

JAMES QUIGLEY & TERESA MENDEZ-QUIGLEY
401 Longfield Road, Erdenheim, PA 19038

May 8, 2024

DATE OF DEPOSIT

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

MAY 09 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: James Quigley & Teresa Mendez-Quigley v. PECO Energy Company
PUC Docket No. ~~C-2017-2617558~~

Dear Secretary Chiavetta,

Attached please find the Initial Petition for Relief submitted by James Quigley and Teresa Mendez-Quigley regarding the below-referenced matter. This document has been served on the all parties as shown in the Certificate of Service.

Respectfully submitted,



James Quigley



Teresa Mendez-Quigley

Represented Pro Se

DATE OF DEPOSIT

MAY 09 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

James Quigley and Teresa Mendez-Quigley, Complainant:

PUC Docket No. C-2017-2617558

PECO Energy Company: Respondent. :

PETITION FOR RELIEF OF THE COMMISSION'S

APRIL 25, 2024 OPINION AND ORDER

Dated: May 8, 2024

Initial Petition for Relief

Summary of Case:

Exceptions were filed by James Quigley and Teresa Mendez-Quigley (the Complainants or the Quigleys) on January 19, 2019, in response to the Initial Decision (Initial Decision or I.D.) of Administrative Law Judge (ALJ) Darlene Davis Heep, which was served on the Parties on December 31, 2018, in the above captioned proceeding. Replies to Exceptions were filed by PECO Energy Company (PECO or the Company) on January 30, 2019. The Initial Decision denied and dismissed the Formal Complaint (Complaint) filed by the Complainants on August 1, 2017. The PUC denied the Complainants' Exceptions; adopted the Initial 2 Decision of ALJ Heep; and dismissed the Complaint, consistent with its Opinion and Order on April 25, 2024.

The Quigleys submit this Petition for Relief in four (4) parts.

A. Request for Extension to File a Petition for Relief

1. The Quigleys plan to file a Petition for Relief in the future; however, at this time, we are seeking an extension of time. This Petition for Relief is to request additional time before we file a future Petition for Relief that may include a request for "...rehearing, re-argument, reconsideration, or the like."
2. The Quigleys, as pro se petitioners, need reasonable time to review and revisit procedures and documents on their own, and understand legal proceedings, all with no legal staff. We

are not familiar with the legal proceedings of the PUC court and ask for the PUC to allow for flexibility in this request.

3. The Quigleys need time to petition the PUC and/or the PA Supreme Court for clarification of their ruling in the Povacz case in which the "Court denied allocatur as to any Constitutional claims." This seems to refer to all Constitutional claims, yet only the "bodily integrity" argument was mentioned in the text of the ruling. Prior to deciding on which Petition for Relief to pursue, the Quigley's would like the PA Supreme Court to clarify their intent of that statement and how that statement of the Povacz Ruling coincides with the Justices' Oath of Office and Constitutional responsibilities. It would seem inappropriate to the Quigleys that all Constitutional arguments would be denied a hearing when only one was decided upon.
4. The Quigleys have been managing Jim's work-related injuries and visits to orthopedic surgeon and other specialists from the Rothman Institute and as he is dealing with frequent pain when sitting or standing for long periods and which may require injections or surgery to the spine. (Diagnostic codes: M54.12: Cervical radiculopathy; M54.9; Mid back pain; M54.50: Lumbar back pain; M79.7: Myofascial muscle pain)
5. The Quigleys have full time jobs with work responsibilities. Mr. Quigley's position at a natural food market is not salaried; he only gets paid when he is physically on site. Ms. Quigley's position at a non-profit organization requires her to supervise a team of Masters' level grief clinicians.
6. During this time, the Quigleys have had to focus on their individual and family's health, raising a child, working full-time, and managing a household.

7. The Quigleys are active parents in raising a highly gifted child. The emotional and intellectual challenges are as high as the investment placed on intentional parenting at a crucial time in his development.
8. The Quigleys have been in the process of making school visits for high school options. They recognize that this is the last major direct decision they will make in their child's educational journey. Since the time of the lifting of the stay, we have also had to identify and plan for changes in schools for our son who is graduating from middle school and is soon to attend high school.
9. The current 8th grade and end-of-year school activities prior to the Quigleys' son's graduation require participation and/or preparation during weekends and evenings (e.g., spring concert, musical production, field trips, etc.).
10. The Quigleys had a computer crash that permanently erased all documents, including the briefs, exceptions, reply exceptions, and other related materials. (Our son had placed magnetic rocks on our laptop that caused permanent deletion of all content, despite professional IT attempts at data recovery.)
11. The next time both Quigleys have paid time off at the same time will be in August, 2024 for one (1) week. The Quigleys coordinate any vacation time when their child's school is out because they do not have childcare or family to support them.
12. There is precedence in the granting of six (6) months' extension by agencies and courts in previous cases. It is not unreasonable to make a six (6) month extension request and for the PUC to grant it in order to comply with precedents set in other courts and agencies.
13. Therefore, the Quigleys are requesting that no further action be required until they can reasonably review the documents and procedures, and consider next steps, as well as retype.

any relevant materials previously submitted; they respectfully request an extension until November 10, 2024.

14. To deny our request would cause harm to our constitutional rights to due process. We are a family with no paid legal staff or the ability to hire legal services. We must find time on nights or weekends to try to process what should be our next step forward, which would harm us by withholding our family time from him at a crucial time in his development.
15. Further, the decisions in the McKnights' Petition for Reconsideration and/or Hughes' cases at the Commonwealth Court may impact the path forward for the Quigleys' future Petition(s) for Relief. See *Alexia and Lawrence McKnight v. Pennsylvania Public Utility Commission*, No. 1253 C.D. 2019 and *Hughes v. Pennsylvania Public Utility Commission*, No. 827 CD 2020.
16. The decision pending in the Declaratory Judgment of Petitioner Nancy Colbert will need to be considered in submitting a future request for rehearing, reconsideration, and the like. See *Nancy Colbert v. Stephen M. Defrank, Chair of the Pennsylvania Public Utility Commission*, No. 526 MD 2023.
17. As per PA Code 52, the Quigleys must respond within 15 dates of the order Entry, in this case Opinion and Order of April 25, 2024 with an Entry Date of April 25, 2024; therefore, we are submitting this Petition for Relief requesting an extension for us to determine which Petition of Relief we should submit to progress our case forward.

B. Supersedeas Request

18. During the request for extension, *supra*, the Quigleys are requesting a supersedeas from the Public Utility Commission on any action by PECO.
19. The Quigleys are specifically requesting that PECO not be permitted to change their meter or terminate service until the Quigleys have had the time to research and submit a further Petition for Relief, and pending the final determination in the cases at the Commonwealth Court and the Declaratory Judgment.
20. The Quigleys do not believe that PECO will be harmed since the Quigleys have automatic payments scheduled monthly. Each month PECO determines an estimated amount and issues a bill, which is paid in full.
21. The Quigleys had email communications with Mr. Ward Smith from PECO on August 27, 2019 and September 16, 2019. The Quigleys appreciate Mr. Smith's assurances. We acknowledge that he agreed to a "hold on installation activities for your residence" in the event of a timely appeal; however, we are in a difficult time in our lives with chronic and recurring injuries for Jim, as well as family-relate stressors.

C. Request for Accommodation

22. The Quigleys have respectfully requested from PECO (letter dated May 4, 2024 to Ward Smith, Esquire) a request for accommodation.
23. The Quigleys are taking guidance from the PA Supreme Court's ruling in the Povacz case in which the ruling states:

{See 66 Pa.C.S. § 1505 (requiring the PUC to prescribe remedial action upon finding a violation of Section 1501 "as shall be reasonably necessary and proper for the safety, accommodation, and convenience of the public") and 1501 (requiring utility to take

remedial action “as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public”). This holding does not preclude an electric utility from providing a reasonable accommodation to an electric customer in the absence of a Section 101 violation pursuant to a customer service policy.} Povacz Ruling [J-77A-L-2021] - 7

24. We have asked that PECO provide this accommodation and respond by mail.

D. Petition for Relief

25. The Quigleys do intend to file a Petition for Relief; however, the Quigleys will not know which Petition for Relief they will need to pursue, if any, until they have PECO’s response to the Request for Accommodation pursuant to the PA Supreme Court’s direction in the Povacz Decision, and the results of the aforementioned Petition for Clarification from the Pennsylvania Supreme Court.

Conclusion

The Quigleys have been beset with responsibilities for their ongoing health concerns while addressing family, home life and employment. The lifting of the stay and the disposition of the Quigleys’ case comes at a highly stressful time with key decisions around education, health and other matters. Therefore, we are requesting this Extension of Time to file our Petition for Relief.

Further, the Quigleys ask that a stay on any smart meter installation be placed by the PUC until the final disposition of the Quigley’s case is made, whether at the PUC, the Commonwealth Court or the Supreme Court.

Finally, the Quigleys are attempting to find a workable solution that accommodates the reality of the Courts' Decisions with our doctor's recommendation. We hope to continue to work with the PUC and PECO to find a tenable solution for all.

Permission for Remission

The Quigleys recognize that this multi-part Initial Petition for Relief will require considerable care by the PUC's Office of Special Assistants. Therefore, we are granting the PUC the removal of the restricted timeline imposed on the PUC by Code 52 in its response to this Initial Petition.

BEFORE THE
PA PUBLIC UTILITY COMMISSION

James Quigley & Teresa Mendez-Quigley

Docket No. C-2017-2617558

v

DATE OF DEPOSIT

MAY 09 2024

PECO Energy Company


PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

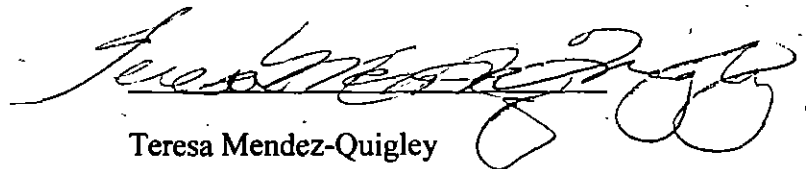
CERTIFICATE OF SERVICE

We, James Quigley and Teresa Mendez-Quigley, certify that we have served a copy of a Petition for Relief, in the above matter, upon all interested parties via overnight delivery to

Ward E. Smith, Esquire (or designee)
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103

Dated at Philadelphia on May 8, 2024

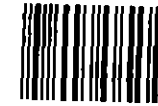

James Quigley


Teresa Mendez-Quigley
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