

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG PENNSYLVANIA 17120**

Karen Tortorella
v.
PECO Energy Company

Public Meeting held October 8, 2020
3012082-OSA
Docket No. C-2019-3012082

STATEMENT OF VICE CHAIRMAN DAVID W. SWEET

Before the Commission are the Exceptions filed by Karen Tortorella to the Initial Decision of Administrative Law Judge Marta Guhl which found that Ms. Tortorella was not eligible for a payment arrangement based on the income she reported at the time of the evidentiary hearing and the existence of a prior payment arrangement. In her Exceptions, Ms. Tortorella states that the income she had at the hearing was now drastically reduced, and therefore, she meets the standard for a second payment arrangement or an extension of the prior payment arrangement.

This fact situation shines a spotlight on why the Commission's standard complaint process is not suited to cover payment arrangement cases. Often, a complainant's income fluctuates significantly after the formal record has closed but no new evidence may be considered at that point.¹ Therefore, new evidence submitted with exceptions cannot be considered and relied upon by the Commission.

However, unlike cases which depend upon a specific set of facts at a particular time, subsequent requests following a default of a Commission-issued payment arrangement may be considered when there is a significant change in circumstances or a change in income meeting the definitions in the Public Utility Code.² In this case, if Ms. Tortorella can prove that she has experienced such a change, she may be eligible for some relief under the terms of Chapter 14.

Accordingly, I encourage her to examine the requirements and consider filing another complaint.

October 8, 2020
DATE



DAVID W. SWEET
VICE CHAIRMAN

¹ 52 Pa. Code §5.431; *Application of Apollo Gas Co.*, 1994 Pa. PUC Lexis, at 8-14 (Order entered February 10, 1994.)

² 66 Pa. C.S.A. Chapter 14 §§1403, 1405.