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PA P.U.C.
SECRETARY'S BUREAU

7500 North 21st Street
Phila PA 19138
January 8, 2020

Hon. Angela T. Jones
Office of Adm. Law Judge
801 Market Street Suite 4063
Phila PA 19107

RE: Atuahene v. PECO NO. C-2019-3012904

Hon Judge Jones:

Enclosed herein please find complainant's
~~At~~ Emergency Motion for consideration by
the Commission, copy of which has been personally
served on Angela M. Lorenz Esq of PECO.
We can be reached at 267 335 3135 if
any questions arise

Sincerely
Agnes Atuahene
Agnes Atuahene
SA
Steve Atuahene

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PUBLIC UTILITY COMMISSION
PHILADELPHIA OFFICE
ADMINISTRATIVE LAW JUDGE

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JAN 13 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AGNES ATUAHINE and :
STEVE ATUAHINE

v. : DOCKET NO. C-2019-3012904

PECO ENERGY COMPANY :

EMERGENCY MOTION FOR THE COMMISSION TO DIRECT PECO ENERGY COMPANY ("PECO") TO RESPOND TO COMPLAINANTS' DISCOVERY REQUEST WITHIN 10 DAYS OF SERVICE OF SAID DISCOVERY REQUEST OR IN THE ALTERNATIVE TO CONTINUE THE HEARING FOR 30 DAYS TO ALLOW PECO TO RESPOND TO DISCOVERY REQUEST OR ALTERNATIVELY TO STRIKE PECO'S RESPONSE TO COMPLAINANTS' COMPLAINT AS FILED AND SERVED OUT OF TIME.

Complainants respectfully move this Honorable Commission to direct Peco to respond to complainants Discovery Request filed and served on January 6, 2020 ~~on~~ or by January 18, 2020 or in the alternative to continue the scheduled Hearing for 30 days to allow Peco to respond to Discovery Request within required time or alternatively to strike Peco's Response to complainant Complaint as filed and served out of time and in support thereof state as follows:

I. EMERGENCY MOTION FOR THE COMMISSION TO DIRECT PECO TO RESPOND TO COMPLAINANTS' DISCOVERY REQUEST ~~ON~~ OR BEFORE JANUARY 18, 2020.

1. On September 13, 2019 PECO was served with the ~~formal~~ ^{EXHIBIT A} complaint filed by Agnes Atuahine and Steve Atuahine.

2. On October 3, 2019 Peco in a letter to Complainants allegedly filed its Response To Complaint; however said letter and enclosed Peco's Response to Complaint was sent to: Agnes & Steve Atuahene, 7500 N. 17th Street Philadelphia PA 19138 instead of ~~Steve~~ Agnes & Steve Atuahene, 7500 North 21st Street, Philadelphia PA 19138. EXHIBIT "A".

3. On November 9, 2019 due to incorrect address Peco's Letter and Response to Complaint was returned to Peco due to insufficient address. EXHIBIT "B".

4. On December 16, 2019 more than two months of Peco's initial mailing; again corrected the mailing error and mailed to the correct address of the Complainants at 7500 North 21st Street, Philadelphia PA 19138. EXHIBIT "C"

5. The 7500 North 21st Street property is a corner building with two entrances, one ~~at~~ on the 21st Street which is the main entrance and the other on the 75th Street which is the side entrance.

6. On or around December 20, 2019 the Post Office Mail person who was a new person erroneously deposited the mail at the 75th Street entrance instead of at the 21st Street entrance.

7. On January 8, 2020 Complainant Steve Atuahene happened to open the entrance at 75th Street of the building and found Peco's letter mailed sometime on December 16, 2019.

8. After the review of Peco's Response To Complaint it is clearly obvious that Discovery Request is needed

to aid in their prosecution of the case.

9. On January 8, 2020 Complainant Steve Atkinson served the Presiding Judge and Pecos Attorney in person at the following addresses:

a. Honorable Angela T. Jones
Administrative Law Judge
Office of Administrative Law Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107

b. Angela M. Lorenz, Esquire
PECO Energy Company
1880 J F K Blvd, Suite 1800
Philadelphia PA 19103

instant Motion with copy of the Complainants' Request for Interrogatories, Admissions and Production of Documents hereinbefore referenced Discovery Request. EXHIBIT "D"

10. Due to the scheduled hearing and the need for Discovery Request to aid in their prosecution of their case Complainants need Peco to Respond to the said Discovery Request on or before January 18, 2020.

WHEREFORE Complainants respectfully request that Honorable Commission to direct Peco to Respond to Discovery Request within 10 days or * on or before January 18, 2020.

IF EMERGENCY MOTION ALTERNATIVELY FOR THE COMMISSION TO CONTINUE THE HEARING FOR 30 DAYS IN PELO CANNOT RESPOND TO DISCOVERY REQUEST ON OR BEFORE JANUARY 18, 2020 .

11. Complainants incorporate by reference paragraphs 1 through 10 of this Motion as through fully set forth herein .

12. Complainants need Peo to respond to their Discovery Request within 10 days and by January 18, 2020 so that they will be able to prosecute their complaint at the hearing .

13. However, if Peo is not able to fully comply with said Discovery Request then the court is requested to continue the scheduled hearing for 30 days to provide Peo the chance to comply with Discovery Request .

WHEREFORE Complainants alternatively request the Commission to continue the Hearing for 30 days if Peo cannot comply with responding to Discovery Request on or before January 18, 2020

III. EMERGENCY MOTION ALTERNATIVELY TO STRIKE
PECO'S RESPONSE TO COMPLAINT FOR UNTIMELY
FILING AND SERVING ON COMPLAINANTS

14. Complainants incorporate by reference paragraphs 1 through 13 as though fully set forth herein.

15. Motion To Strike is appropriate where defects fatal errors, defects and irregularities appear on the face of the record. In *Franklin Interior v. Wall of Fame Management*, 510 Pa. 597, 599-600, 511 A.2d 761, 762 (1986)

16. Peco failed to serve its Response to the Complaint untimely in clear violation of the Complainants due process of the law.

17. According to Vichosky Court in *Vichosky v. Boucher*, 60 A.2d 381 (1948) the Court stated: "It is in itself, the lack of notice to the defendants, was denial of due process which invalidated the judgment."

18. Here, Peco's untimely service of Response invalidates said Response and said response should therefore be stricken.

WHEREFORE Complainants in the alternative pray the Commission strike the Peco's Response to Complaint for fatal errors, defects and irregularities appearing on the face of the record.

RESPECTFULLY SUBMITTED

AJNES ATUAHENO

AJNES ATUAHENO

STEVE ATUAHENO

GRIESING LAW_{LLC}

Angela M. Lorenz, Esquire
Direct: 215-501-7847
alorenz@griesinglaw.com

October 3, 2019

Agnes & Steve Atuahene
7500 N. 17th Street
Philadelphia, PA 19138

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JAN 13 2019

RE: **Agnes Atuahene v. PECO Energy Company**
Docket No. C-2019-3012904

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. & Mrs. Atuahene:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

Thank you for your time and attention on this matter.

Very truly yours,



Angela Lorenz, Esq.

EXHIBIT

11X 1c
A

#: 5003997

Exelon

Exelon Business Services Company
Legal Department
2301 Market Street/S23-1
Philadelphia, PA 19103

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JAN 13 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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Agnes & Steve Atuahene
7500 N. 17th St
Phila PA [REDACTED]
[REDACTED]

EXHIBIT

-R-T-S- 191012005-1X 11/09/19

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER



Exelon[®]

Exelon Business Services Company
Legal Department
2301 Market Street/S23-J
Philadelphia, PA 19103



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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Steve and Agnes Atuahene
7500 North 91st St
Phila PA 19138

EXHIBIT "C"

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AGNES ATUAHENE :
AND
STEVE ATUAHENE :

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JAN 13 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v.

DOCKET NO. G-2019-3012904

PECO ENERGY COMPANY :

COMPLAINANTS REQUEST FOR INTERROGATORIES, ADMISSIONS
AND PRODUCTION OF DOCUMENTS.

Complainants Pro Se hereby request Peco Energy
~~Company~~ Company for Interrogatories, Admissions and
Production of Documents in this case:

DEFINITION

The word Document means the original, all drafts
thereof, and all copies of any written, printed,
charted, typed, graphic or magnetic matter,
however, produced, reproduced or prepared.

INSTRUCTIONS

These requests apply to all Documents in your possession,
control or custody, or in possession, custody, or control of
persons acting or purporting to act on your behalf, including
but not limited to your present and former agents, servants,
contractors, employees, accountants, attorneys, investigators,
~~intermediaries~~, insurance, consultants and sureties.

REQUEST FOR INTERROGATORIES

1. Please identify all the people who you intend to present as factual and expert witnesses.

2. For factual witnesses please state with particularity and specificity what they will testify to and their background to the facts they will testify to.

3. For Expert witnesses please state with particularity and specificity their educational, technical and professional background and what they will testify to.

4. At paragraph #7 of complainants complaint the question was:

"a. Is this an appeal from a decision of the PUL's Bureau of Consumer Services (BCS)?

and your response was: DENIED.

Please explain.

5. Please with particularity how often the Meter^{and} all Equipments and functionality of them had been tested from the beginning of the service since 2014.

6. Why did PECO failed to attach to its Response to complaint the record of the Testing of the Meter and all Equipment related to functionality of them.

7. Did PEW Energy Company change the Meter and/or Equipments related to the billings for the period :

a. January 1, 2014 Through December 31, 2014

b. January 1, 2015 Through December 31, 2015

c. January 1, 2016 Through December 31, 2016

d. January 1, 2017 Through December 31, 2017

e. January 1, 2018 Through December 31, 2018

f. January 1, 2019 Through December 31, 2019

g. January 1, 2020 Through January 10, 2020;

8. Did PEW Energy Company ever entered the subject property to inspect the electrical appliances using electricity in the complainants premises for the period from October 1, 2019 through January 10, 2020 :

9. Did complainants ever refused PEW Energy Company entry into referenced premises to inspect the appliances using electricity :

REQUEST FOR ADMISSIONS

1. At paragraph #5 Complainants averred the following:

" 1. PUC should investigate or give Complainant sufficient time to investigate through discovery, interrogatories and request for Admissions and Documents as a prelude for Deposition.

ADMITTED

DENIED

2. PUC should investigate the functionality of the Meter and all Equipments and Machinery related to billing to ascertain the accuracy and correctness of the billing

ADMITTED

DENIED

3. Due to fraud allegations, Complainant should be given a leeway to probe into the business practices of Respondent to support with specificity the allegation of fraud and Complainant's ~~right~~ ~~to~~ ~~the~~ right to ~~cancel~~ ~~the~~ ~~to~~ ~~should~~ be allowed to amend Complainant

4.

ADMITTED

DENIED

4. Complainant reserve the right to amend or supplement Requested Relief.

ADMITTED

DENIED

2. Within the last 5 years PECO Energy Company's service provision ~~has~~ had Complainant ~~filed~~ ~~with~~ PUC

ADMITTED

DENIED

3. Consumers complaints with PECO Energy Company reported to or filed with PUC for the past 5 years in Philadelphia County is more than :

a. 5 ~~years~~ complaints

ADMITTED

DENIED

b. 50 complaints

ADMITTED

DENIED

c. 100 complaints

ADMITTED

DENIED

d. 200 complaints

ADMITTED

DENIED

e. 500 complaints

ADMITTED

DENIED

f. 1000 complaints

ADMITTED

DENIED

g. 5000 complaints

ADMITTED

DENIED

h. 10,000 complaints

ADMITTED

DENIED

5.

4. At paragraphs # 5 of their complaint, complainants referenced the issue of functionality of the Meter and Equipments related to billing; to ascertain the correct functionality of referenced Meter and Equipment please ADMIT or DENY the following:

a. The Meter and Equipments related to the billings were not ^{tested or} calibrated for the period ~~year~~ October 2014 through December 31, 2015

ADMITTED

DENIED

b. The Meter and Equipments related to the billings were not ~~tested~~ or calibrated for the period January 1, 2016 through December 31, 2017

~~a.~~ ADMITTED

DENIED

c. The Meter and Equipments related to the billings were not tested or calibrated for the period January 1, 2018 through December 31, 2018

ADMITTED

DENIED

d. The Meter and Equipments related to the billings were not tested or calibrated for the period January 1, 2019 through December 31, 2019

ADMITTED

DENIED

e. The Meter and Equipments related to the billings were not tested or calibrated for the period of the last meter reading or on January 10, 2020.

ADMITTED

DENIED

f. The Meter and Equipments related to billings were never tested or calibrated between the period October 2014 through ~~to~~ January 1, 2020

ADMITTED

DENIED

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please provide us with biography, ~~and~~ background and foundation for all or any expert you will call to testify at the hearing for factual testimony.

2. Please provide the Educational, Professional and Expertise of the Expert that will testify as Expert witness.

3. Please provide us with any document related to paragraph # 5 of the Request for Interrogatories.

4. Please provide us with all documents related to any and all testings ~~and~~ of the Meters and Equipments related to the accuracy of the Billings.

5. Please provide us with all the documents related to the testings and calibrations of all Meters and Equipments related to the accuracy of the Meters and Equipments and the resultant Billings.

6. Please provide us with the qualifications of the people who tested and calibrated the meters and Machinery/Equipments that you rely on for the accuracy of the Billings.

7. Please provide us with the Docket Numbers and case captions related to complaints against PECO Energy Company for the period January 2014 to December 2019.

RESPONSE

Response should be attested to with affirmation
or evidenced by notary public

RESPECTFULLY SUBMITTED

Alyne Atuahene

ALYNE ATUAHENE

SQ.

DATED: 1/8/20

STEVE ATUAHENE

CERTIFICATE OF SERVICE

I, STEVE ATUANENE, hereby certify that a true and correct copy of the foregoing motion/petition and accompanying papers, was served on the below listed addresses by ~~first class United States mail, postage pre-paid on~~ personal service.

1/8/20 (date).

Name: Angela Lorenz Esy
Address: GRIESING LAW LLC
Address: 1880 JFK Blvd, Suite 1800
City, State, zip: Phila PA 19103

Name: Hon Angela T. Jones, ALJ
Address: Office of Administrative Law Judge
Address: 801 Market Street, Suite 4063
City, State, zip: Phila PA 19107

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JAN 13 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated: 1/8/20

By: SA