

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Patricia Rearick
vs.
PECO Energy Company

Public Meeting held April 4, 2024
3041222-ALJ
Docket No. C-2023-3041222

STATEMENT OF VICE CHAIR KIMBERLY BARROW

On June 12, 2023, Ms. Patricia Rearick filed a Formal Complaint against PECO Energy Company (PECO) alleging that PECO was threatening to terminate service and requested a payment plan. Additionally, Ms. Rearick voiced an objection to PECO assessing a security deposit on her account. PECO timely filed an Answer on June 30, 2023. An initial telephonic hearing was scheduled for November 2, 2023, but Ms. Rearick did not attend. An Initial Decision was issued on February 8, 2024, dismissing the Formal Complaint with prejudice.

While I agree with the Administrative Law Judge's (ALJ) dismissal of the Formal Complaint, it is my position that the matter should have been dismissed without prejudice. Notably, while the Formal Complaint seeking a payment agreement was filed on June 12, 2023, PECO's Answer avers that the service address¹ was awarded a PECO payment agreement on June 16, 2023, and that the balance was zero and not under threat of termination. Accordingly, it is understandable why Ms. Rearick did not attend the hearing and unclear why PECO did not file a certificate of satisfaction or provide other notice to the ALJ that it awarded the service address the requested payment agreement. Moreover, I caution PECO to follow the Public Utility Code² and Commission's Regulations³ when calculating its deposits, and to not impose a deposit on its customers in excess of those provisions.⁴

April 4, 2024


Kimberly Barrow, Vice Chair

¹ PECO's Answer avers that the service address is under the name Robin Gremmel. As there is no explanation on the relationship between Ms. Rearick and Robin Gremmel, I will refer to the service address rather than Ms. Rearick.

² 66 Pa.C.S. § 1404.

³ 52 Pa. Code § 56.51; 52 Pa. Code § 56.301.

⁴ PECO's Answer states that it assessed a deposit in the amount of \$940.00 against the service address. However, its records state that the average monthly bill is \$429.77. Pursuant to Section 1404, the deposit must equate to 1/6 of the customer's estimated annual bill, which is \$859.54. 66 Pa.C.S. § 1404. Pursuant to the Commission's Regulations, the deposit may not exceed one average billing period plus 1 average month, not to exceed 2 months for gas and electric utilities, which is \$859.54. 52 Pa. Code § 56.51; 52 Pa. Code § 56.301.