

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Connie Connor
v.
PECO Energy Company**

**Public Meeting July 19, 2012
2205777-OSA
Docket No. F-2010-2205777**

**MOTION OF
VICE CHAIRMAN JOHN F. COLEMAN, JR.**

Before the Pennsylvania Public Utility Commission (Commission) for disposition are the exceptions of Complainant Connie Connor to the Initial Decision (ID) dismissing the above Formal Complaint against PECO Energy Company (PECO). The Complainant alleges incorrect charges on her bill. Specifically, Complainant alleges that she was improperly charged for service to 101 High Street, Apartment 13, Pottstown, PA from October 2008 through March 2009 because she never resided there and never benefitted from the utility service provided there. The amount in dispute from service provided at the High Street location is \$123.37. Tr. 31. PECO responds that it received a telephone application for utility service from Ms. Connor requesting that service be provided in her name to the High Street address. As part of the application process, PECO provided testimony that it verifies the applicant's identity through an external verification process with the Social Security number. Tr. 30-32; PECO Ex. 3.

I agree with the ID dismissing the Complaint and do not believe that a remand is necessary or appropriate. A remand is not appropriate here because the Complainant was given a full and fair opportunity to prosecute her Complaint but did not provide the necessary evidence, which existed at the time of the hearing and could have been provided, to make her case.¹ I acknowledge that the Commission, from time-to-time, makes certain allowances for *pro se* litigants. However, those allowances should be balanced against the interests of the utility. Here, Complainant did not meet the burden of proof in this matter, despite being given a full and fair opportunity to do so.² I believe it sends the wrong message to give a Complainant "another bite at the apple" simply because she did not make her case the first time around.

¹ According to Complainant in her Exceptions, she told PECO's counsel at hearing (when the ALJ was not present) that she may have been the victim of identity theft and could provide a police report as proof. Moreover, on cross examination, the Complainant testified that she has a lease to prove she resided at the Bristol, PA service location (where responsibility for service is not in dispute) during the time period in question. Tr. 18.

² 66 Pa. C.S. § 332(a).

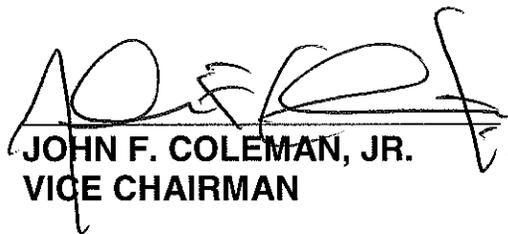
A dismissal here is consistent with the Commission's recent decision in Carla Nixon v. PECO Energy Company, C-2011-2240763 (Order entered February 16, 2012). In Nixon, the Complainant alleged, among other things, that she was not responsible for the PECO billings at the service location in question and argued that another person used her identity to establish service in Ms. Nixon's name at the location in question. Following a hearing, the Commission agreed with the utility that Complainant did not meet her burden of proof on the issue of bill responsibility. Although Ms. Nixon testified that she filed a police report against the person who allegedly used her name to establish utility service, she did not produce a copy of the police report or any other documentation to support her claim.

Nevertheless, I am sympathetic to Complainant's circumstances in this proceeding and the fact that she may have been a victim of identity theft. Therefore, I recommend that the parties attempt to amicably resolve this matter, post-decision. Specifically, I urge that the Complainant timely provide PECO's counsel with the following: (1) a copy of the lease agreement for 1300 Green Lane, Bristol, PA, which Ms. Connor claims was her residence from October 31, 2008 to the present and (2) any police report that Ms. Connor filed alleging, at a minimum, that her identity was used to obtain utility service at the Pottstown address.³ Upon receipt and review of this documentation or any other information that PECO typically uses to validate a claim of identity theft, PECO should make the necessary billing adjustments if Complainant establishes to PECO's satisfaction that she did not reside at the Pottstown address and did not benefit from the utility service provided there from October 2008 through March 2009. PECO shall subsequently inform the Commission's Bureau of Consumer Services, in writing, about any such documentation/information that is received and of any billing adjustments made to Complainant's account relating to the identity theft issue.

THEREFORE, I move that:

1. The Initial Decision be adopted, consistent with this Motion.
2. The Commission's Office of Special Assistants draft an appropriate Order consistent with this Motion.

DATE: July 19, 2012


JOHN F. COLEMAN, JR.
VICE CHAIRMAN

³ Customers are permitted to have multiple service accounts simultaneously. Therefore, it is my belief that providing a copy of the lease alone is not substantial evidence that Complainant is not responsible for the disputed bills at the Pottstown PA address. See Nixon, p. 5.