

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105**

Stacey Cossaboon
v.
PECO Energy Company

Public Meeting: March 12, 2020
3011943-ALJ
Docket No. C-2019-3011943

STATEMENT OF COMMISSIONER ANDREW G. PLACE

Before us today for consideration is the Initial Decision (I.D.) of Administrative Law Judge Darlene Davis Heep dismissing the August 2019 Complaint in the above captioned matter. The Complainant had alleged that the utility was threatening to shut off her services and there were incorrect charges on her PECO Energy Company (PECO or Company) electric and gas service bills. In addition, she requested a payment arrangement.

The I.D. denied a Commission-issued payment arrangement on a non-CAP portion of the Complainant's arrearage. The ALJ reasoned that it would not be beneficial to the Complainant because it would leave her with a large CAP balance outstanding with the Company.¹ In addition, the ALJ cited the Complainant's poor payment history as a basis for denying a Commission-issued payment arrangement.

The record in this proceeding indicates that the Complainant has been a CAP participant for a significant period of time, from May 2015 through at least the time of the hearing with only one interruption. The Company's Exhibit 4 indicates that Ms. Cossaboon was reenrolled on September 11, 2018 with a monthly income of \$1,244.59 for two adults and one child which PECO notes is 71% of the Federal Poverty Income Guidelines.² The Complainant indicated that she was not able to work for at least a year and a half as there were significant family medical issues that she was addressing.³ Although she had several company-issued payment agreements, the record shows that the Complainant has not been issued a Commission payment arrangement.⁴

Chapter 14 of the Public Utility Code permits the Commission to exercise its discretion to establish a payment arrangement on the non-CAP portion of the outstanding balance of a customer.⁵ Also, the Commission has exercised its discretion to issue payment arrangements on behalf of customers who have demonstrated some evidence of good faith effort to pay their utility bills or who have

¹ I.D. at 9.

² PECO Exh. 4, Tr. 17-18.

³ Tr. 11-12.

⁴ PECO Exh. 5.

⁵ *Hewitt v. PECO Energy Co.*, Docket No. F-2011-2273271(Order entered September 12, 2013).

experienced a significant change in circumstances beyond their control.⁶ I believe that certain circumstances existed here, such as lack of income and a significant family medical situation, to mitigate the gravity of the Complainant's less than positive payment history. When circumstances such as these exist, I would support the exercise of our discretion to establish a Commission-issued payment arrangement. Unfortunately, in the record before us, the Commission is unable to ascertain whether any of Ms. Cossaboon's arrearages are non-CAP related and thus, we are prohibited from exercising our discretion to issue a payment arrangement on CAP arrears. I believe that the ALJ's reasoning is sound regarding the prohibition of a payment arrangement on CAP arrears and would prefer this standard, rather than the Complainant's poor payment history, as the standard for this denial in these troubling circumstances.

DATE: March 12, 2020



Andrew G. Place, Commissioner

⁶ *Crawford v. National Fuel Gas Distribution Corp.*, Docket No. C-20066348 (Order entered December 6, 2007).
See also Dorsey v. Philadelphia Gas Works, Docket No. F-2012-2313679 (Order entered November 22, 2013).