



Direct Dial: 267-533-1830
khadijah.scott@exeloncorp.com

April 23, 2025

VIA E-FILING

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

RE: Shasta Brown v. PECO Energy Company
Docket No. C-2024-3050759

Dear Mr. Homsher:

Enclosed for filing with the Commission is the *Reply Exceptions of PECO Energy Company*.

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Khadijah Scott".

Khadijah Scott, Esquire
Assistant General Counsel
PECO Energy Company

KS/alb
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**SHASTA BROWN
COMPLAINANT**

v.

**PECO ENERGY COMPANY,
RESPONDENT**

:
:
:
:
:
:
:
:
:
:

Docket No. C-2024-3050759

REPLY EXCEPTIONS OF PECO ENERGY COMPANY

PECO Energy Company (“PECO Energy”) hereby replies to the Exceptions filed by SHASTA BROWN (“Complainant”) on April 4, 2025. On August 16, 2024, PECO Energy was served with a formal complaint filed by the Complainant against PECO Energy. In the formal Complaint, the Complainant alleged that there are errors and omissions contained in the application for the service pertaining to her address. She further asserted that she needs certain provisions under the Americans with Disabilities Act (ADA) and asked that her account be assigned to PGW. The Complainant requested a settlement and closure of the account.

On September 3, 2024, PECO Energy filed an Answer to the Complaint denying all conclusions of law and material allegations of the Complaint and averred that the Complainant had a past due balance to which she had not made timely payments, the Complainant had been billed on actual meter readings and the balance was correct. On October 15, 2024, PECO’s Preliminary Objections were granted and dismissed for lack of jurisdiction as to “the portions of the Complaint raising claims under 73 P.S. § 201-1, 18 Pa.C.S.A. § 3922, 33 Pa.C.S.A § 203, 18 U.S.C. §§ 241, 242 and 42 U.S.C. §1983.” The “portions of the Complaint raising claims under the Americans with Disabilities Act of 1990, as well as any issues associated with assigning a PECO account to PGW” were also dismissed for lack of jurisdiction. *See*, Interim Order on Respondent’s

Preliminary Objections. On December 11, 2024, a hearing was held before the Honorable Administrative Law Judge F. Joseph Brady (ALJ Brady).

On March 31, 2205, ALJ Brady issued a well-reasoned Initial Decision in this matter denying the Complainant's Complaint. On April 4, 2025, the Complainant filed Exceptions to the Initial Decision. In her writing, the Complainant seems to attempt to relitigate the facts of her Complaint before the Commission.

PECO Energy files the instant Reply Exceptions and hereby respectfully requests that the Commission deny the Complainant's Exceptions and issue an Order adopting the Initial Decision of ALJ Brady.

I. Scope of Review

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Code, 66 Pa. C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant must show that the respondent utility, PECO Energy, is responsible or accountable for the problem described in the Complaint through a violation of the Code or a regulation or order of the Commission. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), alloc. denied, 602 A.2d 863 (Pa. 1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by the respondent. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

Additionally, the Commission's decision must be supported by substantial evidence in the record, which is defined as 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 & Western Ry. Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980).

Upon the presentation by a complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence, sometimes called the burden of persuasion, to rebut the evidence of the complainant, shifts to the respondent. If the evidence presented by the respondent is of co-equal value or “weight,” the burden of proof has not been satisfied. The complainant now has to provide some additional evidence to rebut that of the respondent. *Burleson v Pa. PUC*, 443 A.2d 1371 (Pa. Cmwlth. 1982), *aff’d*, 433 A.2d 1234 (Pa. 1983). While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

It should be noted that the Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *See also*, generally, *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

II. Legal Argument

a. The Complainant has failed to identify any law, statute or regulation that PECO violated.

In her Exceptions, it appears that the Complainant is challenging PECO’s accounting methods and asserts a violation of various federal laws. These issues are without merit. The Public Utility Commission does not have jurisdiction over federal laws. PECO is a public utility company which outlines its Base Rates, rules and regulations in its Electric Tariff, which is publicly available and approved by the Public Utility Commission. PECO’s Tariff is its contract for service. Notwithstanding the Complainant’s position regarding “accrual method of accounting,” PECO, as

a company, only accepts cash, certified checks, money orders, and valid bank checks in payment of utility accounts. The company accepts Visa, MasterCard, Discover, Star, Pulse, NYCE, Accel, cash, money orders or personal checks to pay for utility bills. All payments made in these formats have been credited to the Complainant's account. PECO 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. By way of further response, this issue has already been decided in James Coppedge v. PECO, Docket No. F-2014-2406180 (Order entered Jul. 29, 2014). The PUC determined that "even accepting as true the Complainant's contentions, nothing in either PECO's tariff or our Regulations requires PECO to accept all forms of payment." *Id.*

Accordingly, ALJ Brady's Initial Decision is well-reasoned with ample support from the law. As detailed in the Initial Decision, the Complainant has failed to prove that PECO has violated any statute, regulation or law. Accordingly, the Complainant's Exceptions should be dismissed.

III. Conclusion

ALJ Brady correctly determined correctly determined that the Complainant had not met her burden of proof in this matter. Accordingly, ALJ Brady's decision to dismiss the Complainant's case against PECO Energy should be upheld.

For the reasons set forth above, PECO respectfully requests that the Commission deny the Exceptions and issue an Order upholding the Initial Decision in its entirety.

Respectfully submitted,



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
Direct Dial: (267) 533-1830
Fax: 215.568.3389
Khadijah.scott@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**SHASTA BROWN
COMPLAINANT**

v.

**PECO ENERGY COMPANY,
RESPONDENT**

:
:
:
:
:
:
:
:
:
:

Docket No. C-2024-3050759

VERIFICATION

I, Khadijah Scott, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Date: April 23, 2025



Khadijah Scott

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**SHASTA BROWN
COMPLAINANT**

v.

**PECO ENERGY COMPANY,
RESPONDENT**

:
:
:
:
:
:
:
:
:
:

Docket No. C-2024-3050759

CERTIFICATE OF SERVICE

I, Khadijah Scott, hereby certify that I have this day served a copy of PECO Energy Company's Reply Exceptions in the above matter upon all interested parties by E-mailing a copy to:

SHASTA PATRICE BROWN
C/O 5233 HESTON STREET
PHILADELPHIA, PA 19131
Via email: shastapbrown@gmail.com

Dated: April 23, 2025



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
Direct Dial: (267) 533-1830
Fax: 215.568.3389
Khadijah.scott@exeloncorp.com