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August 12, 2020

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

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

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the *Response of PECO Energy Company to Complainants' Objection to Proposed Document Admission into Evidence* with regard to the matter referenced above.

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Sincerely Yours,

A handwritten signature in blue ink that reads "Edward T. Fisher".

Edward T. Fisher

EF/

Cc: Honorable Angela T. Jones, ALJ  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AGNES AND STEVE ATUAHENE,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2019-3012904
	:	
PECO ENERGY COMPANY,	:	
	:	
Respondent.	:	

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**RESPONSE OF PECO ENERGY COMPANY TO COMPLAINANTS’ OBJECTION TO  
PROPOSED DOCUMENT ADMISSION INTO EVIDENCE**

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Respondent PECO Energy Company (“PECO”) hereby submits this response to Agnes and Steve Atuahene’s (“Complainants”) Objection to Proposed Document Admission Into Evidence pursuant to ALJ Angela Jones’s August 10, 2020 email.

**I. Introduction**

At the further telephonic hearing in this matter that was held on August 6, 2020, ALJ Jones introduced proposed Commission Exhibit 1, a Wikipedia page titled “2017–18 North American Winter.” Complainants filed an objection to the admission of this exhibit into the record. PECO is now hereby responding to Complainants’ objection.

**II. Legal Argument**

Complainants cite a series of evidentiary rules in support of their objection to admission of proposed Commission Exhibit 1. *See Generally* Complainants’ Objection. The Complainants argue that the evidence, a report of weather conditions and statistics in the Northeastern United States occurring during the winter of 2017-2018, a period of time relevant to the claims in this case, is not relevant to the facts of the case. *See id.* at 5; Proposed Commission Exhibit 1. However, ALJ Jones, who presided over both the initial hearing and the further telephonic hearing that was held on August 6, 2020, and who is familiar with the facts and arguments that

have been made by both parties, has determined that such evidence is relevant. ALJ Jones is the finder of fact and the decider of law in this case. As such, the parties should defer to ALJ Jones's determination as to relevancy and admissibility on this piece of evidence.

Complainants also argue that admission of the proposed Commission Exhibit 1 into the record would result in "unfair prejudice ... or needlessly present cumulative evidence." *Id.* at 6. In making this argument, Complainants do not clearly state how they would be prejudiced or why such evidence is "needless." *Id.* Again, ALJ Jones decides what evidence is relevant and admissible, and the admission of proposed Commission Exhibit 1 into the record will not unfairly prejudice Complainants or result in the needless presentation of cumulative evidence.

### III. **Conclusion**

Complainants' objections overlook the fact that ALJ Jones: introduced proposed Commission Exhibit 1 at the further telephonic hearing, she is the finder of fact in this case, and she makes the decision on the admissibility of and weight to be given to the evidence. Therefore, PECO does not object to the admission of proposed Commission Exhibit 1.

Dated: August 12, 2020

Respectfully submitted,

**GRIESING LAW, LLC**



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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AGNES AND STEVE ATUAHENE,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2019-3012904
	:	
PECO ENERGY COMPANY,	:	
	:	
Respondent.	:	

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**CERTIFICATE OF SERVICE**

I, Edward T Fisher, hereby certify that I have this day served a copy of Response of PECO Energy Company to Complainants' Objection to Proposed Document Admission into Evidence in the above matter upon all interested parties via Email and by mailing a copy, properly addressed and postage prepaid to:

Agnes Atuahene  
Steve Atuahene  
7500 N. 21<sup>st</sup> Street  
Philadelphia, PA 19138  
[fas098@yahoo.com](mailto:fas098@yahoo.com)

DATED: August 12, 2020

Respectfully Submitted,



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