



Direct Dial: 215.841.6841
khadijah.scott@exeloncorp.com

March 2, 2023

VIA E-FILING

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

**RE: Michael Hickson v. PECO Energy Company
Docket No. F-2022-3036853**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the *Motion to Dismiss 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,

A handwritten signature in blue ink, appearing to read "Khadijah Scott".

Khadijah Scott, Esquire
Assistant General Counsel, PECO Energy Company

Encl.

Cc: Honorable Eranda Vero (w/encl via email)

PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL HICKSON :
Complainant :
v. : DOCKET NO. F-2022-3036853
PECO ENERGY COMPANY :
Respondent :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §5.102(a), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Dismiss of PECO Energy Company, within ten (10) days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to PECO’s Motion to Dismiss, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Khadijah Scott, and where applicable, the Administrative Law Judge presiding over the issue.

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

With a copy to:
Khadijah Scott, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
Khadijah.scott@exeloncorp.com

Dated: March 2, 2023



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19103
215-841-6841
Khadijah.scott@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HICKSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2022-3036853
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**MOTION TO DISMISS OF RESPONDENT,
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.102(a) respectfully petitions this Honorable Commission to dismiss the instant Complaint for the following reasons:

1. On November 17, 2022, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by Michael Hickson (hereafter “Complainant”) in the above captioned docket. A copy of the Complaint is attached hereto as Exhibit “1”.
2. On December 6, 2022, PECO Energy filed an Answer to the Complainant’s Complaint. A copy of the Answer is attached hereto as “Exhibit 2”.
3. In the Complaint, the Complainant requests that the Public Utility Commission (“PUC”) address an open matter that he has alleged to be pending before the United States District Court Eastern District of Pennsylvania. See Exhibit “1”.
4. In essence, the Complainant is requesting that the PUC institute its jurisdiction over a Pennsylvania federal court.

5. On December 7, 2022, PECO Energy filed Preliminary Objections stating that pursuant to 52 Pa. Code §5.101, preliminary objections may be filed against a complaint and dismissed for lack of Commission jurisdiction under 52 Pa. Code §5.101(a)(1).

6. On February 10, 2023, Administrative Law Judge Eranda Vero “(ALJ Vero)” issued an Interim Order denying PECO’s preliminary objections, noting:

In reviewing the Formal Complaint filed by the Complainant, I note that Mr. Hickson failed to conform to the Commission’s requirements because the Complainant did not provide any detail regarding the reason for the Complaint, nor does he explain what relief he wants from the Commission other than to “Address the open case # 22-CV-2053,” which appears to be a case pending before the federal district court for the Eastern District of Pennsylvania. PECO is left to speculate as to the reason for the Complaint and the relief that the Complainant is seeking.

See, Interim Order at 4, dated February 10, 2023, attached hereto as Exhibit “3”.

7. ALJ Vero ordered the Complainant to file an Amended Complaint, specifically stating that he is to:

... file and serve an Amended Complaint which sets forth additional facts, consistent with the instructions provided on the Commission’s formal complaint form, in support of the Complainant’s allegations against PECO Energy Company **on or before February 28, 2023**. A copy of the Amended Complaint shall be served on counsel for PECO Energy Company as well as the undersigned Administrative Law Judge.

Id. at 5. (*emphasis added*)

8. The Complainant failed to file an Amended Complaint on or before February 28, 2023.

9. The Complainant failed to comply with ALJ Vero’s Order.

10. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa.Pub. Util. Comm’n, 817 A.2nd

593 (Pa. Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

11. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law with respect to all of the allegations in the Complaint.

I. LEGAL ARGUMENT

A. Standard of Review

12. The Commission's regulations at 52 Pa. Code §5.102(a) permits any party to move for summary judgment or judgment on the pleadings after the pleadings are closed, but within such time as to not delay a hearing.

13. Under 52 Pa. Code §5.102(d)(1), the presiding officer will grant the motion if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law.

14. The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. First Mortgage Co. of Pennsylvania v. McCall, 459 A.2d 406 (Pa. Super. 1983).

15. The provision at 52 Pa. Code §5.102(c) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission, 563 A.2d. 557 (Pa. Cmwlth. 1989).

II. Lack of Commission Jurisdiction – The PUC does not have Jurisdiction to Resolve an open matter pending before the United States District Court Eastern District of Pennsylvania .

16. The Complainant requests that the Public Utility Commission (“PUC”) address an open matter that he has alleged to be pending before the United States District Court Eastern District of Pennsylvania.

17. Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

18. As a matter of law, the Complainant must show that PECO Energy is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196 (1990).

19. “Burden of proof” means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

20. The offense alleged must be a violation of the Public Utility Code, the Commission’s regulations, or an outstanding order of the Commission. *See*, 66 Pa.C.S. §701.

21. The PUC has jurisdiction over the Public Utility Code, the Commission’s regulations, or an outstanding order of the Commission.

22. The Complainant seeks the Commission to review a matter outside of its jurisdiction, that is alleged to be pending before the United States District Court Eastern District of Pennsylvania.

23. In this matter, the Complainant has failed to allege a regulation, law or statute that the Respondent has violated in regard to his utility service.

24. In this matter, the Complainant failed to file an Amended Complaint in compliance with the Interim Order as instructed by ALJ Vero.

25. Accordingly, the Complainant's formal complaint should be dismissed as it fails to set forth a violation by PECO Energy of either the Public Utility Code, the regulations of the PUC or PECO's Electric Service Tariff as required by 52 Pa. Code §5.22(a)(4).

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainant's formal complaint, and all issues which were raised in the Complaint.

Respectfully submitted,



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(215) 841-6841
Khadijah.scott@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HICKSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2022-3036853
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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.

Date: March 2, 2023



Khadijah Scott

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HICKSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2022-3036853
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

MICHAEL HICKSON
6604 N 12TH ST
PHILADELPHIA PA 19126
Via Email: mikalh47@gmail.com

Dated: March 2, 2023



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(215) 841-6841
Fax: 215.568.3389
Khadijah.scott@exeloncorp.com

EXHIBIT 1

Botak, Amy:(PECO)

From: RA-PCESERVE@pa.gov
Sent: Thursday, November 17, 2022 4:01 PM
To: Scott, Khadijah:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL]PA PUC eServe Notice

Importance: High

EXTERNAL MAIL. Do not click links or open attachments from unknown senders or unexpected Email.

Dear Khadijah Scott,

A(n) **Formal Complaint Form** has been served in this proceeding. This document is docketed as **F-2022-3036853**. You may view this document at

[Formal Complaint -Hickson](#)

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

PUC has recently updated E-Service delivery E-Mail address to RA-PCESERVE@pa.gov. Please update your Address book and/or E-Mail rules accordingly.

Must be returned by NOVEMBER 14, 2022

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Michael C Hickson
Street/P.O. Box 6604 Nth 12th Street Apt # _____
City Philadelphia State PA Zip 19126
County Philadelphia

Telephone Number(s) Where We Can Contact You During the Day (required):
(267) 275-3920 (home) () same (mobile)

E-mail Address (required): MIKALH47@gmail.com
Utility Account Number (from your bill) #81432-89005

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____
Street/P.O. Box _____
City _____ State _____ Zip 9103

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO Energy - Patrick Noonan

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> STORM WATER |
| <input type="checkbox"/> GAS | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> WATER | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> STEAM HEAT | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.

- I would like a payment agreement.

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain). *Attached Documents*

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Address open case # 22-CV-2053

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)/ Domestic Violence

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name Power of Attorney Mr Orlando A. Acosta
Street/P.O. Box 1650 Market Street
City Philadelphia State PA Zip 19103
Area Code/Phone Number 267 675 7045
E-mail Address ORLANDOACOSTA685@gmail.com

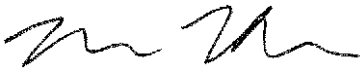
Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. **If you do not sign the Formal Complaint, the PUC will not accept it.**

Verification:

I, Michael Nickson, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

 11/13/2022
(Signature of Complainant) (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it.**

10. **How to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

If you are appealing a BCS decision: follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be eFiled or mailed.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.
Please know that your complaint form and the utility's answer will not be published to the PUC's website. Once your complaint case moves to the Office of Administrative Law Judge, any filings you make **should be marked confidential** if you do not want them published to the website.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Michael Hickson

(In the space above enter the full name(s) of the plaintiff(s).)

22-CV-2053

- against -

Amended

PECO Energy - Patrick Noonan
Senior Manager Finance Operations

COMPLAINT

Jury Trial: Yes No

(check one)

PUC - Commissioner Chairman
Gladys Brown Dutrieuille

Governor of Pennsylvania
Tom Wolf

Mayor of Philadelphia
Jim Kenney

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>Michael Hickson</u>
	Street Address	<u>6604 North 12th Street</u>
	County, City	<u>Philadelphia</u>
	State & Zip Code	<u>Pennsylvania 19126</u>
	Telephone Number	<u>267-275-3920</u>

B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name PECO - Patrick Noonan
Street Address 301 Market Street
County, City Philadelphia
State & Zip Code PENNSYLVANIA 19103

Defendant No. 2 Name PUC - Gladys Brown Dutkiewicz
Street Address 400 North Street Keystone Bldg
County, City HARRISBURG
State & Zip Code PENNSYLVANIA 17120

Defendant No. 3 Name GOVERNOR TOM WOLF
Street Address 508 MAIN Capitol Building
County, City HARRISBURG
State & Zip Code PENNSYLVANIA

Defendant No. 4 Name MAYOR JIM KENNEY
Street Address 1400 John F Kennedy Blvd
County, City Philadelphia
State & Zip Code PENNSYLVANIA 19107

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)
 Federal Questions Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? the federal Constitution commerce clause -
REGARDING CONTRACT VIOLATION, ALSO THE
SEVENTH (7th) AMMENDMENT.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Philadelphia, PA

B. What date and approximate time did the events giving rise to your claim(s) occur? Feb 14, 2022, time unknwn/ March 23, 2022 time unknwn/ March 23, 2022 @ 5:39:59 pm/ March 24, 2022 @ 11:39 am/

C. Facts: At the time the contract was commenced with plaintiff and PECO, the full terms and conditions of the contract was not disclosed as of February 14, 2022. The data information used without plaintiff's consent financially effected him as he was not informed that his personal information was being used for profitable gains for PECO and that he was not given the opportunity to financially benefit from his own personal information to create passive income. This misrepresentation of the contract prevented him from turning this unilateral contract into a bilateral contract which would have afforded him the ability to discuss renegotiation of the terms and conditions. Furthermore, PECO did not get plaintiff's consent to use his social security number as PECO did not produce nor secure plaintiff's signature on the SSA-89 form authorizing its use prior to contract. On Feb 15, 2022 plaintiff received an enrollement letter regarding the Customer Assistance Program (CAP) from PECO requesting further documentation for eligibility. Plaintiff responded with an affidavit on March 23, 2022 to PECO which was received and delivered to PECO on March 24, 2022. PECO has alleged a debt of \$ 1,077.82 which is owed for an electric bill due June 3, 2022 and sent a 72 hour shut off notice to plaintiff for May 24, 2022.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

N/A

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. N/A

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Plaintiff is seeking monetary compensation of 10 million dollars for violations of credits being used without plaintiff's knowledge and personal data being sold and used without consent.
In addition, this being a unilateral contract was never disclosed at the time of entering into this contract. Also there was misrepresentation of current contract.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of May, 2022.

Signature of Plaintiff _____

Mailing Address 6604 North 12th Street
Philadelphia, PA 19126

Telephone Number (267) 275-3920

Fax Number (if you have one) _____

E-mail Address mikalh47@gmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

contract.

Signature of Plaintiff: Michael Curtis - Hicks

Inmate Number _____

UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT

PENNSYLVANIA GENERAL DURABLE POWER OF ATTORNEY

THE POWERS YOU GRANT BELOW ARE EFFECTIVE
EVEN IF YOU BECOME DISABLED OR INCOMPETENT

NOTICE

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 PA.C.S. CH. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE:


(SIGNATURE OF PRINCIPAL)

Michael Curtis - Hickson - Corporation
(PRINT NAME OF PRINCIPAL)

PENNSYLVANIA GENERAL DURABLE POWER OF ATTORNEY

THE POWERS YOU GRANT BELOW ARE EFFECTIVE
EVEN IF YOU BECOME DISABLED OR INCOMPETENT

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

Michael Curtis - Hickson - Corporation

6604 Nth 12th Street
P. W. [unclear] PA 19128

[insert your name and address] appoint
[insert the name and address of the person
appointed] as my Agent (attorney-in-fact) to act for me in any lawful way with respect to the following
initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE
THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE
LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT,
CROSS OUT EACH POWER WITHHELD.

**Note: If you initial Item A or Item B, which follow, a notarized signature will be required on behalf of
the Principal.**

INITIAL

MH (A) **Real property transactions.** To lease, sell, mortgage, purchase, exchange, and acquire, and
to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept,
take, receive, and possess any interest in real property whatsoever, on such terms and conditions, and
under such covenants, as my Agent shall deem proper; and to maintain, repair, tear down, alter, rebuild,
improve manage, insure, move, rent, lease, sell, convey, subject to liens, mortgages, and security deeds,
and in any way or manner deal with all or any part of any interest in real property whatsoever, including
specifically, but without limitation, real property lying and being situated in the Commonwealth of
Pennsylvania, under such terms and conditions, and under such covenants, as my Agent shall deem proper
and may for all deferred payments accept purchase money notes payable to me and secured by mortgages
or deeds to secure debt, and may from time to time collect and cancel any of said notes, mortgages, security
interests, or deeds to secure debt.

_____ (B) **Tangible personal property transactions.** To lease, sell, mortgage, purchase, exchange,
and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of,
and to accept, take, receive, and possess any personal property whatsoever, tangible or intangible, or
interest thereto, on such terms and conditions, and under such covenants, as my Agent shall deem proper;
and to maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens or mortgages, or
to take any other security interests in said property which are recognized under the Uniform Commercial
Code as adopted at that time under the laws of the Commonwealth of Pennsylvania or any applicable state,
or otherwise hypothecate (pledge), and in any way or manner deal with all or any part of any real or personal
property whatsoever, tangible or intangible, or any interest therein, that I own at the time of execution or may
thereafter acquire, under such terms and conditions, and under such covenants, as my Agent shall deem
proper.

_____ (C) **Stock and bond transactions.** To purchase, sell, exchange, surrender, assign, redeem, vote
at any meeting, or otherwise transfer any and all shares of stock, bonds, or other securities in any business,
association, corporation, partnership, or other legal entity, whether private or public, now or hereafter
belonging to me.

_____ (D) **Commodity and option transactions.** To buy, sell, exchange, assign, convey, settle and
exercise commodities futures contracts and call and put options on stocks and stock indices traded on a
regulated options exchange and collect and receipt for all proceeds of any such transactions; establish or
continue option accounts for the principal with any securities or futures broker; and, in general, exercise all
powers with respect to commodities and options which the principal could if present and under no disability.

_____ (E) **Banking and other financial institution transactions.** To make, receive, sign, endorse,
execute, acknowledge, deliver and possess checks, drafts, bills of exchange, letters of credit, notes, stock
certificates, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of
deposit of banks, savings and loans, credit unions, or other institutions or associations. To pay all sums of
money, at any time or times, that may hereafter be owing by me upon any account, bill of exchange, check,
draft, purchase, contract, note, or trade acceptance made, executed, endorsed, accepted, and delivered by
me or for me in my name, by my Agent. To borrow from time to time such sums of money as my Agent may

deem proper and execute promissory notes, security deeds or agreements, financing statements, or other security instruments in such form as the lender may request and renew said notes and security instruments from time to time in whole or in part. To have free access at any time or times to any safe deposit box or vault to which I might have access.

_____ **(F) Business operating transactions.** To conduct, engage in, and otherwise transact the affairs of any and all lawful business ventures of whatever nature or kind that I may now or hereafter be involved in. To organize or continue and conduct any business which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the operation of any business and engage, compensate and discharge business managers, employees, agents, attorneys, accountants and consultants; and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability.

_____ **(G) Insurance and annuity transactions.** To exercise or perform any act, power, duty, right, or obligation, in regard to any contract of life, accident, health, disability, liability, or other type of insurance or any combination of insurance; and to procure new or additional contracts of insurance for me and to designate the beneficiary of same; provided, however, that my Agent cannot designate himself or herself as beneficiary of any such insurance contracts.

_____ **(H) Estate, trust, and other beneficiary transactions.** To accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the legal representative of the estate of the principal; and, in general, exercise all powers with respect to estates and trusts which the principal could exercise if present and under no disability; provided, however, that the Agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the Agent unless specific authority to that end is given.

_____ **(I) Claims and litigation.** To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching my property, real or personal, or any part thereof, or touching any matter in which I or my property, real or personal, may be in any way concerned. To defend, settle, adjust, make allowances, compound, submit to arbitration, and compromise all accounts, reckonings, claims, and demands whatsoever that now are, or hereafter shall be, pending between me and any person, firm, corporation, or other legal entity, in such manner and in all respects as my Agent shall deem proper.

_____ **(J) Personal and family maintenance.** To hire accountants, attorneys at law, consultants, clerks, physicians, nurses, agents, servants, workmen, and others and to remove them, and to appoint others in their place, and to pay and allow the persons so employed such salaries, wages, or other remunerations, as my Agent shall deem proper.

_____ **(K) Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or military service.** To prepare, sign and file any claim or application for Social Security, unemployment or military service benefits; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, military service or other state, federal, local or foreign statute or regulation; and, in general, exercise all powers with respect to Social Security, unemployment, military service, and governmental benefits, including but not limited to Medicare and Medicaid, which the principal could exercise if present and under no disability.

_____ **(L) Retirement plan transactions.** To contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred compensation plan and any other type of employee benefit plan); select and change payment options for the principal under any retirement plan; make rollover contributions from any retirement plan to other retirement plans or individual retirement accounts; exercise all investment powers available under any type of self-directed retirement plan; and, in general, exercise all powers with respect to retirement plans and retirement plan account balances which the principal could if present and under no disability.

_____ (M) **Tax matters.** To prepare, to make elections, to execute and to file all tax, social security, unemployment insurance, and informational returns required by the laws of the United States, or of any state or subdivision thereof, or of any foreign government; to prepare, to execute, and to file all other papers and instruments which the Agent shall think to be desirable or necessary for safeguarding of me against excess or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation; and to pay, to compromise, or to contest or to apply for refunds in connection with any taxes or assessments for which I am or may be liable.

_____ (N) **ALL OF THE POWERS LISTED ABOVE.** YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

*All Utilities and Bills
related to the property.*

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

THIS POWER OF ATTORNEY SHALL BE CONSTRUED AS A GENERAL DURABLE POWER OF ATTORNEY AND SHALL CONTINUE TO BE EFFECTIVE EVEN IF I BECOME DISABLED, INCAPACITATED, OR INCOMPETENT.

(YOUR AGENT WILL HAVE AUTHORITY TO EMPLOY OTHER PERSONS AS NECESSARY TO ENABLE THE AGENT TO PROPERLY EXERCISE THE POWERS GRANTED IN THIS FORM, BUT YOUR AGENT WILL HAVE TO MAKE ALL DISCRETIONARY DECISIONS. IF YOU WANT TO GIVE YOUR AGENT THE RIGHT TO DELEGATE DISCRETIONARY DECISION-MAKING POWERS TO OTHERS, YOU SHOULD KEEP THE NEXT SENTENCE, OTHERWISE IT SHOULD BE STRICKEN.)

Authority to Delegate. My Agent shall have the right by written instrument to delegate any or all of the foregoing powers involving discretionary decision-making to any person or persons whom my Agent may select, but such delegation may be amended or revoked by any agent (including any successor) named by me who is acting under this power of attorney at the time of reference.

(YOUR AGENT WILL BE ENTITLED TO REIMBURSEMENT FOR ALL REASONABLE EXPENSES INCURRED IN ACTING UNDER THIS POWER OF ATTORNEY. STRIKE OUT THE NEXT SENTENCE IF YOU DO NOT WANT YOUR AGENT TO ALSO BE ENTITLED TO REASONABLE COMPENSATION FOR SERVICES AS AGENT.)

Right to Compensation. My Agent shall be entitled to reasonable compensation for services rendered as agent under this power of attorney.

(IF YOU WISH TO NAME SUCCESSOR AGENTS, INSERT THE NAME(S) AND ADDRESS(ES) OF SUCH SUCCESSOR(S) IN THE FOLLOWING PARAGRAPH.)

Successor Agent. If any Agent named by me shall die, become incompetent, resign or refuse to accept the

RECEIVED
NOTARY PUBLIC
OFFICE
MAY 10 2022

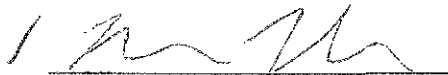
office of Agent, I name the following (each to act alone and successively, in the order named) as successor(s) to such Agent:

Choice of Law. THIS POWER OF ATTORNEY WILL BE GOVERNED BY THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA WITHOUT REGARD FOR CONFLICTS OF LAWS PRINCIPLES. IT WAS EXECUTED IN THE COMMONWEALTH OF PENNSYLVANIA AND IS INTENDED TO BE VALID IN ALL JURISDICTIONS OF THE UNITED STATES OF AMERICA AND ALL FOREIGN NATIONS.

I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my Agent.


I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party learns of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this 5 day of May, 2022


[Your Signature]

STATEMENT OF WITNESS

On the date written above, the principal declared to me in my presence that this instrument is his general durable power of attorney and that he or she had willingly signed or directed another to sign for him or her, and that he or she executed it as his or her free and voluntary act for the purposes therein expressed.

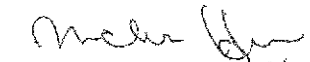


[Signature of Witness #1]
CHARLES RUTER

[Printed or typed name of Witness #1]
100 South Broad Street

[Address of Witness #1, Line 1]
PHILADELPHIA PA 19107

[Address of Witness #1, Line 2]



[Signature of Witness #2]
100 S. Broad St

[Printed or typed name of Witness #2]
PHILA DELPHIA

[Address of Witness #2, Line 1]

[Address of Witness #2, Line 2]

A Note About Selecting Witnesses: The agent (attorney-in-fact) may not also serve as a witness. Each witness must be present at the time that principal signs the Power of Attorney in front of the notary. Each witness must be a mentally competent adult. Witnesses should ideally reside close by, so that they will be easily accessible in the event they are one day needed to affirm this document's validity.

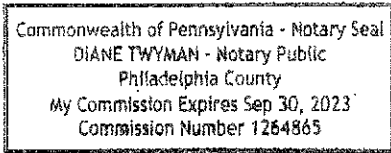
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Philadelphia

On this, the 5th day of MAY, 2022, before me
DIANE TWYMAN, the undersigned officer, personally appeared
ORLANDO A COSTA + MICHAEL HICKSON
known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument, and acknowledged that they executed
the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seals.

[Notary Seal, if any]:



Diane Twyman
(Signature of Notarial Officer)

Notary Public for the Commonwealth of
Pennsylvania

My commission expires: 09/30/2023

ACKNOWLEDGMENT EXECUTED BY AGENT

I, Orlando A. Acosta [name of agent], have read the attached
power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that in
the absence of a specific provision to the contrary in the power of attorney or in 20 Pa.C.S. when I act as
agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

Orlando A. Acosta
Agent's Signature

Orlando A. Acosta
Agent's Printed Name

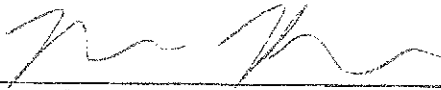
5/5/2022
Date

PREPARATION STATEMENT

This document was prepared by the following individual:

ON line document

[Typed or Printed Name]



[Signature]

2022 10 17 20:22:00
1000-EDPA-REPO-0120X

EXHIBIT 2



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
12/6/2022	2446826

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: F-2022-3036853

Case Description: Answer to Formal Complaint

Transmission Date: 12/6/2022 3:39 PM

Filed On: 12/6/2022 3:39 PM

eFiling Confirmation Number: 2446826

File Name	Document Type	Upload Date
Answer to Formal Complaint - Michael Hickson.pdf	Answer to Formal Complaint	12/6/2022 3:39:28 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.



Direct Dial: 215.841.6841
khadijah.scott@exeloncorp.com

December 6, 2022

VIA E-MAIL

Michael Hickson
6604 N 12th St
Philadelphia Pa 19126

**Re: Michael Hickson v. PECO Energy Company
Docket No. F-2022-3036853**

Dear Mr. Hickson:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Khadijah Scott".

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

#: 5168577

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HICKSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2022-3036853
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

ANSWER OF RESPONDENT,
PECO ENERGY COMPANY

On November 17, 2022, PECO Energy Company ("PECO Energy") was served with a formal complaint filed by MICHAEL HICKSON (hereafter "Complainant") in the above-captioned docket. Pursuant to 52 Pa. Code §5.61, PECO Energy responds to the Complaint and states:

1. Admitted.
2. Denied as stated. The Respondent is PECO Energy Company.
3. Admitted.
4. Unless specifically admitted herein, PECO Energy denies all material allegations of fact and conclusions of law in the instant Complaint.

In his Formal Complaint, the Complainant requests that the Public Utility Commission ("PUC") address an open matter that he has alleged to be pending before the United States District Court Eastern District of Pennsylvania.

PECO Energy's records reveal that the Complainant established electrical service in June 2014 at 6604 N. 12th St., Philadelphia, PA 19126 under account number 81432-89005. The

Complainant is requesting that the PUC rule upon a matter that he alleges is pending before the United States District Court Eastern District of Pennsylvania. Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, the Complainant must show that PECO Energy is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196 (1990). “Burden of proof” means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense alleged must be a violation of the Public Utility Code, the Commission’s regulations, or an outstanding order of the Commission. *See*, 66 Pa.C.S. §701. In this matter, the Complainant has failed to allege a regulation, law or statute that the Respondent has violated in regard to his utility service. Instead, the Complainant seeks the Commission to review a matter outside of its jurisdiction, that is alleged to be pending in the United States District Court Eastern District of Pennsylvania. Accordingly, this Complainant is without merit and should be dismissed.

5. This paragraph is a request for relief to which no answer is required. To the extent this paragraph contains factual allegations, they are denied for the reasons set forth above. See, Response to Paragraph 4.

6. Admitted

7. Denied. This is not an appeal from the Bureau of Consumer Services.

8. PECO Energy neither admits nor denies the allegations in paragraph 8. PECO is without knowledge or information sufficient to form a belief as to the truth of this averment and, therefore, such allegation is deemed denied.

9. Paragraph 9 is a Verification and Signature to which no response is required.

10. Paragraph 10 contains information regarding Filing, to which no response is required.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



KHADIJAH SCOTT
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(215) 841-6841
Fax: 215.568.3389
Khadijah.scott@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HICKSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2022-3036853
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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.

Date: December 6, 2022



KHADIJAH SCOTT

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HICKSON	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2022-3036853
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, KHADIJAH SCOTT, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by E-mailing a copy to:

MICHAEL HICKSON
6604 N 12TH ST
PHILADELPHIA PA 19126
Via Email: mikalh47@gmail.com

December 6, 2022



KHADIJAH SCOTT
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(215) 841-6841
Fax: 215.568.3389
khadijah.scott@exeloncorp.com

EXHIBIT 3

Botak, Amy:(PECO)

From: RA-PCESERVE@pa.gov
Sent: Friday, February 10, 2023 9:21 AM
To: Scott, Khadijah:(PECO)
Cc: Botak, Amy:(PECO)
Subject: [EXTERNAL]PA PUC eServe Notice

Importance: High

EXTERNAL MAIL. Do not click links or open attachments from unknown senders or unexpected Email.

Dear Khadijah Scott,

A(n) **Interim Order** has been served in this proceeding. This document is docketed as **F-2022-3036853**. You may view this document at

[F-2022-3036853 Michael Hickson v PECO Order re PO.docx](#)

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

PUC has recently updated E-Service delivery E-Mail address to RA-PCESERVE@pa.gov. Please update your Address book and/or E-Mail rules accordingly.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Hickson	:	
	:	
v.	:	F-2022-3036853
	:	
PECO Energy Company	:	

INTERIM ORDER ON PRELIMINARY OBJECTIONS

Procedural Background

On November 14, 2022, Michael Hickson (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO or Respondent). In the Formal Complaint form, where prompted to state the reason for the Complaint, Mr. Hickson check the box next to “Other” and included a handwritten notation, “Attached Documents.” Complaint ¶ 4. The document attached to the Complaint appears to be a copy of a Complaint filed with the United States District Court, Eastern District of Pennsylvania, alleging a violation of the Commerce Clause and of the Seventh Amendment to the United States Constitution. As relief, Complainant requests that the Commission “Address open case # 22-CV-2053.” Complaint ¶ 5.

On December 6, 2022, PECO filed an Answer along with Preliminary Objections seeking to dismiss the Complaint against PECO for lack of Commission jurisdiction because the Complainant fails to set forth a violation by PECO of either the Public Utility Code, the regulations of the Commission or PECO’s Electric Service Tariff as required by 52 Pa. Code §5.22(a)(4).

PECO's Preliminary Objections contained a Notice to Plead, requiring Complainant to file a response within ten days of service. Complainant did not file a response to PECO's the Preliminary Objections.

On January 9, 2023, the Commission issued a Motion Judge Assignment Notice, assigning this proceeding to me.

PECO's Preliminary Objections are procedurally ready to be ruled upon.

Legal Discussion

The Commission's Rules of Administrative Practice and Procedure provide for the filing of preliminary objections. Commission preliminary objection practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. Equitable Small Transportation Intervenors v. Equitable Gas Company, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994). The Commission's Rules at 52 Pa. Code § 5.101(a) limit preliminary objections to the following grounds:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

For purposes of disposing of the preliminary objections, the Commission must accept as true all well-pleaded material facts of the nonmoving party, as well as every reasonable inference deducible from those facts. County of Allegheny v. Commonwealth of Pennsylvania, 490 A. 2d 402 (Pa. 1985); Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa., 551 A.2d 602 (Pa. Cmwlt. 1988). The Commission must view the Complaint in this case in the

light most favorable to Complainant and should dismiss the Complaint only if it appears that Complainant would not be entitled to relief under any circumstances as a matter of law. Equitable Small Transportation Intervenors v. Equitable Gas Company, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994); *see also*, Interstate Traveler Services, Inc. v. Commonwealth, Department of Environmental Resources, 486 Pa. 536, 406 A.2d 1020 (1979). “For purposes of testing the legal sufficiency of the challenged pleading, a [motion to dismiss] ... admits as true all well-pleaded, material, relevant facts, and every inference deducible from those facts.” Marinoff v. Bell Telephone Co. of Pennsylvania, 75 Pa. PUC 489, 491 (1991).

In its Preliminary Objections, PECO argues that the Complainant is requesting that the Commission institute its jurisdiction over a Pennsylvania federal court and seeks to dismiss the Complaint for lack of Commission jurisdiction over claims made under federal law. In addition, PECO avers that the Complainant fails to set forth a violation by PECO of either the Public Utility Code, the regulations of the Commission or PECO’s Electric Service Tariff as required by 52 Pa. Code §5.22(a)(4).¹

The Commission is a creation of the General Assembly and only has the powers and authority granted to it by the legislature that are contained in the Public Utility Code.² The Commission must act within and cannot exceed its jurisdiction.³ Jurisdiction cannot be conferred by the parties where none exists.⁴ Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy.⁵ The Commission has jurisdiction over the Public Utility Code, the Commission’s regulations, or an outstanding order of the Commission. The offense alleged must be a violation of the Public Utility Code, the Commission’s regulations, or

¹ In the instant case, an additional ground for dismissal would be insufficient specificity of a pleading under 52 Pa. Code § 101(a)(3).

² *Shedlosky v. Pa. Electric Co.*, Docket No. C-20066937 (Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

³ *City of Pittsburgh v. Pa. Pub. Util. Comm’n*, 43 A.2d 348 (Pa. Super. 1945).

⁴ *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

⁵ *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa.Cmwlt. 1992), alloc. denied, 637 A.2d 293 (Pa. 1993).

an outstanding order of the Commission. See, 66 Pa.C.S. §701. In the present case , the Complainant seeks the Commission to review a matter outside of its jurisdiction, that is alleged to be pending before the United States District Court for Eastern District of Pennsylvania. The Commission lacks jurisdiction to adjudicate claims made under Commerce Clause or the 7th Amendment of the United States Constitution.

Additionally, the Commission regulation at 52 Pa. Code § 5.22(a) (5)-(6) (regarding the content of a formal complaint filed with the Commission) require that the Complaint include among other:

- (5) A clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation.
- (6) A clear and concise statement of the relief sought.

In reviewing the Formal Complaint filed by the Complainant, I note that Mr. Hickson failed to conform to the Commission’s requirements because the Complainant did not provide any detail regarding the reason for the Complaint, nor does he explain what relief he wants from the Commission⁶ other than to “Address the open case # 22-CV-2053,” which appears to be a case pending before the federal district court for the Eastern District of Pennsylvania. PECO is left to speculate as to the reason for the Complaint and the relief that the Complainant is seeking.

However, I am mindful that the Complainant is self-represented. In *Carlock v. The United Telephone Company of Pennsylvania*,⁷ the Commission held that, in the normal course, the Commission would not dismiss a complaint of a self-represented person without first providing a hearing during which the self-represented complainant could further explain their position and the factual basis for their complaint. The Commission expressed the concern that, in general, complainants may find it difficult to navigate through pre-hearing motions and should

⁶ 52 Pa.Code §§ 5.22(a)(5) and (6).

⁷ Docket No. F-00163617 (Order entered July 14, 1993).

be given the chance to orally describe their basic issue and supporting facts. On this vein, it would be inappropriate to grant PECO's Preliminary Objections.

On the other hand, PECO must have an opportunity to understand and respond in a meaningful way to a formal complaint. The Commission's rules of procedure permit the Commission to direct a more specific pleading.⁸ Therefore, the Complainant is directed to file an amendment to his Complaint which includes more details regarding the nature of his dispute with PECO and states with specificity what he would like the Commission to do to resolve his dispute. In the event that the Complainant fails to comply with this order, PECO may file an appropriate motion to seek dismissal of the Complaint.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by PECO Energy Company are denied.
2. That Michael Nickson shall file and serve an Amended Complaint which sets forth additional facts, consistent with the instructions provided on the Commission's formal complaint form, in support of the Complainant's allegations against PECO Energy Company **on or before February 28, 2023**. A copy of the Amended Complaint shall be served on counsel for PECO Energy Company as well as the undersigned Administrative Law Judge.
3. That upon timely filing and service of an Amended Complaint by Michael Hickson, PECO Energy Company shall timely file and serve a responsive pleading.

Date: February 10, 2023

_____/s/_____
Eranda Vero
Administrative Law Judge

⁸ 52 Pa. Code § 5.93.

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