

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

**TEMPLE OF BETHEL VS
PECO ENERGY COMPANY
ELECTRIC DIVISION**

**PUBLIC MEETING MAY 21, 2020
3013389-ALJ
DOCKET NO. C-2019-3013389**

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

On October 4, 2019, Temple of Bethel (Complainant) filed a Complaint alleging that PECO Energy Company (PECO) was threatening to terminate service and that the Company did not honor the terms of a PUC payment arrangement after the Complainant moved to another location. On November 21, 2019, a second Prehearing Order was issued that instructed the Complainant to have an attorney enter an Appearance on behalf of the Complainant no later than December 2, 2019 or the matter would be dismissed. No attorney entered an appearance of behalf of the Complainant. On December 2, 2019, PECO filed a Motion for Judgment on the Pleadings asserting that the matter should be dismissed because the Complainant is a business and is not represented by counsel.

On or about December 18, 2019, the Complainant sent a letter to the Commission stating that the Complaint should have named an individual minister, rather than the Temple of Bethel as the Complainant. On December 19, 2019, an Order was issued setting a telephonic prehearing conference for January 8, 2020. On January 3, 2020, PECO refiled an amended Motion for Judgment on the Pleadings stating that the matter should be dismissed because the Complainant failed to have an attorney enter an appearance.

The telephonic conference was held on January 8, 2020, as scheduled. Counsel for PECO was present. Neither the Complainant nor a representative for Complainant called in to the telephonic conference.

By Initial Decision issued February 12, 2020, the presiding Administrative Law Judge determined that: (1) the Complainant failed to comply with the Commission rules that require a non-individual be represented by counsel; (2) the Complainant failed to comply with the Order requiring that counsel enter an appearance on behalf of the Complainant no later than December 2, 2019; and, (3) the Complainant failed to call into the January 8, 2020 telephone conference in accordance with the Order of December 19, 2019. The ALJ dismissed the Complaint, with prejudice, for these reasons.

Review of the billing statement provided by PECO shows that the Complainant was billed at the residential rate for both electricity and natural gas. Also, on June 11, 2018, the Commission's Bureau of Consumer Services granted the Complainant a payment arrangement. Non-residential customers are not eligible for Commission payment arrangements. Both addresses connected to the Complainant's account appear to be residential. The Complainant appears to be a residential customer although the Complaint was filed under a business name. If this is the case, the matter likely should not have been dismissed for failure to obtain counsel.

I note that it is the Complainant's actions of initially filing this case under a business name then later filing a letter naming an individual as the complainant that has caused confusion. However, because the requests for counsel may have dissuaded the Complainant from appearing at the prehearing conference, the matter should nonetheless be remanded to the Office of Administrative Law Judge for hearing. If fact finding is required regarding the appropriate rate for this customer's usage, that too can be conducted on remand.

THEREFORE, I MOVE THAT:

1. The Initial Decision of Administrative Law Judge Darlene Heep dated February 12, 2020, be reversed and remanded consistent with this Motion.
2. The Office of Special Assistants shall prepare an opinion and order consistent with this Motion.



DATE: MAY 21, 2020

**GLADYS BROWN DUTRIEUILLE
CHAIRMAN**