

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Wanda Walker  
vs.  
PECO Energy Company

Public Meeting of January 18, 2024  
3042220-ALJ  
Docket No. C-2023-3042220

**STATEMENT OF VICE CHAIR KIMBERLY BARROW**

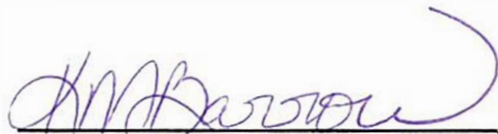
On July 26, 2023, Ms. Walker filed a Formal Complaint stating that PECO Energy Company (PECO) is threatening to terminate electric service, that there are incorrect charges on her bill, and seeking credits on her account for charges from a Philadelphia apartment.

PECO filed an Answer, New Matter, and Preliminary Objections stating that Ms. Walker's claims relating to payments in 2018 were already decided in a 2020 Formal Complaint, *Walker v. PECO Energy Company*, Docket No. C-2020-3023220 (Opinion and Order entered June 16, 2023), and that the instant Complaint should be denied on the grounds of *res judicata*.

The Administrative Law Judge (ALJ) issued an Initial Decision dismissing the Formal Complaint with prejudice, stating that the current Formal Complaint reasserts the same allegations, arguments, and requests for relief as the 2020 Formal Complaint. In rendering the decision, the ALJ ignored PECO's *res judicata* argument and instead based the legal analysis on Section 316 of the Public Utility Code, 66 Pa.C.S. § 316.

I believe the ALJ erred in dismissing PECO's defensive claim. Rather, the ALJ should have addressed PECO's arguments and applied the doctrine of *res judicata*. While I agree that the doctrine of *res judicata* is met and that the instant Formal Complaint should be dismissed with prejudice, I disagree with the application of Section 316 to this matter.

**January 18, 2024**  
Date

  
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Kimberly Barrow, Vice Chair