

Via E-File DELIVERY

July 9, 2017

Rosemary Chiavetta, Secretary PA Public Utility Commission
Commonwealth Keystone Bldg.
2nd Floor, 400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: File# C-2016-2555083 (Eric Hudson -vs- PECO Energy Company) – Initial Ruling Exceptions

Dear Secretary Chiavetta:

Enclosed for filing are the Exceptions to the ruling by Administrative Law Judge Darlene D. Heep regarding File# C-2016-2555083 (Eric Hudson -vs- PECO Energy Company).

Also, as evidenced by the copies of overnight receipts to the addressees, the parties of record have been served in the manner indicated.

While I respect Judge Heep's review and ruling, I respectfully request a review of the ruling and bring forth exceptions to the ruling regarding File# C-2016-2555083 (Eric Hudson -vs- PECO Energy Company) including:

Exception #1 -

In the ruling (Finding #16, page 6), Judge Heep specified the following:

"16. At the start of the hearing on April 7, 2017, Complainant was called twice at the telephone number in the Commission's records and he did not answer."

Response:

While the complainant was dealing with a medical emergency whereby his daughter (who suffers from Extreme Bipolar Disorder) was experiencing manic episodes, the complainant also explained to the administrative judge's assistant (Pamela McNeal) that he responded to a voicemail from the Judge Heep's office and did not believe he received a missed call. Complainant indicated to the Ms. McNeal that his daughter has bipolar and was experiencing an extreme manic episode. Thus, the call may have gone right to voicemail but he responded immediately (as noted in the call records). Also, please note that the complainant called the Administrative Judge office back immediately (after ensuring his daughter was calm and no longer a threat to herself or others) on three occasions after receiving the voicemail from Judge Heep's office at 10:44am, 10:46am, and 10:47am on the day of the hearing (April 7, 2017). Please see the attached phone records noting all incoming calls along with outgoing calls to the Administrative Judge office as indicated above from 9am to 11am.

Exception #2 –

In the ruling (Finding #18, page 6), the Judge Heep indicated the following:

“18. Subsequent to the hearing date, Complainant was informed on three occasions that he needed to provide information pertaining to his failure to appear for the hearing on April 7, 2017”.

Response:

In response to above finding #18, complainant (Eric Hudson) was contacted only once (not three times as indicated) and only via email regarding the request for pertinent information regarding the medical emergency for the complainant’s medically disabled daughter. In addition, the complainant reached out to the PUC on at least three occasions on April 13, 2017 in response to previous discussion with Judge Heep’s assistant (Pamela McNeal) regarding request for reschedule of the hearing and any required documentation needed (Please see attached phone records). Complainant was only informed via email on May 15, 2017 of a final request and responded via fax immediately as requested on May 16, 2017. No other request for information was made to the complainant.

For reference, please see attached email records noting all emails received with no prior email or phone notification.

Exception #3 –

In the initial ruling (Finding #19, page 7), Judge Heep notes:

“19. Complainant has not submitted information pertaining to his failure to appear for the hearing on April 7, 2017.”

Response:

In response to Finding #19, complainant provided three (3) documents including: Psychiatrist report confirming complainant’s daughter’s disability (including notification of ongoing and debilitating manic episodes), Bi-Polar Disability report with further diagnosis and treatments, and Chester County Office of Medical Assistance Letter of Support (LOS) confirming that complainant’s daughter is solely support medically and financially by the complainant as part of the disability. In addition to the above documents, complainant also provided a letter of explanation clarifying that his daughter was experiencing manic episodes on the morning of the conference call and, thus, was unable to receive the call. In addition, the complainant noted that he called back within 30 minutes of receiving the voicemail.

Based on exceptions noted, I respectfully request that the Commission review and grant these exceptions and order any other relief deemed necessary, appropriate and consistent with these exceptions and other findings.

Respectfully Submitted,

Eric B. Hudson

Eric Hudson