

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street
Harrisburg, PA 17120

Mindy Jaye Zied and Binnie A. Zied, *complainants*) F-2015-2500342
)
 v.)
)
 PECO Energy Company, An Exelon Corp., *respondents*) (62) Pages

COMPLAINANTS -

- (1) **Petition for interlocutory Commission review (pursuant to 52 PA Code § 5.302) and answer to a material question w/ 15 page Supporting Brief attached;**

- (2) **Stay of Proceedings pending Interlocutory Review**

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DEC 22 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mindy Jaye Zied, petitioner
Binnie A. Zied, petitioner
1948 Kentwood Street
Philadelphia, PA 19116
(717)856-9607
mindyjziedcampbell@icloud.com

Date: December 22, 2015

QUESTION PRESENTED FOR INTERLOCUTORY REVIEW

Whether in the Commonwealth of Pennsylvania in order to be in compliance with the American with Disabilities Act of 1990, et. seq., (as amended) - 42 U.S.C. § 12132, an in-person hearing can be waived by a self-represented individual and/or individuals who are impaired by permanent non-physical disability(s), to include but are not limited to communication difficulties, and/or by a 97 year old individual/ who suffers from health problems, allowing the merits of a complaint to be heard based solely on the paperwork submitted, as an alternative form of communication/accommodation request to either the disability(s) in question and/ or the age and/or physical health of that elderly self-represented complainant(s).

INTRODUCTION

1. This is a complaint that both Mindy Jaye Zied and Binnie Zied¹ allege that they have been forced to file based upon the wrongful conduct of their electric provider, P.E.C.O.

2. Mindy Jaye Zied is an individual who is not only self-represented, but is also considered as a person who is in a protected class based upon her permanent psychological disability(s), which include but are not limited to bipolar disorder, paranoid disorder. and communication impairments.

3. Ms. Zied-Campbell was declared Mentally Disabled by the Court of Common Pleas in 1974 pursuant to the Mental Health Care Act of 1966. (see here at **Attachment #6**)

4. On September 15, 2015, Complainants moved for an Immediate Decision in their favor².
4. (a) On September 30, 2015, after Mindy & Binnie Zied filed their "Formal Complaint", the ALJ

asserted this in a Pre-Hearing Order, although a later and confusing attempt to correct this paragraph had been made by the ALJ:

5.

13. The Complainants Mindy Jaye Zied and Binnie A. Zied have provided attachments to the formal complaint. The Complainants are cautioned that exhibits for the Initial Hearing must be produced at the hearing. The attachments to the formal complaint at not in the record and must be produced at the hearing.

6. Also, this instruction was also asserted in the September 30, 2015 Pre-Hearing Order:

3. **YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN
THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

¹ Binnie Zied is also a cancer survivor.

² Pertaining to the Complainants disability, this was asserted in the September 15, 2015 submission:

"and as PECO readily admits, they were put on notice of Ms. Zied's non-physical disability, knowing that each step of the way they were adding additional stress in both her life (with the (3)10 day shut off notices), and her elderly mother's life."

Z. On October 7, 2015, Complainants, Mindy Jaye Zied, and Binnie Zied submitted a "Brief in lieu of a Hearing" to the ALJ and the PECO Attorney, totaling 269 pages which included 35 Exhibits to support the October 7, 2015 submission. The disability and age accommodation request(s) made by the Complainants were either never directly addressed in the context that they were written³, or denied outright by the Administrative Law Judge. (**Attachment #10** - ALJ

³ Page 3 of the October 7, 2015 document:

"...A woman of 97 years of age, (especially one who has a written medical certificate which shows that her health would be in jeopardy - see page 104 from Binnie Zied's physician, attached to the "Formal Complaint")..."

Page 4 of the October 7, 2015 document:

Fact #9 - Mindy Zied is permanently disabled with a non-physical disability. The Honorable John W. Herron of the First Judicial District of Pennsylvania Court of Common Pleas, Philadelphia County on November 5, 2014 signed an ORDER which promulgates the "American with Disabilities Act (Title II Policy), which incorporates accommodation requests, as well as ADA coordinators for persons with disabilities. (see here at **Exhibit #8**) Mindy J. Zied, based solely on her disability normally does not attend hearings in person. Because of her disability, and communication problems, she also does not partake in telephone hearings. (see the partial decision in the Commonwealth Court of Pennsylvania (No. 2547 C.D. 2009 , filed on August 25, 2010 - M.J.Z.-C. v. Department of Public Welfare), authored by the Honorable Robert Simpson. (**Exhibit #9**), which in part stated:

"...In her Notice of Appeal, Petitioner asked BHA for the following accommodation:

"The hearing will be in 'writing' based upon the briefs submitted by [Petitioner] due to her disability of 'Bipolar Disorder,' 'Paranoid Disorder,' 'Hypergraphia,' and 'Sleep Apnea.'....

..BHA assigned the matter to an ALJ, who scheduled a telephonic hearing and provided Petitioner with notice of the hearing. In response, Petitioner sent the ALJ a letter, reiterating her request to not participate in the hearing:

Due to both my husband and my mental impairments ...it is not easy for me to communicate over the telephone. I get overwhelmed and forget the points I am trying to make. The most effective way for me to present these issues is for [me] to do so in writing....Before the hearing, Petitioner submitted her ALJ Brief, which included 21 exhibits spanning approximately 118 pages...

At the outset of the hearing, the ALJ stated his intention to telephone Petitioner to participate. However, he acknowledged her accommodation request and granted it. He "agree[ed] to accept her brief and enter [it] into the record and decide the case accordingly."...

"

Order dated November 17, 2015)

8. The Complainants also moved for Summary Judgment for a second time, without PECO submitting any timely opposition, and in addition, did not supply any affidavits in contradiction to any allegations asserted by Mindy or Binnie Zied.

9. In support of the Complainants requesting reasonable accommodations, on October 7, 2015, the following documents were submitted to the ALJ in support of that request, which are also provided here in support of this Petition:

- Attachment #1** - DPW decision November 30, 2015 remanding case on "merits";
- Attachment #2** - Affidavit by Binnie Zied dated August 23, 2015 requesting Mindy J. Zied in assisting her (Exhibit #B - 10/7/2015 submission);
- Attachment #3** - EXHIBIT #FF IN OCTOBER 7, 2015 SUBMISSION TO ALJ - Letter from Binnie Zied's physician, dated: August 21, 2015;
- Attachment #4** - OCTOBER 7, 2015 SUBMISSION TO ALJ - Exhibit #8 - November 5, 2014 - First Judicial Dist. of PA- Title II of the ADA;
- Attachment #5** - October 7, 2015 submission - Exhibit #10 - June 2, 1999 Letter from Mindy J. Zied's Psychiatrist describing disability - Psychiatrist's credentials
- Attachment #6** - Philadelphia Court of Common Pleas - 1974 - Mindy J. Zied - Mentally Disabled in accordance with the 1966 Mental Health Care Act;
- Attachment #7** - October 7, 2015 - submission to ALJ - Exhibit #9 - Commonwealth Court of Pennsylvania - (No. 2547 C.D. 2009 , filed on August 25, 2010 - M.J.Z.-C. v. Department of Public Welfare - speaking of accommodation request(s);
- Attachment #8** - October 7, 2015 - submission to ALJ - Exhibit #11 - November 28, 2014 SSA ALJ decision - Mindy J. Zied;
- Attachment #9** - October 7, 2015 submission to ALJ - Exhibit #1 - Discrimination Complaint -2/28/2015 against PECO to PECO;
- Attachment #10** - ALJ Order dated November 17, 2015;
- Attachment #11** - PUC letter(8/14/2015)allowing until September 4, 2015 to submit Formal Complaint (Exhibit #A of the 8/24/2015 submission by Complainants)

Attachment #12 - PECO letter generated 8/17/2015 - stating electric will be cut off on August 31, 2015, despite the PUC date of 9/4/2015. PECO 10 DAY SHUT OFF NOTICE - 8/17/15 FOR 8/31/2015 - (EXHIBIT BB - 8/24/2015 Complainants' submission, pg. 95)

Attachment #13- PECO Attorney forcing the Complainants to file PUC Formal Complaint - email sent on August 21, 2015 - (Exhibit #EE pg. 219 of the Complainants October 7, 2015 submission)

RULE IN SUPPORT OF PETITION

10. **52 PA Code § 5.302**

Petition for interlocutory Commission review and answer to a material question.

(a) During the course of a proceeding, a party may file a timely petition directed to the Commission requesting review and answer to a material question which has arisen or is likely to arise. The petition must be in writing with copies served on all parties and the presiding officer and state, in not more than three pages⁴, the question to be answered and the compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding.

(b) Within 10 days of service of the petition, each party may submit a brief directed to the Commission supporting or opposing the petition and addressing the merits of the question for which an answer is requested and whether a stay of proceedings is required to protect the substantial rights of a party. The brief may not exceed 15 pages.

(c) The petitioning party shall also provide with the brief rulings on its question and extracts from the record as will assist the Commission in reaching a decision.

(d) Additional briefs are not permitted unless directed by the Commission.

11. **Authority**

The provisions of this § 5.302 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504 "506, 1301 and 1501.

12. **Source**

⁴ Complainants don't understand the three page rule, so they have complied with Section (b) where this submission does not exceed 15 pages.

The provisions of this § 5.302 adopted October 12, 1984, effective January 1, 1985, 14 Pa.B. 3819; amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 414; amended April 28, 2006, effective April 29, 2006, 36 Pa.B. 2097. Immediately preceding text appears at serial pages (225675) to (225676)

COMMONWEALTH LAW IN SUPPORT OF PETITION

13. **Rules of Judicial administrative Code - Pa Code title 201**

14. **The Pennsylvania Code**

The Pennsylvania Code is an official publication of the Commonwealth of Pennsylvania. It contains regulations and other documents filed with the Legislative Reference Bureau under the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1102, 1201 — 1208 and 1602) and 45 Pa.C.S. Chapters 5, 7 and 9, known as the Commonwealth Documents Law (CDL). It consists of 55 titles

15. **Consolidated Statutes**

The Laws of Pennsylvania contain laws enacted as amendments to the Pennsylvania Consolidated Statutes, the official statutory codification established by the General Assembly under the act of November 25, 1970 (P.L.707, No.230). These laws have been incorporated into a separate official publication since 1975

16. **Pennsylvania Constitution**

"The Constitution devotes the domain tounion, to justice, to defense, to welfare, and to liberty."
- William Henry Seward, speech, March 1850

The Pennsylvania Constitution (HTML, PDF, and Microsoft Word) is the foundation of our state government - the well from which liberty and justice spring forth. Our first Constitution was adopted in 1776 and was a framework for the U.S. Constitution, which did not take effect until 1789.

17. The articles and amendments of the Pennsylvania Constitution compose the fundamental law of the Commonwealth. It ensures basic rights to our citizens, outlines the structure of our government, and provides the rules by which our representatives are elected and how they conduct the business of the state.

18. **DECLARATION OF RIGHTS**

19. **13. WHAT ARE THE RIGHTS SET FORTH IN THE DECLARATION OF RIGHTS OF THE PENNSYLVANIA CONSTITUTION?**

The Declaration of Rights of the Pennsylvania Constitution predates and was a model for the Bill of Rights of the United States Constitution. It is primarily a list of "don'ts" for the General Assembly in that it prohibits the enactment of laws that would infringe on certain rights. Those rights and prohibitions are set forth in the 28 sections of the declaration, as follows:

20. **Section 1 . Inherent Rights of Mankind**

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness

21. **Section 26. No Discrimination by Commonwealth or Political Subdivisions.**

Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

22. **Chapter 2 -Pennsylvania Code -**

Reasonable Accommodation requests under Title II of the American with Disabilities Act

23. **Rule 250. Policy.**

It is the policy of the Unified Judicial System to prohibit discrimination against any individual with a disability, as defined by the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131 et seq., in accessing or participating in judicial proceedings or other services, programs, or activities of the Unified Judicial System.

Source

24.The provisions of this Rule 250 adopted March 3, 2014, effective immediately, 44 Pa.B. 1419.

25. **Rule 251. Scope.**

These rules shall apply to each UJS entity which includes, but is not limited to, all appellate courts, judicial districts, boards, committees and agencies under the administrative authority of the Supreme Court....

26. **Rule 252. Reasonable accommodations.**

A. Each UJS entity shall develop a written policy to receive and process requests for reasonable accommodations from individuals with disabilities. The policy shall be posted on each UJS entity's respective website and in each facility.

B. All policies developed must be substantially similar to the policy appended to this Rule (Appendix A) and shall contain, at a minimum, the following elements:

1. Appointment of an ADA coordinator—the coordinator must be identified on all court or program materials and the following information shall be provided: the coordinator's name, work address, work fax number or e-mail address and work telephone number.
2. Notice of the right to request free accommodation(s).
3. Explanation of the process for requesting accommodation(s).
4. Time line for request and response.

C. Each UJS entity **shall** develop a form substantially similar to the one appended to this rule (Appendix A) for processing requests for reasonable accommodations.

D. Each UJS entity **shall** adopt and publish a grievance procedure, substantially similar to the procedure appended to this rule (Appendix B), **for requests that have been denied in whole or in part. Any denial of an accommodation request based upon undue burden or fundamental alteration to services and programs shall be put in writing by the head of the entity or his or her designee and shall provide specific reasons for the denial.**

27. Source

The provisions of this Appendix A adopted March 3, 2014, effective immediately, 44 Pa.B. 1419.

28. **The Unified Judicial System of Pennsylvania (UJS) complies with Title II of the Americans with Disabilities Act (ADA) which provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity”. 42 U.S.C.A. § 12132. Pursuant to that requirement, if you are an individual with a disability who needs an accommodation in order to participate in any judicial proceeding or any other service, program, or activity of the UJS, you are entitled, at no cost to you, to the provision of certain assistance. The ADA does not require the (UJS entity name here) to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.**

29. **If you require an accommodation under the ADA, it is recommended that you make your request as soon as possible or at least three (3) business days before your scheduled participation in any court proceeding or UJS program or activity. All requests for accommodation, regardless of timeliness, will be given due consideration and if necessary, may require an interactive process between the requestor and the (name of UJS entity) to determine the best course of action**

**U.S. Department of Justice
Civil Rights Division
Disability Rights Section**

30. Effective Communication

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards)

31. Duplication of this document is encouraged. January 2014

32. Effective Communication Provisions

Covered entities **must** provide aids and services when needed to communicate effectively with people who have communication disabilities.

The key to deciding what aid or service is needed to communicate effectively is to consider the nature, length, complexity, and context of the communication as well as the person's normal method(s) of communication...

33. Companions

In many situations, covered entities communicate with someone other than the person who is receiving their goods or services. For example, school staff usually talk to a parent about a child's progress; hospital staff often talk to a patient's spouse, other relative, or friend about the patient's condition or prognosis. The rules refer to such people as "companions" and require covered entities to provide effective communication for companions who have communication disabilities.

The term "companion" includes **any family member**, friend, or associate of a person seeking or receiving an entity's goods or services who is an appropriate person with whom the entity should communicate.

34. Overview

People who have vision, hearing, or speech disabilities ("communication disabilities") use different ways to communicate. For example, people who are blind may give and receive information audibly rather than in writing and people who are deaf may give and receive information through writing or sign language rather than through speech.

The ADA requires that title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities

35. **Who Decides Which Aid or Service Is Needed?**

When choosing an aid or service, title II entities are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability. **The state or local government must honor the person's choice**, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden (see limitations below) . If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative aid or service that provides effective communication if one is available.

Title III entities are encouraged to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person's method of communicating.

ARGUMENT

36. In the ALJ November 17, 2015 ORDER, pertaining to the Complainants Accommodation request(s), the following is asserted on page #4:

“Complainant’s requested that reasonable accommodation be made and that anything further be put in writing, but the basis of the accommodations is unclear. It is assumed that Complainants requested the accommodations based on alleged non-physical disability of Mindy Zied and alleged narcissism (the Complaint referred to this allegation as “Narcism,” Motion III at 3, fact #8) of Binnie Zied which may jeopardize her health.

Complainant’s also requested that appeal rights be sent if the accommodation request is denied...”

37. *(Page 6 of the 11/17/2015 Order):*

“It is noted that the Complainants contend that Binnie A. Zied would not be able to attend a Hearing due to her medical condition and intimates that her 97 years is also a factor that prohibits her physical attendance. Complainant states that the City of Philadelphia does not require persons over the age of 70 years of age to participate as jurors, but allows such person to choose not to participate...”

38. ...The Complainant, Binnie A. Zied, is listed as a Complainant in this proceeding. She came to this agency to have her dispute heard. If she was not a Complainant, then her attendance would only be required as perhaps a witness at the discretion of the remaining complainant, Mindy Jaye Zied. The documents presented thus far do not excuse Binnie A. Zied's attendance as she is responsible for the allegations made in the Complaint...
39. ...Complainants sought out this agency...An in-person hearing is far superior to a telephonic hearing⁵ in making an accurate assessment of credibility because verbal conduct and non-verbal actions or non-verbal omissions are assessed...
40. In fact #9 of Motion II of the Complainant, Mindy Jaye Zied, provides her disability as rationale not to attend in-person hearings and past experience before another agency that determined her mental health condition as prohibitive to participate in a hearing by telephone. See Motion II at 4. Similar to what was stated concerning Binnie A. Zied, Mindy Jaye Zied signed the Complaint and is responsible for the allegations it contains and sustaining the burden to prove the allegations.

(Page 8 of the 11/17/2015 Order)

41. 3. That the case captioned Mindy Jaye Zied and Binnie A. Zied v. PECO Energy Company, Docket No. F-2015-2500342, remains set for hearing.

The December 1, 2015 Scheduled Hearing

42. Shortly after this decision, it was discovered that in lieu of the arguments and request for Summary Judgment made by the Complainants, that Mindy Zied had previously scheduled an appointment for her Neurologist on December 1, 2015, which pre-empted the initial cancellation of the December 1, 2015 hearing date, which has recently been rescheduled for January 28, 2015.

43. PECO provided no contradictory evidence or affidavits in their accepted response to the Complainants Motion(s)

44. Although PECO's response to the Complainant's Motion for Summary Judgment, made on more than one occasion was untimely, there was nothing attached to that particular response in the form of affidavits, or contradictory evidence which supported PECO's unfounded

⁵ There is nothing in the record where either Complainant requests and/or agreed to a telephonic hearing, in lieu of an in person hearing.

opposition(s)⁶. The Complainant's untrained in law, and the "process", may not have submitted a formal Notice to plead, but PECO cannot claim that they (as an attorney trained in law) were unaware of said requirement, plus since PECO's attorney answered in opposition to the Complainant's Summary Judgment Motion, (which was apparently ruled upon) they waived the ability to challenge the fact that there was no notice attached to the paperwork, something they should have done prior to their answer.

45. The paperwork submitted, especially the bills, the names of PECO employees, dates, times, etc. as well as the medical impairments and disability(s) of the Complainants were clearly depicted in each and every submission by the Complainants.

46. **PECO forced the Complainants to file this complaint, or they would shut off the electric as of August 31, 2015, despite the fact that the PUC gave until September 4, 2015 a time limit of submitting the Formal Complaint (here as Attachment #11)**

August 24, 2015 submission by Zied (*page 13*):

47. **THREE 10 Day Shut Off Notices**

Exhibit BB - May 21, 2015 - Notice
 July 16, 2015 - Notice
 August 17, 2015 - Notice (ironically sent on the same day that Zied's Opening Brief was submitted to the 3rd circuit court of Appeals in USCA 3rd Circuit Case #14-4556; and after the PUC allowed Ms Zied to submit her "formal complaint" by or before September 4, 2015 (see Exhibit #1) w/copy to PECO, shut off date of August 31, 2015.

48. **Attachment #12** here is the PECO shut off notice, dated August 17, 2015, generated (3) days after the PUC's notice (8/14/2015) allowing until September 4, 2015 to submit the Formal Complaint, which was submitted in the August 24, 2015 submission by the Complainants.

49. On August 21, 2015, PECO Attorney sent an email to Mindy Jaye Zied (see here at

⁶ §5.102 (b) ...The answer to a motion for summary judgment may be supplemented by depositions, answers to interrogatories or further affidavits and admissions.

Attachment #13), which is also contained in the October 7, 2015 submission, page 117 which stated in part:

“On August 17, 2015, PECO sent you a ten day termination notice. Please note, if the PUC does not docket and serve the formal complaint on PECO prior to the expiration of the ten day period, your service will be terminated.”

50. PECO's Attorney was referring to the August 31, 2015 shut off date.
51. In Complainant's October 7, 2015 submission, the following is asserted on Page 2 of that submission, pertaining to the threats made by PECO.
52. **Fact #1** - PECO, by and through their Customer Service representative, Bill Adams, and by and through their Attorney, Shawane Lee, informed Ms. Zied that if she did not file a "Formal Complaint" with the PUC, that her electric would be shut off, despite the fact that they had clear knowledge that the amount of money transferred from Binnie Zied's account (which is an amount of money which had been in dispute from March 23, 2014 through the time of February 25, 2015 and to this day), where PECO emphatically knew that this amount of money which had been negotiated in a "settlement" had been placed back on Binnie Zied's bill, after PECO unlawfully and without notice removed the "meter" from 1948 Kentwood Street, Philadelphia, PA 19116 for a two and a half month period of time from March 23, 2014 until June 13, 2014, charging Binnie Zied, an unfounded and inexact amount of money, approximately \$460.00 for each month between those dates back onto the bill after it was settled, accruing (4) bills between July 31, 2014 and on or around August 4, 2014"

CONCLUSION

53. It is believed that the law, rules and regulations of the Commonwealth of Pennsylvania, and the Department of Justice Civil Rights Division not only provide guidance, but set forth the mandatory requirements to provide reasonable accommodation requests for the disabled, as should the same be applied for the elderly, especially individuals who are of the majority age of 97.
54. Not only was there no direction and/or instruction by the Administrative Law Judge as to any further ability for Mindy Zied to obtain the accommodation she was requesting based upon her communicative disability(s), but there were no grievance procedures or appeal procedures

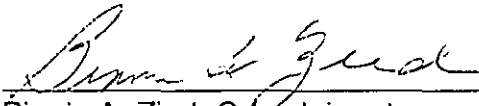
attached which according to the aforementioned criteria is required, but there was no alternative accommodation provision suggested or provided that would allow her and Binnie Zied to participate in this particular service that the State provides while meeting the needs of their disability(s)/Impairment(s), equal to other individual(s) would be able to partake who do not have needs for accommodation requests.

55.. The Public Utilities Commission should take this opportunity to address the Question Presented here on an Interlocutory basis, as it is aside from the actual "merits" of the issues, so that not only can the Complainants here not be precluded from participating in an activity, and/or service of the State, but it is of the utmost importance to the rest of the public who might have the same type of communicative disability(s), which would also preclude them from participating in a hearing which might affect their civil rights, as well.

56. An additional hearing date was set for January 28, 2015. Complainants also request that all proceedings be stayed pending a decision on this Interlocutory Petition for Review, to include the newest hearing date.

Respectfully Submitted,


Mindy Jaye Zied, Complainant


Binnie A. Zied, Complainant

Date: December 22, 2015

Certificate of Service and:
(13) Attachments

/

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ATTACHMENT #1

DPW decision November 30, 2015 remanding case on "merits"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES

APPEAL OF:

Mindy J Zied-Campbell
1948 Kentwood Street
Philadelphia PA 19116-3942

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SECRETARY'S BUREAU

CASE NO.: W15-08665 / 512955245-007

ORDER OF REMAND

AND NOW, the request for rehearing or reconsideration filed by the **APPELLANT** is **GRANTED** and the appeal is **REMANDED** to the Bureau of Hearings and Appeals.

The Bureau of Hearings and Appeals is directed to conduct a hearing on the merits of this matter.

The Secretary of Human Services also suggests that you contact one of the following for legal assistance with your appeal:

Philadelphia Legal Assistance
718 Arch Street, 5N
Philadelphia, PA 19106
215-981-3800

-OR-

Community Legal Services, Inc.
1410 W. Erie Avenue
Philadelphia, PA 19140
215-227-2400

NOV 30 2015

Secretary's Response and
Mailing Date



Theodore Dallas, Secretary
Department of Human Services

cc: Philadelphia CAO, Boulevard DO
Kelly Bray Snyder, Esq., ALJ
Dianne Wagner, Regional Manager

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ATTACHMENT #2

Exhibit #B submitted on October 7, 2015

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SECRETARY'S BUREAU

August 23, 2015

AFFIDAVIT OF BINNIE A. ZIED

My name is Binnie A. Zied. I have lived at 1948 Kentwood Street, Philadelphia, Pennsylvania 19116 since 1968. The house I live in is an all Electric House, and P.E.C.O. is the entity I have paid since that time for my electricity.

I am 96 years old, and live in the Upper part of the aforementioned residence.

Based upon my age, and the fact that I have two hearing aids, I am unable to handle certain financial affairs.

I give authority and permission to my daughter, Mindy Jaye Zied to act on my behalf pertaining to anything that has to do with my PECO Account - #53972 - 00307.

In addition, I was told by PECO employees over the telephone which was on speaker with my daughter present, that if I wanted the money that was in dispute returned to me, that I should not pay off my bill in full, when I transferred the account to my daughter. My daughter has not lived here since 1984. I never gave anyone including PECO permission to transfer the money owed on my account to my daughter or anyone else.

I declare under penalty of perjury that the aforementioned is true.



Binnie A. Zied, Complainant/Customer

Date: August 23, 2015

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ATTACHMENT #3

EXHIBIT #FF IN OCTOBER 7, 2015 SUBMISSION TO ALJ

August 21, 2015

To: PECO - Exelon Corporation
2301 Market Street/S23-1
Philadelphia, PA 19101-8699

Attn: Mr. William J. Donohue
Phone: (215) 841-4417
Fax: (215) 841-4474

From: Dr. Michael Segal
Temple Physicians
9331 Old Bustleton Ave.
Suite 100
Philadelphia, PA 19115
(215) 671-0653

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On Behalf of:

Binnie Zied
1948 Kentwood Street
Philadelphia, PA 19116
(215) 934-7909

RE: PECO Account #53972-14144 - Account Name: Mindy Zied

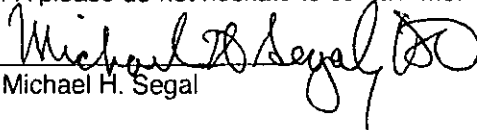
To Whom It May Concern:

I am the physician of Binnie Zied. It has recently been brought to my attention that PECO has sent a 10 day shut off notice to be processed on August 31, 2015.

My patient, Binnie Zied is 96 years old, and she resides in the upper level of the residence listed above. It is my professional opinion that due to temperatures rising from 95 - 100 degrees this summer, that if Ms. Binnie Zied's electric is shut off, it will pose imminent danger to her health.

It would be more advantageous if there are alternative measures in resolving the issues which might be pending before PECO, than to shut off the electric at this particular residence.

Should you need any further information which does not violate Ms. Zied's rights under HIPPA please do not hesitate to contact me.


Dr. Michael H. Segal

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FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
ADMINISTRATIVE GOVERNING BOARD
OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

PA PUBLIC UTILITY COMMISS
 SECRETARY'S BUREAU

No 02 of 2014

In re: Americans with Disabilities Act (Title II) Policy, Americans with
 Disabilities Act (Title II) Grievance Procedure, and Implementing Forms

ORDER

AND now, this 5th day of November, 2014, upon review, discussion and consideration of the attached policies providing for reasonable accommodations for the public under Title II of the Americans with Disabilities Act, IT IS HEREBY ORDERED and DECREED that the Administrative Governing Board of the First Judicial District of Pennsylvania adopts and promulgates the attached "Americans with Disabilities Act (Title II) Policy" and "Americans with Disabilities Act (Title II) Grievance Procedure" and implementing forms.

The original Order, Americans with Disability Act Policy, Grievance Procedure and Forms shall be filed with the Office of Judicial Records in a Docket maintained for orders issued by the Administrative Governing Board of the First Judicial District of Pennsylvania. The Order, Americans with Disability Act Policy, Grievance Procedure and Forms shall be submitted to the Pennsylvania Bulletin for publication and shall become effective thirty (30) days after publication in the Pennsylvania Bulletin. Copies shall also be submitted to the Administrative Office of Pennsylvania Courts, American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/>.

BY THE COURT:

/s/ John W. Herron

Honorable John W. Herron
 Chair, Administrative Governing Board
 First Judicial District of Pennsylvania
 Administrative Judge, Trial Division
 Court of Common Pleas, Philadelphia County

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
AMERICANS WITH DISABILITIES ACT (TITLE II) POLICY**

The First Judicial District of Pennsylvania (District) complies with Title II of the Americans with Disabilities Act (ADA) which provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C.A. §12132. Pursuant to that requirement, if you are an individual with a disability who needs an accommodation in order to participate in any judicial proceeding or any other service, program, or activity of the District, you are entitled, at no cost to you, to the provision of certain assistance. The ADA does not require the First Judicial District of Pennsylvania to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

If you require an accommodation under the ADA, it is recommended that you make your request as soon as possible or at least three (3) business days before your scheduled participation in any court proceeding or District program or activity. All requests for accommodation, regardless of timeliness, will be given due consideration and if necessary, may require an interactive process between the requestor and the First Judicial District of Pennsylvania to determine the best course of action.

To request a reasonable accommodation, please complete the *Request for Reasonable Accommodation Form* and return it to the ADA Coordinator(s) for your Court, Division or Department. A copy of the list is attached to this Policy. A current copy of the list will be available on the District's Intranet at: <http://fjdintranet.courts.phila.gov/Pages/Home.aspx> and on the FJD Website at <http://www.courts.phila.gov>. Please call 215-683-6950 if you cannot determine the name of your ADA Coordinator.

If you need assistance completing this form, contact the ADA Coordinator for your Court, Division or Department.

Complaints alleging violations of Title II under the ADA may be filed pursuant to the First Judicial District of Pennsylvania's **Grievance Procedure** with the below:

**Lead ADA Coordinator
First Judicial District of Pennsylvania
Office of Human Resources
668 City Hall
Philadelphia, PA 19107
(215)683-6950
HumanResources@courts.phila.gov**

A response will be sent to you after careful review of the facts.



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT (TITLE II)
REQUEST FOR REASONABLE ACCOMMODATION FORM
(INCLUDES REQUEST FOR INTERPRETER FOR HEARING/SPEECH IMPAIRED)

Client Information - Section A

Name: _____ Phone: _____
 Address: _____ Email: _____
 _____ Mobile: _____

Please check the box that most closely describes your status in this matter:
 Litigant Plaintiff Defendant Parent Child Witness Attorney Victim Juror
 Other (please explain) _____

Requestor Information (if different from above)

Name: _____ Bus. Phone/Mobile: _____
 Address: _____ Fax: _____
 Relationship to Client: _____ Email: _____
 TTY: _____

Accommodation

Nature of the disability for which an accommodation is requested: _____
 Accommodation requested: _____

Location of Proceeding Proceeding Information (if known)

<input type="checkbox"/> Municipal Court <input type="checkbox"/> Criminal <input type="checkbox"/> Civil <input type="checkbox"/> Traffic <input type="checkbox"/> Court Of Common Pleas <input type="checkbox"/> Trial Division-Criminal <input type="checkbox"/> Trial Division- Civil <input type="checkbox"/> Orphans' Court Division <input type="checkbox"/> Family Division <input type="checkbox"/> Adult <input type="checkbox"/> Juvenile Specify Address: _____	Case #: _____
	Case Name: _____
	Judge: _____
	Proceeding Date: _____ Proceeding Time: _____
	Proceeding Type: _____

AFTER COMPLETING THE FORM, PLEASE SEND TO THE ADA COORDINATOR FOR YOUR COURT, DIVISION OR DEPARTMENT. AN UPDATED LIST IS AVAILABLE ON THE FJD INTRANET AT [WHERE?] AND ON THE FJD WEBSITE AT [WHERE?]

I hereby certify that an Americans with Disabilities Act accommodation is required in the above-captioned action on the date stated.
 Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

Service Provider Information - Section B

A SERVICE REQUEST HAS BEEN MADE FOR THE CLIENT NAMED ABOVE.

Service Provider: _____ Fax: _____
 Company: _____
 Individual: _____
 Interpreter: _____
 Name: _____ Email: _____
 Bus. Phone: _____ Date to Provider: _____
 Mobile: _____

Court Official Verification - Section C

VERIFYING OFFICIAL SHALL MAINTAIN A COPY IN THE COURT'S CASE FILE AND PROVIDE THE ORIGINAL TO THE SERVICE PROVIDER FOR SUBMISSION WITH BILLING.

I hereby verify that the services were performed by the provider in the above-captioned action on the date and time stated.
 Start Date & Time: _____ End Date & Time: _____
 Court Official: _____ Signature: _____
(Please print name)



ADMINISTRATIVE OFFICE
of PENNSYLVANIA COURTS

AMERICANS WITH DISABILITIES ACT (TITLE II) POLICY

The Unified Judicial System of Pennsylvania (UJS) complies with Title II of the Americans with Disabilities Act (ADA) which provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity". 42 U.S.C.A. §12132. Pursuant to that requirement, if you are an individual with a disability who needs an accommodation in order to participate in any service, program, or activity of the Administrative Office of the Pennsylvania Courts, ("AOPC"), you are entitled, at no cost to you, to the provision of certain assistance. The ADA does not require the AOPC to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

If you require an accommodation under the ADA, it is recommended that you make your request as soon as possible or at least three (3) business days before your scheduled participation in any AOPC program or activity. All requests for accommodation, regardless of timeliness, will be given due consideration and if necessary, may require an interactive process between the requestor and the AOPC to determine the best course of action.

To request a reasonable accommodation, please complete AOPC's *Request for Reasonable Accommodation Form* and return it to:

Mary Vilter, Esq.
ADA Coordinator, AOPC
1515 Market Street, Suite 1414
Philadelphia, PA 19102
215.560.6657 (phone)
215-560-5485 (fax)
mary.vilter@pacourts.us

If you need assistance completing this form, contact the ADA Coordinator. Complaints alleging violations of Title II under the ADA may be filed pursuant to the UJS Grievance Procedure with Mary Vilter, ADA Coordinator. A response will be sent to you after careful review of the facts.

ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

AMERICANS WITH DISABILITIES ACT ACCOMMODATION (ADA) TITLE II REQUEST FOR REASONABLE ACCOMMODATION FORM
(INCLUDES REQUEST FOR INTERPRETER FOR HEARING/SPEECH IMPAIRED)

Requestor Information - Section A:

Name: _____ Phone: _____
 Address: _____ Email: _____
 _____ Mobile: _____

Please check the box that most closely describes your status in this matter:
 Attorney Program Participant
 Other (please explain) _____

Requestor Information (if different from above):

Name: _____ Bus. Phone/ Mobile: _____
 Address: _____ Fax: _____
 Relationship to Client: _____ Email: _____
 _____ TTY: _____

Accommodation:

Nature of the disability for which an accommodation is requested: _____

Accommodation requested: _____

Location of AOPC Program/Activity	AOPC Program/Activity Information (if known)
Name of Office: _____ Address: _____	AOPC Program/ Activity: _____ AOPC Contact: _____ Date of Event: _____ Time of Event: _____ Program/Activity Type: _____

AFTER COMPLETING THE FORM, PLEASE SEND TO: Mary Vilter, ADA Coordinator, AOPC, 1515 Market St, Suite 1414, Philadelphia, PA, 19102 mary.vilter@pscourts.us, 215.560.6300

I hereby certify that an Americans with Disabilities Act accommodation is required in the above-captioned action on the date stated.
 Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

Service Provider Information - Section B:
A SERVICE REQUEST HAS BEEN MADE FOR THE CLIENT NAMED ABOVE.

Service Provider Company: _____ Fax: _____
 Individual Interpreter Name: _____ Email: _____
 Bus. Phone/ Mobile: _____ Date to Provider: _____

Court Official Verification - Section C:
VERIFYING OFFICIALS SHALL MAINTAIN A COPY IN AOPC'S PROGRAM FILES AND PROVIDE THE ORIGINAL TO THE SERVICE PROVIDER FOR SUBMISSION WITH BILLING.

I hereby verify that the services were performed by the provider in the above-captioned action on the date and time stated.
 Start Date & Time: _____ End Date & Time: _____
 AOPC Official: _____ Signature: _____
(Please print name)
 Title: _____ Date: _____

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SECRETARY'S BUREAU

ATTACHMENT #5

October 7, 2015 submission

Exhibit #10 - June 2, 1999 Letter from Mindy J. Zied's Psychiatrist describing disability

313

991



County of San Diego

HERBERT K. ROSS, M.D.
DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY

1700 PACIFIC HIGHWAY, SAN DIEGO, CA 92101-2417
(619) 516-6558 FAX (619) 618-6558

AREA AGENCY ON AGING
COMMISSION ON CHILDREN, YOUTH
AND FAMILIES
DEPARTMENT OF HEALTH SERVICES
DEPARTMENT OF SOCIAL SERVICES
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN
VETERAN SERVICE OFFICE

June 2, 1999

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To: Social Security Administration
1305 Union Court
Oceanside, Ca 92054-5659

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Mindy Jaye Zied-Campbell
SSN # ~~XXXXXXXXXX~~

To Whom It May Concern:

Concerning my patient, Mindy Jaye Zied-Campbell, it is in my professional opinion that everyday since January 1, 1996 Ms. Zied-Campbell would have been unable to file for her Social Security disability hearing because of the symptoms derived from her mental health condition.

Ms. Zied-Campbell has two disorders, one which is Schizoaffective Disorder, Bipolar Type, and the other Paranoid Disorder. With relation to the Bipolar Disorder, Ms. Zied-Campbell experiences severe mood swings ranging from mania to severe depressive episodes. Often times people who are clinically depressed experience anhedonia, loss of interest/motivation, sleep impairment, decrease energy, increase fatigue, inability to focus/concentrate and are unable to initiate and/or complete simple tasks.

With respect to her second diagnosis, Paranoid Disorder, she frequently remains at home for fear that others are watching her or following her thus making it more difficult for her to leave her home to complete daily chores.

Ms. Zied-Campbell is presently taking anti-anxiety medication and we are experimenting with finding the appropriate anti-depressant medication.

Should you have any further questions please feel free to contact me at the telephone numbers listed below.

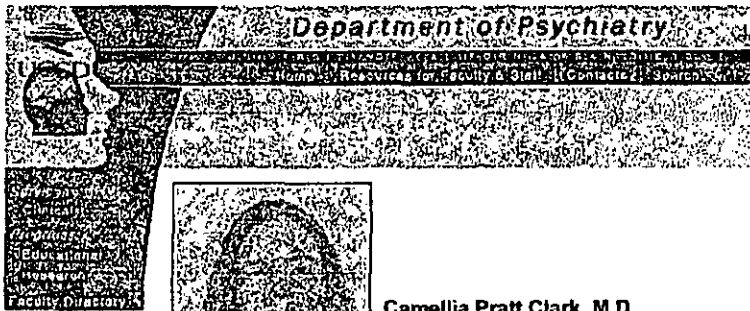
Sincerely Yours,

Camellia P. Clark M.D.
Camellia P. Clark, M.D.
Staff Psychiatrist
1701 Mission Avenue, Ste. A
Oceanside, CA 92054
(760) 967-4473

3

EXHIBIT 912 P1

"Focusing on Families As Our Customers."



Camellia Pratt Clark, M.D.
 Associate Clinical Professor
 9500 Gilman Drive
 La Jolla, CA 92093
PHONE #: (858)552-8585 ext. 2580
FAX #: (858)458-4201

E-MAIL: cclark@vapop.ucsd.edu

Biography

Dr. Clark's bioengineering background, fascination with the nervous system, & diagnosis of narcolepsy as a first-year neurosurgery resident led her toward psychiatry, with strong sleep & brain imaging research interests.

Research Focus

Her major interests have been in imaging (SPECT, structural and functional MRI) and sleep research. She is currently using locally developed perfusion MRI to examine the antidepressant effects of one night of partial sleep deprivation. (Her previous study used SPECT.)

Most of her sleep research has focused on major depression, at times including co-morbid alcoholism and anxiety. She helped develop projects involving the effects of acute tryptophan depletion effects on mood and sleep and the effects of transdermal nicotine on mood, sleep and smoking in depressed smokers. I have also collaborated on immune function studies of depression and primary insomnia.

Clinical Focus

Her main clinical interests include affective disorders (especially major depression), sleep disorders, and the interface between neurology and psychiatry.

During Dr. Clark's time as medical director of a day program for the severely mentally ill, she has also developed an interest in treatment of refractory psychotic disorders.

Selected Publications


- Clark CP, Frank L, Brown G (2001) ASleep Deprivation, EEG, and Functional MRI in Depression: Preliminary Results@ *Neuropsychopharmacology* 25:S79-S84
- Clark CP, Dupont RM, Goishan S, Gillin JC (2000) APreliminary Evidence of an Association Between Increased REM Density and Poor Antidepressant Response to Partial Sleep Deprivation@ *Journal of Affective Disorders* 59:77-83
- Clark CP, Gillin JC, Demodena A, Smith TL, Irwin M, Schuckit M (1999) APolysomnography and Depressive Symptoms in Primary Alcoholics with and without a Lifetime

<http://psychiatry.ucsd.edu/faculty/cclark.html>

Diagnosis of Secondary Depression and in Patients with Primary Major Depression@ Journal of Affective Disorders 52:177-185

- Clark CP, Dupont RM, Lehr P, Yeung D, Halpern S, Golshan S, Gillin JC (1998) Als There a Relationship Between Delta Sleep at Night and Afternoon Cerebral Blood Flow, Assessed by Waking HMPAO-SPECT in Depressed Patients and Normal Control Subjects?: Preliminary Data@ Psychiatric Research: Neuroimaging 84:89-99 (Received Sleep Research Society Young Investigator Award 1999 based on this paper)
- Clark CP, Alexopoulos GS, Kaplan J (1995) "Prolactin Release and Clinical Response to Electroconvulsive Therapy in Depressed Geriatric Inpatients: A Preliminary Report" Convulsive Therapy 11:24-31

[Home](#) | [Administration](#) | [Resources](#) | [Search](#) |
[Clinical Services](#) | [Educational Programs](#) | [Research Programs](#) | [Faculty Directory](#) |
 University of California, San Diego, Department of Psychiatry, 3520 Cliven Drive, Mail Code 0603 La Jolla, CA 92037-0603
 Telephone: (619) 534-3034, Fax: (619) 534-7023, Electronic Mail: 101512@ucsd.edu

 UCSD © 1998 University of California, San Diego

<http://psychiatry.ucsd.edu/faculty/ccclark.html>

ATTACHMENT #6

Philadelphia Court of Common Pleas
1974

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

266

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

1044

IN RE: MINDY ZYED, INCY TERM 19 78
a person alleged to be mentally disabled. NO. 78-22

REPORT OF MASTER IN MENTAL HEALTH

WHEREAS, a petition for commitment of the above named Respondent was filed under Section 406 of the Mental Health and Mental Retardation Act of 1955, the MINDY ZYED AND:

WHEREAS, on May 10, 1978, a hearing was held before the undersigned at which hearing there was present, inter alia:

1. the above named respondent;
2. J. Matkovic, Esq., Attorney for Petitioner;
3. H. Levine, Esq., Attorney for Respondent;
- 4.

At this hearing the following testimony was presented:

David Gied

with concurrence of the attorney for the Respondent.

FINDING

BEST COPY OBTAINABLE

That in consideration of the testimony presented, your HONORABLE COURT MINDY ZYED, above named Respondent, is mentally disabled within the meaning of this Act.

That the above named person is not mentally disabled within the meaning of said Act and that the Petition be dismissed.

RECOMMENDATION

NOW THEREFORE, it is recommended by the undersigned, MINDY ZYED, that the named Respondent be committed by your Honorable Court to the Philadelphia Hospital for the Insane, 34th and Locust Streets, Philadelphia, Pennsylvania, in accordance with Section 408, Sec. A 4 - (Sec. 5) and that your Honorable Court sign the orders approved to this Report in conformity with this recommendation.

Respectfully submitted,

J.C. B...
Deputy Commissioner
Mental Health - Social Services

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SECRETARY'S BUREAU

ATTACHMENT #7

October 7, 2015 - submission to ALJ

Exhibit #9 - Commonwealth Court of Pennsylvania - (No. 2547 C.D. 2009 ,
filed on August 25, 2010 - M.J.Z.-C. v. Department of Public Welfare

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

M. J. Z-C.,		:	
	Petitioner	:	
		:	
v.		:	No. 2547 C.D. 2009
		:	Submitted: June 25, 2010
Department of Public Welfare,		:	
	Respondent	:	

BEFORE: HONORABLE DAN PELLEGRINI, Judge
 HONORABLE ROBERT SIMPSON, Judge
 HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
 BY JUDGE SIMPSON

FILED: August 25, 2010

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PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

In this appeal, Petitioner, representing herself, seeks review from a final decision of the Department of Public Welfare (DPW), Bureau of Hearings and Appeals (BHA) affirming a decision by an administrative law judge (ALJ). The ALJ dismissed as moot Petitioner's appeal from medical assistance (MA) "discontinue notices," after a County Assistance Office (current CAO) rescinded the notices. Finding no error, we affirm.

DPW, through the current CAO, provided Petitioner, her daughter, and Petitioner's husband, with MA. In September 2009, the current CAO issued Petitioner two notices (collectively, Discontinue Notices) stating that CAO was discontinuing husband's and daughter's MA on September 23, 2009. The current CAO based both MA terminations on Petitioner's failure to provide two income related documents.

Petitioner appealed to BHA. She challenged the current CAO's decision to discontinue MA. She also raised a number of other issues, not directly connected with the Discontinue Notices. In her notice of appeal, Petitioner asked BHA for the following accommodation:

The hearing will be in 'writing' based upon the briefs submitted by [Petitioner] due to her disability of 'Bipolar Disorder,' 'Paranoid Disorder,' 'Hypergraphia,' and 'Sleep Apnea.' Discovery will be needed and information requested to the ALJ from [the current] CAO.

Certified Record, Item #4, Petitioner's Brief before the ALJ (ALJ Brief), Ex. 4, Notice of Appeal at 2. BHA assigned the matter to an ALJ, who scheduled a telephonic hearing and provided Petitioner with notice of the hearing.

In response, Petitioner sent the ALJ a letter, reiterating her request to not participate in the hearing:

Due to both my husband and my mental impairments (I can provide documentation from medical doctors about my psychiatric conditions, if needed) it is not as easy for me to communicate over the telephone. I get overwhelmed and forget the points I am trying to make. The most effective way for me to present these issues is for [me] to do so in writing.

In the past, an incident which occurred between an ALJ, [the prior] County, and myself, via telephone, left me feeling like I was railroaded into being coerced into either withdrawing [my] hearing, or having a decision that became a "moot" issue. So, in all practicality, and fairness, I would like all the issues heard, as to why I believe (1) an [sic] MA discontinue [n]otice was sent to [me]; and further had been (2) unfairly stopped, in writing, by way of submitted a brief, which can be done and sent to your office on November 16, 2009.

ALJ Brief, Exhibit 20, Letter from Petitioner to ALJ, 11/8/09, at 1-2.

Before the hearing, Petitioner submitted her ALJ Brief, which included 21 exhibits spanning approximately 118 pages. The exhibits included two notices from the current CAO, dated October 28, 2009, to the husband and the daughter respectively, indicating that the CAO reinstated MA benefits for each as of September 24, 2009, one day after the effective date of the Discontinue Notices.

In her ALJ Brief, Petitioner conceded that her challenge to the Discontinue Notices was "no longer the issue at hand." ALJ Brief, at 3. She acknowledged "the [family members were] now receiving medial benefits." Id. Nonetheless, she asked the ALJ to address the other issues "because they are relevant to the ... Discontinue Notice[s] [the current CAO] sent ... on September 11, 2009."¹ Id.

¹ In her notice of appeal to the ALJ, Petitioner: (1) challenged the prior County Assistance Office handling of her records two years earlier; (2) challenged her need to report income semiannually; (3) "Cross-Appeal[ed] for DPW and ... [the current] CAO retaliating against [Petitioner] for filing" a federal lawsuit; (4) "Cross-Appeal[ed] due to DPW and ... CAO discriminating against [Petitioner] due to her mental disability which violates Title II of the American with Disabilities Act of 1990 [42 U.S.C. §§12131-65]; and 504 of the Rehabilitation Act of 1973 [29 U.S.C. §§701-97(b)]"; and (5) argued the DPW violated various sections of the DPW's nondiscrimination regulations at 55 Pa. Code §§107.1-.4. Notice of Appeal at 2.

In her ALJ Brief, Petitioner reiterated averments that DPW and the current CAO may have purposefully discontinued her benefits in retaliation for a federal law suit she brought against DPW and the prior County Assistance Office. She also argued that the (1) the current CAO and DPW violated her due process rights, and 55 Pa. Code §275.4(a)(3)(v)(C)(1) by terminating her benefits during the pendency of her appeal; and (2) the current CAO violated 55 Pa. Code §201.3 by terminating her benefits more than 15 days after receiving a re-application for medical benefits.

At the outset of the hearing, the ALJ stated his intention to telephone Petitioner to participate. However, he acknowledged her accommodation request and granted it. He "agree[ed] to accept her brief and enter [it] into the record and decide the case accordingly." ALJ Hearing, Notes of Testimony (N.T.) 11/18/09, at 6-7. The ALJ then heard testimony telephonically from a CAO income maintenance caseworker supervisor (Supervisor).

Supervisor testified that after receiving Petitioner's appeal document, the current CAO opened the case, determined that it erred in issuing the Discontinue Notices, and rescinded them. He acknowledged that Petitioner's coverage in DPW's Health Maintenance Organization (HMO) ceased on September 23, 2009. He testified, however, that the medical coverage was "immediately [reinstated], and there was no loss in [medical] coverage" for the daughter. N.T. at 7. This coverage was effective September 24, 2009. Id.

The ALJ concluded Petitioner's appeal was moot because DPW rescinded the notices on which Petitioner based her appeal. Additionally, the ALJ concluded Petitioner's other issues were not properly before him because they did not arise from the Discontinue Notices. BHA affirmed the ALJ's final order. Petitioner now petitions for review to this Court.

Petitioner raises several relevant issues before the Court: (1) the ALJ erred in applying the mootness doctrine; (2) the ALJ violated her due process rights by issuing a decision without giving her a chance to respond to what CAO asserted; and, (3) CAO improperly terminated her daughter's coverage while her

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ATTACHMENT #8

October 7, 2015 - submission to ALJ

Exhibit #11 - November 28, 2014 SSA ALJ decision - Mindy J. Zied

SOCIAL SECURITY ADMINISTRATION
Office of Disability Adjudication and Review

DECISION

IN THE CASE OF

Mindy Jaye Zied
(Claimant)

(Wage Earner)

CLAIM FOR

Supplemental Security Income

176-46-4449

(Social Security Number)

JURISDICTION AND HISTORY

This case is before the undersigned on a request for hearing dated April 14, 2014 (20 CFR 416.1429 *et seq.*). The evidence of record supports a fully favorable decision; therefore no hearing has been held (20 CFR 416.1448(a)).

The claimant was previously awarded Supplemental Security Income benefits after she filed an application for benefits in 1999. On December 17, 2013 she was contacted by the Social Security Administration for a review of her eligibility for benefits (Exhibit 6). It was requested that she phone into the office at a specified date and time for a redetermination interview. The claimant phoned in prior to the scheduled date of her interview and was unhappy with the result of the conversation. She then requested that all communication be in writing and did not phone in at the time of her scheduled appointment. She requested no further communication over the telephone (Exhibit 7). She provided information in writing to the field office regarding her finances (Exhibit 13). Nevertheless, it was determined that she was not cooperating with the field office and her benefits were terminated as a result (Exhibit 11).

DECISION

The undersigned finds that the claimant made a reasonable request to have all business conducted in writing and made at least some effort to comply with the field office's request for updated information. The undersigned instructs the field office to conduct all further business with the claimant in writing and to conduct the review of claimant's eligibility for benefits based on their written communications with the claimant.

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1st James Garrett

James Garrett
Administrative Law Judge

November 28, 2014

Date

ATTACHMENT #9

October 7, 2015 submission to ALJ

Exhibit #1 - Discrimination Complaint -2/28/2015 against PECO to PECO

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



E-mail

For emergencies such as a gas leak, odor or pressure issue, or a power outage or downed electric wire, please call 1-800-841-4141 immediately. Do not report an emergency via e-mail.

All e-mail requests are processed in the order in which they are received. It may take 3-10 business days.

CANCEL

* devices required field

Service Type: Residential

Topic: Other

Account Number: 6397214144

City: Philadelphia

Contact Name: Mindy Zied

Contact Telephone: 215 934 7909 ext. 1

Email Address: mindyzieidcampbell@icloud.com

Confirm Email Address: mindyzieidcampbell@icloud.com

Message:
 for your response before I take further action with the PUC, Governor Wolf and the Attorney General of this State allowing you time to rectify this situation. Thank you, Mindy Zied!
 Limited to 4,000 characters

SEND



Write

PECO Customer Service Center
2301 Market Street
Philadelphia, PA 19102

Specific Needs

Do you need a language interpreter?
PECO's six county service area is rich in natural diversity. As a result, we need

 **NETZERO** Message Center

From: Mindy Zied-Campbell <mindyzedcampbell@icloud.com>

~~From: Mindy Zied-Campbell <mindyzedcampbell@icloud.com>~~

Sent: Sat, Feb 28, 2015 05:33 PM

Subject: Fwd: [PECO Services Auto-Notification] Your Contact Us Subscription transaction was successfully processed

Begin forwarded message:

From: no-reply@peco.com
Date: February 28, 2015 at 5:25:27 PM EST
To: mindyzedcampbell@icloud.com
Cc: no-reply@peco.com
Subject: [PECO Services Auto-Notification] Your Contact Us Subscription transaction was successfully processed

Thank You for Using PECO.Com!

Your Transaction was successfully processed containing the following details:

Transaction Type: Contact Us Subscription
Confirmation Number: CU41444014

Thank You,
PECO.com Team

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ATTACHMENT #10

ALJ NOVEMBER 17, 2015 ORDER

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DEC 22 2015

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Mindy Jaye Zied and Binnie A. Zied :
v. : F-2015-2500342
PECO Energy Company :

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

HISTORY OF PROCEEDING

On October 7, 2015, Mindy Jaye Zied and Binnie A. Zied (Complainants) filed a Motion for an Immediate Decision/Summary Judgment (Motion II) in the matter of their formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent or Company), with the Pennsylvania Public Utility Commission (Commission or PUC) at Docket No. F-2015-2500342. Complainants provide in the introduction to the Motion II the relevant Commission regulation at 52 Pa.Code § 5.102.

Complaint

On August 24, 2015, Complainants filed a Complaint, which disputed the amount of money that the Respondent claimed is owed on the account of Mindy Zied. The amount owed is alleged to be the result of an improper transfer of a balance accrued at 1948 Kentwood Street, Philadelphia, Pennsylvania (service address) prior to Mindy Zied's alleged occupancy at the service address. There is also an allegation that no meters were at the service address from March 23, 2014 until June 13, 2014, to generate accurate billing of the amount of electric service usage at the service address. Complainants dispute the amounts billed over this time period. Complainants dispute the alleged deposit assessed to Mindy Zied's account because Mindy Zied alleged it was represented that no deposit was required for her account. The Complainants allege a settlement was reached regarding the unmetered electric usage bill from March 23, 2014, until

June 13, 2014, with a PECO customer service representative, William Adams, resulting in a balance due of \$133.94. Complainants allege PECO breached settlement. Complainants allege *rudc and argumentative telephone conversations with PECO employees*. Contrary to allegations of PECO, Complainant, Mindy Zied, disputes that she resided at the service address and benefitted from the electric service subsequent to September 1984 prior to her request for service in February 2015. Complainant, Mindy Zied, alleged that the Respondent is discriminating against her.

Complainants request:

- (1) All monies attributed to Binnie Zied electric usage at service address when the account for the service address was transferred to Mindy Zied in February 2015 be removed from the account for Mindy Zied;
- (2) Any alleged deposit assessed to the account of Mindy Zied be removed; and
- (3) The settlement allegedly achieved between the Complainants and PECO through William Adams for amount owed for electric service at the service address from March 23, 2014 until June 13, 2014, be restored and implemented.

Respondent's Answer

On September 10, 2015, Respondent filed with the Commission an Answer to the Complaint.

Respondent alleged that the Complainant, Mindy Zied, is responsible for the transferred balance attribute to Complainant Binnie Zied's account. Respondent averred that it sent Mindy Zied a service denial notice dated February 25, 2015, which advised Mindy Zied that she may be responsible for the balance owed at the service address. Respondent averred that the Company connected service in Mindy Zied's name effective February 25, 2015, at the service address. Respondent also assessed a \$640.00 security deposit to Mindy Zied's new account. Respondent admitted that on March 5, 2015, it transferred \$1,299.69 as the final balance for Binnie Zied's account to Mindy Zied's account because it is alleged that Mindy Zied has resided at the service address and benefitted from the electric service. Respondent determined that

Mindy Zied was responsible for the account balance of Binnie Zied pursuant to 52 Pa.Code § 56.35(a). Respondent alleged that there are no incorrect charges and the security deposit assessed to Mindy Zied's account was proper and in compliance with its tariff and the Commission statute at 66 Pa.C.S. § 1404(a).

On March 2, 2015, Mindy Zied filed an informal complaint with the Bureau of Consumer Services (BCS) at case number 003322542 disputing the balance transferred and the security deposit for her account. On July 22, 2015, the BCS issued a decision dismissing the informal complaint and found that the Respondent's actions complied with Commission regulations at 52 Pa.Code §§ 56.32(a)(2) and 56.35(a) and (b)(1) for the security deposit and balance transfer, respectively.

Respondent averred that the estimated billed amount for service from March 23, 2014, to June 25, 2014, rendered to Binnie Zied's account was required because there was an underground fault affecting service to the service address. Respondent alleged that the estimated billed amount was in compliance with Commission regulations at 52 Pa.Code § 56.12(3) & (4).

Respondent requested that the Complainants' Complaint be dismissed.

Complainants' Objection to Respondent's Answer and Motion for Immediate Judgment

On September 15, 2015, Complainants filed an objection to the Respondent's Answer and also moved for an immediate judgment in their favor (Motion). The undersigned issued an Order dated November 2, 2015, which stated that the September 15, 2015, document is considered a preliminary objection. The Order overruled the objection and denied the request of the Complainants because the Motion failed to be made on adequate grounds in compliance with the Commission's regulations. The Order did not address the Motion for immediate judgment in the favor of the Complainants. It is noted that the Complainants made several allegations and stated that they have met their burden of proof through the Motion and the Complaint. However, the Complaint has several attachments and allegations that are not verified for veracity.

reliability, applicability and accuracy, which must be determined. Consequently, there exists material questions of fact for which an evidentiary hearing is necessary to address.

Complainants' Motion for Summary Judgment

Complainants list 10 facts as the basis for their Motion II, which was served on the undersigned on October 7, 2015.¹ The presentation of the facts intermixed with allegations and opinions of the Complainants cause the list to be defective. The undersigned finds the following relevant facts:

- (1) Complainants filed the Complaint on August 24, 2015;
- (2) Respondent filed an Answer on September 10, 2015;
- (3) Complainants attempted a preliminary objection to the Respondent's Answer in a filing dated September 15, 2015, however the grounds for the preliminary objection did not conform to any of the seven listed at 52 Pa.Code § 5.101(a)(1)-(7);
- (4) Respondent failed to answer the preliminary objection filed by the Complainants on September 15, 2015;
- (5) By Order dated November 2, 2015, the Complainants' preliminary objection was denied;
- (6) Complainants filed Motion II on October 7, 2015, pursuant to 52 Pa.Code § 5.102;
- (7) Complainants requested an immediate favorable judgment on Motion II based on alleged fraud by the Respondent;
- (8) Respondent failed to file a timely answer to the Complainant's Motion II;

Complainants requested that reasonable accommodation be made and that anything further be placed in writing, but the basis of the accommodations is unclear. It is assumed that Complainants requested the accommodation based on alleged non-physical disability of Mindy Zied and alleged narcissism (the Complaint referred to this allegation as "Narcism," Motion II at 3, fact#8) of Binnie Zied which may jeopardize her health. Complainants also requested that appeal rights be sent if the accommodation request is denied.

¹ The undersigned realized that it was not filed with the Commission. The undersigned filed it with the Secretary's Bureau on November 10, 2015, and provided a copy of the memorandum filed with the Secretary without attachments to opposing counsel.

Respondent's Response to Complainants' Motion II *Nunc Pro Tunc*

Respondent requested to file a response to Motion II *nunc pro tunc* on November 2, 2015. Respondent stated on October 9, 2015, it received a cover paged of Motion II in the form of an ex-parte communication to Governor Wolfe. Respondent stated it received Motion II on October 12, 2015. Respondent stated that pursuant to Commission regulations, its response to Motion II was due on or before October 29, 2015. Respondent acknowledged that its response was not timely; however, also stated that Motion II was procedurally defective because it did not contain a Notice to Plead.

52 Pa.Code § 5.102(a) states,

§ 5.102. Motions for summary judgment and judgment on the pleadings.

(a) *Generally*. After the pleadings are closed, but within a time so that the hearing is not delayed, a party may move for judgment on the pleadings or summary judgment. **A motion must contain a notice which states that an answer or other responsive pleading shall be filed within 20 days of service of the motion.**

(Emphasis added). Pursuant to 52 Pa.Code § 5.102(a) it is agreed that Motion II is defective because it did not contain a Notice to Plead. Because the undersigned had not yet ruled on Motion II prior to the filing of Respondent's response *nunc pro tunc*, and the Complainants referenced the relevant regulation and Motion II failed to contain a Notice to Plead, it is reasonable to consider Respondent's response.

Respondent disputed any settlement between the parties and denied that the meter at the service address was removed without notice. Respondent contended that there are several genuine issues of material fact pending in this matter which would make a grant of summary judgment inappropriate. The matters Respondent stated are issues of material fact are:

- (1) Meter at service address removal and replacement;
- (2) Whether there was a settlement between the Respondent and the Complainants; and
- (3) Whether the billing to Complainants was correct.

The Respondent contended that an in-person hearing is required to assess credibility of witnesses and the amount of witnesses and documents potentially required to effectively advocate the matter.

Ruling

Commission regulations permit Motions for Summary Judgment. 52 Pa.Code § 5.102. The undersigned provides this Order pursuant to 52 Pa.Code § 5.102(d), which states,

§ 5.102. Motions for summary judgment and judgment on the pleadings.

(d) *Decisions on motions.*

(1) *Standard for grant or denial on all counts.* The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, **show that there is no genuine issue as to a material fact** and that the moving party is entitled to a judgment as a matter of law.

(2) *Standard for grant or denial in part.* The presiding officer may grant a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law on one or more but not all outstanding issues.

(4) *Form of decision.* The presiding officer will grant, in whole or in part, the motion in the form of an initial or recommended decision which shall be subject to exceptions as set forth in § 5.533 (relating to exceptions). *Denial of a motion will be in the form of a written order.*

(Emphasis added).

It is noted that the Complainants contend that Binnie A. Zied would not be able to attend a Hearing due to her medical condition and intimates that her 97 years is also a factor that prohibits her physical attendance. Complainant states that the City of Philadelphia does not require persons over 70 years of age to participate as jurors, but allows such person to choose not to participate. Motion II at 3, fact #8.

The Complainant, Binnie A. Zied, is listed as a Complainant in this proceeding. She came to this agency to have her dispute heard. If she were not a Complainant, then her

attendance would only be required as perhaps a witness at the discretion of the remaining Complainant, Mindy Jaye Zied. The documents presented thus far do not excuse Binnie A. Zied's attendance as she is responsible for the allegations made in the Complaint.

The burden of proof is on the Complainant to prove the allegations made in the Complaint. Failure of the Complainant to participate may result in a finding that the Complainant did not sustain her burden of proof. Unlike the jury selection where jurors are sought by the court, here the reverse occurred, the Complainants sought out this agency. The instances are not comparable; and therefore, the requirements of attendance need not be similar.

The Complainants alleged fraudulent conduct by the Respondent. This allegation requires an assessment of credibility of the witnesses involved. An in-person hearing is far superior to a telephonic hearing in making an accurate assessment of credibility because verbal conduct and non-verbal actions or non-verbal omissions to act are assessed.

In fact #9 of Motion II Complainant, Mindy Jaye Zied, provides her disability as rationale not to attend in-person hearings and past experience before another agency that determined her mental health condition as prohibitive to participate in a hearing by telephone. See Motion II at 4. Similar to what was stated concerning Binnie A. Zied, Mindy Jaye Zied signed the Complaint and is responsible for the allegations it contains and sustaining the burden to prove the allegations. The written presentation thus far reveals material questions of fact which include:

- (1) Whether Respondent's actions with Complainants included ~~fraudulent~~ conduct;
- (2) Whether the meter at service address removal and replacement was reasonable and in compliance with Commission rules and regulations;
- (3) Whether there was a settlement between the Respondent and the Complainants; and
- (4) Whether the billing to Complainants was correct.

The Complainants may proceed with this dispute through the following five options:

- (1) by agreeing to mediation;

- (2) by agreeing to settlement negotiations;
- (3) through a telephonic evidentiary hearing;
- (4) through an in-person hearing; or
- (5) by withdrawing the Complaint and proceeding in the appropriate federal or municipal court.

The Complainants' request to conduct the proceeding in writing is applicable to conducting discovery and any communications between the parties and with the undersigned. However, because material issues of fact exist, ruling to approve summary judgment is not appropriate. The Complainants must provide in writing by November 24, 2015, to the undersigned and counsel for the Respondent what their choice is of the five mentioned above to present their Complaint before the Commission.

ORDER

THEREFORE,


IT IS ORDERED:

1. That the Motion for Summary Judgment on the Pleadings filed by Mindy Jaye Zied and Binnie A. Zied, Complainants in the case captioned *Mindy Jaye Zied and Binnie A. Zied v. PECO Energy Company*, Docket No. F-2015-2500342, is denied.

2. That the Complainants provide in writing to the undersigned and counsel for the Respondent on or before November 24, 2015, their choice to present the formal Complaint consistent with the discussion contained in this Order.

3. That the case captioned *Mindy Jaye Zied and Binnie A. Zied v. PECO Energy Company*, Docket No. F-2015-2500342, remains set for hearing.

Date: November 17, 2015


 Angela T. Jones
 Administrative Law Judge

Zied v. PECO
Docket No. F-2015-2500342

SERVICE LIST

MINDY JAYE ZIED AND BINNIE A ZIED
1948 KENTWOOD ST
PHILADELPHIA PA 19116

SHAWANE L. LEE ESQUIRE
EXELON BUSINESS SERVICES Company LLC
LEGAL DEPARTMENT S23-1
2301 MARKET STREET
PHILADELPHIA PA 19103-1338

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ATTACHMENT #11

PUC letter(8/14/2015)allowing until September 4, 2015
to submit Formal Complaint

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE
Phone: 717-772-7777

August 14, 2015

BCS: 3322542

MINDY ZIED
1948 KENTWOOD STREET
PHILADELPHIA PA 19116

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services. We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

****Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before September 4, 2015 to the address listed below:

Secretary
Pennsylvania Public Utility Commission
400 North Street, Commonwealth Keystone Building, 2nd floor
Harrisburg, PA 17120

While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return this formal complaint form to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing.
- We also send the company a copy of your completed formal complaint form. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.
- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge. We will notify both you and the company by mail when the hearing date is set.
- It can take three to six months until a hearing is scheduled after you file the formal complaint. If you cannot travel to your hearing, you can request that the hearing be held by phone, this is called a telephonic hearing.

Sincerely,

Rosemary Chiavetta
Secretary

nvl
cc: PECO ENERGY

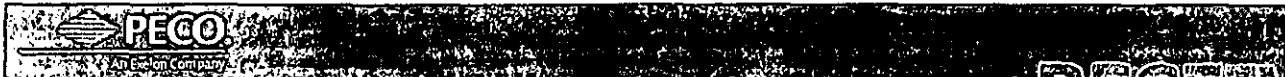
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SECRETARY'S BUREAU

ATTACHMENT #12

PECO 10 DAY SHUT OFF NOTICE - 8/17/15 FOR 8/31/2015
(EXHIBIT BB - 8/24/2015 Complainants' submission, pg. 95)



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**TEN DAY SHUT OFF NOTICE
(AVISO DE SUSPENSIÓN DE SERVICIO EN 10 DÍAS)**

DEC 22 2015

Account Number: 5397214144	Past Due Amt: \$1,479.42
For Service To: 1948 KENTWOOD ST	New Billing: \$0.00
Date Prepared: August 17, 2015	Total Amount: \$1,479.42

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Your Electric/Gas Service May Be Shut Off!

Because your bill is past due, we will shut off the service to 1948 KENTWOOD ST on or after 8:00 a.m. on August 31, 2015. If this date is a Friday, the service shut off will occur on, or soon after, the next business day.

We will NOT shut off your electric/gas service if you do ONE of the following:

- Pay \$1,479.42 in full before August 31, 2015, this includes any amount you owe on your payment plan. This notice is effective for 60 days.
- Pay the catch up amount on your agreement if it has defaulted. Call 1-888-480-1533 for the amount.
- Show us a paid receipt for the past due amount.
- You may be eligible for a payment agreement or special assistance programs. Call 1-888-480-1533 right away if you dispute this bill or to provide us with household income and occupant information to determine your eligibility.
- To talk about your bill, please call our office at 1-888-480-1533.

WE MUST RECEIVE YOUR PAYMENT BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.

If we shut off your electric/gas service, you may have to pay all of the following before we can turn service on:

- | | |
|------------------------------|--------------------|
| • Past Due Amount of | <u>\$1,159.42</u> |
| • Deposit Past Due Amount of | <u>\$320.00</u> |
| • Agreement Unbilled Balance | <u>\$0.00</u> |
| • Total | <u>\$1,479.42*</u> |

*If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**If your service is shut off, you may have to make substantial payments in order to have your service restored. In addition to any balance owed, you will have to pay a Reconnection Charge of between \$20.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is seriously ill. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician, nurse practitioner, or physician assistant certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
'AND'
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Atencion ! Este es un mensaje muy importante. Si usted no lo entiende, favor de llama a 1-888-480-1533.

Send payment in the enclosed envelope or pay your bill at an authorized payment location or PECO Energy's Main Office (23rd & Market Streets Philadelphia). To pay by credit card or check by phone, call 1-877-432-9384. The service provider will charge a convenience fee of \$2.35.

See other side for more information

When paying in person, please bring the entire bill

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SECRETARY'S BUREAU

ATTACHMENT #13

PECO Attorney's letter dated 8/21/2015, threatening to shut off electric on 8/31/2015 unless PUC formal complaint is filed (see pg. 119, October 7, 2015 submission by Complainants)

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From: "Lee, Shawane L.:(PECO)" <Shawane.Lee@exeloncorp.com>
Date: August 21, 2015 at 6:53:01 AM EDT
To: Mindy Zied-Campbell <mindyziedcampbell@icloud.com>
Subject: RE: PECO complaint - Account #53972-14144

Good morning Ms. Zied.

You filed an informal complaint with the Bureau of Consumer Services (BCS) on March 2, 2015, disputing a \$320.00 security deposit assessed to the account. During the informal complaint dispute process, PECO held collection on the \$320.00 deposit. The BCS issued a Decision on July 22, 2015, dismissing your informal complaint. At that time, PECO was no longer required to hold collection on the \$320.00 or any portion of the account balance.

You stated that you filed an appeal of the BCS Decision, which is a "formal complaint" filed with the Public Utility Commission (PUC). Once the PUC docket your formal complaint and serves PECO, PECO is required to hold collection on the balance in dispute. As of today, your formal complaint has not been docketed and PECO has not been served with your complaint. Once PECC is served with the complaint, the company will follow the appropriate regulations and hold collection. However, until then, the account is subject to collections and termination for past due balances.

On August 17, 2015, PECO sent you a ten-day termination notice. Please note, if the PUC does not docket and serve the formal complaint on PECO prior to the expiration of the ten day period, your service will be terminated.

I recommend that you contact the PUC to determine the status of your appeal (formal complaint). I trust this responds to your inquiry.

Thank you.

Shawane L. Lee, Assistant General Counsel
Exelon Business Services Company, LLC
Legal Department
2301 Market Street, S23-1
Philadelphia, PA 19103
Tel: (215) 841-6841
Fax: (215) 568-3389

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Please consider the environment before printing this e-mail.

FROM: (215) 934-7909
Zied
1848 Kentwood St.
Philadelphia PA 19116
US

SHIP DATE: 22DEC15
ACTWT: 1.00 LB
CAD: 6992286/SSFO1621
DIMMED: 12 X 9 X 3 IN

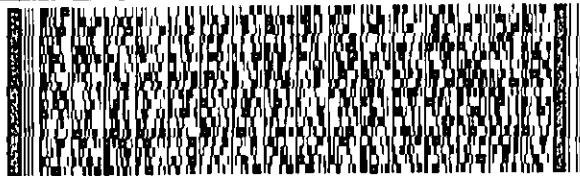
TO Secretary, Rosemary Chiavetta
Commonwealth of PA
400 North St.
PA Public Utility Commission
Harrisburg PA 17120

(US)

(215) 934-7909

REF:

DEPT:



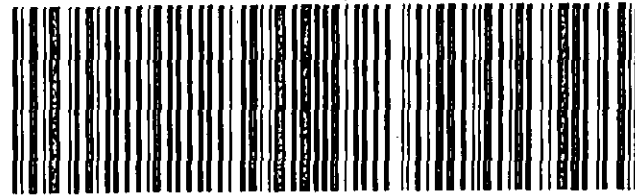
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176 W 357 06:24 PR-1D 2674633
COMMONWEALTH OF PA
400 NORTH ST
PA PUBLIC UTILITY
HARRISBURG, PA

G

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809-4580

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