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December 23, 2020

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

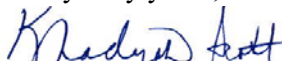
**RE: Regina Arties-Woodruff v. PECO Energy Company  
PUC Docket No. C-2020-3022102**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the *Memorandum of Law of Respondent, PECO Energy Company*.

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.

Very truly yours,



Khadijah Scott, Esquire  
Assistant General Counsel, Exelon BSC  
Encl.

cc: Certificate of Service  
Honorable Darlene Heep, ALJ (via email)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>REGINA ARTIES-WOODRUFF</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2020-3022102</b>
	:	
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**MEMORANDUM OF LAW OF RESPONDENT,  
PECO ENERGY COMPANY**

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**I. Introduction**

On September 24, 2020, PECO Energy Company (“PECO Energy”) was served with a formal complaint filed by Regina Arties-Woodruff (“Complainant”). On December 1, 2020, a formal Complaint hearing took place before the Honorable Darlene D. Heep. Within her Complaint and during the hearing, the Complainant sought the Public Utility Commission (“PUC”) to order PECO Energy to award her three million dollars in property damage allegedly caused by installed power lines on the back of her home, which she avers has since caused severe water damage to the property.

**II. Legal Argument**

**Complainant’s claim for property damage is barred by the statute of limitations**

The Complainant alleges that in or around 1978, PECO Energy installed power lines on the back of her home at 5038 Springfield Avenue, Philadelphia, PA 19143, which have since caused severe water damage to the property. The Complainant alleges that she began to notice the property damage in 2011 and that it became severe in 2015. The Complainant seeks the award of three million dollars in property damage. However, the Complainant has brought this claim in the wrong forum, as well as, outside of the statute of limitations.

The PUC Formal Complaint form specifically states on the bottom of page 3: “Under state law the PUC cannot decide whether a utility or a company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.” To the extent that the Complainant seeks an award of monetary damages against PECO Energy for damage caused to her property, such relief is beyond the power of the PUC to order. It is well settled that the PUC does not have the power or jurisdiction to award monetary damages for the actions of a utility company. Feingold v. Bell of Pennsylvania, 477 Pa. 1, 383 A.2d 791 (1977). In addition, the Complainant’s claims are barred by the statute of limitations.

The Complainant alleges that in or around 1978, PECO Energy installed power lines on the back of her home which have since caused severe water damage to the property. The Complainant alleges that she began to notice the property damage in 2011 and that it became severe in 2015. Notwithstanding the fact that the Complainant has failed to provide any proof of damages or liability, her allegations are stale. Pursuant to 66 Pa.C.S. § 3314:

**(a) General rule.** — No action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within **three years from the date at which the liability therefor arose**, except as otherwise provided in this part.

**(b) Remedies and penalties cumulative.** — All suits, remedies, prosecutions, penalties, and forfeitures provided for, or accruing under, this part, shall be cumulative.

66 Pa.C.S. § 3314 (*emphasis added*)

In this case, the Complainant wants the Commission to consider property damages dating back to 2011. In June 2015, the Complainant filed a Complaint with PECO Energy’s claims department stating that the power lines which had been installed over thirty-five years ago caused damage to the back of her home. The Complainant was informed that her home needed major repairs due to its age and that her claim was denied. On June 25, 2015, a contractor hired

by PECO Energy inspected the property and found it to be in dilapidated repair. The Complainant was advised that PECO Energy would not accept any liability for the current state of her property. Thereafter, the Complainant neither filed a Public Utility Commission complaint regarding the alleged damage, nor a civil complaint, which could even be argued to have tolled the three year statute of limitations. The Complainant's claim of property damage is beyond the three year statute of limitations enumerated in section 3314.

Administrative Law Judge Cynthia Williams Fordham ("ALJ Fordham") reached a similar conclusion in the matter Darryl Hicks v. Philadelphia Gas Works, Docket No. C-2010-2207800 (Initial Decision entered, July 12, 2012). In that case, the Complainant disputed charges on his bill from May 2005 and a meter exchange that took place in 2005. Philadelphia Gas Works argued that the Complainant was barred from contesting his bill due to the three year statute of limitations. Id. ALJ Fordham dismissed the Complainant's case and the Complainant filed Exceptions. Id. The Commission agreed with ALJ Fordham, dismissed the Complainant's Exceptions and adopted ALJ Fordham's Initial Decision as follows:

We find that the ALJ properly concluded that the Complainant is barred from contesting the May 2005 bill. Sections 3314(a) and 1312(a) preclude the Complainant from filing a Complaint in 2010 regarding the May 2005 meter exchange or the May 2005 bill. Accordingly, the ALJ correctly concluded that the Complainant has not met his burden of proof, pursuant to Section 332(a), *supra*, on the matter of the Company's alleged incorrect billing.

Darryl Hicks v. Philadelphia Gas Works, Docket No. C-2010-2207800 (Opinion and Order entered, February 14, 2013).

Consistent with 66 Pa.C.S. §3314, the Complainant is expressly barred from recovering any property damage claims by the three year statute of limitations as set forth in the Public Utility Code.

### III. Conclusion

For the reasons set forth above, PECO Energy respectfully requests that the Complainant's Complaint be denied in its entirety.

Respectfully Submitted,



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Khadijah Scott  
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Philadelphia, PA 19103  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>REGINA ARTIES-WOODRUFF</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2020-3022102</b>
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	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**VERIFICATION**

I, Khadijah Scott, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

Dated: December 23, 2020



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Khadijah Scott

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<b>Complainant</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2020-3022102</b>
	:	
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**CERTIFICATE OF SERVICE**

I, Khadijah Scott, hereby certify that I have this day served a copy of PECO Energy Company's Memorandum of Law in the above matter upon all interested parties by e-mailing a copy to:

Regina Arties- Woodruff  
5108 Warrington Avenue  
Philadelphia, PA 19143  
*Via email: ginawoodruff3030@gmail.com*

Dated: December 23, 2020



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