

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

**Alice Anderson**  
v.  
**PECO Energy Company**

**Public Meeting July 12, 2018**  
**2614241-OSA**  
**Docket No. F-2017-2614241**

**JOINT MOTION OF COMMISSIONER DAVID W. SWEET**  
**AND NORMAN J. KENNARD**

Before the Commission are the Exceptions filed by Alice Anderson (Ms. Anderson or Complainant) to the Initial Decision of Deputy Chief Administrative Law Judge (ALJ) Christopher Pell, who dismissed the formal complaint filed against PECO Energy Company when the Complainant failed to appear for the hearing. Ms. Anderson did not seek a continuance prior to the hearing nor did she contact the Office of Administrative Law Judge (OALJ) on the day of the hearing or even after the hearing until the record had closed and the Initial Decision had been served.

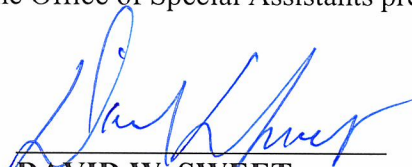
Prehearing notices and orders routinely inform parties of their duty to either attend the hearing or to seek a continuance prior to the hearing. Of course, there will be those occasions when appearance is unavoidable and last minute, which necessitates contact with the ALJ's office to provide the appropriate reasons and request for a rescheduled hearing.

Where a complainant's failure to appear at a scheduled hearing is unavoidable, the ALJ has the discretion to recognize that and to reschedule the hearing. However, when a complainant fails to bring the situation to the attention of the ALJ prior to the issuance of an Initial Decision, the record closes and the ALJ can no longer exercise that discretion. The record is closed, and the complainant is now charged with not only challenging the findings and conclusions of the Initial Decision but with providing a compelling explanation of why she failed to raise her excuses in a timely fashion so that the ALJ could determine whether or not to reschedule the hearing.

In this situation, Ms. Anderson did not present any reason why she failed to contact the OALJ to explain her absence or to seek a continuance. Accordingly, the Initial Decision should be adopted.

**THEREFORE, WE MOVE:**

1. That the exceptions filed by Alice Anderson to the Initial Decision of Deputy Chief Administrative Law Judge Christopher Pell are denied.
2. That the Initial Decision of Deputy Chief Administrative Law Judge Christopher Pell is affirmed.
3. That the Office of Special Assistants prepare an appropriate order consistent with this Motion.

  
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**DAVID W. SWEET**  
**COMMISSIONER**

  
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**NORMAN J. KENNARD**  
**COMMISSIONER**

**Date: July 12, 2018**