

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held August 4, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
John F. Coleman, Jr., Vice Chairman
Ralph V. Yanora

Michael Liddy

C-2021-3028123

v.

PECO Energy Company

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Exception of PECO Energy Company (PECO or Company) filed on April 8, 2022, to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Eranda Vero, issued on March 21, 2022, in the above-captioned proceeding. In the Initial Decision, ALJ Vero granted, in part, and denied, in part, the Formal Complaint (Complaint) of Michael Liddy (Complainant or Mr. Liddy) pertaining to alleged unreliable and inadequate electric and gas services and discrimination in service. Mr. Liddy did not file a Reply to the Exception. For the reasons stated below, we shall grant the Exception, in part, and adopt the ALJ's Initial Decision, as modified, consistent with this Opinion and Order.

History of the Proceeding

On August 20, 2021, Mr. Liddy filed the instant Complaint alleging that he is having a reliability, safety, or quality problem with his electric and gas services. In particular, Mr. Liddy averred that PECO improperly denied his application for the installation of a gas-powered generator at his property. He contended that the installation of the generator is necessary to secure reliable power at his property. Complaint at 2-3.

On September 7, 2021, PECO filed an Answer denying the material allegations of fact in the Complaint.

The hearing convened as scheduled on October 27, 2021. Mr. Liddy appeared *pro se*, testified on his own behalf, and sponsored eight exhibits which were admitted into the record. PECO was represented by counsel, who presented the testimony of three witnesses and offered five exhibits, which were admitted into the record. During the hearing, counsel for the Company requested permission to submit, as a late-filed exhibit, a reliability report for the electric circuit that serves Mr. Liddy's residence. Instead, the ALJ advised the Parties that a further hearing would be held to address the Complainant's claims regarding reliability issues with his electric service.

The further hearing convened as scheduled on November 19, 2021. Mr. Liddy appeared *pro se* and again testified on his own behalf. PECO's counsel appeared, presented the testimony of one witness, and sponsored one exhibit – PECO Exhibit 6, which is a Service Reliability Report for the Complainant's address, covering the period June 15, 2019, to October 26, 2021 – that was admitted into the record.

After PECO Exhibit 6 was admitted into evidence, counsel for PECO requested permission to submit as a late-filed exhibit an updated version of its Service Reliability Report for the Complainant's address, for the sole purpose of expanding the

report by two additional years (2017 and 2018). Mr. Liddy objected to this request. However, the ALJ granted PECO's request for the submission of the late-filed exhibit and provided the Parties with instructions for filing the said exhibit and for filing any objections to it. On the same day, November 19, 2021, PECO submitted *via* email its late-filed exhibit. Also, on the same day, Mr. Liddy informed the ALJ *via* email that he had no additional objections to PECO's late-filed exhibit – a Service Reliability Report for the Complainant's address covering the period January 1, 2017, to November 18, 2021 – which the ALJ identified and admitted as PECO late-filed Exhibit 7. I.D. at 3.

The hearings generated a transcript of 231 pages and the record closed on December 20, 2021, when the transcript was filed with the Commission.

In the Initial Decision issued on March 21, 2022, the ALJ granted the Complaint, in part, as to the allegations that PECO provided unreliable and inadequate electric and gas service pursuant to 66 Pa. C.S. § 1501. However, the ALJ denied the Complaint, in part, as to the allegations of discrimination in service. Regarding the Section 1501 violation, the ALJ recommended a civil penalty of \$22,000. I.D. at 21, 23.

As previously indicated, the Company filed an Exception on April 8, 2022. No Reply to the Exception has been filed.

Discussion

Legal Standards

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa. C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the

Complainant must show that the Respondent is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 529 Pa. 654, 602 A.2d 863 (1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by the Respondent. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, this Commission's decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980) (*Norfolk*).

Upon the presentation by a complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the customer shifts to the respondent. If the evidence presented by the respondent is of co-equal value or "weight," the burden of proof has not been satisfied. The complainant then has to provide some additional evidence to rebut that of the respondent. *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983) (*Burleson*).

While the burden of going forward with the evidence may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

ALJ Vero made fifty-four Findings of Fact and reached twelve Conclusions of Law. I.D. at 3-10, 21-22. The Findings of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

Before addressing the Exceptions, we note that any issue or Exception that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *also see, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

ALJ's Initial Decision

The ALJ first addressed the service reliability issue and determined that PECO failed to fulfill its duty under Section 1501 of the Code.¹ As background, the ALJ noted that Mr. Liddy receives residential gas and electric service from PECO and that the electric circuit for the Service Address is Doylestown 004. I.D. at 11 (citing Tr. at 10, 203-204; PECO Exh. 7). The ALJ explained that from February 2019 to November 2021, Mr. Liddy experienced seventeen sustained power outages: six in 2021, five in 2020, and six in 2019. Of the sustained power outages, the ALJ noted that thirteen were caused by vegetation, eleven were storm-related, and four were due to equipment failure. The shortest of these power outages lasted fifteen minutes and the longest lasted 1,932 minutes. I.D. at 11 (citing Complainant Exh. G; PECO Exh. 7).

In addition to the sustained power outages, the ALJ continued, the Complainant experienced frequent momentary power outages. For 2021 alone, PECO admitted that there were sixteen outages for 2021, six of which were the sustained outages mentioned above, and ten were momentary ones lasting less than five minutes. I.D. at 11 (citing Tr. at 196-197, 204-206; Complainant Exh. G).

¹ Section 1501 provides in relevant part, that every public utility has a duty to “furnish and maintain adequate, efficient, safe, and reasonable service and facilities” to its customers and that such service shall be reasonably continuous, without unreasonable interruptions or delay, and in conformity with the Regulations and Orders of the Commission. 66 Pa. C.S. § 1501.

The ALJ acknowledged PECO's responses to the reliability problem in Doylestown 004 through routine processes such as vegetation trimmings and installation of pole replacements, automated switches, and other aerial equipment upgrades in the Doylestown 004 circuit. Tr. at 205, PECO late-filed Exhibit 7. I.D. at 12 (citing 205, 209-210; PECO Exh. 7). The ALJ emphasized, however, PECO's determination that these remedial efforts were not "as successful as anticipated." I.D. at 12 (citing Tr. at 205-206). Additionally, the ALJ acknowledged PECO's implementation of a new project in the summer of 2020 to relocate the primary lines that feed the Doylestown 004 circuit away from a railroad right-of-way. PECO provided testimony that the relocation project will improve the performance of the circuit but that it would not be completed before the summer of 2022. I.D. at 12 (citing Tr. at 208-209).

In order to address the power outage problems, Mr. Liddy purchased a 14 kW house gas generator which requires a connection to the existing fuel supply at the Service Address. The ALJ summarized Mr. Liddy's receipt of a permit from the Borough of Doylestown to install the generator on his property and the Complainant's subsequent permit application to PECO to connect his generator to the gas supply line serving the Service Address.² Thereafter, PECO denied the Complainant's application because the Service Address is currently located on a low-pressure gas system in Doylestown. As an alternative, the Company advised Mr. Liddy to use propane as the fuel source for his house generator, but the property layout prevented the installation of an adequately sized propane tank. I.D. at 12 (citing Tr. at 10, 24-25, 34, 37-38, and 219; Complainant Exhs. B, C and H).³

² As discussed in the Exception section, *infra*, PECO disputes the dates cited by the ALJ for the permit applications. The ALJ stated that Mr. Liddy applied for the respective permits with the Borough and PECO in *June 2020*; however, the Company argues that the evidence supports a finding that the correct date is *June 2021*. Exc. at 2-3.

³ The ALJ summarized the record evidence pertaining to the gas pressure problems in the Doylestown system and the reasons for PECO's denial of the permit application. See I.D. at 13-14.

Based on these facts, the ALJ determined that PECO violated Section 1501 of the Code. Although acknowledging that the Company is not required to guarantee uninterrupted service, the ALJ concluded that seventeen sustained outages from February 2019 to November 2021, in addition to numerous momentary outages, constituted unreasonable interruptions and thereby unreasonable service. The ALJ added that the reliability problem of PECO's Doylestown 004 electric circuit was exacerbated by the capacity constraints of PECO's Doylestown gas system where the outdated mains are unable to take on the additional load of house generators. According to the ALJ, the issues with PECO's electric and gas services to the section of Doylestown where Mr. Liddy's property is located have placed him in a "Catch-22" situation where he is left without any reliable power source until at least the summer of 2022. I.D. at 14-15.

After finding a violation of Section 1501, the ALJ applied the factors under the Commission's policy statement at 52 Pa. Code § 69.1201(c) to evaluate whether to impose a civil penalty.⁴ I.D. at 15-16.

⁴ The policy statement provides that we will consider the following factors and standards when considering whether to impose a civil penalty for violations of the Code:

- (1) Whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.
- (2) Whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.
- (3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in

Under the first factor pertaining to whether the conduct at issue was of a serious nature, the ALJ determined that there was insufficient evidence to conclude that PECO's actions involved a misrepresentation or were willfully fraudulent. Although the ALJ noted that outdated mains were responsible for capacity constraints in the gas system serving Mr. Liddy's residence and compounded the reliability problems that he experienced with PECO's electric service, the ALJ found that they did not amount to willfully fraudulent conduct on the part of PECO. I.D. at 16.

evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.

(4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

(5) The number of customers affected and the duration of the violation.

(6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.

(7) Whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty.

(8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

(9) Past Commission decisions in similar situations.

(10) Other relevant factors.

Regarding the second factor, the ALJ found little evidence that PECO's failure to comply with Section 1501 of the Code had any consequences of a serious nature, beyond water damage to Mr. Liddy's basement, and the general disruption that power outages cause to his and his wife's work and personal life. The ALJ added that Mr. Liddy did not quantify the property damage or the lost income. I.D. at 16 (citing Tr. at 11, 35-36, 197).

As to the third factor, the ALJ determined that the record supports a finding that the violation of Section 1501 of the Code resulted from the Company's negligence in addressing in a timely manner the issues in the electric and gas systems that serve the Service Address. The ALJ stated that when asked why the project for relocating primary lines on Mr. Liddy's circuit had not been initiated sooner than summer of 2020, PECO's witness only pointed to "an increase in extreme storms" and the multi-step process that the project has to go through before work begins. I.D. at 16-17 (citing Tr. at 214-215).

The ALJ reasoned that PECO's response did not adequately explain why the Company failed to ramp up the procedures that were already in place for addressing storm and vegetation related interruptions. The ALJ noted that the last routine tree trimming of Mr. Liddy's circuit took place on May 4, 2018, before the increase in extreme storms asserted by the Company. Additionally, a mid-cycle tree trimming was completed on May 29, 2020, but it only affected the source substation. Although the Company installed pole replacements and new automated switches and upgraded other aerial equipment in the Doylestown 004 circuit, the ALJ emphasized that little vegetation maintenance occurred on Mr. Liddy's circuit, even though thirteen of the seventeen sustained power outages that he experienced from February 2019 to November 2021 were vegetation related. In particular, the ALJ cited evidence showing one work order for vegetation trimming dated January 30, 2020, on Doylestown 004, and two others, dated December 27, 2019, and September 13, 2021, on the circuit that feeds Doylestown 004. According to the ALJ, there was no evidence regarding the extent or

the nature of the work performed. I.D. at 17 (citing Tr. at 205, 215; PECO Exhs. 6 and 7).

The ALJ added that the worsening reliability of Mr. Liddy's electric circuit only brought to light the inadequacy of Mr. Liddy's gas system. PECO deemed this system unable to sustain the load of house generators, like the one that Mr. Liddy wanted to install on his property. The ALJ reasoned that the capacity constraint of the system is the direct result of the age and materials used in its mains and that the Company only started designing its capacity expansion project in 2021. According to the ALJ, the reason why PECO waited so long to implement a capacity expansion project in the area cannot be explained by any purported change in weather patterns. I.D. at 17 (citing Tr. at 64-65).

Regarding the fourth factor, the ALJ acknowledged that the Company provided evidence in support of modifications to its internal practices and procedures to address the offensive conduct at issue to deter and prevent similar conduct in the future. The ALJ noted the Company's steps to implement two projects that will improve the reliability of the electric circuit in question and will increase the capacity of the Doylestown gas system by the summer of 2022. I.D. at 17-18.

As to the fifth factor pertaining to the number of affected customers and the duration of the violation, the ALJ emphasized that the reliability issue that forced Mr. Liddy to apply for a permit to install the house generator in June of 2020 led other PECO customers to take similar steps to ensure the reliability of their electric power. The ALJ explained that between July 2020 and September 2021, PECO's engineering review rejected eleven applications for house generators due to capacity constraints in the gas system. PECO's witness testified that an additional, yet unspecified, number of applications for house generators were rejected automatically, without going to engineering review, simply based on their location in the capacity-constrained-system. In

fact, Mr. Liddy's was one of the applications that was denied without an engineering review. I.D. at 18 (citing Tr. at 68-73; PECO Exh. 4).

The ALJ surmised that at least fifteen PECO customers – eleven applications were rejected by the engineering review, three applications were approved in error, and Mr. Liddy's application – were impacted by the combination of problems with electric circuit reliability with capacity constraints of the gas system. According to the ALJ, these numbers painted a disturbing picture of the reliability of electric and gas service in the Doylestown area where Mr. Liddy's residence is located especially when considering the sizes of the Doylestown 004 circuit and of the low-pressure gas system that impacts Mr. Liddy, as well as the brief period of time – July 2020 to September 2021 – from which these numbers were extrapolated. I.D. at 18 (citing PECO Exhs. 1, 2, 4 and 6).

Regarding the sixth and seventh factors, the ALJ summarized that the record does not include a history of PECO's past offenses and that the Commission did not conduct an investigation in this proceeding. I.D. at 18.

The ALJ considered the eighth, ninth and tenth factors as being interrelated in this case, which are, respectively, the amount of a civil penalty required to deter future violations, prior Commission decisions in similar cases, and the catch-all "other relevant factors." After reviewing the evidence collected in this matter involving the combination of reliability issues in the Doylestown 004 circuit and the capacity constraints in the gas system that left Mr. Liddy without a reliable power source, the ALJ recommended a civil penalty of \$22,000.00 – \$1,000.00 for each month from June 2020 to March 2022. The ALJ considered this penalty to be appropriate for deterring future violations of this nature and to draw the Company's attention to the need for improved service reliability in the Doylestown area. I.D. at 18-19.

Next, the ALJ addressed the discrimination in service claim pursuant to Section 1502 of the Code.⁵ Mr. Liddy had alleged that PECO approved three applications for house generators in 2020 due to nepotism or the Company's bias in favor of commercial customers. Specifically, he contended that one of the approvals was granted to the brother of a PECO employee, while the other two went to commercial accounts. Tr. at 20, 22, 33, 79; Complainant Exh. H. Additionally, he testified that one of the applications was initially rejected by PECO, due to its location in the low-pressure system, only to be later approved by the Company. Tr. at 101; Complainant Exh. H; PECO Exh. 4.

In response, the Company admitted that one of the successful applicants was the brother of a PECO employee but maintained that the relationship had no bearing on the decision to approve the application. Rather, the PECO witness, Samantha Camerota testified that the three approvals were the results of human error. Tr. at 61-62. 77-78. Regarding the once-denied-then-approved application, Ms. Camerota stated that it was most likely a second application that was approved in error after the first one was appropriately rejected. Tr. at 100-101.

⁵ Section 1502 provides:

No public utility shall, as to service, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to service, either as between localities or as between classes of service, but this section does not prohibit the establishment of reasonable classifications of service.

66 Pa. C.S. § 1502.

According to the ALJ, Ms. Camerota's testimony raised questions about the probability that an application approved in error went to the brother of a PECO employee, and about how the applicant who received the initial rejection would know to resubmit the application a mere two months after it was first denied. However, the ALJ reasoned that a mere trace of evidence or a suspicion of the existence of a fact does not constitute substantial evidence on which the Commission can support a decision. I.D. at 20 (citing *Norfolk*). After reviewing the record, the ALJ found that the evidence presented by the Company on the issue of discrimination in service was of co-equal weight to the evidence presented by the Complainant. Further, the ALJ reasoned that in order to successfully carry his burden of proof, the Complainant was required to provide additional evidence to rebut the evidence of the Company. I.D. at 20 (citing *Burleson*). The ALJ found that Mr. Liddy did not provide any additional evidence to rebut the evidence presented by PECO. Thus, the ALJ determined that the Complainant failed to carry his burden of proving by a preponderance of the evidence that PECO improperly engaged in discriminatory actions with regard to application approvals. I.D. at 20-21.

As noted, in view of the above, the ALJ granted Mr. Liddy's Complaint to the extent it claimed that PECO provided him with unreliable and inadequate electric and gas services but denied the Complaint to the extent it claimed that Mr. Liddy suffered discrimination in service. I.D. at 21.

Exception

In its Exception, PECO argues that the fine of \$22,000.00, encompassing \$1,000.00 for the time frame of June 2020 to March 2022, is arbitrary and excessive. In support, the Company identifies the following Findings of Fact as being in error:

24. In June 2020, Mr. Liddy received a permit from the Borough of Doylestown to install the generator on his property.

25. On June 14, 2020, Mr. Liddy applied to PECO for a permit to connect his generator to the gas supply line serving the Service Address.

26. On June 16, 2020, PECO denied Mr. Liddy's application because of a concern regarding the total amount of available gas in the distribution system that currently feeds the Service Address.

Exc. at 2-3 (citing I.D. at 6-7, 12) (internal citations omitted).

PECO submits that these Findings of Fact are inaccurate because the Complainant did not receive a permit from the Borough of Doylestown to install the generator on his property until June 24, 2021. PECO also contends that Mr. Liddy's application with the Company was not denied until June 2021 because the application was not filed until June 2021. Exc. at 3 (citing Complainant Exh. B at 4).

PECO argues that it is undisputed that the application to install a gas generator and the rejection of the Complainant's application occurred in June 2021. According to PECO, all the exhibits and testimony by the Complainant and the Company reference June 2021. The Company adds that the Complainant specifically stated on his own exhibit, "'this is my application rejection date' next to the date of June 16, 2021." Exc. at 3-4 (citing Complainant Exh. H) (emphasis in original).

PECO argues that the ALJ's recommended civil penalty of \$22,000 is arbitrary and excessive because it is based on the amount of \$1,000.00 per month beginning from June 2020 to March 2022. The Company contends that because all testimony, evidence and exhibits introduced by the Parties regarding the permit approval, the application, and the rejection of the Complainant's gas generator permit relate to

June 2021, not June 2020, the civil penalty encompasses an extra twelve months of fines, without any support from the record. Exc. at 4.

Accordingly, PECO requests that the Commission conclude that the fine of \$22,000 is arbitrary and excessive and not in congruence with the testimony and evidence presented at the initial and further hearings. *Id.*

As noted above, Mr. Liddy did not file a Reply to the Exception.

Disposition

Upon review of the record evidence, we agree with PECO that Findings of Fact Nos. 24 to 26 inaccurately reference the year in which Mr. Liddy: received a permit from the Borough of Doylestown to install the generator; applied to PECO for a permit to connect his generator to the gas supply line; and received the rejection of his permit from PECO. Each of these Findings of Fact reference the applicable date as June 2020. However, the undisputed record supports a determination that the applicable date for each should be June 2021.

It is clear that the ALJ calculated the recommended civil penalty of \$1,000 per month based on the inaccurate starting date of June 2020. Since this calculation is not supported by substantial evidence in the record, we shall decline to adopt it. However, we agree with the Section 1501 violation determination and the remainder of the ALJ's reasoning and application of the civil penalty factors. Thus, we shall modify the monthly penalty amount to begin the calculation in June 2021. Accordingly, we shall adjust the penalty amount to \$10,000 – \$1,000 for each month from June 2021 to March 2022. Upon review of the penalty factors in our policy statement at 52 Pa. Code

§ 69.1201(c), we find that this civil penalty is appropriate to deter future violations and to help ensure improved service reliability in the Doylestown area.

Therefore, we shall grant the Company's Exception to the extent that it requests a modification of the civil penalty amount. To the extent that PECO requests a determination that any civil penalty in this proceeding is arbitrary or excessive, we shall deny the Exception.⁶

Additionally, no Party filed Exceptions to the discrimination in service determination. Finding the ALJ's rationale on this issue to be reasonable, we shall adopt it without further discussion.

Conclusion

Based upon our review of the record, the ALJ's Initial Decision, and the applicable law, we shall grant the Exception, in part, and deny it, in part, and adopt the ALJ's Initial Decision, as modified, consistent with this Opinion and Order;

THEREFORE,

IT IS ORDERED:

1. That the Exception filed by PECO Energy Company on April 8, 2022, to the Initial Decision of Administrative Law Judge Eranda Vero, issued

⁶ In this regard, we note that PECO's arguments were essentially limited to the calculation of the civil penalty using the incorrect starting date of June 2020 rather than June 2021. The Company did not present any substantive arguments that the Commission should refrain from imposing any civil penalty for the Section 1501 violation determination.

on March 21, 2022, is granted, in part, and denied, in part, consistent with this Opinion and Order.

2. That the Initial Decision of Administrative Law Judge Eranda Vero, issued on March 21, 2022, is adopted, as modified, consistent with this Opinion and Order.

3. That the Formal Complaint filed by Michael Liddy against PECO Energy Company at Docket No. C-2021-3028123 is sustained, in part, and dismissed, in part.

4. That the Formal Complaint filed by Michael Liddy against PECO Energy Company at Docket No. C-2021-3028123 is sustained with regard to the claim that the utility provided him with unreliable and inadequate electric and gas service in violation of Section 1501 of the Public Utility Code.

5. That the Formal Complaint filed by Michael Liddy against PECO Energy Company at Docket No. C-2021-3028123 is dismissed with regard to the claim that the utility discriminated against him in the application approval process in violation of Section 1502 of the Public Utility Code.

6. That PECO Energy Company shall pay a civil penalty in the amount of Ten Thousand Dollars (\$10,000) by sending a certified check or money order payable to the Commonwealth of Pennsylvania within thirty (30) days of entry of this Opinion and Order to:

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

7. That PECO Energy Company shall cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§ 101, *et seq.*, and the Regulations of this Commission, 52 Pa. Code §§ 1.1, *et seq.*

8. That upon payment of the civil penalty described in Ordering Paragraph No. 6, the Secretary's Bureau shall mark the proceeding closed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: August 4, 2022

ORDER ENTERED: August 4, 2022