

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Fred Lavner v. PECO Energy Company

Public Meeting – December 5, 2013
2357426-ALJ
Docket No. A-2013-2357426

MOTION OF
COMMISSIONER PAMELA A. WITMER

Before the Pennsylvania Public Utility Commission (Commission) today is the Complaint of Fred Lavner (Complainant) against PECO Energy Company (PECO) alleging incorrect charges on his electric bill and poor customer service, and requesting a payment arrangement. In the Initial Decision, the Administrative Law Judge (ALJ) granted in part and denied in part Mr. Lavner's Complaint, finding that the Complainant did not demonstrate that PECO had billed him incorrectly or provided poor service. However, the ALJ granted Mr. Lavner's request for a payment arrangement.

The record in this case indicates that the Complainant had defaulted on prior Commission-issued payment agreements in April 2010 and May 2012, as well as two company-issued payment agreements. However, during the hearing, the Complainant testified that he had a business where his average gross income had been \$25,000 per month. He also testified that his current income is between \$5,400 and \$6,000 per month. Based on this change in income, the ALJ provided the Complainant with a new Commission-ordered payment agreement.

Upon further review of the record in this proceeding, the Complainant's change in income in 2010 predates the issuance of the most recent Commission-ordered payment agreement. According to the Complainant's testimony at the evidentiary hearing held on July 24, 2013, his previous business, which produced \$25,000 in income per month, "ended three years ago" in 2010¹. The most recent Commission-ordered payment agreement was granted on May 8, 2012. A review of the record reveals that the Complainant provided no evidence to demonstrate that a change in income occurred after the Commission's issuance of this payment agreement.

The Public Utility Code prohibits the Commission from establishing a second payment agreement if a customer has defaulted on a previous payment agreement, absent a change in income; however, the change in income must occur after the most-recent Commission-ordered

¹ See Tr. at 20 (July 24, 2013)

payment agreement has been issued.² Because there has been no change of income since the Complainant's May 8, 2012 Commission-issued payment agreement we cannot issue one in this case.

THEREFORE, I MOVE THAT:

1. The Initial Decision be modified to deny the Complainant's request for a payment agreement.
2. The Office of Special Assistants prepare an Order and Opinion consistent with this Motion.

DATE: December 5, 2013


PAMELA A. WITMER
COMMISSIONER

² See 66 Pa.C.S. § 1405(d). A change in income is defined as a decrease in household income of 20% or more if the customer's household income level exceeds 200% of the federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the federal poverty level. See 66 Pa.C.S. § 1403.