

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEREE J. NORMAN	:	
Complainant	:	DOCKET NO. C-2024-3048777
v.	:	
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**RESPONSE IN OPPOSITION TO
REPLY EXCEPTIONS OF PECO ENERGY COMPANY**

I. Scope of Review

As the proponent of a rule or order, the Complainant in a legal proceeding shall propose the subject matter to which subject matter jurisdiction is to be determined. To acknowledge subject matter, the finder of facts must acknowledge and understand the averments of the Complaint. At no time should the finder of facts allow the Respondent to a Complaint to determine the subject matter of the Complaint as this Commission has done up to this point in this matter. Evidence is the most critical factor in any legal proceeding. Evidence includes but is not limited to the rules of law. The willful disregard of relevant evidence is an injustice of the highest degree. In the matter before this Commission, Complainant has made seventeen (17) separate references¹ to Pennsylvania Code at Title 52 §57.255(a) all of which have gone unaddressed or have garnished a non-response from PECO as well as this Commission. This specific section of the Pennsylvania Code clearly prohibits PECO from forcing Complainant to allow the installation of an **Advanced Smart Meter** where a **Smart Meter** is currently installed.

In matters within the Commissions jurisdiction the Complainant has the burden of proof. Complainant’s burden is established by a preponderance of the evidence. Any reasonable person would find it highly suspicious that both PECO and the Commission have ignored or disregarded relevant evidence established by the relevant law that would render PECO’s actions unlawful.

1. Complainant’s Response to Preliminary Objections (eight (8) separate references), Complainant’s Response to New Matters (four (4) separate references) and Complainant’s Exceptions five (5) separate references.

II. Legal Argument

a. Complainant's Claim is Not barred by Pennsylvania Law

First and foremost, this Commission must have the clarity, knowledge and understanding to make the distinction between a **Smart Meter** and an **Advanced Smart Meter** (“AMI Meter” or “Advanced Meter Infrastructure Meter”) as the legislature did when establishing the smart meter procurement plan that gave birth to House Bill 2200 that led to Act 129 of 2008.

Secondly, this Commission must have the clarity, knowledge and understanding that the matter before the Commission has nothing to do with safety or the maintenance of Complainant's existing **Smart Meter**.

Furthermore, this Commission must have the clarity, knowledge and understanding that PECO is in violation of the Initial Decision of ALJ Marta Guhl which was adopted by this Commission as per the OPINION AND ORDER of this Commission found at **F-2018-2640713** paragraph 5, which states “That as long as Deree J. Norman, Complainant, keeps the payment schedule stated in this Opinion and Order, PECO Energy Company shall not suspend or terminate his utility service except for valid safety or emergency reasons or assess late payments or finance charges against his account.”

b. PECO's Wanton Falsification of Facts

PECO suggestion that “PECO Energy is required to install **AMI** meters for the company's electric distribution customers subject to the requirements of Act 129 is an egregious falsification. Upon examination of Act 129, the Commission would indeed find that term **AMI** does not exist in the context anywhere. Act 129 only addresses the installation of a **Smart Meter**, which was previously installed at the subject property by PECO which has subsequently passed inspections on multiple occasions. It should also be clear to this Commission that PECO has never stated or challenged the fact that Complainant already has a **Smart Meter** installed at his residence.

The legislature of Pennsylvania saw it fit to establish a specific section of the Pennsylvania Code to address the requirements of **Advanced Smart Meter** standards, thereby acknowledging and confirming the distinct differences between a **Smart Meter** and an **Advanced Smart Meter**. (See: 52 Pa. Code § 57.254.)

Moreover, the term “opt out” is used by PECO to deflect from the true intention of the Complaint and said use of the term shows PECO’s willingness to defraud this Commission and infringe on the rights of Complainant. Moreover, Complainant has never attempted to opt out of having a **Smart Meter** simply because a **Smart Meter** is already installed at the subject property.

PECO’s attempt to dissuade this Commission from focusing on the relevant section of the Pennsylvania Code by introducing and or citing irrelevant law to the matter before the commission is egregious. The matter before the Commission is NOT a section 1501 issue. Section 1501 of the Public Utility Code addresses the character of service and facilities or in other word safety and maintenance. The matter before this Commission is in fact a violation of 52 Pa. Code § 57.255(a) Therefore, *Povacz v. Pa. Pub. Util. Comm’n nor Mary Paul v. Pennsylvania Public Utility Commission*, 460 C.D. 2019 (2023) have any relevance to the matter before this Commission.

III. Conclusion

ALJ Heep, who apparently retired the day after submitting the Initial Decision in this matter, incorrectly determined that Complainant had not met his burden of proof in this matter and unjustifiably dismissed Complainant’s Complaint against PECO. Accordingly, the erroneous decision entered by ALJ Heep, must be overruled and or vacated as a matter of Law.

For the reasons set forth above, Complainant respectfully demands that the Commission issue an Order that: **1)** requires PECO to restore Complainant’s electric service immediately and **2)** refrain from any further harassment of Complaint in perpetuity provided Complainant’s account remains in good standing.

October 21, 2024,


By: Deree J. Norman

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CERTIFICATE OF SERVICE

I, Deree J. Norman, do hereby certify that on this 21st day of November 2024 a true and correct copy of the foregoing Response in Opposition Reply Exceptions of PECO and accompanying papers, was served on the individuals listed below by electronic delivery.

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VERIFICATION

I, Deree J. Norman, hereby declare that the facts set forth in the foregoing Response in Opposition Reply Exceptions of PECO are true to the best of my knowledge, information, and belief. I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

November 21, 2024,


Deree J. Norman