

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120

Cleatus W. Santee, Jr.

v.

PECO Energy Company

Public Meeting February 8, 2018

2586450-ALJ

Docket No.C-2017-2586450

**STATEMENT OF COMMISSIONER JOHN F. COLEMAN, JR.**

Before the Commission is an Initial Decision that dismisses the above-captioned Formal Complaint filed against PECO Energy Company (PECO). The Complainant has defaulted on multiple Commission payment arrangements and requests yet another payment arrangement from the Commission.

In denying the payment arrangement request, the Initial Decision follows our prior decision in *Caroline Maitland v. UGI Penn Natural Gas Inc.*, Docket No. C-20078353 (Opinion and Order entered August 20, 2008). In *Maitland*, the Commission did not exercise its authority to establish a second payment arrangement for a Complainant who had experienced a change in income. The Commission cited to the Complainant's prior inability to pay and reasoned that the requested payment arrangement would contain the same repayment terms as those upon which the Complainant defaulted.

I note that the decision of whether to award a payment arrangement in this case is within the discretion of the Commission. As we concluded in *Maitland*, Chapter 14 of the Public Utility Code (Code) does not require the Commission to issue another payment arrangement in all cases in which a customer experiences a change in income under the Code.

Upon review, I do not believe we should exercise our discretion and grant a payment arrangement here. Although the Complainant has experienced a change in income, the Complainant's income level – a level 4 – has not changed since his last Commission payment arrangement.<sup>1</sup> Similar to *Maitland*, I do not see the point to granting another payment arrangement that would be on the same repayment terms and no more affordable than the arrangement upon which the Complainant previously defaulted.

Moreover, since 2009, the Complainant has defaulted on one Company-issued payment arrangement and on multiple Commission-issued payment arrangements. Meanwhile, as of the date of the hearing, the Complainant's outstanding account balance with PECO was \$2,278.47. I do not support granting another payment arrangement based upon this poor payment history, which also was the situation in *Maitland*. In short, I do not believe the facts in this case support establishing another Commission payment arrangement.

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<sup>1</sup> The Complainant's household income still exceeds 300% of the Federal Poverty guidelines even after the decrease in household income. This is because his decrease in household income was accompanied by a decrease in the number of individuals in his household.

While the Commission is not bound by *stare decisis*, it must render consistent opinions and either follow, distinguish, or overrule prior precedent.<sup>2</sup> Upon review, the proposed motion does not appear to be consistent with *Maitland*. In fact, the proposed motion does not even mention *Maitland*, yet alone explain why the Commission is not following a decision that appears to be on-point with the current case. Thus, the proposed motion does not follow the *Maitland* precedent and does not distinguish or expressly overrule it either.

For these reasons, I agree with the Initial Decision to deny the Complainant's request for another Commission payment arrangement and do not support the proposed motion.

**Date: February 8, 2018**



**JOHN F. COLEMAN, JR.  
COMMISSIONER**

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<sup>2</sup> *PECO Energy Company v. Pa. Public Utility Commission*, 756 A.2d 156 (Pa. 2002).