

RECEIVED

FEB 25 2021

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

7500 N. 21st Street  
Phila PA 19138  
267 335 3135  
fas098@yahoo.com  
January 30, 2021

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

RE: Agnes & Steve Atuahene v. PEW Energy Co  
PUC Docket No. C-2019-3012904

Dear Ms Chiavetta

Enclosed herein for filing with the  
Commission is Complaints Motion, Petition  
and Application.

I have enclosed a Certificate of Service  
showing that a copy of referenced documents  
was served on the interested parties including  
Honorable Angela T. Jones ALJ.

If any questions arise I can be reached  
at above address, phone number and email

Sincerely  
SA

STEVE ATUAHENE

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AGNES AND STEVE ATUAHENE :

v.

:C-2019-3012904

PECO ENERGY COMPANY :

I. MOTION FOR RECONSIDERATION OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE THE COMPLAINANTS EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S INITIAL DECISION DUE TO ALJ'S OFFICE OR THE COMMISSION'S FAILURE TO NOTICE THE COMPLAINANTS OF THE ISSUANCE AND FILING OF ALJ ANGELA T. JONES INITIAL DECISION.

Complainants PRO SE AGNES and STEVE ATUAHENE hereby respectfully move this Honorable Commission for Reconsideration or, in the alternative, for leave to file Complainants Exceptions to ALJ Angela T. Jones' initial decision due to ALJ's office failure or the Commission's failure to notice Complainants of the issuance and filing of ALJ Angela T. Jones' initial Decision and in support thereof state as follows :

1. On January 15, 2020 Complainants Steve Atuahene received email from Ryan Shaffer, Legal Assistant, Secretary's Bureau, Pa Public Utility Commission, which email had an attachment that was the Commission of the Secretary's Final Order or the Commission's Final Order issued by the Secretary.

2. The introductory paragraph of the Commission Final Order of January 15, 2021 referenced ALS Honorable Anjela T. Jones Initial Decision of November 3, 2020.

3. Soon after becoming aware of said Ryan Shaffer email relating to the Commission Final Order and not privy to the issuance and filing of ALS's Initial Decision Steve Atuahene on the same day, Friday, January 15, 2021, emailed Ryan Shaffer requesting immediate copy of ALS's Initial Decision of November 3, 2020 which complainants were not served with required notice. EXHIBIT A

4. Further, on the same day Friday January 15, 2021 Steve Atuahene made several calls to the offices of ALS and PUC main office to obtain a copy of the Initial Decision and PUC Main Office provided complainants with the phone number of the Secretary of PUC Commission's Office.

5. Monday January 18, 2021, was a public holiday and <sup>the complainants</sup> would not reach the Secretary of the Commission's Office and on Tuesday January 19, 2021 and Wednesday January 20, 2021 complainants reached an official from the Secretary's Office who was kind enough to assure them that appropriate official would contact them soon.

6. In the meantime Steve Atuahene checked his email, fas098@yahoo.com's inbox and spam sections from November 1, 2020 through to January 21, 2021 and

could not find any email from the ALJ and the Secretary of the commissions offices.

7. Further, Steve Atuahere checked with the zip-code PA 19138 Post office to see if any mailing from the ALJ or the Pa Public Utilities Commission belonging to the complainants or anybody addressed to 7500 North 21<sup>st</sup> Street, Philadelphia PA 19138 that they attempt to deliver between the period in question that they could not deliver and their responses were negative.

8. On January 21, 2021 at 1:07 p.m. complainants received a call from PUC with call-ID and phone number 1-717-787-8166 and the caller <sup>Ms Toya</sup> indicated that the Initial Decision was handled by ALJ's Office and that he would direct somebody from that office to call them.

9. Then at 2:21 p.m. of January 21, 2021 one Mr. Audley Brown from the phone number 1-908-386-1755 called and talked to Steve Atuahere. In the said phone conversation Mr. Brown alleged that the Initial Decision was communication to the complainants when issued on November 3, 2020, and Steve Atuahere asked him how it was communicated to complainants and Mr. Brown admittedly stated that it was emailed only to complainants and Steve Atuahere further asked what email address because they had not received said Initial Decision and he admittedly conceded it was emailed to fas0098@yahoo.com, and

Steve Atuahene retorted that complainants email address of record is not fas0098@yahoo.com but fas098@yahoo.com and that accounted for their not receiving anything from the ALS's Office regarding the referenced November 3, 2020 Initial Decision in the Commission's Final Order

10. Complainants, therefore were denied notice and opportunity to file their EXCEPTIONS to the Initial Decision in clear violation of their constitutional due process of law.

11. Further, upon cursory review of the Initial Decision that Mr Brown emailed to Complainants on January 21, 2021 the ALS's decision implicates deprivation of property, hence the need to file appropriate and timely EXCEPTIONS.

12. The mail box rule is not applicable in this case nor the presumption of mailing regarding public officer since said emailing was sent to wrong email address as concededly admitted by Mr Brown.

WHEREFORE, complainants pray the ALS and indeed the Commission should reconsider and vacate its Final Order and allow complainants to file their EXCEPTIONS to the ALS's Initial Decision within 20 days of service of said Initial Decision.

RESPECTFULLY SUBMITTED

Agnes F Atuahene  
AGNES ATUAHENE

STEVE <sup>SA</sup> ATUAHENE

~~12.~~ PETITION TO STRIKE THE FINAL ORDER OF THE COMMISSION FOR FAILURE OF THE ADMINISTRATIVE LAW JUDGES' OFFICE TO TIMELY SERVE THE COMPLAINANTS ALJ'S INITIAL DECISION WHICH DENIED THEM NOTICE AND OPPORTUNITY TO FILE COMPLAINANTS EXCEPTIONS TO THE INITIAL DECISIONS TIMELY PRIOR TO THE COMMISSION'S ISSUANCE OF ITS FINAL ORDER IN THIS CASE

13. Complainants hereby incorporate herein paragraphs 1 through 12 of the aforementioned Motion for Reconsideration as fully stated hereto.

14. A petition to strike can only be granted if a fatal defect appears on the face of the record. *Franklin Interiors v. Wall of Fame Management Co Inc.* 510 Pa 597, 511 A. 2d 761 (1986).

15. A petition to strike a judgment will not be granted unless a fatal defect in the judgment appears on the face of the record. Matters dehors beyond the record will not be considered, and if the record is self-sustaining, the judgment will be stricken. *Kophaazy v. Kophaazy*, 279 Pa Super 373, 376 A. 2d 246, 247 1980.

16. Further, our Supreme Court has also noted that in making the determination whether fatal irregularities appear on the face of the record, a court must ~~not~~ look only at what was in the record at the time the judgment was entered. *Linett v. Linett*, 434 Pa 441, 254 A. 2d 1969.

17. Pennsylvania Supreme Court has held that:

"a prima facie presumption of the regularity of the acts of public officers exists until the contrary appears"

18. In this case, PUC's employee or official who is responsible for mailings of the Initial Decision of the Administrative Law Judges Office and is therefore a public officer.

19. The presumption is only operative and/or permissible when the referenced official or employee responsible for the alleged emailing of the Initial Decision of November 3, 2020 establishes by preponderance of evidence such as proof of alleged emailing.

20. This case is analogous to *Douglas v. Unemployment Compensation Board of Review*, 151 A.3d 1188 (Pa Cmwlth. 2016).

21. In *Douglas*, supra the Court, inter alia, stated:

"Until there is proof that a letter was mailed, there can be no presumption that it was received. The presumption only comes into play when there is on record some other indication that the act in question had been performed.

In *Blast Intermediate Unit #17 v. Unemployment Compensation Board of Review*, 645 A.2d 447 (Pa Cmwlth. 1993).

22. Based on the phone conversation of an officer from the ALJ's Office on January 21, 2021 at 2:21 pm from the phone number 1-908-386-1755 with the Caller-ID of Audley Brown the ALJ's Office sent the Initial Decision via email to fas0098@yahoo.com which is not the Complainant's email address on record or anywhere else.

23. The Complainant's email address which is a matter of record and of which various emails from the Commission including the office of ALJ, the Secretary of the Commission Office and Honorable Angela T. Jones were timely and effectively received is fas098@yahoo.com  
EXHIBIT B

24. In fact, the Secretary's Office by and through Mr. Ryan Shaffer emailed the Commission's Final Order on January 15, 2021 and Complainant received said Final Order and in fact within few hours sent email through Mr. Ryan Shaffer to the Secretary of the Commission.

25. Complainant in both law and fact were denied notice and opportunity to file their timely EXCEPTIONS as evidenced by these pleadings unless the contrary is established and proven.

26. In *Vichosky v. Boucher*, 162 Pa Super. 598 (1948) the court held that a) Where a judgment is

entered before a party <sup>has</sup> any notice, this in itself is a denial of due process, which invalidates the judgment... Due process of law means law in accordance with fundamental principles of justice, and its essence is notice and an opportunity to be heard before judgment.

27. In the instant case Complainants received copy of the Honorable Angela T. Jones Initial Decision of November 3, 2020 was received by Complainants when one Mr Audley Brown emailed copy to the Complainants on January 21, 2021 after the Commission had issued its Final Order on January 15, 2021.

28. In effect, according to Vichosky Court, supra, Complainants were denied constitutional due process which invalidates the Commission's Final Order.

29. Based on fatal defects and irregularities of the Commission's Final Order appearing on the record said Final Order is invalid and void ab initio and therefore should be stricken.

For all the foregoing Complainants Pro Se hereby respectfully pray the Commission should strike off and/or vacate the Final Order issued on January 15, 2021 and permit them to file their EXCEPTIONS.

RESPECTFULLY SUBMITTED  
~~AGNES F. ATUAHENE~~  
AGNES ATUAHENE  
STEVE SA ATUAHENE

EXHIBIT

A

Fw: PUC C-2019-3012904

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From: steve atuahene (fas098@yahoo.com)

To: rsheffer@pa.gov; fas098@yahoo.com

Date: Friday, January 15, 2021, 2:47 PM EST

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Please note that Complainants had no idea that Judge Angela T. Jones issued her opinion and order on November 6, 2020 as this today's FINAL ORDER says as whenever received any communication on said order until the receipt of this Final order today by email We will like to get immediate copy of Judge Jones order and opinion by email as soon as possible. Further we will like to know how the November 6, 2020 order was supposedly communicated to us. Was it by email like this Final Order or by mail? Awaiting your quick response. Thanks. AGNES AND STEVE ATUAHENE.

----- Forwarded Message -----

**From:** Sheffer, Ryan <rsheffer@pa.gov>  
**To:** FAS098@YAHOO.COM <fas098@yahoo.com>  
**Sent:** Friday, January 15, 2021, 9:25:11 AM EST  
**Subject:** PUC C-2019-3012904

You are being served this letter via email today due to the COVID-19 pandemic. We are unable to serve via hard copy US Mail, please accept service via email.

Please **Do Not** respond to this email. Responses to this address will not be read. If you have any questions or concerns, please refer to the instructions included in the attached document.

R. Sheffer

Legal Assistant

Secretary's Bureau

PA Public Utility Commission



C-2019-3012904 Agnes and Steve Atuahene v PECO Energy Company Final Order.doc  
54kB

EXHIBIT

B



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGE  
400 NORTH STREET, HARRISBURG, PA 17120  
July 22, 2020

IN REPLY PLEASE  
REFER TO OUR FILE

In Re:

C-2019-3012904

~~Via electronic service only due to Emergency Order at M-2020-3019262~~  
(SEE ATTACHED LIST)

Agnes & Steve Atuahene v. PECO Energy Company

Billing Dispute

Call-In Telephone-Hearing Notice

This is to inform you that a(n) Call-In Telephonic Hearing on the above-captioned case will be held as follows:

Type: Further Call-In Telephonic  
Date: Thursday, August 6<sup>th</sup>, 2020  
Time: 10:00 a.m.  
Presiding: Presiding Officer Angela Jones  
Suite 4063  
801 Market Street  
Philadelphia, PA 19107  
Telephone: 215.560.2105  
Fax: 215.560.3133

At the above date and time, you must call into the hearing. If you fail to do so, your case will be dismissed. You will not be called by the Presiding Officer.

To participate in the hearing,

- You must dial the toll-free number listed below
- You must enter a PIN number when instructed to do so, also listed below
- You must speak your name when prompted
- The telephone system will connect you to the hearing

Toll-free Bridge Number: 866.527.6819  
PIN Number: 55821132

If you have any witnesses you want to have present during the hearing, you must provide them with the telephone number and PIN number.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

If you have any hearing exhibits to which you will refer during the hearing, one (1) copy must be emailed to Pamela McNeal, Legal Assistant at [pmcneal@pa.gov](mailto:pmcneal@pa.gov) and one (1) copy each must be sent to every other party. All copies must be received at least five (5) business days before the hearing.

You must email the Legal Assistant with a copy of ANY document you file in this case.

Individuals representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you require an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Please email the Legal Assistant at least ten (10) business days prior to your hearing to submit your request.

The Public Utility Commission offers a free eFiling Subscription Service, which allows users to automatically receive an email notification whenever a document is added, removed, or changed on the PUC website regarding a specific case. Instructions for subscribing to this service are on the PUC's website at [http://www.puc.pa.gov/Documentation/eFiling\\_Subscriptions.pdf](http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf).

C-2019-3012904 - AGNES & STEVE ATUAHENE V. PECO  
REVISED 7/22/20

STEVE ATUAHENE & AGNES ATUAHENE  
7500 NORTH 21ST STREET  
PHILADELPHIA PA 19138  
267.335.3135  
fas098@yahoo.com \* \*

Via electronic service only due to Emergency Order at M-2020-3019262

EDWARD T. FISHER ATTORNEY  
PECO ENERGY COMPANY  
1880 JOHN F KENNEDY BLVD  
SUITE 1800  
PHILADELPHIA PA 19103  
215.501.7847  
Accepts e-Service

III APPLICATION REQUESTING A COPY OF THE DOCKET IN THIS CASE AS COMPLAINANTS PRO SE HAVE NO ACCESS TO SAID DOCKET.

Complainants Pro Se respectfully request the Commission and/or the Office of Administrative Law Judges for a copy of the Docket in this case as the complainants Pro Se have no access to said Docket and in support thereof states:

1. Complainants Pro Se have no access to the Docket of this case.

2. Complainants above stated Motion and Petition have implicated the relevance and materiality of the Docket in this proceeding

3. So since Complainants have no access to said Docket it is helpful for the Complainants to be provided a copy of the Docket by emailing said copy to their email address; fas098@yahoo.com

4. It will serve the cause of justice for the Commission and/or ALJ's Office to provide copy of said Docket in this proceeding

For all the foregoing Complainants pray that the Commission and/or the ALJ's office provide said copy as soon as possible via their stated email address

RESPECTFULLY SUBMITTED

Aghes F Atachene  
SAW

CERTIFICATE OF SERVICE

I, STEVE ATUAHENE, hereby certify that a true and correct copy of the foregoing motion/petition and accompanying papers, was served on the below listed addresses by first-class United States mail, postage pre-paid on JANUARY 30, 2021 (date).

Name: Honorable Angela T. Jones  
Address: 801 Market Street  
Address: Suite 4063  
City, State, zip: Philadelphia, PA 19107

Name: Rose Chiavetta, Secretary  
Address: Pa. Public Utility Commission  
Commonwealth Keystone Bldg  
Address: 400 NORTH STREET, Second Floor  
City, State, zip: HARRISBURG, PA 17120

Edward Fisher Esq  
(GRIESING LAW LLC)  
PECO ENERGY CO  
1880 S F K BLVD, Suite 1800  
PHILADELPHIA PA 19103

Dated: 1/30/21

By: SA

Steve Atuahene  
7500 N. 21ST Street  
Phila PA 19138



1000



17120

U.S. POSTAGE PAID  
FCM LG ENV  
ELKINS PARK, PA  
19027  
JAN 30, 21  
AMOUNT-

**\$1.40**

R2305K138661-07

ROSEMARY CHIAVETTA  
SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, SECOND FLOOR  
HARRISBURG PA 17120

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