

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Colin M Brown

Complainant

v

Peco Energy Company

C-2021-3027779

Respondant

To Rosemary Chiavetta Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Stree Second Floor  
Harrisburg Pa 17120

The Commissions Office Of Special  
Assistants (OSA)

Exceptions Of Complaint

We do not agree on the Initial Decision before The Honorable  
Judge Marta Guhl (Administrative Law Judge).Date May 11, 2022.

This Honorable Court is Entitled to Review the Entire Court  
Recorded and Transcript Pertaining to this Case (C-2021-3027779).

On page (4) TR9 Honorable Judge Guhl Quoted.The complainant  
and his wife indicated that they would not participate in the  
hearing but would stay on the line to listen.We the Browns  
requested the Courts to aloud us to have a Lawyer.The courts  
denied our request.(Our Due Process was not Protected).

Mrs Brown tried to negotiate \$1,500 dollars to settle this case.  
Ms Scott said her client wanted it all. Mrs Brown explained we  
dont owe \$2,800 plus dollars and wanted to go over the billing  
records so Ms Scott could see where the mistakes were located  
on the bills.Ms Scott never gave us a counter offer or tried to  
negotiate any kind of dollar amount.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Mr Mrs Brown called Peco.Peco said they have NO record of any kind of offer on this account to settle.

On August 9, 2021 Mr Colin M Brown(Complainant)filed a Formal Complaint with the Pennsylvaina Public Utility Commission, against Peco Energy company.On the Complaint form the complainant states there are incorrect charges on the bills and Peco is threatening to shut of our service.

Complainant requested three continuances.The first two were granted .The first one was based on Mrs Brown had a earlier obligation working as Majority inspector durning the November eiection 2021.During that time we had no idea Mrs Brown was ill.It all came as very bad news.The second request was for medical reasons.My wife was scheduled for surgery at Fox Chase Cancer Research Hospital on January 3,2022.Upon arrival 5:30am.We found out she had COVID-19 this put her Pancreatic Surgery in very deep jeopardy in the worst kind of way.It was rescheduled for January 21,2022.The day of surgery all I could think of did the COVID-19 leave her body and hopefully her fever doesnt spike again. (are we going to get thru this?)

Days before the hearing Mrs Brown called Ms Scott in a timely fashion for medical reasons and explained everything what was going on medically and also needed to seek a lawyer.Ms Scott chuckled and said no to us having another extension.The following day Mrs Brown called The Honorable Judge Guhl,talked to Ms Chiavetta.Ms Chiavetta asked Mrs Brown if she reached out to Ms Scott.Mrs Brown explained,Ms Scott would not agree to another hearing extension,Ms Chiavetta,advised to request for a Continuance at the hearing.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The day of the Telephoic hearing February 1, 2022 10:00am both Mrs Brown and myself requested The Honorable Judge Guhl for a continuance, to seek legal wise council. (We were both very much on edge thinking about the results of the Pancreatic Surgery that we would receive on February 2, 2022 at Fox Chase). (What would be the doctor next course of action). Honorable Guhl ask Ms Scott about granting a continuance. Ms Scott replied and declined. (We never got a chance to explain to the Judge about Mrs Brown surgery on her Pancreas. (we were in a fog).

We are very private people and do not discuss and talk out loud about our sicknesses to everyone who has a ear. If the court needs burden of proof on the COVID-19 and all surgeries we can provide that information A.S.A.P.

During the trial Mr Scott ask, Mr Richard King witness for Peco to explained about the Browns switched their electric bill to another company. (We never changed our electric to another company (we were slammed). This has happend to us lots of times you can see it in our complaints. Years ago Mr King sent us a print out of mistakes Peco made on our bill and to this day Peco has not credit to my account 3/07/2018 thru 5/04/2018. That just happen to be one of many. See Exhibits.

We the Browns asked the courts(3) times or more, we needed a lawyer to represent us in this matter and we were rejected more than(3)times. Due Process is a legal requirement and must be respected at all times for all citizens. Due Process balances the power of the Law of the Land and Protects the Individual Person or persons.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

To: Quote Former United States President

(THEODORE ROOSEVELT)

No man is above the Law and no man is below it. Nor do we ask any mans permission when we ask him to obey it. Obedience to the Law is demanded as a right not as a favor. The Judges who administer justice to our country must be seen as ethical and subject to the Law.

Mrs Brown is 68 years old and I am 63 years old we have NO reason to take up the Honorable Courts time and energy on foolishness. All we ask is the Courts will review all of the evidence and come to some type of resolution. So we can have our day in Court and our Due Process can be protected, or the Courts make a fair and honest money judgment to be paid to Peco.

EXHIBITS

Complainant are attaching Fifth Amendment Due Process pages #1 & # 2 14th Amendment pages #3 & #4. (Due Process Violation). Under both the Fifth and Fourteenth Amendments to the U.S. Consitution Page #5. Plus account activity statements #1 & # 2

Date: May 29, 2022

*Colin M Brown*  
Complainant

EXHIBIT "1"



[\(https://lp.findlaw.com/\)](https://lp.findlaw.com/)

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# Fifth Amendment Due Process

*This article was edited and reviewed by [FindLaw Attorney Writers \(https://www.findlaw.com/company/our-team.html\)](https://www.findlaw.com/company/our-team.html) | Last updated October 04, 2021*

The Fifth Amendment provides a framework for both criminal and civil legal proceedings. It protects a person from being forced to testify against themselves, the right to an attorney, and more. One important aspect of the Fifth Amendment is known as "due process," or the requirement that the government cannot deprive a person of their freedom or property without going through the court system. Fifth Amendment due process is separate from, although similar to, due process under the Fourteenth Amendment. Find out more below.

## What the Fifth Amendment Says About Due Process

*"No person shall...be deprived of life, liberty, or property, without due process of law;"*

## What It Means

**United States Library of Congress, *The Constitution of the United States of America: Analysis and Interpretation***

Standing by itself, the phrase due process would seem to refer solely and simply to procedure, to process in court, and therefore to be so limited that due process of law would be what the legislative branch enacted it to be. But that is not the interpretation that has been placed on the term. It is manifest that it was not left to the legislative power to enact any process which might be devised.

**EXHIBIT "2"**

The article is a restraint on the legislative as well as on the executive and judicial powers of the government, and cannot be so construed as to leave Congress free to make any process 'due process of law' by its mere will.<sup>1</sup> All persons within the territory of the United States are entitled to its protection, including corporations,<sup>2</sup> aliens,<sup>3</sup> and presumptively citizens seeking readmission to the United States,<sup>4</sup> but States as such are not so entitled.<sup>5</sup> It is effective in the District of Columbia<sup>6</sup> and in territories which are part of the United States,<sup>7</sup> but it does not apply of its own force to unincorporated territories.<sup>8</sup> Nor does it reach enemy alien belligerents tried by military tribunals outside the territorial jurisdiction of the United States.<sup>9</sup>

Early in our judicial history, a number of jurists attempted to formulate a theory of natural rights—natural justice, which would limit the power of government, especially with regard to the property rights of persons.<sup>10</sup> State courts were the arenas in which this struggle was carried out prior to the Civil War. Opposing the vested rights theory of protection of property were jurists who argued first, that the written constitution was the supreme law of the State and that judicial review could look only to that document in scrutinizing legislation and not to the unwritten law of natural rights, and second, that the police power of government enabled legislatures to regulate the use and holding of property in the public interest, subject only to the specific prohibitions of the written constitution. The vested rights jurists thus found in the law of the land and the due process clauses of the state constitutions a restriction upon the substantive content of legislation, which prohibited, regardless of the matter of procedure, a certain kind or degree of exertion of legislative power altogether.<sup>11</sup> Thus, Chief Justice Taney was not innovating when, in the *Dred Scott case* (<https://supreme.findlaw.com/supreme-court-insights/dred-scott-v-sandford-history-decision-and-impact.html>), he pronounced, without elaboration, that one of the reasons that the Missouri Compromise was unconstitutional was that an act of Congress that deprived a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular territory of the United States, and who had committed no offence against the laws, could hardly be dignified with the name of due process of law.<sup>12</sup> Following the war, with the ratification of the Fourteenth Amendment's Due Process Clause, substantive due process interpretations were urged on the Supreme Court with regard to state legislation. First resisted, the arguments came in time to be accepted, and they imposed upon both federal and state legislation a firm judicial hand that was not to be removed until the crisis of the 1930s, and that today in non-economic legislation continues to be reasserted.

**EXHIBIT "3"**

# 14th Amendment

The Fourteenth Amendment addresses many aspects of citizenship and the rights of citizens. The most commonly used -- and frequently litigated -- phrase in the amendment is "equal protection of the laws", which figures prominently in a wide variety of landmark cases, including Brown v. Board of Education (racial discrimination), Roe v. Wade (reproductive rights), Bush v. Gore (election recounts), Reed v. Reed (gender discrimination), and University of California v. Bakke (racial quotas in education). See more...

## Amendment XIV

### Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the

**EXHIBIT "4"**

and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

wex resources

Section 1.

Privileges and Immunities Clause

Civil Rights

Slaughterhouse Cases

Due Process

Substantive Due Process

Right of Privacy: Personal Autonomy

Territorial Jurisdiction

Equal Protection

Plessy v. Ferguson (1896)

Plyer v. Doe (1982)

✓ tion 4.

**EXHIBIT "5"**

## Due Process Violation

Under both the Fifth and Fourteenth Amendments to the U.S. Constitution, neither the federal government nor state governments may deprive any person "of life, liberty, or property without due process of law." A similar due process provision was found in the Magna Charta, as well as early state constitutions. Chief Justice William Howard Taft explained the purpose behind the clauses in *Truax v. Corrigan* (1921) as follows: "The due process clause requires that every man shall have the protection of his day in court, and the benefit of the general law, a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society. It, of course, tends to secure equality of law in the sense that it makes a required minimum of protection for every one's right of life, liberty, and property, which the Congress or the Legislature may not withhold."

Courts have interpreted the due process clauses as providing two distinct limitations on government. First, the clauses provide for procedural due process, which requires the government to follow certain procedures before it deprives a person of life, liberty, or property. Cases that address procedural due process usually focus on the type of notice that is required of the government or the type of hearing that must be held when the government takes a particular action. Second, the clauses establish substantive due process, under which courts determine whether the government has sufficient justification for its actions. Because courts use substantive due process to protect certain fundamental rights of U.S. citizens, issues related to substantive due process have been the subject of extensive debate.

**EXHIBIT "1"**

Account Number: 74238-01204  
 Account Status: Active  
 Requested By: COLIN M BROWN  
 (484) 454-5173 Extension:

Mail To:  
 COLIN M BROWN  
 47 WINDSOR AVE  
 UPPER DARBY PA 19082

Current Bill: \$255.00  
 Billed Prior: \$795.31  
 Balance Due: \$1050.31  
 Service Address: 47 WINDSOR AV  
 UPPER DARBY PA 19082

Credit Amount: \$0.00  
 Deposit Requested: \$300.00  
 Deposit On-Hand: \$0.00  
 Meter Bill 1 Grp: 05  
 Rate: Supplier Gas Residential Res  
 Electric Residential Service

DATE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILLS	BALANCE FORWARD	DUE DATE
01/08/18	BUDGET BILLING	12/01/17 01/04/18			\$217.00		\$991.97	\$489.62	01/30
** Budget Bill Detail ** Actual Bill Amount: 544.04 BB Deferred Amount: 331.77									
01/08/18	SPECIAL PAYMENT AGREEMENT				\$285.35				
01/16/18	Regular Bill					\$502.35			
02/06/18	Payment					\$489.62			
02/07/18	BUDGET BILLING	01/04/18 02/05/18			\$255.00		\$540.35		03/01
** Budget Bill Detail ** Actual Bill Amount: 507.73 BB Deferred Amount: 584.50									
02/07/18	SPECIAL PAYMENT AGREEMENT				\$285.35				
02/07/18	Regular Bill					\$255.00			
03/07/18	BUDGET BILLING	02/05/18 03/06/18			\$255.00		\$540.35		03/29
** Budget Bill Detail ** Actual Bill Amount: 338.03 BB Deferred Amount: 667.53									
03/07/18	SPECIAL PAYMENT AGREEMENT				\$285.31				
03/12/18	Payment					\$540.35			
04/06/18	BUDGET BILLING	03/06/18 04/04/18			\$255.00		\$795.31		04/30
** Budget Bill Detail ** Actual Bill Amount: 341.78 BB Deferred Amount: 754.31									
04/06/18	Regular Bill					\$255.00			
05/04/18	BUDGET BILLING	04/04/18 05/03/18			\$255.00		\$1050.31		05/29
** Budget Bill Detail ** Actual Bill Amount: 185.41 BB Deferred Amount: 684.72									
05/04/18	Regular Bill					\$1050.31			

*B.C.S. 37867.92*

*Will have to pay \$540.35*

*1*

**EXHIBIT "2"**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

COLIN BROWN

Complainant

v.

PECO ENERGY COMPANY

Respondent

DOCKET NO. C-2021-3027779

COMPLAINT NEW MATTER

Complainant was totally unaware of these new findings,  
Peco sent account activity statement year 2019 thru 2021.

- (1) 09/04/2019-Gas Clean Sky Energy.
- (2) 10/03/2019-Gas Clean sky Energy.
- (3) 11/01/2019-Gas Clean sky Energy.
- (4) 12/06/2019-Gas Clean Sky Energy.
- (5) 3/05/2021-ELE Ambit Northeast Electric Company Service
- (6) 08/06/2021-Reinstate AR from DPA-CR
- (7) 08/06/2021-Reinstate AR from DPA-DB

Complainant never sign into Clean Sky Energy Gas or ELE  
Ambit Northeast Electric Service, see billing statement  
Attached Hereto As Exhibit (3).

Wherefore, Colin M Brown Respectfully Request that your Honorable  
Commission Examines all of the Evidence in this case and Enter  
In Favor of Complainant.

Respectfully Submitted

*Colin M Brown*

Colin M Brown (Pro-Se)  
47 Windsor Avenue  
Upper Darby Pa. 19082

Date: September 7, 2021

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Colin M Brown

Complainant

NO. C-2021-3027779

vs.

Peco Energy Company

Respondant

**VERIFICATION**

I verify that the statements made in this EXCEPTIONS OF COMPLAINANT  
are true and correct to the best of my knowledge, information, and belief. I understand  
that false statements made herein are subject to the penalties of 18 PA. C.S. Subsection  
4904, relating to unsworn falsification to authorities.

Date: May 29, 2022

Colin M. Brown  
Complainant

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Colin M Brown

Complainant

v

52 Pa. Code § 1.58

Section 1.58 - Form of certificate of service

No:C-2021-3027779

Peco Energy Company

Respondent

(a) The form of certificate of service must be as follows:

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

(List names and addresses of parties served and manner in which each was served.)

Dated this

29

day of

May

2022

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg Pa 17120 (E-File)

(Signature) *Colin M Brown*

Counsel for Complainant

Colin M Brown

(b) A certificate of service accompanying an electronic filing must state that the document was filed electronically on the Commission's electronic filing system.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.36 (relating to form of certificate of service).

52 Pa. Code § 1.58

 casetext

Date; 5/29/2022