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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES

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LEGISLATIVE BUDGET & FINANCE

October 7, 2015

Gladys M. Brown, Chairman
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Susan Kreider v. PECO Energy Company
PUC Docket No.: C-2015-2469655 and P-2015-2495064

Dear Chairman Brown,

I am extremely troubled by the Commission's disposition of the above referenced matter as illustrated by its September 3, 2015 Order. I have communicated the same to the Commission's Director of Legislative Affairs. Upon reading all of the documents filed at these dockets and available on the Commission's website, I am particularly concerned about the statements indicating that Ms. Kreider took it upon herself to have her company installed meter removed and replaced with a different meter. If this is correct and Ms. Kreider continues to receive electric service through a rogue meter her actions jeopardize not only her personal safety but the safety and reliability of the electric distribution grid.

I'm also concerned the Order seems to open the door to considerations of fact that could create an exemption to the provisions of Act 129 of 2008. Act 129 requires electric distribution companies to deploy smart meter technology throughout their service territories. The law does not provide any circumstances under which such technology may not be deployed. PECO's deployment of meters is being conducted pursuant to its Commission approved Smart Meter Plan and various related Commission Orders. Similar to Act 129, these Commission Orders do not contain any exceptions to deployment or create circumstances under which a statutorily mandated meter may not be deployed. The law is clear and unambiguous; electric distribution companies, including PECO, must deploy smart meter technology throughout their service territories. There is no set of factual circumstances that could be presented to the Commission that would authorize it to hold that PECO is relieved of its legal obligation to deploy these meters or permitting a customer to choose not to have a meter installed at her residence. Quite simply the Commission cannot grant the relief requested by Ms. Kreider in her complaint, namely that she be permitted to have a different meter installed at her residence.

Commissioner Gladys Brown

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October 7, 2015

The Commission's September 3, 2015 Order opens the door for a company, acting in compliance with a legal mandate, to be found to be violating the reasonable service standard in the Public Utility Code solely for acting in accordance with the law. I'm not a lawyer but this holding is inconceivable to me. I fail to understand how compliance with one law can amount to a violation of another. Such a holding seems to be inconsistent with basic principles of statutory interpretation.

I encourage the Commission to carefully review the provisions of Act 129 when considering PECO's Petition for Reconsideration and take steps to ensure that the ruling of the Commission is consistent with the law and the regulatory authority granted by the General Assembly

Sincerely,



Robert W. Godshall, Majority Chairman
House Consumer Affairs Committee

RWG;jh

cc: John F. Coleman, Jr., Vice Chairman
Pamela A. Witmer, Commissioner
Robert F. Powelson, Commission
Andrew G. Place, Commissioner
June Perry, Director, Legislative Affairs