

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PA 17120

Mindy Jaye Zied and
Binnie A Zied
v.

Public Meeting – April 6, 2017
2520474-OSA
Docket No: P-2015-2520474
P-2015-2500342

PECO Energy Co.

STATEMENT OF CHAIRMAN GLADYS M. BROWN

I strongly support providing any reasonable accommodation necessary to ensure that the parties appearing before this Commission are afforded due process and are able to have their cases heard. This includes providing Telecommunications Relay Service for the deaf and hearing impaired, offering interpreters for non-English speakers to the extent that the interpreters are available, and conducting telephonic hearings for those who are not able to attend in person.

The instant case is unusual in that one of the Complainants, Mindy Zied, is unable to attend the hearing in person due to medical issues and her age. The Complainants state that Mindy Zied also cannot participate in a telephonic hearing because of her disability. Our April 2016 and September 2016 Orders in this case permitted the Parties to submit written testimony and accompanying exhibits, instead of presenting oral testimony during a hearing to minimize the need for a telephonic hearing. We encouraged the Parties to stipulate to facts and the authenticity of documents to streamline the process. However, in order to protect the due process rights of the Parties, we did not eliminate the possibility of a hearing being required for cross-examination or to challenge exhibits. (April 2016 Order at 10).

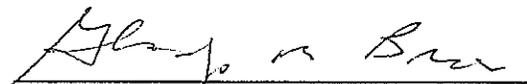
The presiding ALJ has determined that the paperwork submitted by the Complainants, in lieu of testimony, requires verification for authenticity and has scheduled a telephonic hearing for that purpose. The Complainants have renewed their request that this entire proceeding be handled on paper.

I believe that we have extended reasonable accommodations to the Complainants sufficient to afford them the opportunity to participate and have their case heard. However, the Commission cannot extend such accommodation to the point where it treads on the opposing party's right to due process. A party's right to cross-examination is a fundamental tenet of due process. In Pennsylvania, administrative due process rights include the fundamental right to cross-examine witnesses, inspect documents, and offer evidence in explanation or rebuttal. *Hartnett, Jr. v. Bell Atlantic-Pennsylvania, Inc.*, Docket No. C-00945707, 1994 Pa. PUC LEXIS 57 (October 19, 1994); *Shenandoah Suburban Bus Lines v. PUC*, 355 Pa. 521, 50 A.2d 301, 305 (1947).

Accordingly, I support denying the Complainants' request.

April 6, 2017

Date



Gladys M. Brown, Chairman