

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Gary Peterson
v.
PECO Energy Company

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

MOTION OF CHAIRMAN GLADYS M. BROWN

On August 27, 2015, the primary electric wire located just outside of Gary Peterson's house failed, fell onto the lower voltage wires below it, and caused an electrical surge to pass into the house damaging various electronic items. On October 21, 2016, Mr. Peterson filed a Complaint with the Commission seeking reimbursement for damage to his property in the amount of \$24,579.72. By Initial Decision issued April 24, 2017, ALJ Myers denied the Complaint finding that Mr. Peterson failed to establish that PECO violated the Public Utility Code, the Commission's regulations, or any Commission order. The ALJ further determined that the Public Utility Code does not grant the Commission the authority to award monetary damages, and that PECO's responsibility for damages is capped at \$500 pursuant to its tariff.

I agree that it is well established that the Commission lacks the authority to award monetary damages. *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980). Therefore, we are unable to grant Mr. Peterson the resolution he is seeking. Because the record developed in this proceeding does not support Mr. Peterson's claims, his Complaint must be denied.

That being said, falling electric lines pose a significant hazard to public safety and I am hesitant to declare that an otherwise sound primary electric wire fell for no reason, without further investigation. As such, I will refer this matter to the electric safety division of our Bureau of Investigation and Enforcement to analyze the cause of the line failure and any other action that it deems appropriate.

THEREFORE, I MOVE THAT:

1. The ALJ's Initial Decision be adopted as modified.
2. The matter be referred to the Commission's Bureau of Investigation and Enforcement, Electric Safety division, for further analysis and such action as it deems appropriate.

July 12, 2017
Date



Gladys M. Brown, Chairman