

June 16, 2016

To:

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

Administrative Law Judge Angela T. Jones
Pennsylvania Utility Commission
801 Market Street, 4th Floor, Suite 4063
Philadelphia, PA 19107

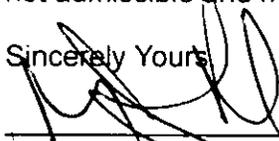
Shawane L. Lee, Esquire
Exelon Business Services
2301 Market Street S23-1
Philadelphia, PA 19103

Re: Zied, et. al. v. PECO - Case # F-2015-2500342

To All of who this Concerns:

Enclosed is a submission that PECO alleges that they made to this tribunal on June 13, 2016. Enclosed is a Motion by Mindy Jaye Zied and Binnie A. Zied (Complainants in this Case) for relief based upon the fact that PECO failed to follow an ORDER issued by ALJ Jones, and the date they served their submission (According to Federal Express) was on June 14, 2016, arriving at the Zied residence at June 15, 2016, which it is believed makes PECO's submission not admissible and makes the Attorney for PECO non-credible.

Sincerely Yours,



Mindy Jaye Zied-Campbell

Attached: Motion for Relief against PECO with Attachments

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SECRETARY'S BUREAU

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

Mindy Jaye Zied

Binnie A. Zied, *complainants/petitioners*) F-2015-2500342

) *Related Case Number:*

v.

) (P-2015-2520474 - April 21, 2016)

)

PECO Energy Company, An Exelon Corp)

respondents)

)

COMPLAINANTS/PETITIONER'S MOTION:

- (1) **FOR RELIEF FROM PECO'S FAILURE TO COMPLY WITH AN ORDER BY THE PUBLIC UTILITIES COMMISSION AND FAILURE TO PROPERLY SERVE AND FILE THE DOCUMENT ENTITLED: "PECO ENERGY'S REBUTTAL TESTIMONY" BY 4:30 PM on JUNE 13, 2016**

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

Date: June 16, 2016

BRIEF INTRODUCTION

THE JUNE 2, 2016 SUBMISSION AND THE ALJ JUNE 8, 2016 ORDER

- 1.** On June 2, 2016, Complainants' Mindy Jaye Zied and Binnie A. Zied Motioned for an Interlocutory Review from the Pennsylvania Utilities Commission pertaining in part to the adequacy and definition as to the requirements of an "Affidavit". There was also a request for a Stay of Proceedings contained in that particular Motion.
- 2.** On June 8, 2016, Administrative Law Judge addressed that Motion and ISSUED an ORDER (here at Exhibit #1) staying the proceedings and continued to state the following in the in part in her June 8, 2016 ORDER:

#3. That the Respondent, PECO Energy Company, remains directed to submit its written rebuttal testimony no later than 4:30 p.m. on June 13, 2016.
- 3.** Now, whether or not the Administrative Law Judge (Jones) had jurisdiction to enter said issue (Issue #3) based upon the fact that the Complainant's had already moved for an Interlocutory Review as to whether or not ALJ's recusal was warranted, and the Motion for recusal had already been placed before the PUC Commission on June 2, 2016, is unbeknownst to the Complainants.
- 4.** If it was within the jurisdiction of the ALJ based upon language in a prior ORDER before her June 8, 2016 ORDER, according to the fact that three days has passed from June 13, 2016 and no USPS mail was ever received or sent by PECO, the Federal Express package which was received and sent by PECO on June 14, 2016, the same day their "rebuttal testimony" was filed, is in violation of that ORDER, was not submitted on time, and should therefore be considered inadmissible and invalid, considering that and the contents of the rest of this document.

**PECO'S ELECTRONIC SUBMISSION OF THEIR REBUTTAL TESTIMONY-
EXHIBIT #2**

5. Not only has PECO violated an ORDER by the Pennsylvania Public Utilities Commission Office of Administrative Office(s) and ALJ Jones's prior ORDER and the June 8, 2016 ORDER, but the signature of their Attorney, Shawane L. Lee is invalid by not only dating the letter to Secretary Chiavetta June 13, 2016, but by stating this in the letter, and in the Certificate of Service which was submitted electronically on **JUNE 14, 2016** (see here at **Exhibit #2, page #1**) - e filing successfully transmitted on 6/14/2016 9:13:30 AM.) On Page #2 of this document which is addressed to Secretary Chiavetta, it is clearly dated **JUNE 13, 2016**, despite the fact that PECO Attorney **KNEW** that it was not filed electronically until **JUNE 14, 2016**.

6. Now, since PECO has been filing electronically from the beginning of this case, and we're guessing that because PECO is represented by Counsel that it is required for Attorney's to file electronically, no matter the size of the document, because there was an ORDER which required PECO to submit their written testimony by 4:30 p.m. on June 13, 2016, then PECO by and through their Counsel had been required to file said document by that time on June 13, 2016, not file it electronically until June 14, 2016, which they did, despite the fact that in addition to that particular filing they could have sent out a physical copy of the document to Harrisburg, PA based upon the fact that it exceeded the page limits, requiring a physical copy to mailed in addition to the electronic filing(s).

7. The language in the actual ORDER states this:

submit its written rebuttal testimony no later than 4:30 p.m. on June 13, 2016.

The ORDER does not say "**mailed by**", it says: "**SUBMIT**".

8. PECO includes a letter which is entitled: "e filing Successfully Transmitted" (see here at **Exhibit #2**)

9. On the first page of Exhibit #2, it says in part:

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

10. In bold print the following is depicted (guessing that PECO applied the bold type):

If your filing exceeds 250 pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Corporation, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Please print a copy of this page and attach it to the paper copy of your filing as the first page.

11. The key phrase in the aforementioned paragraph is:

within 3 business days of submitting the electronic filing.

12. That means that **PECO** by way of **PUC ORDER** was required to electronically **SUBMIT** their rebuttal testimony **by 4:30 PM on JUNE 13, 2016, not by 9:13 AM on JUNE 14, 2016.**

PECO's CERTIFICATE OF SERVICE

13. At the end of the document entitled: "Rebuttal Testimony", PECO places a "**CERTIFICATE OF SERVICE**", which by they way only cites in the caption "MINDY JAYE ZIED", but should include "BINNIE A. ZIED" since there are two complainants, not one, which is indicated by PECO. PECO's Certificate of Service says these exact words:

"I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Rebuttal Testimony in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid on:

Mindy Jaye Zied
Binnie A. Zied
1948 Kentwood Street
Philadelphia, PA 19116

14. **Dated at Philadelphia, Pennsylvania, June 13, 2016.**

15. By placing JUNE 13, 2016 on the Certificate of Service, when they clearly KNEW that they mailed it out (not stating whether they mailed it out USPS, UPS, Federal Express, or other) on JUNE 14, 2016, via Federal Express (here at Exhibit #4) and placed the same date that of JUNE 13, 2016 on the letter to the Secretary, PECO has proved that anything they do or say is not credible, and their rebuttal testimony (without addressing the merits of that particular document) should be immediately stricken from the record.

16. Today is June 16, 2016, three days past the time that the June 13, 2016 document was due to be filed by PECO, and the mailman has already delivered the USPS mail today to:

1948 Kentwood Street
Philadelphia, PA 19116

17. There was no mail which was received today which was sent by USPS by PECO. The only mail that was received from PECO was the Federal Express package indicating it was mailed out on **JUNE 14, 2016.**

18. The tracking information from Federal Express reveals this:

For Tracking Number - Federal Express - #776513153986

Ship Date: 6/14/2016

On - 6/14/2016 - Tuesday

8:48 am	Shipment information sent to Fed Ex
4:00 pm	Picked up
9:05 pm	Left Fed Ex origin facility
9:38 pm	At destination sort facility - Philadelphia, PA

On 6/15/2016 - Wednesday

1:40 am	At local Fed Ex facility	- Philadelphia, PA
6:56 am	At local Fed Ex facility	- Bristol, PA
10:26 am	On Fed Ex vehicle for delivery	- Bristol, PA

3:32 pm Delivered

LAWS, RULES AND REGULATIONS

19. **52 Pa Code §1.57. Proof of Service**

(a) Paper filings. A certificate of service in the form prescribed by §158 (relating to form of certificate of service) must accompany and be attached to the original and all copies of pleadings, submittals or other documents filed with the Commission when service is required to be made by the parties.

20. **52 Pa Code §1.58**

Form of certificate of service.

(a) The form of certificate of service must be as follows:

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of **§1.54** (relating to service by a party). Dated

21. **52 Pa Code §1.56. Date of Service**

a) The date of service shall be the earliest day when the document served meets one of the following conditions:

- (1) The document is deposited in the United States mail.
- (2) The document is deposited with an overnight express package delivery service
- (3) The document is delivered in person.
- (4) The document is transmitted...electronic mail....

22.

(1) The First scenario does not apply, because it has passed three days, the Zied's have received their USPS mail, none of which contains a PECO envelope or anything from PECO.

23.

(2) The document was deposited with an overnight express package delivery service, that of Federal Express, but that document was picked up on JUNE 14, 2016 and delivered on JUNE 15, 2016.

24.

(3) If the document was in fact delivered in person, there is nothing in the Federal Express package which shows any letter or indication that PECO delivered their Rebuttal Testimony in person at 801 Market Street in Philadelphia, PA. There is no cover letter attached or any evidence which shows that it was hand-delivered to either the Philadelphia PA Office of Administrative Law Judge or hand-delivered to Secretary Chiavetta in Harrisburg, PA.

25.

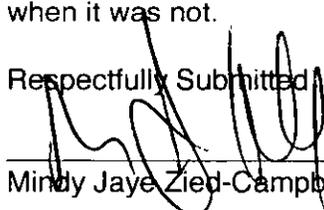
(4) The document is transmitted...electronic mail. This occurred on June 14, not on June

13.

CONCLUSION

26. For all the reasons set forth in this Motion, the Public Utilities Commission should not only strike the June 14, 2016 submission, but take additional action against PECO for signing a document on June 13, 2016 which was filed and submitted on June 13, and signing a Certificate of Service which emphatically said that the document was MAILED out that day when it was not.

Respectfully Submitted


Mindy Jaye Zied-Campbell, Complainant


Binnie A. Zied, Complainant

Date: June 16, 2016

(4) Exhibits Attached

- 1- ALJ June 8, 206 ORDER
- 2- PECO's e filing transmission June 14 2016
- 3 -PECO's rebuttal testimony Certificate of Service dated June 13, 2016
- 4- Fed ex Express sent out on June 14, 2016

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JUN 16 2016

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EXHIBIT #1

ALJ JUNE 8, 2016 ORDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
601 Market Street, 8th Fl, Suite 806 S
Philadelphia PA 19107

PHILADELPHIA
PA 191
OCT 20 1996
PH 6 C



MINDY JAYE ZED AND BENNIE A ZED
1946 KENTWOOD ST
PHILADELPHIA PA 19106

191 66-394248

PHILADELPHIA PA 19106-3942

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Misty Jaye Zind and Brian A. Zind

F-2015-250047

PECO Energy Company

**ORDER ON
STAY OF PROCEEDING**

On June 2, 2016, Complainants, Misty Zind and Brian Zind, filed a Petition for Involuntary Review (Petition) with two material questions and a Motion to Stay the Proceeding.¹ The material questions in the Petition are: (1) "whether [the] Affidavit/Declaration ... should have been addressed as well as admitted into the record by the Administrative Law Judge whose removal had been requested," and (2) "whether there was adequate showing ... to warrant the disqualification of ALJ Jones from hearing the case of Zind, et al. v. PECO Energy Co.?" (emphasis in original). This Order does not address the material questions presented by the Complainants; rather, this Order grants a stay of the proceeding pending the response to the material questions.

By Opinion and Order entered April 21, 2016, the Commission stated,

Consistent with Section 5.412 of our Regulations, the Parties may submit written testimony and accompanying exhibits, including direct by the Complainants and rebuttal testimony by PECO, instead of presenting oral testimony during a hearing.

Zind v. PECO Energy Co., Docket No. F-2015-2500474 (Opinion and Order entered April 21, 2016) (Zind Order) at 10. The Commission further directed the Complainants, "within twenty days of the entry date of this Opinion and Order, the Complainants provide in writing to the ALJ and

¹ The document filed on June 2, 2016, was entitled a Petition and a Motion to Stay the Proceeding. The undersigned did not find the substance of the Motion contained in the document filed on June 2, 2016.

allowed for the Respondent their choice on how to present the Complaint from the six options that have been provided." *Id.* at 11.

In compliance with the *Zed Order* the Complainants supplied a written response dated May 3, 2016, where they elected to have all of the materials filed with the Complaint to reflect as their written testimony. The undersigned waived the form requirements of the written testimony to assure a just, speedy and less expensive determination of this Complaint.

The Respondent was directed by Order dated May 10, 2016, to have written rebuttal testimony submitted no later than close of business (4:30 p.m.) on June 13, 2016. The undersigned by Order dated May 10, 2016, scheduled a telephonic hearing for the week of July 18, 2016,² for admissibility and cross-examination of the testimony submitted, but not yet entered into the record. By Hearing Notice dated June 2, 2016, the telephonic hearing was scheduled for Tuesday, July 19, 2016.

The undersigned finds it reasonable and prudent to stay the scheduled telephonic hearing pending the Commission's decision on the material question of the Petition. The telephonic hearing is cancelled. Notice of cancellation of the telephonic hearing will be provided by a separate document. The stay will be lifted after the Commission rules on the Petition.

It is noted that the Respondent, PECCO Energy Company, is still to submit its written rebuttal testimony at this docket no later than 4:30 p.m. on June 13, 2016. The stay of the proceeding does not preclude the Respondent from complying with this directive that was confirmed by Order dated May 10, 2016, and said direction remains.

² The Complainants were given a show-cause to change the scheduled telephonic hearing to an in-person hearing at their discretion.

THEREFORE,

IT IS ORDERED:

1. That the Internal Complaint of *Mindy Aye Zard and Bruce A. Zard v. PECO Energy Company* at Docket No. F-2015-2500342 is stayed pending the ruling on the Petition filed at this docket on June 2, 2016, consistent with the discussion contained in this Order.

2. That the telephonic hearing scheduled for Tuesday, July 19, 2016, for the Internal Complaint, *Mindy Aye Zard and Bruce A. Zard v. PECO Energy Company* at Docket No. F-2015-2500342, is cancelled.

3. That the Respondent, PECO Energy Company, remains directed to submit its written rebuttal testimony no later than 4:30 p.m. on June 11, 2016.

Date: June 8, 2016


Angela E. Jones
Administrative Law Judge

Zed v. PECO
Docket No. F-2015-258042

SERVICES LIST

MINIV LAYE ZED AND BONNIE A ZED
1948 KENTWOOD ST
PHILADELPHIA PA 19116

SHAWANE L LEE ESQUIRE
EXELON BUSINESS SERVICES Company LLC
LEGAL DEPARTMENT 621-1
200 MARKET STREET
PHILADELPHIA PA 19106-1310

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EXHIBIT #2

Peco's e filing transmission dated June 14, 2016 w/letter dated June 13, 2016 and Certificate of Service dated June 13, 2016



PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

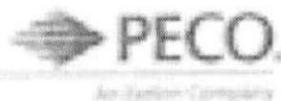
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If your filing exceeds 250 pages, you are required to submit one paper copy of the filing within 2 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Please print a copy of this page and attach it to the paper copy of your filing as the first page.

eFiling Confirmation	
Docket Number	P-2015-2500340
Description	PUCO Energy Company - Month June 2nd Certificate of Service
Transmission Date	6/14/2016 9:13:30 AM
Filed On	6/14/2016 9:13:30 AM
eFiling Confirmation Number	1827712

Uploaded File List

File Name	Document Class	Document Type
Case - Certificate of Service.pdf	Other Filing	Certificate of Service



Legal Department
1000 Market Street, 4000
Philadelphia, PA 19103-3899

Direct: (215) 401-4000

June 13, 2010

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RE: **Mindy Jaye Zlot v. PECO Energy Company**
PEC Docket No.: F-2010-2590342

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is **PECO Energy's Rebuttal Testimony Certificate of Service**.

Thank you for your time and attention on this matter.

Very truly yours,

Shurwan Lee
Counsel for PECO Energy Company

WJL:ab
Enclosure

cc: Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MINDY JAYE ZIED	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2015-2500342
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Shawana L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Rebuttal Testimony in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Mindy Jaye Zied
Bennie A. Zied
1948 Kensington Street
Philadelphia, PA 19115

Dated at Philadelphia, Pennsylvania, June 13, 2015



Shawana L. Lee
Counsel for PECO Energy Company
200 Market Street, 523-1
P.O. Box 8099
Philadelphia, PA 19101-8099
(215) 861-6841
Fax: 215-568-3189
Shawana.Lee@pecoenergyp.com

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SECRETARY'S BUREAU

EXHIBIT #3

PECO's Certificate of Service contained within the Rebuttal Testimony verifying that PECO mailed said document on JUNE 13, 2016

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MINDY JAYE ZIRD	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2015-2906342
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Shawnee L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Refusal Testimony in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Mindy Jaye Zird
Bonnie A. Zird
1948 Kensington Street
Philadelphia, PA 19116

Dated at Philadelphia, Pennsylvania, June 13, 2016



Shawnee L. Lee
Counsel for PECO Energy Company
2301 Market Street, 325-1
P.O. Box 8099
Philadelphia, PA 19104-8099
(215) 641-8841
Fax: 215-568-3288
Shawnee.Lee@pecoenergy.com

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EXHIBIT #4

Federal Express picked up on June 14, 2016 - Delivered on
June 15, 2016

To: Ms. Ch. Avelta,
 I forgot to include a cert. f. cate of service. This is my proof of mailing. I will be sending a copy to the DECO A Hwy. & Astorish, I did send these
 My signature
 I did send these

=====
 BUSTLETON
 9925 BUSTLETON AVENUE
 PHILADELPHIA, PA 19115-9998
 06/16/2016 04:19:59 PM
 =====

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
PHILADELPHIA, PA 19103 Zone-1 First-Class Mail® Large Envelope 0 lb. 3.70 oz. * Expected Delivery Day Saturday, June 18.			\$1.57
Issue Postage:			\$1.57
PHILADELPHIA, PA 19107 Zone-1 First-Class Mail® Large Envelope 0 lb. 3.70 oz. * Expected Delivery Day Saturday, June 18.			\$1.57
Issue Postage:			\$1.57
Total:			\$3.14
Paid by:			
MasterCard			\$3.14
Account #:	XXXXXXXXXXXX7418		
Approval #:	01682B		
Transaction #:	790		
	23-902370154-99		
SSK Transaction #:	23		
USPS® #	416557-9551		

DECO
 A Hwy
 ←
 ← ALJ
 JOHNS
 DECO

Thanks.
 It's a pleasure to serve you.
 ALL SALES FINAL ON STAMPS AND POSTAGE.
 REFUNDS FOR GUARANTEED SERVICES ONLY.

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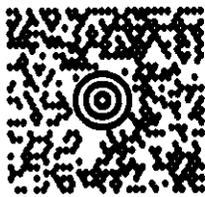
JUN 16 2016

PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

MINDYJ ZIED
(267) 678-7577
THE UPS STORE #5342
3958 WELSH RD
WILLOW GROVE PA 19090-2800

1 LBS 1 OF 1
SHIP WT: 1 LBS
DATE: 16 JUN 2016

SHIP ROSEMARY CHIAUETLA
TO: PA PUBLIC UTILITIES COMM
COMMONWEALTH KEYSTONE BLDG
FL 4
400 NORTH ST
HARRISBURG PA 17120

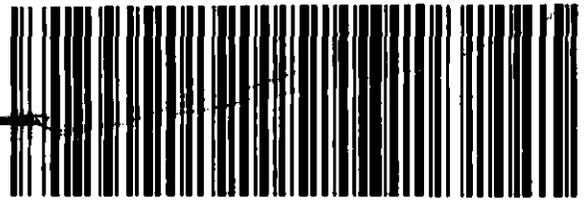


PA 171 9-20



UPS GROUND

TRACKING #: 1Z W09 R29 03 1525 6719



P/P

REF 01: NN

SILVER & BLUE
PA-RD
WILLOW GROVE, PA

10N 13.00N Z2D 400 76.00 04/2016



CMPC

To: **CHIAVETA, R. PUC**

Agency: PUC
Floor:

External Carrier: UPS GROUND

6/17/2016 10:51:52 AM



1Z W09 R29 03 1525 6719