

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kafi Clark

v.

PECO Energy Company

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C-2024-3051478

**INITIAL DECISION**

Before  
Eranda Vero  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the Formal Complaint of Kafi Clark against PECO Energy Company because she failed to file an amended complaint, in violation of the Order dated January 15, 2025.

**HISTORY OF THE PROCEEDING**

On September 16, 2024, Kafi Clark (Complainant or Ms. Clark) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO, Company, or Respondent) indicating that she receives electric service from PECO and that the utility has terminated or has threatened to terminate her electric service. Complaint ¶¶ 3-4. She further alleged that there are billing errors and omissions contained in the application for service pertaining to her address. More specifically, the Complainant stated as follows,

I have a concern about billing errors and omission on my PECO utilities account. One error I am aware of is the application was endorsed in blank. Another error is the address. It should be the assignee bank.

Complaint ¶ 5. Ms. Clark further asserts that she needs certain provisions under the Americans with Disabilities Act of 1990 (ADA) due to an inability to practice law and asks that coupons that she has sent to the Internal Revenue Service (IRS) be credited to her account. Specifically, she states,

I have been sending my coupons to the IRS directly to receive the credits, but I'd like to ask for your assistance in getting the full benefit of the coupons in the form of a monthly allowance sent to me directly. I have a disability of practicing law and also inability to pay.

Complaint ¶ 5.

On October 22, 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 that the Complainant's outstanding balance with PECO is \$2,175.75, which represents an accumulation of unpaid monthly bills as Complainant's last payment was made in March of 2023. Moreover, PECO averred that the Company only accepts cash, certified checks, money orders, and valid bank checks in payment of utility accounts. PECO explained that it will not apply as credit to any customer account non-negotiable documents, sight drafts, 1040 Forms, Acceptance for Value, Uniform Commercial Code (UCC) Certified Tender of Payments, Promissory Notes or other UCC documents. Answer ¶ 4.

Also on October 22, 2024, PECO filed a Preliminary Objection, in which it argued that any issues raised in Ms. Clark's Complaint associated with the ADA or the

IRS are outside of the Commission's jurisdiction. *See* Preliminary Objection ¶¶ 16-17. The Preliminary Objection sought to dismiss the Complaint on the grounds that it fails to set forth any violation by PECO of either the Public Utility Code, the regulations of the Commission or PECO's Electric Service Tariff as required by 52 Pa. Code § 5.22(a)(4).

On November 7, 2024, the Complainant submitted, via facsimile addressed to Secretary Rosemary Chiavetta, her Answer to the Preliminary Objection. In it, the Complainant avers that PECO: (1) has engaged in unfair business practices in violation of 66 Pa.C.S. § 2201; (2) has committed deceptive acts in violation of PA Unfair Trade Practices and Consumer Protection Law at 73 P.S. § 201-2; and (3) has engaged in theft through deception in violation of 18 Pa.C.S. § 4904.

By Motion Judge Assignment Notice dated November 19, 2024, the Preliminary Objection was assigned to me for disposition.

On January 15, 2025, I issued an Order which dismissed the portions of the Complaint raising claims under 73 P.S. § 201-1, 18 Pa.C.S. § 4904, or Title 26 of the United States Code for lack of Commission jurisdiction. Additionally, the Order dismissed the portions of the Complaint raising claims under the ADA for lack of Commission jurisdiction. Lastly, the Order directed Kafi Clark to file an amended complaint at Docket No. C-2024-3051478 within 20 days of service of the Order. The Order was eServed upon the Complainant at the email address that she provided to and registered with the Commission.

On February 11, 2025, the Order was re-served on Ms. Clark via First Class mail at the address provided in her Complaint, in accordance with her preferred method of service. Complaint ¶ 9.

As of the date of this Initial Decision, Ms. Clark has not filed an amended complaint in accordance with the Order.

The record closed on March 28, 2025.<sup>1</sup> This matter is now ripe for a decision.

### FINDINGS OF FACT

1. The Complainant is Kafi Clark.
2. The Respondent is PECO Energy Company, a jurisdictional public utility.
3. On September 16, 2024, the Complainant filed a Formal Complaint against the Respondent averring that she receives electric service from PECO and that the Respondent has terminated or has threatened to terminate her electric service. Complaint ¶¶ 3-4.
4. In the Complaint, Ms. Clark averred that “I have a concern about billing errors and omission on my PECO utilities account. One error I am aware of is the application was endorsed in blank. Another error is the address. It should be the assignee bank.” Complaint ¶ 5.

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<sup>1</sup> The Amended Complaint was due March 3, 2025. However, in an abundance of caution to allow for delivery issues with the First-Class Mail of the Order or the filing of the Amended Complaint with the Commission, I used my discretion to keep the record open for an additional 25 days after the Amended Complaint was due to allow Complainant sufficient time to file her Amended Complaint. 52 Pa. Code § 5.431(a).

5. Ms. Clark claims that she needs certain provisions under the ADA due to an inability to practice law and asks that coupons that she has sent to IRS be credited to her account. Complaint ¶ 5.

6. As a relief, the Complainant requested certain provisions under the ADA due to her inability to practice law and asked that coupons that she has sent to the IRS be credited to her account. Complaint ¶ 5.

7. On October 22, 2024, the Respondent filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

8. In its Answer, PECO averred that it has billed the Complainant based on actual monthly usage, and that the Complainant's outstanding balance with PECO is \$2,175.75, which represents an accumulation of unpaid monthly bills as Complainant's last payment was made in March 2023. Answer ¶ 4.

9. In its Answer, PECO averred that the Company only accepts cash, certified checks, money orders, and valid bank checks in payment of utility accounts. PECO explained 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. Answer ¶ 4.

10. On October 22, 2024, PECO filed a Preliminary Objection, in which it averred that the issues raised in Ms. Clark's Complaint associated with the ADA or the IRS are outside of the Commission's jurisdiction. *See* Preliminary Objection ¶¶ 16-17.

11. The Preliminary Objection sought to dismiss the Complaint on the grounds that it fails to set forth any violation by PECO of either the Public Utility Code,

the regulations of the Commission or PECO's Electric Service Tariff as required by 52 Pa. Code § 5.22(a)(4).

12. On November 7, 2024, the Complainant filed her Answer to the Preliminary Objection averring that PECO: (1) has engaged in unfair business practices in violation of 66 Pa.C.S. § 2201; (2) has committed deceptive acts in violation of PA Unfair Trade Practices and Consumer Protection Law at 73 P.S. 201-2; and (3) has engaged in theft through deception in violation of 18 Pa.C.S. § 4904.

13. This matter was assigned to me by Motion Judge Assignment Notice dated November 19, 2024.

14. On January 15, 2025, an Order was served on the parties which dismissed the portions of the Complaint raising claims under 73 P.S. § 201-1, 18 Pa.C.S. § 4904, or Title 26 of the United States Code for lack of Commission jurisdiction.

15. The January 15, 2025 Order dismissed the portions of the Complaint raising claims under the ADA for lack of Commission jurisdiction.

16. The January 15, 2025 Order directed Kafi Clark to file an amended complaint at Docket No. C-2024-3051478 within 20 days of service of the Order.

17. The January 15, 2025 Order was eServed upon the Complainant at the email address that she provided to and registered with the Commission.

18. On February 11, 2025, the Order was re-served on Ms. Clark via First Class mail at the address provided in her Complaint, in accordance with her preferred method of service. Complaint ¶ 9.

19. As of the date of this Initial Decision, Ms. Clark has not filed an amended complaint in compliance with the January 15, 2025 Order.

### DISCUSSION

The Commission’s regulation at 52 Pa. Code § 5.22(a) require that a formal Complaint set forth *inter alia*, “the Act of thing done or admitted to be done or about to be done or admitted to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or a regulation or order of the Commission.” A complaint must contain sufficient specificity and information to enable a respondent to understand the charges or allegations against it and conduct a meaningful investigation of the allegations, and to offer an appropriate response thereto. *Acosta v. PECO Energy Co.*, Docket No. F-2020-3015309 (Final Order entered Sep. 10, 2020). The Commission has held that a complaint filed with the Commission is adequate if it gives the respondent notice and an opportunity to defend; it need not be drawn with technical accuracy. *Green Cab Co. v. Hajducho*, 50 Pa.P.U.C. 745 (1977).

In her original Complaint, Ms. Clark alleged that there are billing errors and omissions contained in the application for service pertaining to her address. More specifically, Ms. Clark averred the following,

I have a concern about billing errors and omission on my PECO utilities account. One error I am aware of is the application was endorsed in blank. Another error is the address. It should be the assignee bank.

Complaint ¶ 5. She further asserted that she needs certain provisions under the ADA due to her inability to practice law and asks that coupons that she has sent to the IRS be credited to her account. In particular, she states,

I have been sending my coupons to the IRS directly to receive the credits, but I'd like to ask for your assistance in getting the full benefit of the coupons in the form of a monthly allowance sent to me directly. I have a disability of practicing law and also inability to pay.

Complaint ¶ 5. Finally, in her Answer to the Preliminary Objection, the Complainant stated:

**The Pennsylvania Public Utility Commission (PUC) lacks jurisdiction over this matter**, as it functions as a nisi prius court according to Black Law Dictionary (5th Ed) a nisi prius court is a court where cases are first heard and decided by a judge and jury. This aligns with Pennsylvania Rules of Civil Procedure (PA R.C.P. 1007), which stipulates that such courts handle initial trials and rulings. **Therefore, the PUC does not possess the authority to adjudicate this issue.**

Answer to Preliminary Objection, p. 4. (Emphasis added). The Complainant further averred that PECO: (1) has engaged in unfair business practices in violation of 66 Pa.C.S. § 2201;<sup>2</sup> (2) has committed deceptive acts in violation of PA Unfair Trade Practices and Consumer Protection Law at 73 P.S. 201-2; and (3) has engaged in theft through deception in violation of 18 Pa.C.S. § 4904. Complainant proceeded to cite to *Smith v. Jones*, 123 A.2d 456 (Pa. 1957) and *Doe v. Roe*, 456 Pa. 789 (Pa. 1985), neither of which is a real citation to an adjudicated case.

The types of claims and arguments imbuing Ms. Clark's Complaint and Answer to Preliminary Objection, in particularly those concerning an "application signed in blank," an "assignee bank," "coupons sent to IRS for credit," or "a nisi prius court" are reminiscent of those frequently raised by "sovereign citizens."

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<sup>2</sup> Chapter 22 of the Pennsylvania Public Utility Code concerns natural gas competition in Pennsylvania. 66 Pa.C.S. §§ 2201–2212.

[S]overeigns believe that when a person is born, that person's birth certificate (or Social Security card application) creates a corresponding legal fiction, or “strawman,” in that person's name. This means that every person has a kind of dual personality; there is the “flesh-and-blood” person on one hand and the fictional strawman on the other. They believe that only the strawman really operates in the modern commercial world (engaging in transactions, collecting debts, and contracting with others); accordingly, they believe the government has power over the strawman only, and completely lacks authority over the flesh-and blood person.

Joshua P. Weir, *Sovereign Citizens: A Reasoned Response to the Madness*, 19 Lewis & Clark L. Rev. 829 (2015) (footnotes omitted); see also *Shasta Patrice Brown v. Philadelphia Pas Works*, Docket No. C-2024-3050761, (Initial Decision issued on March 18, 2025).

The Order dated January 15, 2025, dismissed the portions of the Complaint raising claims under 73 P.S. § 201-1, 18 Pa.C.S. § 4904, or Title 26 of the United States Code, because the Commission lacks jurisdiction to adjudicate such claims. To the extent that the Complainant alleged an attempt to pay for PECO’s utility services by non-negotiable documents, sight drafts, 1040 Forms, Acceptance for Value, UCC Certified Tender of Payments, Promissory Notes or other UCC documents, the January 15, 2025 Order instructed the Complainant that this issue has already been decided in *Coppedge v. PECO*, Docket No. F-2014-2406180 (Opinion and Order entered Jul. 29, 2014) (*Coppedge*), where the Commission determined that “even accepting as true the Complainant’s contentions, nothing in either PECO’s tariff or [Commission] Regulations requires PECO to accept all forms of payment.” *Coppedge* at 9. I found that the information contained in the rest of the Complaint and Answer to the Preliminary Objection was insufficient to enable Respondent to prepare a proper defense against Ms. Clark’s claims and, as a result, the Complaint failed to meet the minimum requirement

for legal sufficiency in her pleading. I granted the Respondent's Preliminary Objection and directed the Complainant to file an amended complaint within 20 days of service of the Order. The January 15, 2025 Order warned that if an amended complaint was not filed within 20 days of service of the Order, the Complaint would be dismissed.

The January 15, 2025 Order was eServed upon the Complainant at the email address that she provided to and registered with the Commission. On February 11, 2025, the Order was re-served on Ms. Clark via First Class mail at the address provided in her Complaint, in accordance with her preferred method of service. *See* Complaint ¶ 9.

The Commission has held that parties must comply with the orders of an administrative law judge, and a complainant's failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006). The Commission's regulations specify certain sanctions that are available when a party fails to comply with an order of the Commission "as is just." 52 Pa. Code § 5.372(a).

Under the Order dated January 15, 2025, the Complainant had to file the amended complaint by March 3, 2025. As of the date of this decision, the Complainant has not filed an amended complaint in compliance with the Order. As such, the Complainant has failed to comply with the Order dated January 15, 2025.

The Commission is granted discretion to dismiss a complaint without a hearing if a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(b); 52 Pa. Code § 5.21(d). A hearing is necessary only to resolve disputed questions of fact, and is not required to resolve questions of law, policy, or discretion. *Dee-Dee Cab, Inc. v. Pa. Pub. Util. Comm'n*, 817 A.2d 593 (Pa. Cmwlth. 2003); *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Trans. Corp. v. Pa.*

*Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993). In this instance, a hearing is not necessary because there is no question of fact nor any matter of law or policy to resolve.

Because the Complainant failed to comply with the Order dated January 15, 2025, and a hearing is not necessary, the Complaint will be dismissed.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of this Complaint. 66 Pa.C.S. § 701.

2. The Commission has held that parties must comply with the orders of an administrative law judge, and a complainant's failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

3. The Commission's regulations specify certain sanctions that are available when a party fails to comply with an order of the Commission "as is just." 52 Pa. Code § 5.372(a).

4. The Commission is granted discretion to dismiss a complaint without a hearing if a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(b); 52 Pa. Code § 5.21(d).

5. A hearing is necessary only to resolve disputed questions of fact, and is not required to resolve questions of law, policy, or discretion. *Dee-Dee Cab, Inc. v. Pa. Pub. Util. Comm'n*, 817 A.2d 593 (Pa. Cmwlth. 2003); *Lehigh Valley Power Comm.*

*v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993).

6. The Complainant has not complied with the Order dated January 15, 2025.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Kafi Clark in *Kafi Clark v. PECO Energy Company* at Docket No. C-2024-3051478 is hereby dismissed due to Complainant's failure to file an amended complaint by March 3, 2025, in violation of the Order dated January 15, 2025.

2. That the Secretary's Bureau shall mark C-2024-3051478 as closed.

Dated: April 1, 2025

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/s/  
Eranda Vero  
Administrative Law Judge