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May 24, 2016

VIA EMAIL AND FIRST CLASS MAIL

Administrative Law Judge Marta Guhl
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

**Re: Amir Williams v. PECO Energy Company
PUC Docket No. C-2015-2491953**

Dear Judge Guhl:

Kindly recall that the above-referenced matter was heard before Your Honor at a further hearing on May 9, 2016. I am in receipt of the attached "New Matter" submitted by the Complainant, which I received yesterday. PECO objects to the Complainant's New Matter and moves to strike the New Matter from the record. Pursuant to 52 Pa. Code §5.91(c):

§ 5.91. Amendments of pleadings generally.

No amendments to a pleading may be filed within 5 days preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon."

In this case, the further hearing was completed on May 9th at which time the parties had the opportunity to submit all testimony and evidence or raise any motions. In his New Matter, the Complainant attempts to add additional testimony into the record to the prejudice of PECO.

PECO understands that Complainant is appearing *pro se*, and that some evidentiary latitude is typically granted to *pro se* complainants who are unfamiliar with the Commission's procedural rules. Admitting into evidence the testimony newly introduced in the New Matter however, is unwarranted in this circumstance. And doing so would necessitate giving PECO an opportunity to cross-examine the Complainant and to submit rebuttal evidence.

Under the Commission's regulations for formal proceedings, absent special circumstances, the evidentiary record closes at the end of the evidentiary hearing. 52 Pa. Code §5.431 states:

§ 5.431. Close of the record.

(a) The record will be closed at the conclusion of the hearing unless otherwise directed by the presiding officer or the Commission.

(b) After the record is closed, additional matter may not be relied upon or accepted into the record unless allowed for good cause shown by the presiding officer or the Commission upon motion.

Subpart (a) of this rule is used to allow the introduction of evidence that is specifically identified at hearing, but which is not available in the hearing room. For example, this section allows the record to be kept open to allow a party to answer an on-the-record data request, or to provide a late-filed exhibit when the need for it emerges during testimony. The overriding theme of subpart (a) is that the parties have the opportunity, at the hearing itself, to address what additional evidence or exhibits will later be entered in the record.

The information that is provided in the Complainant's New Matter was not identified at hearing, no request was made to keep the record open for its late submittal, and no ruling was made that the record would be kept open. Therefore, (1) PECO did not have the opportunity to object to the admission of the written testimony now relied upon by the Complainant (2) PECO did not have the opportunity to cross-examine the Complainant on this information, and (3) PECO did not have the opportunity to submit additional evidence to rebut the written testimony. Consequently, subpart (a) of this rule does not provide a basis to allow the Complainant to introduce additional evidence after the close of the record.

PECO therefore moves to strike Complainant's New Matter from the record. PECO additionally respectfully requests that Your Honor deny Complainant's request for a new hearing.

Very truly yours,



Shawane L. Lee
Assistant General Counsel, PECO
Encl.

cc: Amir Williams (*via first class mail*)

RECEIVED

MAY 23 2016

PUBLIC UTILITY COMMISSION
PHILADELPHIA OFFICE
ADMINISTRATIVE LAW JUDGE

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, PA. 17105-3265

(Find Enclosed Information)

In Re: C-2015-2491953

MR. AMIR V. WILLIAMS v. P.E.C.O.; an Excelon Company

NEW MATTER

AND NOW THIS DAY May 23, 2016, I, Mr. Amir V. Williams do hereby come before the P. U. C. in the Court of Judge Marta Guhl: Introducing NEW MATTER see, Fed.R.Civil P. 15 also Newly Discovered Evidence, see, Chromalloy Am. Corp. v. Alloy Surfaces Co., D.C.Del., 55F.D.R. 406, 409. Also I am requesting a New Field Test to determine Vendor Fraud¹ see, and my actual Electrical usage and a new Court hearing in person afterward on the instant Matter.

- (1) On January 29, 2016 P.E.C.O. employee Mr. Eric Reilly could not complete his assigned field test on my apartment's Electrical circuit breaker. After trying for approximately 25 minutes, he professed to me and my Home Health Care Aide Ms. Erica Strehman that he could not get a proper and/or accurate reading on his test equipment regarding my electrical usage in my apartment. Subsequently Eric Reilly stated the he would inform P.E.C.O. Furthermore, Eric Reilly seemed to be agitated while I was in the process of filming him, and stated that I could not do that, at which time he stepped from the meter-room to call a person at P.E.C.O.'s offices to inform them of what I was doing. Whatever P.E.C.O.s answer was, I continued video recording the procedure.

¹ Several previous owners have been found guilty of Vendor Fraud, in my case, once in particular by the Philadelphia Housing Authority while I resided at this same apartment in the same building.

- (2) **NEW MATTER** see, Fed.R.Civil P. 15. Shortly before and/or prior to the rescheduled P.U.C. hearing on May 9, 2016, P.E.C.O.s employee(s) came to my residence in a clandestine operation to Conceal, (see, People v. Eddington, 201 Cal. App.2nd 574, 20 Cal.Rptr. 122, 124) what it was P.E.C.O. proposed to undertake; thus a false and deceptive action to deceive me and the court, to make it appear that I am being billed correctly based on my usage. PECO took out my electrical-meter from the meter-room in the lobby of my building while I was not at home and/or also without my knowledge and/prior notification that this would be done. This procedure was done in order that I might not be a "witness as to the validity and/or accuracy of P.E.C.O.s second field test." As, I have previously videoed taped Eric Reilly a P.E.C.O. employee on January 29/201, P.E.C.O. did not want me to video tape him and/or record anyone's else's action a second time or to observe the test results, and/or to be a witness myself as to what P.E.C.O was doing supposedly regarding the accuracy of my meters out-put of my apartments electrical power usage.
- (3) **Newly Discovered Evidence**, (see, Chromalloy Am. Corp. v. Alloy Surfaces Co., D.C.Del., 55F.D.R. 406, 409). On May 9, 2016 Eric Reilly stated and testified in court that my meter was taken out from the building and sent to P.E.C.O.s facility in Berwyn, Pa. to have the electric meter tested. This test amounted to Fraudulent Concealment (see, Fundunburks v. Michigan Mut. Liability Co., 63 App. 405, 234 N.W. 2d 545, 547). It did not establish "anything" as it pertains to my personal residence's electrical usage under a proper field test electrical-load, in the prevailing conditions of my home idlowatts usage. It was not done on Eric Reilly's non-functioning digital test equipment, which did not and/or could not register a usable signal while he was at my apartment residence. Furthermore, a new field-test as ordered by the court on my residence with me present to witness the results of that new field-test. On May 8, 2016 the day before the scheduled court hearing on May 9, 2016, I filmed a video of my circuit-breaker. As shown on the video taken by me on May 8, 2016 at 2:44 pm inside my apartment and presented to the court, it clearly shows that my apartment lights were still on with the master switches turned off! This is evidence that there is something clearly wrong somewhere with the circuit-breaker inside my apartment or the overall connection to my circuit breaker, as it pertains to my electrical-usage.
- (4) Eric Reilly stated several times, in court, that if the master circuit-breaker switch(s) is open (In layman's terms: the electrical power is totally shut-off), then all electrical power should and/or would be promptly inoperable with no power

whatsoever! I proceeded to show on my filmed video evidence to the contrary, that my electricity was still on with the master circuit-breaker switch in the off position. This video was viewed by the defendants at the bench of Judge Marta Guhl, also by Shaune Lee, and Eric Reilly. After viewing the video evidence, Eric Reilly backed-off his prior sworn statement, as to the validity as that being the case. Eric Reilly vacillated back and forth as to whether or not that was my meter in the film and also whether they are the correct switches. It was the circuit breaker inside my apartment, even though he has been on the buildings premises and inside my apartment "twice." He also stated and/or implied on the record that it appears "that I must be using somebody else's electricity." Even though I am being billed approximately \$70.00 a month as if I lived in a family house dwelling, instead of a one bedroom apartment.

- (5) Eric Reilly (a P.E.C.O. meter reader) was not entirely forth coming when asked by the Court if he witnessed "any evidence of wiring and/or evidence of physical tampering with the buildings multiple meters" Eric Reilly said; *No! What he did not say, was that these are a New Breed of Electric Meters installed by P.E.C.O. They are "Smart Meters" which can be 'Hacked Electronically, by Computer!'* Therefore, there would not be any "exposed wiring." By looking at the buildings electrical-meters physically they would not appear to show any kind of tampering, being a technician for P.E.C.O., as he testified, this should be common knowledge to their field technicians as he stated they are constantly being updated and trained. If as he stated and/or implied on the record, that I am using someone else's electricity, then my apartment-meter must be attached to and/or a part of the common areas using electricity in my building (elevators, hall lights etc.; which is the property owners responsibility). Therefore, I am being fraudulently billed (see, *Cormack v. American Underwriters Corp., 288 N.W.2d 634*) by P.E.C.O.
- (6) P.E.C.O. did not at any time do the proper field-test to determine if my apartment services are attached to the common areas of the buildings. Therefore I request a new field-test and hearing in court based on the "INSTANT NEW MATTER and NEW EVIDENCE," presented to the court for Judge Marta Guhl deliberations.

I recently received a bill dated May 17, 2015 in the amount of 74.04. Also stated in the same bill are 15 "Budget bill charges from previous bills" with charges ranging from \$15.05 to \$94.00 (with no dates specified for the alleged charges); the total amount allegedly owed to P.E.C.O. is \$1,114.68; how is this possible? (See, exhibit No.# 1, P.E.C.O. monthly statement).

THEREFORE: I request of the Court of Judge Marta Guhl, a new in person hearing in court and a new field test while I am present, to determine exactly my apartments electrical usage.

Singed X  May 23/2016

**Mr. Amir V. Williams
P. O. Box 28053
Philadelphia, Pa. 19131-8053**

PRAYER: I Pray the Court grant me a New Field-Test and a future Hearing on this matter.

REQUEST; Granted _____

REQUEST; Denied _____