

RECEIVED

2015 APR 13 AM 11:05

PA PUC
SECRETARY'S BUREAU

RE: C 2013 - 2379058

Miro & Colleen Kamenik
3901 Charter Club Drive
Dorchester Pa 18902

Exceptions to Initial Decision
by Admin Law Judge Cynthia Williams
Fordham

Hello,

I don't even know where to
begin.

I initially called in & was
set up on a payment plan. I don't
recall the terms.

What I'm looking for is to be
able to pay my ^{current} monthly charges
& pay something toward my outstanding
balance that I can afford.

I was laid off from work
in December 2011. I have worked
part time & seasonal jobs since.

I couldn't make the hearing
scheduled, I did call & submit
a written letter explaining why.
My daughter was having some issues
going from middle school to high school.

and that week was spent going to get medical treatments.

I would like another opportunity to state my case, set up a reasonable payment plan & request to have current payment applied to my bill instead of having it reduce my outstanding bill & accrue late fees.

I will never reduce my bill

When I looked at my transcripts I realized the following:

Outstanding Balance \$ 20,000.00

Current charges - \$ 400.00

Payment - \$ 400.00

Applied to outstanding balance - \$ 400.00

Late fee - \$ 400.00

Net after all transactions:

\$ 20,000.00 outstanding

Please give me an opportunity to just make reasonable monthly payments.

We are juggling everything on one salary to stay afloat.

Thank you



continuance he mentioned attending a hearing in the future. He did not request a hearing in the documents that he sent after the hearing date.

A review of the record reveals that the parties did not file a certificate of satisfaction or request that the hearing be rescheduled.

The Respondent's attorney moved to dismiss the complaint with prejudice for failure to prosecute. (Tr.4,5)¹ The Complainant failed to sustain his burden of proof. The Complainant failed to present evidence to support his allegations. Therefore, the Respondent's motion to dismiss the formal complaint is granted.

Accordingly, the complaint in this matter will be dismissed in its entirety with prejudice. *Volgstadt v. UGI Penn Natural Gas, Inc.*, Docket No. F-02266429 (Order entered September 12, 2008) and *Martin Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995).

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter in this proceeding. 66 Pa.C.S. § 701.
2. The Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).
3. The Complainant, by failing to be represented at the scheduled hearing, waived the opportunity to participate in the hearing. 66 Pa.C.S. § 332(f).

¹ Respondent's attorney objected to a continuance in this matter.

RECEIVED
2015 APR 13 AM 11:05
PA.P.U.C.
SECRETARY'S BUREAU

4. Notice mailed to a party's last known address and not returned by the post office is presumed to have been received. *Berkowitz v. Mayflower Securities*, 455 Pa. 531, 317 A.2d 584 (1974); *Chartiers Industrial and Commercial Development Authority v. Allegheny County Board of Property Assessment Appeals and Review*, 645 A.2d 944 (Pa. Cmwlth. 1994).

5. Once notice of a hearing and the opportunity to be heard has been provided, it is the responsibility of the parties to appear and participate in the hearing. *Sentner v. Bell Telephone Co. of Pennsylvania*, Docket No. F-00161106 (Order entered October 25, 1993).

6. The Complainant failed to sustain his burden of proof.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the complaint filed by Miro Kamenik against PECO Energy Company at Docket No. C-2013-2379058 is dismissed with prejudice.

2. That the Respondent's Motion to Dismiss is granted.

3. That this case be marked closed.

Date: March 2, 2015

f

a

/s/

Cynthia Williams Fordham
Administrative Law Judge

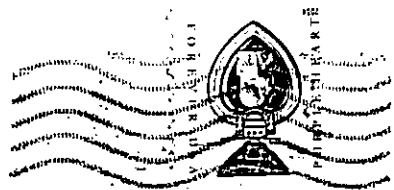
KAMENIK

3901 Charter Club Dr

DOYLESTOWN Pa 18002

PHILADELPHIA PA 190

10 APR 2005 PM 3 1



SECRETARY
Pa Public Utility Comm.

POB 3265

Harrisburg Pa 17105-3265

17105926565

