



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

June 2, 2023

**Via Electronic Filing**

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

Re: Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
PECO Energy Company  
Docket No. C-2023-  
**Formal Complaint (Non-Proprietary and Proprietary)**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the **Non-Proprietary** version of the **Formal Complaint** of the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission in the above-referenced matter. The **Proprietary** version has been submitted to the Secretary’s Bureau via their ShareFile.

Copies have been served on the parties of record in accordance with the Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Kayla L. Rost'.

Kayla L. Rost  
Prosecutor  
Bureau of Investigation & Enforcement  
PA Attorney ID No. 322768  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)

Enclosures

cc: Per Certificate of Service  
Michael L. Swindler, Deputy Chief Prosecutor (*via email - [mwindler@pa.gov](mailto:mwindler@pa.gov)*)  
Brent Killian, Supervisor, Electric Safety Division (*via email - [bkillian@pa.gov](mailto:bkillian@pa.gov)*)  
Jim Campbell, Electric Safety Division (*via email - [jdcampbell@pa.gov](mailto:jdcampbell@pa.gov)*)

## NOTICE

**A. You must file an Answer within 20 days of the date of service of this Complaint.**

The date of service is the date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. The Answer must be submitted by efilings with the Secretary of the Commission by opening an efilings account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission to:

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

If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

**Additionally, please serve a copy on:**

Kayla L. Rost, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
[karost@pa.gov](mailto:karost@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty and performing the requested relief within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-
	:	
PECO Energy Company	:	

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**FORMAL COMPLAINT**

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NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint (“Complaint”) against PECO Energy Company (“PECO” or “Respondent”) alleging violations of the Public Utility Code, the Public Utility Commission’s Regulations, and National Electric Safety Code in connection with a single house fire which occurred on June 6, 2020 at 287 Heather Road, King of Prussia, Pennsylvania. In support of its Complaint, I&E respectfully represents the following:

**I. COMMISSION JURISDICTION AND AUTHORITY**

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission’s Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public

utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant is represented by:

Kayla L. Rost  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
[karost@pa.gov](mailto:karost@pa.gov)  
(717) 787-1888

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

4. Respondent is PECO Energy Company,<sup>1</sup> an electric distribution company (“EDC”) with a main mailing address of 2301 Market Street, Philadelphia, Pennsylvania 19103.

5. PECO is a “public utility” as that term is defined at 66 Pa.C.S. § 102,<sup>2</sup> as it is engaged in providing public utility service as an EDC in the Commonwealth of Pennsylvania to the public for compensation with a utility code number of 110550.

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<sup>1</sup> PECO Energy Company is a subsidiary of Exelon Corporation.

<sup>2</sup> At 66 Pa.C.S. § 102, “Public utility” is defined under that term at subsection (l)(i) as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

6. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

7. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

8. Section 2804(l)(ii) of the Public Utility Code, 66 Pa.C.S. § 2804(l)(ii), requires the Commission “to ensure the continuation of safe and reliable electric service to all consumers in the Commonwealth, including . . . [t]he installation and maintenance of transmission and distribution facilities in conformity with established industry standards and practices, including the standards set forth in the National Electric Safety Code [(“NESC”).”  
*See also* 52 Pa. Code §§ 57.193-194.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or any other person or corporation subject to the Commission's authority for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. PECO, in providing electric distribution service to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this Complaint and the actions of PECO related thereto.

**II. FACTUAL BACKGROUND**

12. On June 3, 2020, a tree limb fell on a service wire owned and operated by PECO at the residence located at 287 Heather Road, King of Prussia, Pennsylvania.

**\*START CONFIDENTIAL\***

13. [REDACTED]

[REDACTED]

14. [REDACTED]

[REDACTED]

15. [REDACTED]

16. [REDACTED]

[REDACTED]

17. [REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

19. [REDACTED]

[REDACTED]

20. [Redacted]

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21. [Redacted]

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28. [Redacted]

[Redacted]

[Redacted]

29. [Redacted]

[Redacted]

[REDACTED]

30. [REDACTED]

[REDACTED]

**\*END CONFIDENTIAL\***

### **III. VIOLATIONS**

31. The foregoing paragraphs are incorporated herein.

32. Section 57.194 (Distribution system reliability) of the Commission's regulations provides:

(a) An EDC shall furnish and maintain adequate, efficient, safe and reasonable service and facilities, and shall make repairs, changes, alterations, substitutions, extensions and improvements in or to the service and facilities necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public. The service shall be reasonably continuous and without unreasonable interruptions or delay.

(b) An EDC shall install, maintain and operate its distribution system in conformity with the applicable requirements of the National Electrical Safety Code.

52 Pa. Code § 57.194(a) and (b).

33. Section 57.28 (Electric safety standards) of the Commission's regulations provides:

(a) Responsibilities. The separation of responsibilities between an electric utility and a customer with respect to the facilities utilized for electric service shall be described in the electric utility's tariff that is filed with and approved by the Commission.

(1) An electric utility shall use reasonable effort to properly warn and protect the public from danger,

and shall exercise reasonable care to reduce the hazards to which employees, customers, the public and others may be subjected to by reason of its provision of electric utility service and its associated equipment and facilities.

(2) An electric utility is not responsible for the ownership and maintenance of the customer's facilities beyond the service point.

(b) Safety code. An electric utility shall comply with the minimum safety standards established by the National Electric Safety Code pursuant to its terms of applicability.

52 Pa. Code § 57.28(a) and (b).

34. Section 012(B) of the National Electrical Safety Code provides:

B. The utilities, authorized contractors, or other entities, as applicable, performing design, construction, operation, or maintenance tasks for electric supply or communication lines or equipment covered by this Code shall be responsible for meeting applicable requirements.

35. Section 214(A)(5)(a) of the National Electrical Safety Code provides:

(5) Corrections

(a) Lines and equipment with recorded conditions or defects that would reasonably be expected to endanger human life or property shall be promptly corrected, disconnected, or isolated.

36. Section 1501 (Character of service and facilities) of the Public Utility Code provides:

Every public utility shall furnish and maintain *adequate, efficient, safe, and reasonable service and facilities*, and shall make all such *repairs*, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and *safety* of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable

interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service. . . .

66 Pa.C.S. § 1501 (emphasis added).

37. PECO failed to ensure its contractor made adequate repairs to the service line connection during its repair response at 287 Heather Road on June 6, 2020 which resulted in danger to public safety. This failure is a violation of 52 Pa. Code § 57.194, 52 Pa. Code § 57.28, National Electrical Safety Code Section 012(B), and 66 Pa.C.S. § 1501. I&E proposes a civil penalty of \$4,000.

38. PECO failed to maintain its transmission facilities in that PECO did not properly train, equip, monitor, and supervise its contractors in the proper repair of the service line at 287 Heather Road thereby placing the public safety in danger. This failure is a violation of 52 Pa. Code § 57.194(b), National Electrical Safety Code Section § 214(A)(5)(a), and 66 Pa.C.S. § 1501. I&E proposes civil penalty of \$3,000.

39. PECO failed to prevent dangerous conditions from existing on its system in that PECO's contractor installed a wooden stick as an energized conductor spacer which is not a permissible material for an emergency installation. This is a violation of 52 Pa. Code § 57.194(b), National Electrical Safety Code Sections 277 and 014B3, and 66 Pa.C.S. § 1501. I&E proposes a civil penalty of \$4,000.

40. PECO failed to furnish and maintain adequate, efficient, safe, and reasonable service and facilities in that PECO allowed an improperly repaired service line to be re-energized on its system, which enabled the continuation of an unsafe and hazardous

condition and the occurrence of a fire at 287 Heather Road. This is a violation of 66 Pa.C.S. § 1501 and 52 Pa. Code § 57.194(a). I&E proposes a civil penalty of \$2,000.

**IV. REQUESTED RELIEF**

41. Due to the failure of PECO to follow its procedures related to the emergency repair of service lines, to properly install conductor spacers, and to train and monitor its contractors in the proper repair of service lines, which resulted in the property damage to 287 Heather Road as set forth herein, I&E proposes that PECO pay a cumulative civil penalty of Thirteen Thousand Dollars (\$13,000).

42. In addition to payment of the civil penalty, I&E proposes that PECO be ordered by the Commission to take the following corrective actions:

- i. PECO shall implement a policy and procedure for the routine quality survey of all work completed by contractors utilized for storm damage;
- ii. PECO shall implement a peer check process to verify that work completed by a contractor work has been installed correctly prior to energizing;
- iii. PECO shall, consistent with the National Electrical Safety Code Section 021, establish or update a standardized corrections policy for all reported distribution system lines and equipment with recorded conditions or defects that would reasonably be expected to endanger life or property.
  1. The policy shall create a process where PECO adequately responds, records, assess, and makes safe any and all notifications of power issues, including downed wires.

2. Any notification of a downed line shall be thoroughly investigated and effectively communicated to all personnel affected. Such notification shall include proper isolation and barricades to keep the public and/or their property safe from harm. The reported conditions must be promptly corrected, disconnected, or isolated to insure both worker and public safety.
  3. The policy shall be provided to Electric Safety for review and approval.
- iv. PECO shall perform an additional, final inspection for all work performed by their employees and contracted employees to ensure that the work performed meets or exceeds the current National Electrical Safety Code requirements and specifications prior to re-energizing the equipment and circuit(s); and
  - v. PECO shall create a policy or procedure for inspecting the lines of a damaged circuit up to, and including, the next protective device of each affected line, on the same circuit system prior to re-energizing a circuit that had lines down.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find PECO to be in violation of the Public Utility Code, the Commission's Regulations, and the National Electric Safety Code for each of the counts set forth herein; (2) impose a cumulative civil penalty

upon PECO in the amount of \$13,000; (3) direct PECO to perform each of the corrective actions detailed in this Complaint; and (4) order such other remedies as the Commission may deem appropriate.

Respectfully submitted,

Handwritten signature of Kayla L. Rost in blue ink.

Kayla L. Rost  
Prosecutor  
PA Attorney ID No. 322768

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)

Date: June 2, 2023

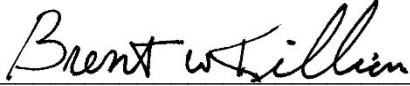
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-
	:	
PECO Energy Company	:	

**VERIFICATION**

I, Brent W. Killian, Supervisor, Electric Safety Division, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any 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.

Date: June 2, 2023

  
\_\_\_\_\_  
Brent W. Killian  
Supervisor, Electric Safety Division  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

**I&E**  
**EXHIBIT 1**

**NON-PROPRIETARY**



**I&E**  
**EXHIBIT 2**

**NON-PROPRIETARY**



**I&E**  
**EXHIBIT 3**

**NON-PROPRIETARY**



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-
	:	
PECO Energy Company	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Formal Complaint (Non-Proprietary and Proprietary)** dated June 2, 2023 in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Served via Electronic Mail and Certified Mail**


Anthony E. Gay, Esq.  
Vice President and General Counsel  
PECO Energy Company  
2301 Market Street, S23-3  
Philadelphia, PA 19101  
[Anthony.Gay@exeloncorp.com](mailto:Anthony.Gay@exeloncorp.com)

Khadijah Scott, Esq.  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103  
[khadijah.scott@exeloncorp.com](mailto:khadijah.scott@exeloncorp.com)

**Served via Certified Mail**

Paul Bonney, Esq.  
Vice President and General Counsel  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101

Nicole L. LeVine  
Vice President of Electric Operations  
PECO Energy Company  
2301 Market Street, S8-2  
Philadelphia, PA 19103

  
\_\_\_\_\_  
Kayla L. Rost  
Prosecutor  
Bureau of Investigation & Enforcement  
PA Attorney ID No. 322768  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)