

Ms. Rosemary Chiaetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, Pa. 17120

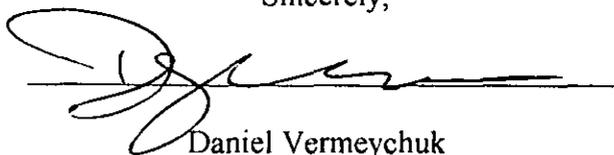
June 26, 2014

Re: Vermeychuk v. PECO Energy
Docket Number : C-2013-2388323

Ms. Secretary,

Enclosed for filing with the Commission is Complainant Vermeychuk's MOTION for a Reconsideration in this Matter. I have enclosed a Certificate of Service showing that a copy of the above Motion was served on the interested parties. Thank you for your time and attention in this matter.

Sincerely,



Daniel Vermeychuk

RECEIVED
2014 JUN 30 AM 11:04
PA P.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL VERMEYCHUK
Complainant

:

v.

:

DOCKET NO: C-2013-2388323

:

PECO ENERGY COMPANY
Respondent

ORDER

After consideration of the Complainants Motion for Reconsideration concerning Attachment B of the documentation sent to the Respondent by the Complainant it is hereby ordered that that Order is reversed and that the documentation will be entered as evidence under the business document exception rule in the State of Pennsylvania.

After consideration of the Complainants Motion for Reconsideration concerning the willful, illegal actions of the Respondent concerning the company utility report for not presenting that report to the Delaware County Court of Common Pleas, the Public Utility Commission or the Complainant that the utility company PECO Energy be sanctioned in a manner that would remedy the agrievement suffered by the Complainant during this litigation and Order the Production of that documentation immediately.

- _____ - J

PA P.U.C.
SECRETARY'S BUREAU

2014 JUN 30 AM 11:05

RECEIVED

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL VERMEYCHUK
Complainant

:

v.

:

DOCKET NO: C-2013-2388323

PECO ENERGY COMPANY
Respondent

:

:

MOTION FOR RECONSIDERATION

ORDER # 3

RECEIVED
2014 JUN 30 AM 11:05
PA P.U.C.
SECRETARY'S BUREAU

The Honorable Administrative Law Judge Cynthia Williams Fordham issued Order #3 on June 19, 2014 to the above captioned parties. The Complainant hereby answers the request made by the Judge in the following pages and files this Motion for Reconsideration on the second item.

1. Will not dispute.
2. Disputed as to Respondent's Objection of attachment B and the Court's Order that it not be included as evidence
3. Will not dispute.
4. Pennsylvania Superior Court the still actively investigating the matter and no date has been set as to an answer or Brief in the matter.
5. No answer necessary.
6. Agreed.

MATTER FOR RECONSIDERATION

HISTORY

Until this date, the Complainant was not aware that the other parties had contemplated a phone conference or even that the Respondent had objected to Attachment B in the series of documents presented to the Court under agreement with the Court because of the circumstances surrounding the Hearing.

The circumstances surrounding this Hearing were that Discovery was requested and not delivered at the proper address and even if eventually delivered, the one thousand pages of documentation that were sent were never able by the Complainant to be studied before the Hearing. To Complainant's knowledge the other parties had already agreed to have the Hearing despite the lateness of their Discovery delivery whether the Complainant could read them or not.

Despite requests for 30 day continuance which in any matter Complainant has ever been associated with the Court would allow time to digest the material and prepare for Court. This was not done. As small consolation a ten day period to produce documents was granted to the Complainant from established business records in this matter consisting of documentation produced by the Respondents in the form of billing materials to their customers of which the Complainant was a customer at that time.

Today, Complainant learns that the Respondent has objected to one of the exhibits which consists of billing material that they created and correspondence concerning one of the accounts in question without notification of any type to the Complainant. It is this

request for reconsideration to the objected to of Attachment B of the Providence Road account. This objection was made without notification.

MATTERS FOR RECONSIDERATION

Under 52 Pa. Code, Title 5 Section 5.103 the Complainant files this Motion for Reconsideration under the request of the Respondent on the grounds that the document being admitted was without proof that the document was mailed and that the Respondent received it.

It should be noted that the Respondent also included in a well-prepared hearing format computer records and other billings equal to the probative value of the billing that they issued to the Complainant that were properly admitted as business records, an exception to the Hearsay Rule of Evidence. None of documents produced at the Hearing by Respondents had proof that the document was mailed and that the Complainant actually received it.

There seems to be an error here that the same type of documentation which was *originally the Respondents would not be admitted which is the same as their own* documentation at the hearing, authored and produced by the Respondents which was documentation given to the Complainant was admitted without question.

This documentation was produced and authored by the Respondent and sent to the Complainant who kept this document in the regular course of business activity over a period of over ten years. It is not the Complainants fault that the Respondents

documentation does not support their case. The mere possession of the document, addressed to the Complainant and produced from his business records even without testimony does not make it violative of Pa. RE 803(6).

The reasons the Respondent has given was that the document is being admitted without proof that the document was mailed and that the Respondent received it. Having the chance and making her requests without pressures the Respondent and the Court failed to establish that there was any lack of trustworthiness in the document. Failing this test the document is properly admitted under Pa.R.E. 803 (6), and admitted as evidence as a matter of Rule and Fact and a record of regularly conducted business activity.

It should be noted that the Complainant argued that the Respondent was required to provide a utility report before or after the filing of an Informal or Formal complaint. 52 Code §§56.151 and 56.152. Respondent admitted it did not issue a utility report and denied it was required to provide the report once the informal complaint was filed. Complainant finds this inaccurate and that the customer can ask for a utility report at any time during the process either formal or informal with the Pennsylvania Public Utility Commission. The Respondent reiterated that the replevin matter is pending in Pennsylvania Superior Court Docket Number 2013 – 003745 and that the matter is properly not before the Commission.

The Complainant disagrees. The utility report specifically states that if the customer follows all the rules and regulations of the Public Utility Commission that the utility cannot discontinue their service as long as that is the case. This makes replevin a moot subject. However by ignoring the to file that paperwork the utility harassed the customer

for over six months when the utility report would've immediately told a Judge in the Court of Common Pleas that the service could not be disconnected and the replevin would have had to be dismissed. This is a violation of the customers rights properly before the Pennsylvania Public Utility Commission.

Accordingly during this period of litigation with the Public Utility Commission, the Utility continually used the battle being fought by the Complainant concerning the rights of the discontinuance of service in the Court of Common Pleas as a disservice to the Pennsylvania Public Utility Commission and portrayed the customer as a troublemaker and an individual using the legal process incorrectly and used that influence to deny the customer rightfully deserved continuances when necessary. In any case it was the utility who did not make the statement or show the Court that the utility could not disconnect the service was the one who was using the legal process incorrectly bypassing the Public Utility Commission rules and putting a customer through a long and expensive legal process which would've all been avoided by the utility who were not following the rules for their own benefit.

Many requests, including some in writing were made for a utility report. PECO Energy has not responded to any requests from the Complainant concerning that utility report in direct violation of Public Utility Commission rules. It is my understanding the violations of Public Utility Commission rules are brought before the Public Utility Commission and that appropriate fines and sanctions are brought against the utilities for their violations. Whatever happened to that???

Wherefore the Complainant respectfully requests that the Motion for Reconsideration

include an apparent error which made evidence inadmissible and additionally the fact that there were violations of the public utility under the Pennsylvania Public Utility Commission code which is outside the Civil Courts of the State of Pennsylvania court system and find for the Complainant in this Motion.

MEMORANDUM

Every jurisdiction has enacted a hearsay exception permitting the admissibility of the records of the business concern and related enterprises. The principal characteristic of the business is its engagement and regular systematic activity. The overwhelming majority of jurisdictions provide for the business entity exception by either statute or rule of court. It is the recognition that the business entity relies heavily upon regularly kept records and keep them thorough and accurate. Pa. RE 803 (6).

Independent business purposes are not self-serving or created for litigation. As stated by the Pa. Supreme Court in *Williams v. McLean*, 5:13 Pa. 300, 520 A2d 1374 (1987), “ the basic justification for the business exception records exception to the hearsay rule is that the purpose of keeping business records builds in a reliability which obviates the need for cross examination.” Because important business decisions routinely depend upon the accuracy of regularly Records they are absolutely admissible.

Wherefore, the Complainant in this matter requests this Honorable Court to admit attachment B that was removed from evidence as a business record as it should be because it was sent in the normal course of business to the Complainant by the Respondent and part of the business records of the Complainant and Respondent.

Under § 56.151 “PUBLIC UTILITY COMPANY DISPUTE PROCEDURES” upon initiation of the dispute covered by the section, the public utility shall (5) within 30 days of the initiation of the dispute, issue its report to the complaining party. The public utility shall inform the complaining party that the report is available upon request. (i) if the complainant is not satisfied with dispute resolution the utility company report must be in writing and conform to § 56.152. Further, in these instances, the written report shall be sent to the complainant party if requested.

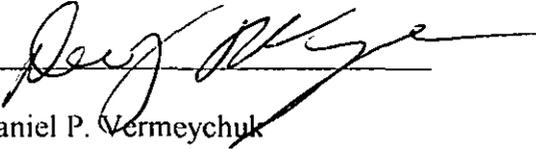
Under § 56.152, *contents of public utility company report*, a utility company report must include the following, (3) a statement that service will not be terminated pending completion of the dispute process, including both informal and formal complaints, so long as there is compliance with all requirements of the commission. This statement shows that the public utility report is also within informal and formal litigation within the public utility commission.

The deliberate withholding of utility company report which does not contain the above requirements of the public utility commission is a violation of public utility commission rules and regulations. Further that these statements would have also canceled the replevin action in the Delaware County Court of Common Pleas because service cannot be Terminated and the account holder was complying with PUC procedures. No replevin could take place because it would turn the account off and the company utility report would have superseded all of litigation over the last six months that was in Delaware County Courts that the Company blamed the Complainant for.

This public utility refused continually to provide reports and even to this date. The

Complainant respectfully requests that a report be provided according to the public utility commission rules and that this public utility be dealt with accordingly for the violation of the public utility commission statutes and rules for the harm it imposed upon Complainant.

Respectfully Submitted,


Daniel P. Vermeychuk

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL VERMEYCHUK
Complainant

:

v.

:

DOCKET NO: C-2013-2388323

PECO ENERGY COMPANY
Respondent

:

:

VERIFICATION

I, Daniel Vermeychuk hereby declare that the facts set forth in the foregoing Motion for Reconsideration of the Complainant are true and correct to the best of my knowledge, information, and belief; and that I make this verification is subject to the penalties of 18 PA. C. S. § 4904 pertaining to false statements to authorities.

Dated:

6/26/14


Daniel Vermeychuk

RECEIVED
2014 JUN 30 AM 11:06
PA. P.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL VERMEYCHUK
Complainant

:

DOCKET NO: C-2013-2388323

v.

:

PECO ENERGY COMPANY
Respondent

:

:

CERTIFICATION OF SERVICE

I, Daniel Vermeychuk, hereby certifies that a true and correct copy of the foregoing Motion for Reconsideration was sent to the following by US First-Class Mail on the date set forth below.

Ms. Khadijah Scott Esquire
2301 Market Street S-23-1
Philadelphia, Pa. 19103

Ms. Rosemary Chiaetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, Pa. 17120

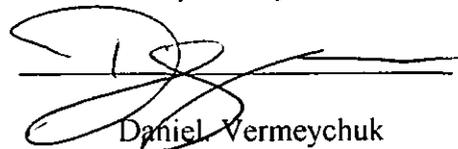
Administrative Law Judge Cynthia Williams Fordham
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, Pa. 19107

RECEIVED
2014 JUN 30 AM 11:06
PA P.U.C.
SECRETARY'S BUREAU

Date:

6/26/14

Respectfully Submitted,


Daniel Vermeychuk



U.S. POSTAGE
PAID
SPRINGFIELD, PA
19084
JUN 27, 14
AMOUNT

1000

17120

\$1.82
00041441-15

Daniel Vermeychuk
P.O. Box 305
Wallingford, Pa. 19086

Ms. Rosemary Chiaetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, Pa. 17120

SECRETARY'S BUREAU

23 JUN 30 AM 11:02

RECEIVED