

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Thomas J. Shores

v.

Pennsylvania Electric Company

**Public Meeting December 5,
2019**

3010272-ALJ

Docket No. C-2019-3010272

MOTION OF COMMISSIONER JOHN F. COLEMAN, JR.

Before the Commission for consideration is the Initial Decision (ID) dismissing the formal complaint that Thomas Shores filed against Pennsylvania Electric Company (Penelec).

Mr. Shores alleged that Penelec is threatening to terminate his service and that there are incorrect charges on his bill. The ID separately analyzed the Complainant's allegations related to incorrect charges, termination of service, and medical certifications. I agree with the ALJ's analysis of these issues and the ALJ's conclusion that Mr. Shores failed to carry his burden of proof with respect to the same.

As relief, Mr. Shores requested, among other things, a payment arrangement. Since Mr. Shores has received and defaulted on prior payment arrangements from the Commission, the ALJ correctly set forth that Mr. Shores must have experienced a change in income or a significant change in circumstance in order to receive a new or reinstated payment arrangement.¹ I agree with the ALJ that Mr. Shores has not experienced a change in income. However, the ID fails to consider if Mr. Shores defaulted on his most recent Commission-issued payment arrangement as a result of a significant change in circumstance. Mr. Shores testified that he has various medical issues.² It is not clear from the record if the onset of any of these medical issues meets the criteria for a significant change in circumstance. There is also testimony that Mr. Shores experienced damage to his residence in and around the time period of his last Commission-issued payment arrangement.³ It is similarly unclear from the record if this household damage meets the criteria for a significant change in circumstance. Since the ID did not consider if Mr. Shores' most recent default was the result of a significant change in circumstance, I do not agree with the decision to deny Mr. Shores' request for a payment arrangement at this time. Instead, this case should be returned to the Office of Administrative Law Judge for a determination of this narrow issue. This case should be expedited due to the Complainant's large account balance.

¹ 66 Pa.C.S. §§ 1405(d), (e).

² Tr. 9, 56.

³ Tr. 8, 10-11

I would also note that the ID directs Penelec to take steps to ensure that Mr. Shores is no longer enrolled with an electric generation supplier (EGS).⁴ While I encourage the parties to work together to address Mr. Shores' various concerns, including his enrollment with EGSs, any action taken by Penelec to return Mr. Shores to default service should be done in accordance with applicable law, including the Commission's Regulations contained in the Standards for Changing a Customer's Electricity Generation Supplier.⁵

THEREFORE, I MOVE THAT:

1. This matter is remanded to the Office of Administrative Law Judge for such further proceedings as may be necessary and the issuance of an Initial Decision on the Formal Complaint at Docket No. C-2019-3010272.
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

Date: December 5, 2019



JOHN F. COLEMAN, JR.
COMMISSIONER

⁴ ID, 11.

⁵ 52 Pa.Code § 57.172(b).