

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Alice Anderson

Public Meeting held July 12, 2018
2614241-OSA

v.

PECO Energy Company

Docket No. F-2017-2614241

STATEMENT OF CHAIRMAN GLADYS M. BROWN

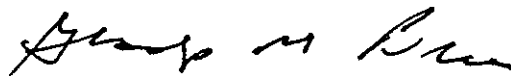
On July 12, 2017, Alice Anderson filed a Complaint alleging that her bill was high, that PECO was threatening to terminate service, and that there were incorrect charges on her bill. The Complainant failed to appear at the hearing convened on September 26, 2017. The Administrative Law Judge dismissed the Complaint, with prejudice, for failure to prosecute.¹ On November 20, 2017, the Complainant filed Exceptions arguing that she was hospitalized on the day of the hearing.

When a party fails to attend a scheduled hearing, such failure to appear will be deemed a waiver of the party's opportunity to participate in a hearing, unless that failure was "unavoidable." 66 Pa. C.S. § 332(f); 52 Pa. Code § 5.245(a)-(b). I believe that this Complainant should be given ten days to submit proof of her claim that she missed the hearing because she was hospitalized. If the claim is substantiated, the matter should be set for hearing, if not, then the matter should be dismissed.

I do not agree that this case should be dismissed without allowing the Complainant an opportunity to support her claim that her failure to appear was unavoidable. Therefore, I dissent.

July 12, 2018

Date



Gladys M. Brown, Chairman

¹ I have previously expressed concern regarding the Commission's practice of dismissing *pro se* complaints, with prejudice, as being inconsistent with Section 1.2 of our Regulations, 52 Pa. Code § 1.2, and the Commission's own case precedent regarding due process. In cases where there is no reason to suspect that the Commission's administrative process is being abused, dismissing without prejudice protects the Complainant's right to due process while respecting the Commission's administrative process.