

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Wanda Walker	:	C-2024-3051234
	:	C-2024-3051237
v.	:	C-2024-3051343
	:	C-2024-3051344
PECO Energy Company - Electric	:	

**INTERIM ORDER
HOLDING RESPONDENT’S PRELIMINARY OBJECTION IN ABEYANCE
AND SCHEDULING PREHEARING CONFERENCE**

On September 18, 2024, Wanda Walker (Complainant or Ms. Walker) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company – Electric (Company, Respondent, or PECO), regarding her utility service at 5015 Wayne Avenue, Philadelphia, Pennsylvania (5015 Wayne location), alleging the utility was threatening to shut off her service or had already done and that there were incorrect charges on her bills (5015 Wayne Complaint). She identified her accounts as x2222, x0058, x3046, and x3058. She checked the “other” box writing alleging “bills from other location keep being put on my good standing accounts at 5015 Wayne Ave. Four accounts. PECO keeps switching old accounts back and forth and over to collection account, forcing balance to grow even faster.” As relief, Ms. Walker requests her accounts be zeroed out and put back into good standing and to have her credit restored. She further requests that money be returned to her so she can pay her property taxes and her IRS obligations.

On September 18, 2024, Ms. Walker filed a second Formal Complaint against PECO regarding her utility service at 452 Twickenham Rd., Glenside, Pennsylvania (Twickenham location), alleging the utility was threatening to shut off her service or had already done and that there were incorrect charges on her bills (Twickenham Complaint). She identified her accounts as x1103 and x9000. She checked the “other” box, averring that she has been charged several times for the same bills already paid, and she has been billed for tenant bills

transferred to her good standing account, causing interest and penalties to increase much faster. As relief, Ms. Walker requests that her credit report be cleared, her account cleared to zero, and services restored, a refund of money paid on all accounts involved from 2018-2024, and compensation for lost business income. She explains she cannot meet her other financial obligations because of these allegedly incorrect bills. There were multiple attachments to the Twickenham Complaint, including typed pages of additional averments, copies of bills, copies of text messages, and portions of (what appear to be) prior Initial Decisions issued by other Commission Administrative Law Judges.

On September 19, 2024, Ms. Walker filed a third Formal Complaint against PECO regarding her utility service at 6801 N. 17th Street, Philadelphia, PA (N. 17th location), alleging the utility was threatening to shut off her service or had already done and that there were incorrect charges on her bills (N. 17th Complaint). She identified her accounts as x3000, x3112, x4000, x6094, x1128, x3103, x1128, x9072, and x7095. She checked the “other” box, averring that she has been “targeted” to force her to sell her properties, and she is unable to meet her IRS and property tax obligations and basic family needs. She avers she is being required to pay on “20 year old accounts” dating back to 2009 that have already been sent to collections and written off. She alleges these accounts belonged to her tenants, before they became her tenants. As relief, Ms. Walker requests her accounts be restored, her money refunded, and she be compensated for loss of business revenue, stress and inconvenience. There is a typed page attached to the N. 17th Street Complaint, detailing her averments.

Finally, on September 19, 2024, Ms. Walker filed a fourth Formal Complaint against PECO regarding her utility service at 5023 Wayne Avenue, Glenside, Pennsylvania (5023 Wayne location), alleging the utility was threatening to shut off her service or had already done and that there were incorrect charges on her bills (5023 Wayne Complaint). She identified her accounts as x5085, x2050, x0047, and x3401. She checked the “other” box, averring that the Company has transferred old tenant bills from 2018 to her present bills, bills were sent to collection agencies while also being transferred to her other accounts that were in good standing, and old bills were creatin the accumulation of fines and fees, causing the account balance to grow exponentially. As relief, Ms. Walker requests her accounts and credit restored, she be

refunded for misbilling, and she be compensated for her business losses and legal fees. There is a typed page attached to the 5023 Wayne Complaint, which is identical to the page attached to the N. 17th Street Complaint.

Regarding service by the Commission, Ms. Walker opted to be served by first class mail, checking the box next to this option on all four Complaints.

On September 25, 2024, PECO filed a Motion to Consolidate all four Complaints filed by Ms. Walker. PECO argued that the four Complaints are nearly identical, contain similar allegations, and concern the same questions of fact and law.

The Motion contained a Notice to Plead, directing Ms. Walker to file a response within 20 days. Ms. Walker did not file a response to the Motion.

On October 4, 2024, the Commission issued a Motion Judge Assignment Notice, assigning this matter to me.

On October 4, 2024, I issued an Interim Order, granting the Motion to Consolidate, consolidating Docket Nos. C-2024-3051234, C-2024-3051237, C-2024-3051343, C-2024-3051344 under Docket No. C-2024-3051234.

On October 8, 2024, the Company filed an Answer and New Matter, as well as a Preliminary Objection. In its Answer, PECO explains that its record show Complainant is a landlord property owner who has had approximately fifty PECO accounts in her name at various points in time. PECO explains that in the four instant Complaints, Complainant disputes outstanding balances that have transferred between her various accounts stemming back to 2018. PECO further notes that, within each Complaint, Complainant requests that her accounts be set to zero, that she be refunded payments, and that her credit be restored.

As an initial matter, PECO argues Complainant has asserted identical claims in prior complaints and is barred from relitigating these claims under the Commission's rules and

the doctrine of *res judicata*. See 66 Pa. C.S. §316. More specifically, PECO refers to formal complaints filed by Complainant at docket number C-2020-3023220, which was disposed of by a Final Order the Commission dated June 16 2022; and docket number C-2023-3042220, which was disposed of by a Final Order of the Commission dated January 18, 2024, dismissing Complainant's complaint with prejudice, finding it raised claims previously adjudicated in C-2020-3023220. PECO attached copies of these Final Orders to its Answer and New Matter.

PECO argues Complainant now files the present Complaint(s) in an attempt to relitigate the claims previously adjudicated and dismissed with prejudice. PECO submits that these Complaints are without merit and should be dismissed.

In its New Matter, PECO reiterates its argument that Complainant's instant claims have previously been dismissed with prejudice and Complainant should be barred from relitigating these claims on the basis of *res judicata*, and further argues the claims are time barred under the Commission's statute of limitations under 66 Pa.C.S. § 331(a).

The New Matter was served with a Notice to Plead, directing Complainant to file a response within twenty days of service.

In its Preliminary Objection, PECO reiterates its arguments that Complainant's instant claims should be dismissed on the basis of *res judicata* and being time barred under 66 Pa.C.S. § 331(a).

The Preliminary Objection was served with a Notice to Plead, directing Complainant to file a response within twenty days of service.

Complainant's responses to the New Matter and Preliminary Objection were due no later than October 28, 2024. 52 Pa. Code §§ 1.56(a)(1), (b), 5.101(f)(1). Complainant did not file a response to either the New Matter or the Preliminary Objection.

Upon review of the instant Complaints, it appears Complainant is making claims that PECO is issuing incorrect bills and improperly transferring account balances between different accounts in Complainant's name, but it is unclear whether these are the same exact claims raised in the complaints filed at Docket No. C-2020-3023220 and Docket No. C-2023-3042220.

Therefore, it is appropriate to hold the Preliminary Objection in abeyance and give Complainant an opportunity to orally clarify the claims she is making in these four consolidated Complaints and explain how these claims differ from those raised in her prior complaints at Docket No. C-2020-3023220 and Docket No. C-2023-3042220, if at all.

At the prehearing conference, Complainant must be prepared to describe her claims in the four instant consolidated Complaints, clearly and in detail, including dates of alleged incorrect bills and dates and account numbers of alleged improper balance transfers. Further, Complainant must be prepared to orally respond to PECO's Preliminary Objection.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by PECO Energy Company against the Formal Complaints filed by Wanda Walker at Docket Numbers C-2024-3051234, C-2024-3051237, C-2024-3051343, and C-2024-3051344 is held in abeyance pending a prehearing conference.
2. That a prehearing conference shall be scheduled in this matter.
3. That, at the prehearing conference, Complainant must be prepared to describe the claims in the four instant consolidated Complaints, clearly

and in detail, including dates of alleged incorrect bills and dates and account numbers of alleged improper balance transfers.

4. That, at the prehearing conference, Complainant must be prepared to explain how the claims in the four instant consolidated Complaints differ from those raised in her prior complaints at Docket No. C-2020-3023220 and Docket No. C-2023-3042220, if at all.
5. That, at the prehearing conference, Complainant must be prepared to orally respond to the Preliminary Objection filed by PECO Energy Company.
6. That Complainant's failure to appear at the prehearing conference may result in dismissal of the Complaints.

November 14, 2024
Date

_____/s/
Emily I. DeVoe
Administrative Law Judge

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