

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Sianna Phongsak
v.
PECO Energy Company

Public Meeting held August 21, 2014
2393474-ALJ
Docket No. C-2013-2393474

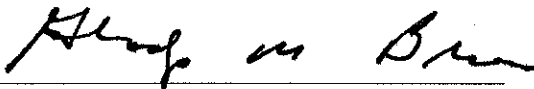
JOINT STATEMENT OF COMMISSIONER GLADYS M. BROWN
AND COMMISSIONER JAMES H. CAWLEY

Before the Commission for consideration is the Initial Decision issued in the above-captioned case. The Complainant filed a Formal Complaint requesting a payment arrangement. A hearing was set for February 13, 2014. The February 13th hearing was cancelled due to bad weather. By hearing notice dated February 14, 2014, the hearing was rescheduled for April 1, 2014. The February 14th hearing notice sent to the Complainant was returned to the Commission as undeliverable. The Commission was unable to reach the Complainant by phone.

The Complainant did not appear at the April 1, 2014 hearing. The ALJ concluded that a complainant is obliged to report a change in address which occurs during the course of the proceeding pursuant to 52 Pa. Code § 1.24.* The ALJ dismissed the case, with prejudice, for failure to carry the burden of proof.

Because notice of the rescheduled hearing did not reach the Complainant, we question whether due process has been afforded to the Complainant. As such, the case should have been dismissed but, without prejudice.

August 21, 2014
Date


Gladys M. Brown, Commissioner


James H. Cawley, Commissioner

* The Commission has long recognized the mitigating effect that *pro se* status confers upon litigants unlearned in the law when confronted with technical violations of its procedural rules. *Carlock v. The United Telephone Company of Pa.*, Docket No. F-00163617 (July 14, 1993).