

Legal Department  
2301 Market Street / S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Direct Dial: 215.841.6841

May 18, 2018

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

**RE: Mia McGuire c/o Mary Ann Suarez v. PECO Energy Company**  
**PUC Docket No.: C-2017-2627982**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the *Reply Exceptions of PECO Energy Company*.

Very truly yours,



Shawane Lee  
Counsel for PECO Energy Company

cc: Certificate of Service

SL/ab  
Enclosure



## REPLY EXCEPTIONS

PECO Energy Company (“PECO”) hereby replies to the Exceptions filed by Mary Ann Suarez (“Ms. Suarez” or “Complainant”) in the above-referenced matter on April 1, 2018. To date, the Complainant’s Exceptions have not been served upon PECO by the Complainant or the Commission. PECO recently identified the Exceptions on the docket; and therefore, files the company’s Reply Exceptions *nunc pro tunc*.

### I. Background and Procedural History

Mia McGuire was PECO’s ratepayer at 519 King Street, Apartment A-1, Philadelphia, PA until November 7, 2016. During her years as a customer with PECO, Ms. McGuire filed nine (9) informal and formal complaints with the Public Utility Commission. In a 2014 case at docket number F-2014-2427216, Ms. McGuire disputed high bills and a former address balance from 3900 Terrace Street in the amount of \$182.01 that she alleged was transferred to her account at 519 King Street. Ms. McGuire was represented by an attorney at a hearing which took place before Administrative Law Judge David A. Salapa. Judge Salapa issued an Initial Decision on September 14, 2014, dismissing Ms. McGuire’s billing dispute and determined that PECO did not transfer the \$182.01 balance to any subsequent account.

In 2015, Ms. McGuire returned with another formal complaint filed at docket number C-2015-2503971, disputing high bills and the former address balance from 3900 Terrace Street in the amount of \$182.01 that she alleged transferred to her 519 King Street account. A telephonic hearing commenced before Administrative Law Judge Conrad A. Johnson. At the hearing, Mary Ann Suarez who claims she is Ms. McGuire’s caretaker, insisted on speaking and testifying on behalf of the Complainant. See Attached Transcript, attached hereto as Exhibit “1”. As a

consequence, PECO requested an in person hearing, which was scheduled before Administrative Law Judge Angela T. Jones. Neither Ms. McGuire nor Ms. Suarez appeared to prosecute the case and the case was dismissed for failure to prosecute.

In 2016, Ms. McGuire returned with another formal complaint filed at docket number at docket number C-2016-2547408, alleging high bills and disputing the same \$182.01 balance that she alleges was transferred from 3900 Terrace Street to her account at 519 King Street. An in person hearing was scheduled before Administrative Law Judge Eranda Vero. Ms. McGuire showed up at the hearing with Mary Ann Suarez. Over Ms. Suarez's vociferous objections, Ms. McGuire entered into a settlement agreement with PECO wherein PECO processed a forty-eight month payment agreement on Ms. McGuire's \$1,131.06 balance and credited late payment charges. That same year, Ms. McGuire disconnected service with PECO effective November 7, 2016, leaving an unpaid balance in the amount of \$1,339.25.

In 2017, Ms. Suarez filed the present formal complaint against PECO, purportedly on behalf of Ms. McGuire. In the formal complaint, Ms. Suarez alleged that Ms. McGuire was being overcharged and disputed Judge Salapa's September 14, 2014, Initial Decision, which dismissed the high bill allegations and the alleged balance transfer of \$182.01. PECO filed an Answer with New Matter on October 10, 2017, denying the allegations and arguing that the issues raised in Complainant's formal complaint were res judicata and had already been litigated at docket numbers F-2014-2427216. Since there was a credibility issue with respect to Ms. Suarez's attempts to speak on behalf of Ms. McGuire and represent her, PECO requested an in person hearing.

On January 9, 2018, a hearing convened before Administrative Law Judge F. Joseph Brady. Mary Ann Suarez showed up for the hearing. Mia McGuire did not appear. At the

hearing, Ms. Suarez, once again, attempted to represent Ms. McGuire's interests and claimed to have a Power of Attorney over Ms. McGuire's affairs. The document Ms. Suarez presented was not a Power of Attorney over Ms. McGuire's affairs. Ms. Suarez made several allegations against PECO's counsel, Shawane L. Lee, Esquire, claiming that Ms. Lee is a liar who has insisted that Ms. Suarez pay taxes. Ms. Suarez attempted to offer testimony at the hearing and act as a representative for Ms. McGuire. PECO objected to Mr. Suarez acting as representative since she is not an attorney admitted to practice law in any State. Further, she had no valid Power of Attorney. Judge Brady ended the hearing and issued an Initial Decision, which dismissed Ms. McGuire's complaint for failure to prosecute. Judge Brady determined:

Prior to going on the record, Ms. Suarez presented a document to me which she offered as proof that she has power of attorney on behalf of the Complainant. The document presented did not comply with the statutory requirements prescribed at 20 Pa. C.S. Chapter 56 in order to be legally recognized as granting Ms. Suarez power of attorney on behalf of the Complainant. Furthermore, Ms. Suarez is not an attorney. As a result, I found Ms. Suarez did not have the authority to appear on behalf of the Complainant before the Commission.

The Commission should sustain the initial decision of Judge Brady. As Ms. Suarez is not a licensed attorney and had no authority to act as Ms. McGuire's representative, Judge Brady properly dismissed the formal complaint for failure to prosecute.

## **II. Legal Argument**

### **A. Ms. Suarez should be banned from filing any additional informal or formal complaints with the Public Utility Commission on behalf of Ms. McGuire.**

Preliminarily, Ms. Suarez (who is not the Complainant, customer of record or a licensed attorney) is writing the Exceptions. In the Exceptions, Ms. Suarez makes inappropriate and

bizarre allegations against counsel for PECO, Shawane Lee and PECO Senior Regulatory Assessor, Renee Tarpley. For instance, Mr. Suarez states “Ms. Sandra Lee has been lying to the PUC. I have requested the PUC to launch an investigation with the FBI regarding Ms. Lee’s actions as an attorney for PECO Energy. Ms. Lee has requested all transcripts of all hearings to be sent to her.” Ms. Suarez states in the Exceptions that Ms. Lee falsified Ms. Suarez’s name by copying and pasting her name to a false telephonic hearing with Judge Conrad A. Johnson. “Ms. Lee plagiarized my name – that hearing NEVER took place.” See Hearing Transcript, attached hereto as Exhibit “1”. Ms. Suarez states:

The catastrophic events that will take place:

- A) Miss Lee will be disbarred, jailed, assets frozen. Ms. Tarpley will be an accessory to the fact.
- B) All cases that Miss Lee represented PECO will be overturned.
- C) An investigation by the FBI will be done on Miss Lee, Ms. Tarpley and the PUC.

Similar to the inflammatory Exceptions now before the Commission, the hearing before Judge Brady proceeded in the same manner with Ms. Suarez making bizarre allegations regarding the payment of taxes, verbal attacks against Ms. Lee, and her purported right to represent Ms. McGuire. Ms. Suarez exhibited the same behavior at the hearing before Judge Johnson as demonstrated by the following colloquy:

Ms. Suarez: --and I want to tell you right now, Your Honor, we are going to continue this with me being the representative of Ms. McGuire. She can call me as a witness, that’s how we’re going to do this.

Judge Johnson: No, you’re not going to tell me how this hearing is going to be run. No, you’re not

going to tell me how the hearing is going to be conducted. I am the Judge in this case, not you, Ms. Suarez.

See Transcript, attached hereto as Exhibit “1”.

Ms. Suarez should be prohibited from filing any additional informal or formal complaints on behalf of Ms. McGuire for abuse of process. The Commission may preclude a party from filing further informal and formal complaints when the party has been an abuser of the system. See, Agnes Manu, et al v. AT&T Communications of Pennsylvania, Inc.; the Bell Telephone Company of Pennsylvania, Inc. & Philadelphia, Electric Company, Inc. Docket Numbers F-09020141, C-00935014, C-00934970, (Opinion and Order entered May 9, 2004), Albert Dinion v. Duquesne Light Company, 91 Pa. PUC 550 (1998), Sherry Seidenstricker v. Metropolitan Edison Company, F-2008-2019388, (Final Order entered July 28, 2009).

In a recent case, the Commission prohibited a PECO customer from filing additional informal and formal complaints where the customer had filed the complaint to avoid collection activity. In Julie McCrey v. PECO Energy Company, Docket No. C-2015-2501451 (Initial Decision entered January 2, 2018), Administrative Law Judge Eranda Vero ruled that Ms. McCrey was “precluded from filing further informal and formal complaints pertaining to her account with PECO” because she had “abused the system by using its provisions to prevent termination of service.” The Commission issued a Final Order on March 1, 2018, adopting ALJ Vero’s Initial Decision.

In this case, Ms. Suarez should be prohibited from filing additional informal or formal complaints on behalf of Ms. McGuire, particularly with respect to Ms. McGuire’s service at 519 King Street or 3900 Terrace Street. PECO should not be prejudiced by having to expend an inordinate amount of its resources to prepare for hearings for a dispute which has already been

litigated. Further, Ms. Suarez does not have the authority to file these proceedings on behalf of Ms. McGuire and should not have the license to abuse PECO's counsel, representatives and the Administrative Law Judges who preside over these matters. Nor should the public be prejudiced by the Complainant's wasteful use of the PUC's and utility company's resources. PECO respectfully requests that this Honorable Commission issue an Order, prohibiting Ms. Suarez from filing any additional complaints related to Ms. McGuire's service with PECO.

**B. Judge Brady properly dismissed the complaint because Ms. Suarez has no standing to prosecute the complaint or represent Ms. McGuire.**

Ms. Suarez has no standing to bring the formal complaint or to file these present Exceptions before the Commission. To have standing a person or entity must have a direct, immediate and substantial interest in the subject matter of the proceeding. William Penn Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975); Landlord Service Bureau, Inc. v. Equitable Gas Co., 79 Pa. P.U.C. 342 (1993); Re Equitable Gas Co., 76 Pa. P.U.C. 23 (1992). Ms. Suarez is not a residential customer residing at the service address 516 King Street, Philadelphia, PA. She is not the customer of record; accordingly, she has no standing to bring this action against the company or file the instant Exceptions. Consequently, ALJ Brady properly dismissed the formal complaint for failure to prosecute when Ms. McGuire did not appear at the hearing to testify or offer any evidence to prosecute her case.

At the hearing, Ms. Suarez presented a "Power of Attorney". The Power of Attorney did not give Ms. Suarez the right to represent Ms. McGuire in this matter and does not give her the authority to file the instant Exceptions. 52 Pa. Code §§ 1.21, 1.22 and 1.23 address representation before the Commission. Section 1.23 clearly states:

- Other representation prohibited at hearings;
- (a) Persons may not be represented at a hearing before the Commission

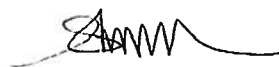
or a presiding officer except as stated in [§ 1.21](#) or [§ 1.22](#) (relating to appearance; and appearance by attorney or certified legal intern).

[§ 1.23](#). [Sections 1.21](#) and [1.22](#) provide that a person may represent themselves before the Commission or may be represented by an attorney or certified legal intern.

In this case, the customer of record (Ms. McGuire) was not present to offer any testimony or evidence to support her case. Ms. Suarez had no Power of Attorney and was not authorized to represent Ms. McGuire at the hearing. Accordingly, Judge Brady properly dismissed the formal complaint for failure to prosecute the complaint. Accordingly, Judge Brady's decision to dismiss the Complainant's case against PECO should be upheld.

For the reasons set forth above, PECO respectfully requests that the Commission deny the Exceptions and issue an Order upholding the Initial Decision in its entirety. Additionally, PECO respectfully requests that the Commission prohibit Mary Ann Suarez from filing any additional informal or formal complaints on behalf of Mia McGuire arising from her service with PECO.

Respectfully submitted,



---

Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
Direct Dial: 215.841.6841  
Fax: 215.568.3389



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MIA MCGUIRE  
c/o MARY ANN SUAREZ  
COMPLAINANT**

**v.**

**PECO ENERGY COMPANY,  
RESPONDENT**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

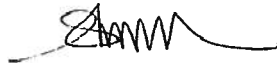
**Docket Nos. C-2017-2627982**

**CERTIFICATE OF SERVICE**

I, Shawane L. Lee, hereby certify that I have this day served a true copy of the foregoing Reply Exceptions upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Mary Ann Suarez  
PO Box 63  
Merion Station, PA 19066**

Dated at Philadelphia, Pennsylvania, May 18, 2018



---

Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
Direct Dial: 215.841.6841  
Fax: 215.568.3389

EXHIBIT "1"

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

----- X  
: Mia McGuire v. PECO Energy : Docket No.  
: Company : C-2015-2503971  
: Billing Dispute. :  
: Initial Call-In :  
: Telephonic Hearing. :  
: :  
----- X

Pages 1 through 22 Piatt Place, Suite 220  
Hearing Room 2015  
301 Fifth Avenue  
Pittsburgh, Pennsylvania  
Friday, February 12, 2016

Met, pursuant to notice at, 10:00 a.m.

BEFORE:

CONRAD A. JOHNSON, Administrative Law Judge

APPEARANCES:

SHAWANE L. LEE, Esquire  
Exelon Business Services  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, Pennsylvania 19103  
(For the Respondent, PECO Energy Company)

MIA MCGUIRE  
P.O. Box 63  
Merion Station, Pennsylvania, 19066  
(Complainant, Pro Se)

Commonwealth Reporting Company, Inc.  
700 Liburn Road  
Camp Hill, Pennsylvania 17011

(717) 761-7160

1-800-334-1083

- PECO  
Exhibit # 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESS INDEX

WITNESSES                      DIRECT      CROSS      REDIRECT      RECROSS

(NONE OFFERED)

EXHIBIT INDEX

NUMBER                              FOR IDENTIFICATION      IN EVIDENCE

(NONE OFFERED)

## P R O C E E D I N G S

1  
2 -----  
3 ADMINISTRATIVE LAW JUDGE JOHNSON: Good  
4 morning, again. I'm Administrative Law Judge Conrad A.  
5 Johnson. The Pennsylvania Public Utility Commission  
6 assigned this proceeding to me for hearing. Today's  
7 date is Friday, February 12th, 2016. The time now is  
8 10:00 a.m. This hearing is being conducted  
9 telephonically from the Commission's Pittsburgh hearing  
10 room. The hearing is also being tape-recorded by the  
11 court reporter, Mr. Dale Rose. However, it's the court  
12 reporter's transcript, which will be the official  
13 record of the hearing.

14 This matter involves the Complainant,  
15 Mia McGuire, and the Respondent, PECO Energy Company.  
16 The Docket Number is C-2015-2503971. I'd ask everyone  
17 who is in the telephonic hearing to please identify  
18 yourself beginning with the Complainant and give me  
19 your mailing address. Go ahead, Ms. McGuire.

20 MS. SUAREZ: Yes, Mia McGuire, the  
21 mailing address is two. We have P.O. Box 63 in Merion  
22 Station. That is our mailing address. Our residential  
23 address is 519 West King Street, Apartment A1.

24 JUDGE JOHNSON: And who is speaking,  
25 please?

1                   MS. SUAREZ: My name is Mary Ann  
2 Suarez. I am representing Ms. McGuire. I pay Ms.  
3 McGuire's bills because Ms. McGuire is disabled and has  
4 problems with numbers, and she also is disabled  
5 physically as well as mentally. I've been paying Ms.  
6 McGuire's bills for 20 years. I am her --- she is my  
7 Godchild, my Goddaughter, and as per the request of Dr.  
8 Michael McGuire who passed on two years ago I've been  
9 taking care of Ms. McGuire for 20 years now and paying  
10 her bills. I am paying her electric bill as we speak.

11                   JUDGE JOHNSON: Could you, please,  
12 spell your first and last name for me?

13                   MS. SUAREZ: Yes, my name is Mary Ann,  
14 and that's two words without the E, capital A. And  
15 it's S as in Samuel, U, A as in apple, R as in Raymond,  
16 E as in elephant, Z as in ---.

17                   JUDGE JOHNSON: Wait, you're going a  
18 little bit too fast. Start over again, and speak  
19 slowly, please. Spell your first name for me.

20                   MS. SUAREZ: Mary Ann, two words,  
21 without the E, capital A.

22                   JUDGE JOHNSON: Okay. And the last  
23 name begins with an S-U?

24                   MS. SUAREZ: Yes.

25                   JUDGE JOHNSON: S-U?

1                   MS. SUAREZ: A as in apple, R as in  
2 Raymond, E as in elephant, Z as in Zebra.

3                   JUDGE JOHNSON: And pronounce it for  
4 me, again?

5                   MS. SUAREZ: Suarez.

6                   JUDGE JOHNSON: Suarez. Okay, Ms.  
7 Suarez. And your mailing address again?

8                   MS. SUAREZ: It's P.O. Box 63, Merion  
9 Station, Pennsylvania, 19066.

10                  JUDGE JOHNSON: And are you an  
11 attorney, Ms. Suarez?

12                  MS. SUAREZ: No, I --- this is Ms.  
13 Suarez. No, I am her caregiver and her Godmother, my  
14 Goddaughter.

15                  JUDGE JOHNSON: Okay. Now, I'll ask  
16 Attorney Lee to state her name, tell me who you  
17 represent, and have the witness also state her name.  
18 Go ahead, Attorney Lee.

19                  ATTORNEY LEE: Shawane Lee on behalf of  
20 PECO Energy Company, and I have one witness today,  
21 Rense Tarpley. That's R-E-N-E-E, Tarpley,  
22 T-A-R-P-L-E-Y. And she is a Senior Regulatory Assessor  
23 at PECO.

24                  MS. SUAREZ: Now, Your Honor, could I  
25 speak first?

1                   JUDGE JOHNSON: No, just a moment,  
2 please.

3                   MS. SUAREZ: Okay.

4                   JUDGE JOHNSON: Attorney Lee, what's  
5 your mailing address?

6                   ATTORNEY LEE: 2301 Market Street, S23,  
7 Philadelphia, PA 19103.

8                   JUDGE JOHNSON: Now, Ms. Suarez, before  
9 I let you speak, let me state this. The parties can  
10 represent themselves in proceedings --- an individual  
11 can represent him or herself in a proceeding before the  
12 Public Utility Commission. That's for an individual.  
13 Companies are required to have an attorney in order to  
14 represent them in a hearing before the Commission.

15                   MS. SUAREZ: Yes.

16                   JUDGE JOHNSON: An individual who is  
17 not an attorney cannot represent another individual.  
18 But before I go any further with that, I'd ask Attorney  
19 Lee, have you had the opportunity to try and resolve  
20 this matter through settlement discussions, Attorney  
21 Lee?

22                   MS. SUAREZ: Let me explain, Ms.  
23 McGuire is here with me.

24                   JUDGE JOHNSON: Wait, just a moment.  
25 Go ahead, Attorney Lee.



1 unable to resolve the issue.

2 JUDGE JOHNSON: Well, let me state  
3 this, Ms. Suarez. Ms. Lee (sic) will have to present  
4 her case. You cannot speak for her and you cannot ask  
5 any questions. It's Ms. Lee (sic) who has to present  
6 her case.

7 ATTORNEY LEE: Ms. McGuire, Your Honor,  
8 yes.

9 JUDGE JOHNSON: I'm sorry, Ms. McGuire.  
10 Ms. McGuire has to present her case because you're not  
11 an attorney.

12 MS. SUAREZ: Let me explain something,  
13 Your Honor. First of all, before we even get started,  
14 this thing with PECO Energy, 519 West King Street, I  
15 pay her bills every month; okay? And not only do I pay  
16 her bills but PECO Energy was in direct violation  
17 of ---.

18 JUDGE JOHNSON: Wait, I'm sorry, Ms.  
19 Suarez.

20 MS. SUAREZ: Yes?

21 JUDGE JOHNSON: You haven't been called  
22 to testify by anyone, and it's Ms. McGuire who has to  
23 present her case, and since ---.

24 MS. SUAREZ: Ms. McGuire is ill, and  
25 I'm presenting it for her.

1                   JUDGE JOHNSON: I'm sorry, you can't do  
2 that, Ms. Suarez, because you're not an attorney. She  
3 has to tell me what her case is about.

4                   MS. SUAREZ: Wait a minute, I was told  
5 that we don't need to have an attorney for this appeal.

6                   JUDGE JOHNSON: No, it's not we. It's  
7 Ms. McGuire who does not need one. She can represent  
8 herself, if she'd ---.

9                   MS. SUAREZ: Okay. Let me explain to  
10 you something, Your Honor. This is not fair right now.  
11 This PECO Energy is stealing money from this girl who  
12 is ---.

13                   JUDGE JOHNSON: Ms. Suarez. Ms.  
14 Suarez.

15                   MS. SUAREZ: I am trying to tell you  
16 that they have been stealing money ---.

17                   JUDGE JOHNSON: Ms. Suarez, I am not  
18 going to allow --- Ms. Suarez, I am not going to allow  
19 you to begin speaking because it's Ms. McGuire who has  
20 to present her case. If she wants to call you as a  
21 witness, she could. But Ms. McGuire must tell me what  
22 her case is about.

23                   MS. SUAREZ: Okay. Fine. I'll have  
24 her call me as a witness ---.

25                   JUDGE JOHNSON: She can do that. Since

1 the parties are not able to settle this, let me explain  
2 how the hearing is going to proceed. Ms. McGuire, ---

3 MS. MCGUIRE: Okay. Yes, yes.

4 JUDGE JOHNSON: --- you go first and  
5 tell me what your case is about, and you can call Ms.  
6 Suarez as a witness, if you like. Once you have  
7 finished with your testimony, Ms. McGuire, then  
8 Attorney Lee will have the opportunity to question you  
9 on your testimony. You can give additional testimony  
10 in Redirect. I just ask that it not be repetitive.  
11 Once you finish with your testimony, Ms. McGuire, you  
12 can call your witness, if you like. I assume that's  
13 going to be Ms. Suarez. And then after she gives her  
14 testimony, Attorney Lee can question Ms. Suarez on her  
15 testimony. Also, she can question you on your  
16 testimony, Ms. McGuire.

17 Once you're complete with your case,  
18 Ms. McGuire, then Attorney Lee goes and she presents  
19 her witness and testimony. Ms. McGuire, you can  
20 question Attorney Lee's witness, who is Ms. Tarpley, on  
21 her testimony. By the same token, Attorney Lee can ask  
22 Redirect of her witness ---.

23 MS. MCGUIRE: Okay. Ms. Suarez handles  
24 all my business with this because I don't understand  
25 any of it so for me to give you testimony is not

1 something I can do because I'm not aware of all the  
2 bills and the situations that have arisen. So for me  
3 to even give testimony, it wouldn't make any sense  
4 because I wouldn't have any idea of what I'm talking  
5 about. That's the problem here.

6 JUDGE JOHNSON: I recognize there may  
7 be a problem ---.

8 MS. MCGUIRE: Ms. Suarez is my  
9 caregiver. She's the one who understands the bills.  
10 Therefore, I put her in charge of handling this, and we  
11 were told we didn't need an attorney but I guess  
12 obviously I do because me testifying to anything I'm  
13 not going to understand anything anybody is saying.

14 JUDGE JOHNSON: Well, you can tell me  
15 what your case is about, Ms. McGuire. Let me finish  
16 how the hearing is going to go. Once Attorney Lee has  
17 presented her witness, you can question the witness on  
18 the testimony. As I said, Attorney Lee can give  
19 Redirect.

20 MS. MCGUIRE: Okay. But you're ---  
21 excuse me, you're not understanding.

22 JUDGE JOHNSON: No, I ---.

23 MS. MCGUIRE: I don't understand how to  
24 do this. I don't --- I don't understand how to ask any  
25 of these questions because I'm not the one that's been

1 dealing with them. That's the thing. So for them to  
2 talk to me about anything, I'm not going to have any  
3 answers. And number two, I wouldn't even know what to  
4 say to the person at all because I don't understand  
5 some of what's going on, and I left it to Mary Ann  
6 Suarez to make sure she's paid the bills. So she has a  
7 full understanding of what's going on. So me to even  
8 be here is useless because I have no idea how things  
9 got this bad. But what I do know is, you know, there's  
10 some situations where I've had shutoff notices for no  
11 reason at all, changing of the dates on the bills, and  
12 over-billing me, and I was told by PECO Energy there's  
13 no such thing as cap rate taxes except in the last one  
14 what I understood was that's exactly what they were  
15 charging me with, cap rate tax was the non-payment. I  
16 don't understand.

17 ATTORNEY LEE: Your Honor, may I?

18 JUDGE JOHNSON: Go ahead. Who is  
19 speaking?

20 ATTORNEY LEE: On behalf of PECO, Ms.  
21 McGuire is stating that she cannot represent herself  
22 and does not know anything about her account. However,  
23 she did file a Formal Complaint at Docket F-2014-  
24 2427216 ---

25 MS. MCGUIRE: Yes, that was Mary Ann

1 Suarez, yes.

2 ATTORNEY LEE: --- and presented  
3 testimony before Judge Salapa. So Ms. McGuire is  
4 apparently according to this Decision aware of her  
5 account and her account status.

6 MS. MCGUIRE: Yes, I had David  
7 Romine ---

8 JUDGE JOHNSON: Let me just ---.

9 MS. MCGUIRE: --- represent me in the  
10 last hearing.

11 JUDGE JOHNSON: Okay. Ms. McGuire, let  
12 me state this. I will base my decision on whatever  
13 evidence you will present. I will base it upon that.  
14 Once the parties have completed their case, I'll allow  
15 each side to give a closing statement. A closing  
16 statement is simply the reasons why the Complainant or  
17 the Respondent believes she or it should prevail in  
18 this matter. Then the hearing will be adjourned. I  
19 will not close the record until I receive a copy of the  
20 transcript. At that time, I'll issue an interim order  
21 closing the record, and then I'll write a decision.

22 My decision will be mailed to the  
23 parties by the Secretary's Bureau, which is located in  
24 Harrisburg. My decision will have a cover letter from  
25 the Secretary informing the parties that if either side

1 disagrees with my decision you have the right to file  
2 exceptions. The letter from the Secretary will also  
3 state a time period in which your exceptions must be  
4 filed. I will caution the parties that exceptions must  
5 be timely filed. Otherwise, the Commission may not  
6 consider your exceptions. That's how the hearing will  
7 proceed. Does either party have any questions on how  
8 the hearing will proceed? Attorney Lee? Attorney Lee?

9 ATTORNEY LEE: Yes, Your Honor?

10 JUDGE JOHNSON: Do you have any  
11 questions?

12 ATTORNEY LEE: No, Your Honor.

13 JUDGE JOHNSON: And Ms. McGuire, do you  
14 have any questions as to how the hearing will proceed?

15 MS. MCGUIRE: Well, right now I can't  
16 represent myself. I don't have an attorney, and this  
17 woman represented me before and in helping me do this,  
18 in filing that motion. Right now, I really can't go  
19 forward. I don't even know what I would even tell you  
20 guys ---

21 JUDGE JOHNSON: Well, you can tell me  
22 what your case ---.

23 MS. MCGUIRE: --- understanding of the  
24 bills, how the situation ---.

25 JUDGE JOHNSON: Ms. McGuire, you can

1 tell me what your case is about. The Commission's  
2 regulations do require that testimony be given under  
3 oath, so I'd ask everyone who is going to testify to  
4 please ---.

5 MS. SUAREZ: Your Honor, let me put it  
6 this way now. You just heard from her. I take care  
7 and handle her bills, Your Honor, ---

8 JUDGE JOHNSON: Ms. Suarez --- Ms.  
9 Suarez ---.

10 MS. SUAREZ: --- whole damn bill from  
11 519 West King Street ---.

12 JUDGE JOHNSON: Ms. Suarez --- Ms.  
13 Suarez, are you listening to me. You have not been  
14 called to testify or asked any questions, so I'd ask  
15 you to please follow the procedure. Once Ms. McGuire  
16 asks you a question, then you can respond but please do  
17 not just interject because the court reporter will not  
18 be able to have a clear transcript if there are just  
19 these outbursts. So please respect that. I'd ask  
20 during the hearing that each side respect each other  
21 and that there not be any outbursts. This is simply a  
22 question and answer process. So I'd ask everyone who  
23 is going to testify, please raise your right hand so I  
24 can swear you in.

25 (WITNESSES SWORN EN MASSE)

1                   JUDGE JOHNSON: Ms. McGuire?  
2                   MS. MCGUIRE: Yes, I do.  
3                   JUDGE JOHNSON: Ms. Suarez?  
4                   MS. SUAREZ: Yes.  
5                   JUDGE JOHNSON: And Ms. Partley (sic)?  
6                   MS. TARPLEY: Your Honor.  
7                   JUDGE JOHNSON: I didn't hear your  
8 response, Ms. Partley (sic).  
9                   MS. TARPLEY: Tarpley. Yes, Your  
10 Honor.  
11                   JUDGE JOHNSON: Is it Sharpley or  
12 Partley?  
13                   MS. TARPLEY: Tarpley with a T,  
14 T-A-R-P-L-E-Y.  
15                   JUDGE JOHNSON: Thank you, Ms. Tarpley.  
16 Let the record reflect that the witnesses have been  
17 dully sworn. Now, Ms. McGuire, just simply tell me  
18 what your case is about and what are you asking the  
19 Commission to do for you? That's something I'm sure  
20 you can answer. What are you asking the Commission to  
21 do for you?  
22                   MS. SUAREZ: What the Commission is  
23 going to do for me, Your Honor, is the fact that we  
24 were over-billed, overcharged for these bills, Your  
25 Honor.

1                   ATTORNEY LEE: Objection, Your Honor.

2                   MS. SUAREZ: Let me finish.

3                   JUDGE JOHNSON: Wait, wait.

4                   MS. SUAREZ: Let me finish, please.

5 Let me finish, please

6                   ATTORNEY LEE: Your Honor, this is Ms.

7 Suarez speaking and not Ms. McGuire.

8                   JUDGE JOHNSON: Wait. Who ---?

9                   MS. SUAREZ: This is Ms. Suarez

10 speaking and not Ms. McGuire, but Ms. McGuire cannot  
11 represent herself. She's asked me ---.

12                   JUDGE JOHNSON: Well, I'm going to  
13 sustain the objection. I asked Ms. McGuire to tell me  
14 what her case is about, not Ms. Suarez. Tell me what  
15 your case ---.

16                   MS. SUAREZ: She has no knowledge of  
17 what the case is about because I handled the entire  
18 case for her and all the bills. That's why I asked her  
19 to make me --- asked me to be a witness, and that's  
20 what I thought. Ms. McGuire is sick right now, Your  
21 Honor. She is ill; okay?

22                   JUDGE JOHNSON: Let me ask ---.

23                   MS. SUAREZ: What I'm trying to tell  
24 you right now is this bill from the very first day was  
25 a farce. This actually ---

1                   JUDGE JOHNSON: Ms. Suarez, I would  
2 ask ---.

3                   MS. SUAREZ: --- has no knowledge ---.

4                   JUDGE JOHNSON: Ms. Suarez, I'd ask you  
5 not to ---.

6                   MS. SUAREZ: --- bills and ---

7                   JUDGE JOHNSON: Ms. Suarez, I'd ask you  
8 not to speak.

9                   MS. SUAREZ: --- and I want to tell you  
10 right now, Your Honor, we are going to continue this  
11 with me being the representative of Ms. McGuire. If  
12 she can call me as a witness, that's how we're going to  
13 do this.

14                   JUDGE JOHNSON: No, you're not going to  
15 tell me how this hearing is going to be run. No,  
16 you're not going to tell me how the hearing is going to  
17 be conducted. I am the Judge in this case, not you,  
18 Ms. Suarez.

19                   MS. SUAREZ: I understand that.

20                   JUDGE JOHNSON: So please do not speak  
21 out until you're asked a question.

22                   MS. SUAREZ: Ms. McGuire is sick and  
23 she cannot ---.

24                   JUDGE JOHNSON: Please do not speak out  
25 until you're asked a question.

1                   MS. SUAREZ: Okay.

2                   JUDGE JOHNSON: I have a question for  
3 you ---.

4                   MS. SUAREZ: Suarez, yes.

5                   JUDGE JOHNSON: This is for Ms.  
6 McGuire, and I'm going to read from your Complaint, Ms.  
7 McGuire. You can listen; can't you? Can you listen,  
8 Ms. McGuire?

9                   MS. SUAREZ: She is sick right now,  
10 Your Honor.

11                   JUDGE JOHNSON: Ms. McGuire, can you  
12 hear my voice; yes or no?

13                   MS. SUAREZ: Ms. McGuire cannot answer  
14 the questions. She's sick.

15                   JUDGE JOHNSON: Ms. McGuire, are you  
16 there?

17                   MS. SUAREZ: He wants to talk to you,  
18 not to me.

19                   MS. MCGUIRE: Hello.

20                   JUDGE JOHNSON: Ms. McGuire, are you  
21 too ill to proceed; is that the case?

22                   MS. MCGUIRE: That too; I'm not feeling  
23 good.

24                   JUDGE JOHNSON: Well, I can continue  
25 the hearing but if I continue the hearing the next time

1 --- if you feel you're too ill to proceed, I can  
2 continue it. But you're going to have to tell me what  
3 your case is about. Ms. Suarez cannot represent you in  
4 this matter. So tell me what you'd like to do, Ms.  
5 McGuire.

6 MS. MCGUIRE: Okay. I'd like to  
7 continue it to another time, please.

8 JUDGE JOHNSON: Do you have any  
9 objection, Attorney Lee, to the continuance?

10 ATTORNEY LEE: No, Your Honor. PECO  
11 has no objection. But the company would request an in-  
12 person hearing for this if Ms. McGuire has no  
13 objection.

14 JUDGE JOHNSON: She's in Montgomery  
15 County; is that where you're at?

16 MS. MCGUIRE: Yes.

17 JUDGE JOHNSON: And do you have any  
18 objection to --- what's your reason for asking for an  
19 in-person hearing, Attorney Lee?

20 ATTORNEY LEE: Your Honor, because of  
21 the issue of someone else trying to testify for her,  
22 there's some credibility issues here. And I think that  
23 an in-person hearing to determine who is actually the  
24 rate payer, and Ms. McGuire needs to be in front of a  
25 judge and present.

1                   JUDGE JOHNSON: Okay. Ms. McGuire, do  
2 you have any objection to an in-person hearing? That  
3 means that it would be conducted in Philadelphia.

4                   MS. MCGUIRE: No, I'll be there.

5                   JUDGE JOHNSON: Okay. Then I'm going  
6 to continue the hearing, and then I'll issue an order  
7 on your request, Attorney Lee. Since you have no  
8 objection to the continuance, I'll issue an order in  
9 this matter.

10                   MS. MCGUIRE: A continuance?

11                   JUDGE JOHNSON: Yes. So I'm going to  
12 adjourn the hearing, and I'll issue an order on the  
13 oral motion that this --- both on the continuance and  
14 the request for an in-person hearing. The time is now  
15 10:21 a.m. on Friday, February 12th, 2016. This  
16 hearing is adjourned. The parties will receive my  
17 order in the mail shortly. I thank everyone for  
18 participating in the proceeding. Have a good morning.  
19 Goodbye.

20                                   \* \* \*

21                                   (Whereupon, at 10:22 a.m., the hearing  
22 was adjourned.)

23                                   \* \* \*

24

25

C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I hereby certify, as the stenographic reporter,  
that the foregoing proceedings were taken  
stenographically by me, and thereafter reduced to  
typewriting by me or under my direction; and that this  
transcript is a true and accurate record to the best of  
my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: Dale Curtis Rose, Jr.  
Dale Curtis Rose, Jr.

