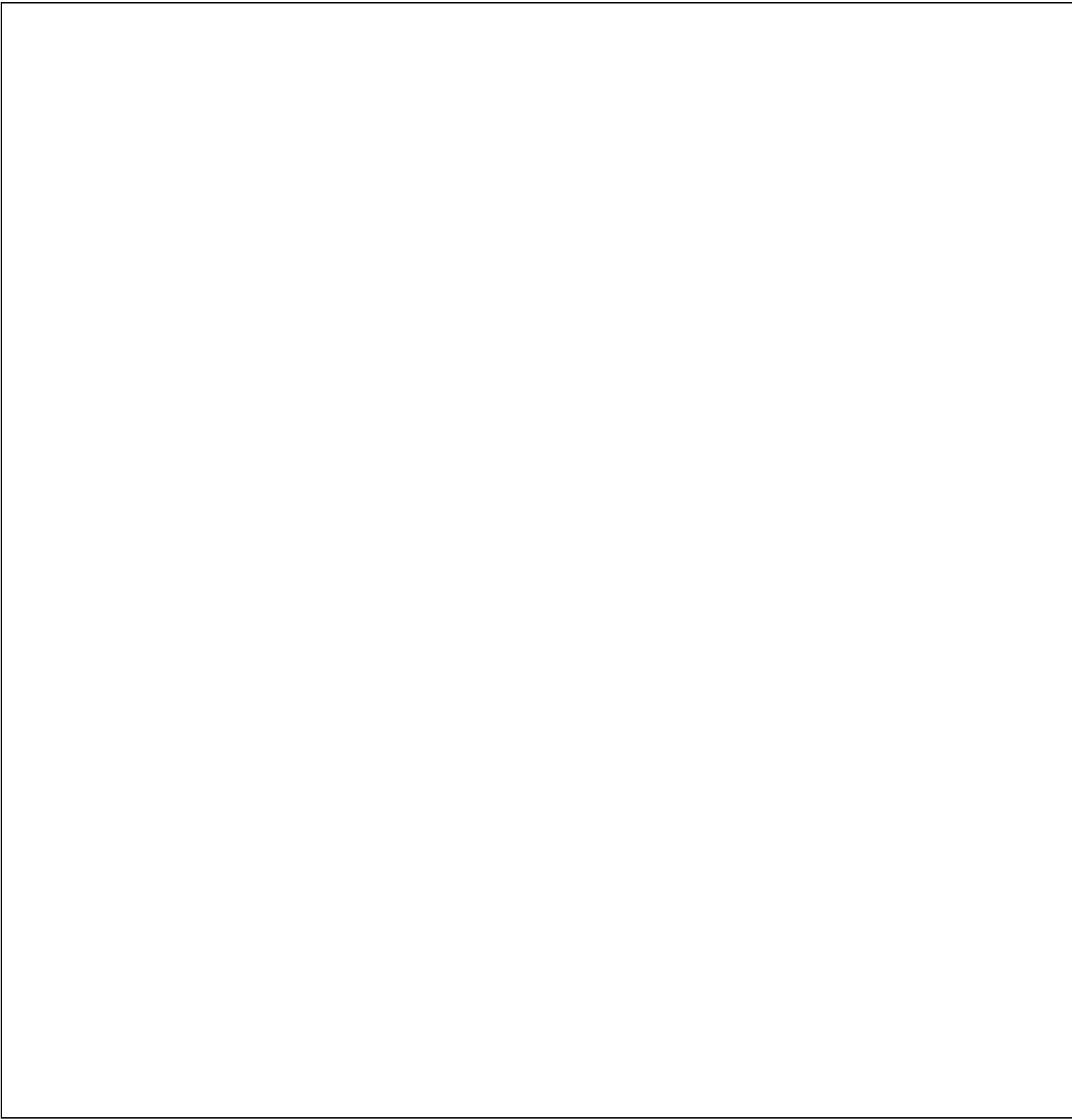
Rate Change To		Rate Change Reason (if applicable)

**Foreign Wiring****Check All that Apply:**

- ◇ Transfer Service/Balance into Owner's Name.
- ◇ Transfer Account into Tenant's Name.
- ◇ Leave in Owner's name until new tenant applies.
- ◇ Remove Landlord/Tenant Code – Foreign Wiring Corrected.
- ◇ Refer to Legal.

**Meter Mix Up**

Found Meter Number	Found Reading Device/Module Number	Reading	Incorrect Service Address (As Listed)	Correct Service Address (Should Be)



**Cost Estimate**

Refrigerator Type	No Of.	Avg Kwh	Act KWH
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Freezer Type	No Of.	Avg Kwh	Act KWH

Cooking - Elect	No Of.	Avg Kwh	Act KWH

Other Kitchen Appliances	No Of.	Avg Kwh	Act KWH

Laundry Service	No Of.	Avg Kwh	Act KWH

Home Entertainment	No Of.	Avg Kwh	Act KWH

Lighting Average	No Of.	Avg Kwh	Act KWH

Electric Water Heater	No Of.	Avg Kwh	Act KWH

Heating Electric	No Of.	Avg Kwh	Act KWH

Heating Gas / Oil / Propane	No Of.	Avg Kwh	Act KWH

Air Condition	Btu's	Watts	Act KWH

Other Appliances	No Of.	Avg Kwh	Act KWH

Gas Service	Rated	Clocked	CCFs

Average KWH Summer	0
Average KWH Winter	0

**Completion Form**

Action	Reason	Subreason	Details
COMP-Complete	ALL-All Complete	-	-

Type of Lock	Meter Protection

Completion Remarks:
OTHER-OTHER

Contact
S

Remarks:
MET WITH TENANT TANYA JOHNSON/VER FW IS CORRECTED/ BOTH PORCH LIGHTS ARE DISCONNECTED/NO LONGER HARD WIRED/ OWNER INSTALLED NEW BATTERY OPERATED LIGHT ON PORCH/ WORK: REMOVE FW CODES & PLACE ACCNT BACK INTO MS.JOHNSON'S NAME AS OF TODAY W/ RDG 04157

## **EXHIBIT 2**



2301 Market Street  
N2-3  
Philadelphia PA 19103

www.peco.com

An Exelon Company

February 17, 2022

John Coppola  
2518 S Franklin St  
Philadelphia, Pa 19148

Regarding: 6927 Paschall Ave  
1<sup>st</sup> Fl  
Philadelphia, Pa 19142

Dear Mr. Coppola:

On 2-26-2022 a PECO field technician visited the above referenced property in response to a high bill complaint. The technician found porch light above 2<sup>nd</sup> floor apartment is wired to 1<sup>st</sup> floor's service. This is known as foreign wiring. Please have your electrician check for any additional foreign wiring that may not have been detected at the time of the field visit.

When PECO identifies foreign wiring. Pennsylvania State Law requires the electric service to be transferred into the name of the landlord, until the wiring is properly corrected. (Per Section 1529.1(b) of the Pennsylvania Public Utility Code, 66 Pa. C.S. 1529.1)

Please be advised that the electric service for the accounts in question will be transferred into your name effective immediately. If any of the current tenant's balance due is attributable to the found foreign wiring the entire balance will be transferred into your name as well. The service can only go back into your tenants name if you have your electrician correct the wiring for each apartment.

If you have completed the repairs, or have any questions regarding this matter, please telephone 844-542-6164.

Cordially,

Mary M.  
Customer Field Operations

## **EXHIBIT 3**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	Account Number: 1001372097		<b>Service Address:</b>		Current Bill: \$1,495.57		<b>Account Balance: \$1495.57</b>											
2	Account Name: JOHN A COPPOLA		6927 PASCHALL AV1ST FL		Billed Prior: \$0.00													
3	Account Status: WRITTEN OFF		PHILADELPHIA, PA 19142		Balance Due: \$1,495.57													
4	Meter Bill Group: 15																	
5			<b>Mail To:</b>		Credit Amount: \$0.00		<b>Rates:</b>											
6			JOHN A COPPOLA		Deposit Requested: \$0.00		ELECTRIC RESIDENTIAL SERVICE											
7			2518 FRANKLIN ST		Deposit On-Hand: \$0.00													
8			PHILADELPHIA, PA 19142		CAP Pre-program Arrears: \$0.00													
9					Payment Agreement Balance: \$0.00													
10																		
11																		
12	Account Transaction Activity																	

13	Transaction Dt	Product Type	Credit Source	Billing Period	Read	Reading Type	Meter Equip Cd	KWH	KW	CCF	Transaction Amount	Balance Forward	Current Charges	Amt Due	Bill Due Dt	Total Balance	Heating Degree Days	Budget Bill Deferred Amt
14	02/18/2022	CONNECTION CHARGE - STANDARD									\$6.00							
15	02/18/2022	ELECTRIC SERVICE		02/16/2022-02/18/2022	3630	ACTUAL	122061268	69	0		\$10.66	\$0.00	\$16.66	\$16.66	03/15/2022	\$16.66	33	\$0.00
16	02/21/2022	TRANSFER DEBIT									\$890.44							
17	02/21/2022	ELECTRIC SERVICE		02/16/2022-02/18/2022	3630	ACTUAL	122061268	69	0		\$507.79						33	
18	03/14/2022	ELECTRIC SERVICE		02/18/2022-03/09/2022	4142	ACTUAL	122061268	512	0		\$80.68	\$0.00	\$1,495.57	\$1,495.57	04/05/2022	\$1,495.57	394	\$0.00
19	06/23/2022	LATE PAYMENT CHARGE									\$8.99							
20	07/25/2022	LATE PAYMENT CHARGE									\$8.99							
21	08/18/2022		CHARGE OFF								-\$1,513.55							
22	08/18/2022	TRANSFER DEBIT									-\$890.44							
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25																		
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# **EXHIBIT 4**



## High Bill Investigation Report

### High Bill Electric

Fielded By		Date Completed		Customer Name		Customer Address
109883-MARY MCQUILKIN		2022-03-09T00:00:00.000-06:00		TANYA N JOHNSON		6927 PASCHALL AVE, PHILADELPH,PA, 19142
Date Disputed		Account No		Reason for Order		
2022-03-01T00:00:00.000-06:00		1001372088		Possible Foreign Wiring		

◊ OR/WRUR Provided    ◊ OR/WRUR Needed    ◊ Billing Work Needed

#### Check All that Apply:

- ◊ General High Bill
- ◊ Rate Change.
- ◊ Meter Mix Up.
- ◊ No Issues Found
- ◊ Foreign Wiring
- ◊ Foreign Wiring Corrected
- ◊ Cost Estimate Performed
- ◊ Meter Tested

Meter No. 1		Meter No. 2		Meter No. 3
122061268				

### Meter Constant

Expected Meter Constant		Last Bill Reading Verified?
1		
Meter Constant Match?		Found Meter Constant
Changed Landlord/Tenant Code to Landlord		

### Passing Load Test Performed

Dropped Load & Idled Meter				Test Pass/Fail
Appliance Used		Kwh		No. Of Seconds
Clocked		Watts		
	<b>Of</b>			

### Rate Change

Change To		Change Reason (if applicable)

**Foreign Wiring**

**Check All that Apply:**

- ◊ Transfer Service/Balance into Owner's Name.
- ◊ Transfer Account into Tenant's Name.
- ◊ Leave in Owner's name until new tenant applies.
- ◊ Remove Landlord/Tenant Code – Foreign Wiring Corrected.
- ◊ Refer to Legal.

**High Bill Gas**

Date Disputed	Account No	Reason for Order
2022-03-01T00:00:00.000-06:00	1001372088	Possible Foreign Wiring

- ◊ OR/WRUR Provided    ◊ OR/WRUR Needed    ◊ Billing Work Needed

**Check All that Apply:**

- ◊ General High Bill
- ◊ Rate Change.
- ◊ Meter Mix Up.
- ◊ No Issues Found
- ◊ Foreign Piping
- ◊ Foreign Piping Corrected
- ◊ Cost Estimate Performed

Meter No. 1	Meter No. 2	Meter No. 3
122061268		
Module No. 1	Module No. 2	Module No. 3

**Meter Multiplier**

Expected Meter Constant			Last Billed Reading Verified?
Meter Constant Match?			Found Meter Constant
Changed Landlord/Tenant Code to Landlord			Fitting Marked Correct?

**Passing Load Test Performed**

Dropped Load & Idled Meter?				Test Pass/Fail ?
Appliance Used		FT Dial		No. Of Seconds
Clocked		BTUs		
	Of			

**Rate Change**

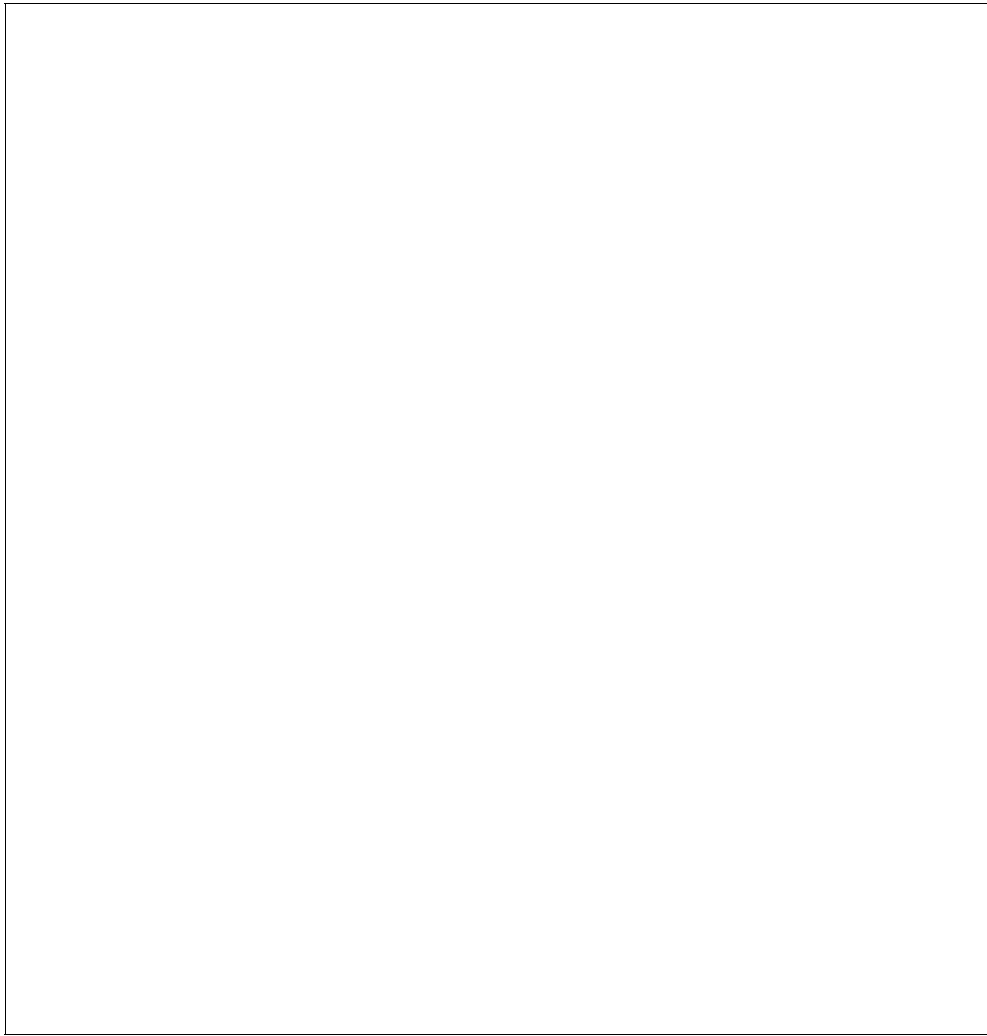
Rate Change To		Rate Change Reason (if applicable)
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**Foreign Wiring****Check All that Apply:**

- Transfer Service/Balance into Owner's Name.
- Transfer Account into Tenant's Name.
- Leave in Owner's name until new tenant applies.
- Remove Landlord/Tenant Code – Foreign Wiring Corrected.
- Refer to Legal.

**Meter Mix Up**

Found Meter Number	Found Reading Device/Module Number	Reading	Incorrect Service Address (As Listed)	Correct Service Address (Should Be)



**Cost Estimate**

Refrigerator Type	No Of.	Avg Kwh	Act KWH
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Freezer Type	No Of.	Avg Kwh	Act KWH
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Cooking - Elect	No Of.	Avg Kwh	Act KWH
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Other Kitchen Appliances	No Of.	Avg Kwh	Act KWH
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Laundry Service	No Of.	Avg Kwh	Act KWH
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Home Entertainment	No Of.	Avg Kwh	Act KWH
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Lighting Average	No Of.	Avg Kwh	Act KWH
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Electric Water Heater	No Of.	Avg Kwh	Act KWH
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Heating Electric	No Of.	Avg Kwh	Act KWH
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Heating Gas / Oil / Propane	No Of.	Avg Kwh	Act KWH
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Air Condition	Btu's	Watts	Act KWH
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Other Appliances	No Of.	Avg Kwh	Act KWH
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Gas Service	Rated	Clocked	CCFs
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Average KWH Summer	0
Average KWH Winter	0

**Completion Form**

Action	Reason	Subreason	Details
COMP-Complete	ALL-All Complete	-	-

Type of Lock	Meter Protection

Completion Remarks:
OTHER-OTHER

Contact
S

Remarks:
MET WITH TENANT TANYA JOHNSON/VER FW IS CORRECTED/ BOTH PORCH LIGHTS ARE DISCONNECTED/NO LONGER HARD WIRED/ OWNER INSTALLED NEW BATTERY OPERATED LIGHT ON PORCH/ WORK: REMOVE FW CODES & PLACE ACCNT BACK INTO MS.JOHNSON'S NAME AS OF TODAY W/ RDG 04157

# **EXHIBIT 5**



October 5, 2022

**BCS Decision Report**

**BCS Case #:** 003825510 **Open Date:** 2022-03-30  
**Customer Name:** JOHN COPPOLA  
**Service Address:** 6927 PASCHALL AVE  
1ST FL 2ND FL  
PHILADELPHIA, PA 19142  
**BCS Bill Account #:** 8888888888 **Previous Case #:**  
**Violation Type:** NO **Chapter Type:**  
**Decision Type:** W **Section / Rule:**  
**Investigator Name:** AVIS CHISHOLM  
  
**Decision Issued Date:** 2022-05-17  
**Case Closed Date:** 2022-05-17

**Letter Description:**

<b>Total Balance:</b>	\$1495.57	<b>Balance Date:</b>	2022-04-26
<b>Amount to Restore Service:</b>	\$0.00	<b>Amount to Continue Service:</b>	\$0.00
<b>Date Payment Due:</b>		<b>Regular Budget Amount:</b>	\$83.00
<b>Special Budget Payment:</b>	\$0.00	<b>Final Bill Monthly Payment:</b>	\$0.00
<b>Plus Arrears Payment:</b>	\$0.00	<b>End of Month Payment:</b>	\$0.00
<b>Current Monthly Payment:</b>	\$0.00		
<b>Payment Terms:</b>			

**PAR Description:**

**Resolution Description:**

DECISION ISSUED: THE COMPANY DID PROPERLY TRANSFER THE TENANTS BALANCE FROM TIME OF DISCOVERY UNTIL FOREIGN LOAD CORRECTED. NO BILLING ADJUSTMENT IS WARRANTED. THE CUSTOMER HAS BEEN PROPERLY BILLED. CASE DISMISSED.