

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Michael B. Ford, Sr.
v.
PECO Energy Company

Public Meeting held January 14, 2010
2112694-ALJ
Docket No. F-2009-2112694

MOTION OF COMMISSIONER WAYNE E. GARDNER

Before the Commission for consideration is the Initial Decision in the above-captioned case which dismisses the Complaint for failure of the Complainant to carry the burden of proof. Although this is the correct disposition of the case, the Administrative Law Judge includes statements which are irrelevant to the ultimate disposition of the case and should be stricken from the Initial Decision.

Specifically, the second sentence on page one of the Initial Decision should be stricken and replaced with the following language: "Essentially, the Complainant alleged that he subleased a room at the premises located at 407 Walnut Street, Parkesburg, PA, and that when the electric service at the address was cut off, he assumed the responsibility to pay for it in reliance on Mr. Lewis's promise to reimburse him."

Additionally, Finding of Fact number one should be restated as follows: "The Complainant rented a room from Fleetwood Lewis at the premises located at 407 Walnut Street, Parkesburg, PA. He lived at this address from June 26, 2007 to October 24, 2008 when he called the Respondent to shut off the service. (N.T. 6, 7, 20-22)."

Finally, the first sentence of the second full paragraph on page four should be stricken and replaced with the following language: "The Complainant testified that at the arrangement of an acquaintance, on June 26, 2006, he moved in with Fleetwood Lewis in a room at 407 Walnut Street, Parkesburg, PA."

THEREFORE, I MOVE THAT:

1. The Initial Decision be modified consistent with this Motion.
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

January 14, 2010
Date

Wayne E. Gardner, Commissioner

