

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Peter Westlove	:	
	:	F-2024-3047782
v.	:	
	:	
PECO Energy Company	:	

**INTERIM ORDER GRANTING COMPLAINANT'S
REQUEST FOR CONTINUANCE**

On March 18, 2024, Peter Westlove (Complainant) filed a Formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed checkmarks in boxes indicating “[t]he utility is threatening to shut off my service or has already shut off my service,” “[i]ncorrect charges are on my bill,” and “[o]ther,” next to which he provided the following statement:

I entered into a payment agreement and the utility company changed the agreement without notice. Also, I believe I’m being charged for electricity that is calming [sic] space. Utility Company said they would send somebody out and they never did to get in contact with me addressing the common space electricity concerns. Also, I’m on the program and monies haven’t been forgiven when I made payments, or when I was receiving assistance and helping making payments none of the cap was being deducted as we agreed-upon.

Under the “requested relief” section of the Complaint form, the Complainant requested:

I would like to be entered back into my payment arrangement with a manageable payment arrangement based on my income from start. I would like to set up a new payment arrangement moving forward without having to pay the rears [sic] to get me back into a payment arrangement as that price is just ridiculous amount. I would also like to have pico [sic] come out like they said they would, and

communicate with me the common space electricity from outside, and I feel that I'm being charged for.

On April 12, 2024, the Respondent filed an Answer and New Matter to the Complaint. In the Answer, the Respondent denied all material allegations of fact in the Complaint. PECO further responded: that the Complainant has a delinquent balance of \$9,302.09 on his account, for which it may terminate service; and that the Complainant does not have a pending termination notice. As New Matter, the Respondent averred: that the Complainant enrolled in PECO's Customer Assistance Program (CAP) in 2017; that the Complainant is currently enrolled in PECO's CAP program; that the Complainant's \$9,302.09 balance is comprised of CAP arrears; and that the Commission does not have jurisdiction to give the Complainant a payment agreement on the CAP arrears portion of his balance pursuant to 66 Pa.C.S. § 1405(c).

By Initial Call-In Telephonic Hearing Notice dated May 16, 2024, an initial call-in telephonic hearing was scheduled for July 25, 2024 at 10:00 a.m., and the matter was assigned to Administrative Law Judge (ALJ) Darlene D. Heep.

ALJ Heep issued a Prehearing Order on May 30, 2024. The Prehearing Order also advised the parties of the date and time of the scheduled hearing as well as how to call in for the hearing. Additionally, the Prehearing Order directed the parties to comply with various procedural requirements and directed that a request to change the scheduled hearing should be submitted at least five days prior to the hearing date, be in writing and state the agreement or opposition of the other party. It warned both parties of potentially serious consequences if they failed to obtain a continuance and failed to attend the hearing. It also explained that the Complainant bears the burden of proof to establish that the respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that he is entitled to the relief requested in the Complaint.

The hearing convened as scheduled on July 25, 2024. The Complainant appeared *pro se*. The Respondent appeared and was represented by Khadijah Scott, Esquire.

ALJ Heep continued the hearing to allow PECO an opportunity to investigate the service address for foreign load.

By Initial Call-In Telephonic Hearing Notice dated July 26, 2024, an initial call-in telephonic hearing was scheduled for August 27, 2024 at 1:00 p.m., before ALJ Heep.

By Judge Change Notice dated August 7, 2024, the parties were advised that the initial call-in telephonic hearing scheduled for August 27, 2024 at 1:00 p.m., was reassigned to me.

The hearing convened as scheduled on August 27, 2024. Ms. Scott called in for the scheduled hearing, as did Mr. Westlove. Before going on record, the Complainant requested a continuance of the scheduled hearing because he is currently suffering from COVID-19, he is taking medication, and he did not feel well enough to proceed. Ms. Scott objected to Mr. Westlove's request because the matter had already been rescheduled once to allow PECO to perform a high bill field investigation. Noting PECO's objection, I granted the Complainant's request for the stated reason.

I will remind the Complainant that Paragraph 4 of ALJ Heep's May 30, 2024 Prehearing Order advised the parties that they may request a continuance of the hearing if they have a good reason. The Prehearing Order further advised that "[t]o request a continuance, you must submit a written request (a "motion") at least five (5) days before the hearing." The Order further instructed that your motion should include: the case name, case number, and hearing date; the reason you are requesting a continuance; and the other party's position on the request. Any further continuance requests must adhere to the instructions set out in ALJ Heep's May 30, 2024 Prehearing Order.

A notice canceling the current hearing date and rescheduling to a future date will be issued. The parties are reminded that it is the Commission's policy to encourage settlements (52 Pa. Code § 5.231). The parties are encouraged to continue to talk with each other to resolve this matter or some portion thereof.

THEREFORE,

IT IS ORDERED:

1. That the Complainant's request for continuance of the hearing in the matter captioned as Peter Westlove v. PECO Energy Company at Docket No. F-2024-3047782 is granted; and

2. That the scheduling staff of the Office of Administrative Law Judge shall reschedule this matter for a hearing and notify the parties in writing.

Date: August 27, 2024

Christopher P. Pell
Deputy Chief Administrative Law Judge

F-2024-3047782 - PETER WESTLOVE V. PECO ENERGY COMPANY

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