

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**Rainey Richmond v. PECO Energy Company**

**Public Meeting held November 10, 2011**  
**2187305-ALJ**

**Docket No. F-2010-2187305**

**JOINT MOTION OF COMMISSIONER WAYNE E. GARDNER and**  
**COMMISSIONER PAMELA A. WITMER**

The Complainant in this case, Rainey Richmond, filed a Formal Complaint against PECO Energy company alleging incorrect charges. On the Formal Complaint form provided by this Commission, Mr. Richmond marked the check box next to "there are incorrect charges on my bill" and wrote a note stating that he had the paperwork. In response, PECO filed Preliminary Objections requesting that the Complainant be ordered to amend the Complaint to state his allegations with more specificity. The Administrative Law Judge (ALJ) granted the Preliminary Objections and when the Complaint was not amended, dismissed the case.

Commission regulations require, *inter alia*, that Formal Complaints contain a clear and concise statement of the violation being alleged. 52 Pa. Code § 5.22(a)(5). To aid *pro se* complainants in meeting this and other requirements for filing Formal Complaints, the Commission has developed a Formal Complaint form, which is mailed to all complainants at the conclusion of the informal complaint process. This Formal Complaint form contains a series of check boxes designed to help complainants clearly state what they are alleging. When, as in this case, the box is checked next to the statement that there are incorrect charges on the customer's bill, the complaint is specific enough to allow the utility to prepare an Answer and to prepare for a hearing. The utility has access to all necessary account records and can review those records for inaccuracies. Additionally, this was an appeal of an informal complaint in which PECO participated. Therefore, PECO was likely already familiar with the allegations made by Mr. Richmond

Furthermore, In *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617 (Order entered July 14, 1993), this Commission held that, in the normal course, we would not dismiss a *pro se* complaint without first providing a hearing during which *pro se* complainants could further explain their position and the factual basis for their complaint. The concern was expressed that, in general, *pro se* complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts. In light of Complainant's status as a *pro se* litigant and consistent with *Carlock*, we do not agree with the decision to dismiss Mr. Richmond's Complaint at the pleadings stage.

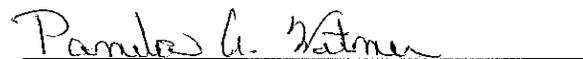
However, with an understanding that the inclusion of pertinent facts allows better preparation of a case, and to ensure that complainants more clearly state the facts of their complaints, the Commission has undertaken a review of its Formal Complaint Form.

**THEREFORE, WE MOVE:**

1. That this matter be remanded to the Office of Administrative Law Judge for further proceedings.
2. That the Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

**November 10, 2011**  
Date

  
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Wayne E. Gardner, Commissioner

  
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Pamela A. Witmer, Commissioner