

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PA 17120**

**Gary Peterson**  
v.  
**PECO Energy Company**

**Public Meeting held July 12, 2017**  
**2572890 – ALJ**  
**Docket No. C-2016-2572890**

**MOTION OF COMMISSIONER DAVID W. SWEET**

The matter before us is the Initial Decision of Administrative Law Judge (ALJ) Benjamin J. Myers which dismisses the complaint of Gary Peterson against PECO Energy Company (PECO) alleging that PECO had failed to prevent a power outage which damaged various electronic items in his home and did not fully reimburse him for his damages. The damage occurred when a PECO primary wire fell near the pole and transformer located just outside Complainant's home, coming into contact with the lower voltage secondary wires and resulting in a high voltage arc to the transformer and resulting in a surge into Mr. Peterson's home.

The ALJ fashioned the discussion into two questions: (1) Did the falling primary wire constitute unreasonable or inadequate service? (2) Can the Commission award the monetary damages sought?

I agree that the weight of the evidence was not sufficient to carry the burden of proving that PECO had provided unreasonable or inadequate service, and the second question regarding the Commission's inability to award monetary damages is well settled. At that point, the case was over, and the analysis should stop.

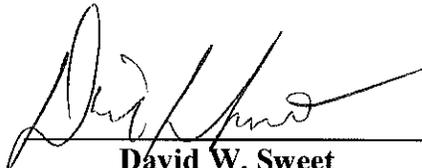
However, the discussion that followed concerning the PECO tariff regarding the limitation of its liability should not be included in the Commission's final Opinion and Order as it discusses an issue that need not be reached.

THEREFORE,

I MOVE:

1. That the Initial Decision of Administrative Law Judge Benjamin J. Myers is affirmed insofar as it finds that Gary Peterson has not carried his burden of proving that PECO Energy Company provided unreasonable and/or unsafe service.
2. That the Initial Decision of Administrative Law Judge Benjamin J. Myers is amended to remove the discussion regarding the effectiveness of the PECO Energy Company tariff provision 12.1 regarding limitation of liability for service interruptions and variations.
3. That the Office of Special Assistants prepare an appropriate order.

July 12, 2017  
DATE

  
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**David W. Sweet**  
**Commissioner**