

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

**Re: Mohamed Mansaray v. PECO Energy
Company**

**Public Meeting held June 19, 2014
2352692-OSA
Docket No. C-2013-2352692**

STATEMENT OF CHAIRMAN ROBERT F. POWELSON

Before the Commission is the Opinion and Order of the Office of Special Assistants (OSA) which denies the Complainant's Exceptions and adopts the Initial Decision in the above captioned matter.

As the Complainant's hearing started on June 7, 2013, the Complainant requested, for the first time, the assistance of an interpreter of the Mandingo language. The Administrative Law Judge (ALJ) properly noted that the Hearing Notice gave clear instructions for the parties to contact the Commission at least ten business days prior to the hearing to submit a request for an interpreter. However, the ALJ rescheduled the hearing to accommodate the request.

Prior to the rescheduled hearing, the Commission attempted to find a local certified interpreter who could attend the hearing in person. When that attempt was unsuccessful, the Commission obtained the services of ProTranslating, Inc. to provide an interpreter for the Complainant by telephone. On August 7, 2013, the Commission's scheduling unit confirmed the availability of an interpreter for the hearing in the present Complaint and provided the ALJ with instructions for contacting the individual interpreter. On the day of the hearing, however, the ALJ contacted ProTranslating, Inc. but was informed that the interpreter was no longer available. No other interpreter could be made available to the Commission.

After careful deliberation and consideration, I agree with the Order which upholds the ALJ's decision to allow the hearing to proceed without the interpreter. Judging the credibility of witnesses is squarely within the realm of the ALJ, as fact finder. As such, we believe it is appropriate to defer the ALJ's factual determination on this issue. While in many cases the assistance of an interpreter is an important safeguard of due process, in this case, the interpreter's unavailability was harmless error that did not prejudice the Complainant's ability to litigate his case. The Complainant's ability to engage in litigation, follow instructions and navigate the intricacies of Commission procedure belies his claim of his poor mastery of the English language. The record shows that the Complainant was able to testify in support of his Complaint and conduct extensive cross-examination of Respondent's witness. Therefore, the Complainant had a meaningful opportunity to be heard.

June 19, 2014


Robert F. Powelson, Chairman