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May 6, 2025

VIA E-FILING

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

RE: Dontissa Wilmer v. PECO Energy Company
Docket No. C-2024-3050153

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 that reads "Khadijah Scott".

Khadijah Scott, Esquire
Assistant General Counsel
PECO Energy Company

KS/alb
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DONTISSA WILMER
COMPLAINANT**

v.

**PECO ENERGY COMPANY,
RESPONDENT**

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Docket No. C-2024-3050153

REPLY EXCEPTIONS OF PECO ENERGY COMPANY

1. PECO Energy Company (“PECO Energy”) hereby replies to the Exceptions filed by DONTISSA WILMER (“Complainant”) on April 30, 2025. On July 18, 2024, PECO Energy was served with a formal complaint filed by the Complainant against PECO Energy. In the formal Complaint, the Complainant alleged that PECO was illegally tampering with her powerlines and electrical box. The Complainant also averred that there is theft of service by the neighbor on each side of her property.

On August 7, 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 PECO’s revenue protection department investigated her property and did not identify theft of service, a meter up or foreign wiring at the property. On November 21, 2024, a hearing was held before the Honorable Administrative Law Marta Guhl (ALJ Guhl).

On April 11, 2025, ALJ Guhl issued a well-reasoned Initial Decision in this matter denying the Complainant’s Complaint. On April 30, 2025, the Complainant filed Exceptions to the Initial Decision. In her writing, the Complainant attempts 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 Guhl.

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, the Complainant recites all of the exhibits and evidence that she presented at the time of the hearing. The Complainant was provided ample opportunity to present testimony, exhibits and cross examine PECO's witnesses. Within the Exceptions, the Complainant has failed to identify any law, statute or regulation that ALJ Guhl failed to comply with during the hearing. The Complainant has failed to identify any law, statute or regulation that PECO Energy failed to comply with during the hearing.

Accordingly, ALJ Guhl'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 Guhl correctly determined that the Complainant had not met her burden of proof in this matter. Accordingly, ALJ Guhl '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
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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: May 6, 2025



Khadijah Scott

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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:

DONTISSA WILMER
10918 NANDINA LANE
PHILADELPHIA, PA 19116
Via email: dontiswil@aol.com

Dated: May 6, 2025



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