BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE COMPLAINT FILED	)	
BY DAWN VOLL AND JACQUELINE JOINES	)	PSC Complaint Docket 398-14
AGAINST DELMARVA POWER & LIGHT	)	
COMPANY CONCERNING DISPUTED	)	
TRANSFER ACCOUNT BALANCE RESULTING	)	
IN NON-SERVICE TO NEW ADDRESS	)	
(FILED MARCH 21, 2014)	)	

RESPONSE TO COMISSION STAFF'S EXCEPTIONS TO
HEARING EXAMINER'S REPORT

Delmarva Power & Light Company ("Delmarva"), by and through its undersigned counsel, hereby responds to the Exceptions filed by Public Service Commission Staff ("Staff") to the Hearing Examiner's Report in this Docket filed on March 19, 2015.

1. In its Exceptions to the Hearing Examiner's Report, filed on April 8, 2015, Staff agrees with the findings of the Hearing Examiner that the complaint involving Dawn Voll was "solely a billing issue and should be dismissed with prejudice"[1]; however, Staff then proceeds to argue that the Hearing Examiner erred in not finding that Delmarva should pursue collection actions against Ms. Voll for her unpaid balance.

2. In as much as the Public Service Commission ("Commission") does not have jurisdiction and authority over billing disputes[2], it also does not have

[1] Staff's Exceptions, Paragraph 1, Page 1.
[2] As used herein the term "billing dispute" means the adjudication of a debt controversy between the parties which does not involve the interpretation of the tariff, regulations, Commission rules or a Commission order, consistent with the holding in *Artesian Water Company v. Cynwyd Club Apts.*, 297 A. 2d 387 (Del 1972).

jurisdiction over the specific manner in which Delmarva pursues collection of the unpaid bills of an individual customer. See *Georgia-Pacific Corp. v. Delmarva Power & Light Co.,* 1992 WL 396307 at *6, citing *Artesian Water Company v. Cynwyd Club Apts.,* 297 A. 2d 387 (Del 1972)[3]. Delmarva has an established debt collection process that it follows for customers and has been effectively reducing the amount of bad debt for several years now.

3. Considering Staff's agreement that the courts of this State have determined that the Commission lacks jurisdiction over billing disputes, it is incongruous to claim that the Commission can, nevertheless, direct Delmarva to take legal action to collect the debt of a particular customer under the general jurisdictional provisions of 26 *Del. C.* §201(a).

4. Ms. Voll brought her complaint to the Commission. Staff agrees that the Hearing Examiner has correctly determined that the Commission has no jurisdiction over Ms. Voll's claim because it is a billing dispute. For Staff to agree that no jurisdiction exists, while at the same time arguing that the Commission does have jurisdiction to order specific legal action to be taken against Ms. Voll defies both logic and established Delaware law.

---

[3] To be clear, the Commission does have the authority to determine, in a rate case, whether Delmarva has failed to appropriately pursue collections of unpaid bills on the whole; however, it lacks jurisdiction over the day to day operations of the utility such as the manner in which Delmarva Power addresses a purely legal billing dispute with an individual customer. *Application of Wilmington Suburban Water Corp.,* Del. Super., 203 A 2d 817 (1964), *aff'd Delmarva Power & Light Company v. Public Service Commission,* Del. Supr., 508 A. 2d 849 (1986).

WHEREFORE, for the reasons stated herein, Delmarva respectfully requests that Staff's Exception to the Hearing Examiner's Report be denied, with prejudice.

Respectfully submitted,

Pamela J. Scott
Assistant General Counsel
Delmarva Power
P.O. Box 6066
Newark, DE 19714-6066
(302) 429-3143
pjscott@pepcoholdings.com

Dated: April 21, 2015

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE COMPLAINT FILED BY DAWN VOLL AND JACQUELINE JOINES AGAINST DELMARVA POWER & LIGHT COMPANY CONCERNING DISPUTED TRANSFER ACCOUNT BALANCE RESULTING IN NON-SERVICE TO NEW ADDRESS (FILED MARCH 21, 2014)	))))))))	PSC Complaint Docket 398-14

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing were served upon the following on April 21, 2015 in the manner noted below:

VIA ELECTRONIC MAIL AND
FILED VIA DELAFILE
Donna Nickerson
Secretary
Delaware Public Service Commission
861 Silver Lake Boulevard, Suite 100
Dover, DE 19904
Email: donna.nickerson@state.de.us

VIA FIRST CLASS MAIL
Ms. Dawn Voll
805 S. Gerald Drive
Newark, DE 19713

VIA ELECTRONIC MAIL
Julie "Jo" Donoghue
Deputy Attorney General
Delaware Public Service Commission
861 Silver Lake Blvd., Suite 100
Dover, DE 19904
Email: Julie.donoghue@state.de.us

VIA ELECTRONIC MAIL
Brian S. Eng, Esquire
Staff Attorney
Community Legal Aid Society, Inc.
100 W. 10th Street, Suite 801
Wilmington, DE 19801
Email: beng@declasi.org

VIA ELECTRONIC MAIL
R. Campbell Hay
Delaware Public Service Commission
861 Silver Lake Boulevard, Suite 100
Dover, De 19904
Email: campbell.hay@state.de.us

Pamela J. Scott
P.O. Box 6066
Newark, DE 19714-6066
(302) 429-3143
pjscott@pepcoholdings.com