

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RYAN INGHAM	:	
<i>Complainant</i>	:	
	:	No.: C-2016-2579564
v.	:	
	:	
PECO ENERGY COMPANY	:	
<i>Respondent</i>	:	

**EXCEPTIONS OF COMPLAINANT
RYAN INGHAM**

Ryan Ingham
213 Brownbacks Church Road
Spring City, PA 19475
(484) 919-1414

Dated: September 23, 2017

I. INTRODUCTION

Complainant Ryan Ingham (“Mr. Ingham”) respectfully submits these Exceptions to the Initial Decision of Administrative Law Judge Darlene D. Heep dated May 31, 2017 (“Initial Decision”), pursuant to 52 Pa. Code § 5.533. Mr. Ingham respectfully requests that the Pennsylvania Public Utility Commission (the "Commission" or "PUC") reject the Initial Decision, wherein Judge Heep sustained the preliminary objections of Peco Energy Company (“PECO”) and dismissed Mr. Ingham’s Complaint.

II. HISTORY OF PROCEEDINGS

Mr. Ingham filed his initial complaint on December 9, 2016. He received no further information or correspondence from neither PUC nor PECO from that date until receiving a Ten Day Shut Off Notice from PECO dated August 25, 2017. Mr. Ingham immediately contacted PUC and it was determined that he was not being properly served with documents relating to the instant proceedings.

It was not until this phone call that Mr. Ingham also learned that PECO had filed an Answer to his Complaint on December 14, 2016 and, Preliminary Objections the following day on December 15, 2016. To date, Mr. Ingham has still never been served with these documents and was therefore never afforded an opportunity to respond. On May 31, 2017, Judge Heep entered the Initial Decision and Final Order sustaining PECO’s preliminary objections and dismissing Mr. Ingham’s Complaint.

As a result of the lack of service and therefore denial of due process, PUC issued a letter on September 5, 2017, rescinding the Final Order and allowing Mr. Ingham twenty (20) days to file these Exceptions.

III. EXCEPTIONS

Exception No. 1: Complainant has still never been served with Respondent's Preliminary Objections or Answer, and therefore has been denied and continues to be denied due process.

Notice and opportunity to be heard are the two fundamental requirements for affording a litigant due process. In order to appropriately defend himself, Complainant must be served with all pleadings and documents in the instant litigation. Complainant has still never been served with Respondent's Answer or Preliminary Objections, and therefore is unable to properly respond.

The Initial Decision was entered into without providing Complainant the benefit of notice or opportunity to present his defense, and therefore was in violation of his due process rights.

Exception No. 2: Complainant was not afforded an opportunity to amend his pleading in the Final Order, as required by 52 Pa. Code § 5.101(h).

Pursuant to 52 Pa. Code § 5.101(h), “[i]f a preliminary objection is granted, the party who submitted the stricken pleading has the right to file an amended pleading within 10 days of service of the order.” If the Commission agrees with Respondent's position and sustains its preliminary objections, then Complainant must be afforded ten (10) days to file

an amended pleading. This is especially true where a pleading is stricken for legal insufficiency.

IV. CONCLUSION

Complainant has still never been served with PECO's filings and therefore has never been afforded the opportunity to properly defend against the same. Furthermore, should the Commission sustain PECO's Preliminary Objections, Complainant should be afforded an opportunity to amend his Complaint within ten (10) days of the date of the order, pursuant to 52 Pa. Code §5.101(h).

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Ryan Ingham", with a horizontal line extending to the right.

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AFFIDAVIT OF SERVICE

I hereby verify that a true and correct copy of the foregoing was filed electronically with the Secretary of the Commission, and was served as follows:

Exelon Business Services Company
Legal Department
2301 Market Street, S23-1
Philadelphia, PA 19103

Commission's Office of Special Assistants (OSA)
Via e-mail to ra-OSA@pa.gov

By:



Ryan Ingham
213 Brownbacks Church Road
Spring City, PA 19475
(484) 919-1414

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