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April 5, 2024

VIA E-FILING

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

RE: Richard Schappel v. PECO Energy Company
Docket No. C-2024-3047611

Dear Ms. Chiavetta:

Enclosed for filing with the Commission the *Preliminary Objection of Respondent, 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". The signature is written in a cursive style.

Khadijah Scott, Esquire
Assistant General Counsel, PECO Energy Company

Encl.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICHARD SCHAPPEL	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2024-3047611
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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 Objections of PECO Energy Company, within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Preliminary Objections, 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, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
Khadijah.scott@exeloncorp.com

Dated: April 5, 2024



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19103
(267) 533-1830
Khadijah.scott@exeloncorp.com

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**PRELIMINARY OBJECTION OF RESPONDENT,
PECO ENERGY COMPANY**

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

1. On March 19, 2024, PECO was served with a formal complaint filed by RICHARD SCHAPPEL (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.
2. In his Complaint, the Complainant states that PECO’s customer charges and distribution system improvement charges are outrageous. He requests that they be eliminated. See Exhibit “1”.
3. PECO’s customer charges are reviewed and approved by the Public Utility Commission.
4. PECO’s distribution system improvement charges (“DSIC”) are reviewed and approved by the Public Utility Commission.
5. PECO Energy therefore files the instant Preliminary Objections.

6. 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).

7. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure. Equitable Small Transportation Intervenor. v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

8. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible. Roc v. Flaherty, 527 A.2d 211 (Pa. Cmwlth 1985).

9. A complaint must be able to recover under the law to survive a preliminary objection. 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”).

10. All of the non-moving party’s averments must be taken as true for the sake of deciding the preliminary objection. County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985).

11. The court does not, however, need to accept, “unwarranted inferences from facts, argumentative allegations, or expressions of opinions.” Feingold v. McNulty, 2009 Phila. Ct. Com. Pl LEXIS 167, *3.

12. 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.

13. 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.2nd 593 (Pa.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

14. 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.

15. The Complainant is disputing the purpose of PECO's customer charges and DSIC.

16. PECO's Fixed Distribution Service Charge (Customer Charge) is a charge to recover costs caused by the presence of the customer on the system other than the costs associated with the customer's demand or energy consumption. *See*, PECO's Electric Service Tariff.

17. The Distribution System Improvement Charge (DSIC) is a charge to recover the reasonable and prudent costs incurred to repair, improve, or replace eligible property which is completed and placed in service and recorded in the individual accounts, between base rate cases and to provide the Company with the resources to accelerate the replacement of aging infrastructure, to comply with evolving regulatory requirements and to develop and implement solutions to regional supply problems. *See*, PECO's Electric Service Tariff.

18. The DSIC allows PECO to accelerate the modernization of the distribution system through the installation, replacement and relocation of electric equipment and facilities. All customers are charged a distribution system improvement charge.

19. Pursuant to 66 Pa. Code §1301. Rates to be just and reasonable

(a) Regulation.— Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations or orders of the commission. Only public utility service being furnished or rendered by a municipal corporation, or by the operating agencies of any municipal corporation, beyond its corporate limits, shall be subject to regulation and control by the commission as to rates, with the same force, and in like manner, as if such service were rendered by a public utility.

66 Pa. Code §1301.

20. The Commission decided that PECO Energy’s customer charges were just and reasonable in its approved tariff and rate case.

21. The Commission decided that PECO Energy’s DSIC were just and reasonable in its approved tariff and rate case.

22. Accordingly, the Complainant’s formal complaint should be dismissed as it fails to set forth a violation by PECO Energy of either the Public Utility Code, the regulations of the PUC or PECO’s Electric Service Tariff as required by 52 Pa. Code §5.22(a)(4).

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainant’s formal complaint, and all issues which were raised in the Complaint.

Respectfully submitted,



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Fax: 215.568.3389
Khadijah.scott@exeloncorp.com

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RICHARD SCHAPPEL	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2024-3047611
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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 4, 2024



Khadijah Scott

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICHARD SCHAPPEL	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2024-3047611
	:	
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 Preliminary Objection in the above matter upon all interested parties by *E-mailing* a copy to:

RICHARD SCHAPPEL
3 GRANGER LN
COATESVILLE PA 19320
Via Email: fordcars14@outlook.com

Dated: April 4, 2024



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Fax: 215.568.3389
Khadijah.scott@exeloncorp.com

EXHIBIT 1



FORMAL COMPLAINT - FILLABLE FORM

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.



Please complete this fillable form.

1. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.

Name Richard Schappel
Street/P.O. Box 3 Granger Lane Apt#
City Coatesville State Pa Zip 19320
County

Telephone Number(s) Where We Can Contact You During the Day:
Home: Mobile: 4844015258
Email Address fordcars14@outlook.com
Utility Account Number (from your bill) 35878-01200

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 PECO
Street/P.O. Box 2301 Market Street Apt#
City Philadelphia State Pa Zip 19103-1380

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 An Exelon Company

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"/> Steam Heat |
| <input type="checkbox"/> Water | <input type="checkbox"/> Motor Carrier (taxi, moving company, limo) |
| <input type="checkbox"/> Wastewater/Sewer | <input type="checkbox"/> Telephone/Telecommunications (local, long distance) |

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

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 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). If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

1. The charges related to me as a customer as well as Distribution Charges are outrageous.
All customers are charges a customer charge and I get no explanation from PECO as to Why. PECO is a Monopoly utility company. I have no choice regarding being their customer
There is no purpose my being charge as fee because I am their customer.

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. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.

I desire that the Customer charges be eliminated as well as the Distribution System Improvement Charges. These are nothing more than excess fees. The Customer Service charges are nothing more than fee to read meters which are nothing more than the cost of doing business.

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 PFA 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.

Has a court granted a PFA order or any other order for your personal safety or welfare?

Yes If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*

No

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.

7. PRIOR UTILITY CONTACT

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

Yes

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 or wastewater 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. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

I contacted PECO on March 19, 2024 and spoke with a representative who could provide me no answers nor help. All I received was: These are standard customer service charges.

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. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

OPTION 1

Electronically by eFile

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. **This is the quickest and easiest way to receive, file and submit documents.**

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

OPTION 2

Mail

Mail the completed form with your original signature and any attachments 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 select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

9. THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE

It is **REQUIRED** to select **ONE** of the following options for receiving all hearing notices, orders and related documents from the PUC:

OPTION 1

eFILING: This is the **quickest and easiest way to receive all documents**. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

OPTION 2

FIRST CLASS MAIL: You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here _____ if you are selecting **FIRST CLASS MAIL** service.

OPTION 3

EMAIL: You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to **receive documents** by email from the PUC. You will not be able to email documents to the Commission.

To **file documents**, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here _____ if you are selecting **EMAIL** service.

Please Note: It is important to select **ONE** of the three options above.

IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.

10. 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 contact information, which is required. 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 _____ Apt# _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

Email 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.

11. VERIFICATION AND SIGNATURE

You must sign and date your complaint. If you eFile your complaint, you must print or type your name in the box provided below. Date the form. The PUC's eFiling system will accept an electronic signature. The eFiling system will not accept a complaint form without a signature and date.

Verification:

I, Richard Schappel, 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).

Richard Schappel
(Signature of Complainant)

3/19/2024
(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.

APPEALING A BCS DECISION?

If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC 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.

QUESTIONS?

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

REMINDERS

- Save and keep a copy of your Formal Complaint for your records.
- You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.
- To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.
- Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.
(<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>)
- Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked **confidential** if you do not want them published to the website.

ADDITIONAL SPACE (IF NEEDED)

and then charge me an improvement charge. They are already charging me to distribute the electricity and improving the system is their responsibility as part of the distribution charges.

Their total bill amount is the same identical amount of the supplier of my electric power. This is unjust. The supplier is obtaining the electricity from multiple entities who must go through all the regulations and obtain the raw materials to produce electricity. PECO has had many decades to improve their system and has neglected this responsibility. On my street and the adjacent street there has been little improvements made. PECO dos not move poles in dangerous locations nor remove trees and tree overgrowth to secure reliable power.