

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shasta-Patrice Brown	:	
	:	
v.	:	C-2024-3050759
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
F. Joseph Brady
Administrative Law Judge

INTRODUCTION

This Initial Decision grants PECO Energy Company’s Motion to Dismiss the Formal Complaint of Shasta-Patrice Brown because she failed to state a claim upon which relief could be granted.

HISTORY OF THE PROCEEDING

On July 30, 2024, Shasta-Patrice Brown (Ms. Brown or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO or Respondent) alleging that there were errors and omissions contained in the application for electric service pertaining to her address. She further asserted that she needed certain provisions under the Americans with Disabilities Act (ADA) due to her inability to practice law and her inability to pay. As relief, the Complainant asked that her account be assigned to

Philadelphia Gas Works (PGW), her account be closed and that she be issued a refund.

On September 3, 2024, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint. In its Answer, PECO averred that it has billed the Complainant based on actual monthly usage and the Complainant's outstanding balance is \$2,022.32. Moreover, PECO averred that the Company only accepts cash, certified checks, money orders, and valid bank checks in payment of utility accounts. PECO further stated that it will not apply as credit to any customer account non-negotiable documents, sight drafts, 1040 Forms, Acceptance for Value, UCC Certified Tender of Payments, Promissory Notes or other UCC documents.

Also on September 3, 2024, PECO filed a Preliminary Objection in which it averred that the Complainant's Complaint with regard to any issues associated with the ADA are outside of the Commission's jurisdiction. In addition, PECO argued that any issues associated with assigning a PECO account to PGW are outside the capacity and jurisdiction of the Commission. The Preliminary Objection sought to dismiss the Complaint on the ground that it fails to set forth any violation by PECO of either the Public Utility Code, the regulations, or PECO's Electric Service Tariff.

On September 9, 2024, the Complainant filed an Answer to the Preliminary Objection. In it, the Complainant averred that: (1) PECO engaged in material misrepresentation regarding the assignment of credits in violation of 73 P.S. § 201-1; (2) PECO engaged in theft by deception in violation of 18 Pa.C.S. § 3922; (3) PECO engaged in malfeasance; (4) PECO's contracts contain misleading information in violation of 33 Pa.C.S § 203; (5) PECO committed "Fraud in Factum" because it deceived the Complainant into believing credits were properly assigned when they were not; (6) PECO's actions resulted in unjust enrichment; and (7) PECO's actions violated federal law governing deprivations of rights under 18 U.S.C. §§ 241, 242 and 42 U.S.C. § 1983. *See* Answer to Preliminary Objection ¶¶ 1-5 and 10. The Complainant cited to

TSC Industries, Inc. v Northway, Inc., 426 U.S. 438 (1976); *Herring v. United States*, 555 U.S. 135 (2009); *Speidel v. Sheehan*, 122 F3d 126 (3d Cir. 1997); and *United States v. Tweel*, 550 F2d 297 (5th Cir. 1977) as caselaw relevant to this matter.

By Corrected Motion Judge Assignment Notice dated September 19, 2024, the Preliminary Objection was assigned to Administrative Law Judge (ALJ) Eranda Vero for disposition.

On October 15, 2025, ALJ Vero issued an Interim Order granting, in part, and denying, in part, the Preliminary Objection filed by PECO. Specifically, the portions of the Complaint raising claims under 73 P.S. § 201-1; 18 Pa.C.S. § 3922; 33 Pa.C.S. § 203; 18 U.S.C. §§ 241, 242; and 42 U.S.C. § 1983, the Americans with Disabilities Act of 1990, and any issues associated with assigning a PECO account to PGW, were dismissed for lack of jurisdiction. The matter was ordered to be set for a hearing to address any remaining issues.

By Hearing Notice dated October 15, 2024, an Initial Call-In Telephonic Hearing was scheduled for December 11, 2024, and the matter was assigned to me.

On November 15, 2024, the Complainant filed a document titled “Motion for Judicial Notice.” Essentially, the document set forth the same arguments and claims already dismissed in ALJ Vero’s October 15, 2025, Interim Order.

A Prehearing Order was issued on November 19, 2024, advising the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to the proceeding.

On December 11, 2024, the hearing convened as scheduled. The Complainant appeared *pro se* and testified on her own behalf. PECO was represented by

Khadijah Scott, Esquire. At the hearing, the Respondent moved to dismiss the Complaint for the Complainant's failure to state a claim upon which the Commission could grant relief. I took this motion under advisement.

The record closed on December 31, 2024, upon the filing of the transcript with the Commission.

FINDINGS OF FACT

1. The Complainant is Shasta-Patrice Brown.
2. The Respondent is PECO Energy Company, a utility under the jurisdiction of the Pennsylvania Public Utility Commission.
3. The Complainant resides and receives electric service from PECO at 5233 Hudson Street, Philadelphia, Pennsylvania 19131 (Service Address). Tr. 5-6.
4. At the December 11, 2024 hearing, the only claims Complainant presented were the same claims that were dismissed by ALJ Vero's October 15, 2025 Interim Order granting, in part, and denying, in part, the Preliminary Objection filed by PECO. Tr. 6-13.

DISCUSSION

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (Opinion and Order entered Feb. 8, 1990); *Feinstein v. Phila. Suburban*

Water Co., 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlt. 1990). A complainant can meet that burden if she presents evidence more convincing, by even the smallest amount, than that evidence presented by Respondent. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code (Code), a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlt. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on the complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlt. 2001); *see also, Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlt. 1982).

Prior to the hearing in this matter, an Interim Order was issued granting, in part, and denying, in part, the Preliminary Objection filed by PECO. That Interim Order contained a comprehensive analysis and determination regarding the various allegations and

arguments made by the Complainant in her Complaint. Specifically, the portions of the Complaint raising claims under 73 P.S. § 201-1; 18 Pa.C.S. § 3922; 33 Pa.C.S. § 203; 18 U.S.C. §§ 241, 242; and 42 U.S.C. § 1983; the Americans with Disabilities Act of 1990, and any issues associated with assigning a PECO account to PGW, were dismissed for lack of jurisdiction. However, because the Complainant is *pro se*, she was granted the opportunity to orally describe any remaining issues at a hearing. Interim Order p. 6 (citing, *Carlock v. United Tel. Co. of Pa.*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993)). Nevertheless, at the hearing, Ms. Brown continued to make the same arguments already dismissed in the Interim Order. Tr. 6-7, 10-13. As a result, Counsel for the Respondent made an oral motion to dismiss the Complaint for the Complainant's failure to state a claim upon which the Commission could grant relief. Tr. 11.

In this case, the Complainant did not present any claims outside of those claims already dismissed. Thus, I find the Complainant failed to set forth an offense that was a violation of the Code, a Commission Regulation or Order, or a violation of a Commission-approved tariff, upon which relief could be granted. Accordingly, the Respondent's motion to dismiss will be granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa.C.S. § 701.

2. The burden of proof in this proceeding is on the Complainant. 66 Pa.C.S. § 332(a).

3. The Complainant has failed to satisfy her burden of setting forth an offense that was violation of the Public Utility Code, a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

