

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held June 5, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Dontissa Wilmer

C-2024-3050153

v.

PECO Energy Company

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions (Exceptions) of Dontissa Wilmer (Ms. Wilmer or Complainant), filed on April 30, 2025, to the Initial Decision (I.D.) of Administrative Law Judge Marta Guhl (ALJ Guhl), which was issued on April 11, 2025, in the above-captioned proceeding. Replies to Exceptions were filed by PECO Energy Company (PECO or the Company) on May 6, 2025. For the reasons stated below, we shall deny the Exceptions filed by Ms. Wilmer and adopt the Initial Decision without modification, consistent with this Opinion and Order.

I. History of the Proceeding

On July 16, 2024,¹ Ms. Wilmer filed a Formal Complaint (Complaint) against PECO. In the Complaint, Ms. Wilmer selected “Other” as the type of problem she was having, and provided a narrative stating, in relevant part:

The PECO powerlines and my PECO electrical box on my property have been tampered with. There has [sic] been PECO technicians out to my home but yet the issues remain. Due to my PECO power lines being compromised, the electrical outlets in my home are hacking all my devices and are affecting my appliances. I reported to PECO that I believe my neighbors on both sides of me were stealing electric. The powerlines on my property were separated and a thin grey wire was loosen. I notice that my Electricial[sic] box numbers weren't changing...

Complaint at 2 (errors in original). For relief, Ms. Wilmer demanded the following:

I want a formal Hearing to meet face to face with PECO. I want answers to why did PECO illegally and with[out] authorization come onto my property and tampered with my Powerlines and Electricial [sic] box. I want the Powerlines and my Electrical box fixed to stop compromising my Electricial [sic] outlets. I also would like to address why PECO Technicians who were not assigned my work ticket visit [sic] my home. I want PECO to address the unprofessionalism of their Technicains [sic].

Id. at 3 (errors in original).

On July 25, 2024, Ms. Wilmer filed a document with the Commission titled “Additional Statement to Formal Complaint.” On July 29, 2024, July 30, 2024, August 6, 2024, August 27, 2024, and August 28, 2024, Ms. Wilmer filed additional

¹ The Complaint was served upon PECO by the Commission’s Secretary’s Bureau on July 18, 2024.

documents with the Commission. In each of these documents, the Complainant reiterated the facts alleged in her Complaint, while providing background information regarding her claims. On September 2, 2024, Ms. Wilmer filed “Exhibits 1-10” to her Complaint.²

On August 7, 2024, PECO filed an Answer to the Complaint (Answer). In its Answer, PECO admitted and denied the various portions of the Complaint, firmly denying “all material allegations of fact and conclusions of law” relating to the tampering alleged by Ms. Wilmer. Answer at 1. Specifically, PECO stated that:

Within the Complaint, the Complainant states that PECO is illegally tampering with her powerlines and electrical box. On June 6, 2024, PECO’s revenue protection technician inspected the Complainant’s property. The seal on PECO’s meter was intact and no theft of services were identified. The Complainant was advised that the grounding wire on her meter box was a [C]omcast wire, not an indication of theft. The Complainant was also advised that the meter in her basement was a Philadelphia Gas Works (PGW) meter and not a PECO meter. The Complainant was instructed to contact an electrician to investigate her sparking outlet concerns.

Id. at 1-2. Based on the assertions made in its Answer, PECO requested that the Commission dismiss Ms. Wilmer’s Complaint. *Id.* at 3.

On September 5, 2024, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling a telephonic hearing for November 21, 2024. A Prehearing Order, outlining the procedures for the hearing, was issued on October 24, 2024. I.D. at 2.

² These Exhibits were subsequently made part of the record at the November 21, 2024, hearing in this matter.

The telephonic hearing was convened as scheduled on November 21, 2024. Ms. Wilmer appeared *pro se* and offered her own testimony. Ms. Wilmer offered four exhibits, which were entered into the record without objection. PECO appeared, with counsel, and offered the testimony of two witnesses. PECO also offered three exhibits, which were admitted into the record without objection. I.D. at 2.

The record in this matter closed on January 17, 2025, when a copy of the transcript was filed with the Commission. I.D. at 2.

As referenced *supra*, an Initial Decision was issued in this matter on April 11, 2025. Therein, ALJ Guhl dismissed Ms. Wilmer's Complaint based on her finding that Ms. Wilmer failed to meet her burden of proving that the Company did not provide safe, adequate, and reasonable service.

Exceptions were filed by Ms. Wilmer on April 30, 2025.³ Reply Exceptions were filed by PECO on May 6, 2025.

³ Ms. Wilmer filed a document titled "Corrected Exceptions" on May 1, 2025. The Corrected Exceptions mirror the April 30, 2025, Exceptions in content but correct errors in the filing of the Exceptions. Namely, Ms. Wilmer signs her Corrected Exceptions, with her signature missing from her April 30, 2025, filing. Both filings are timely pursuant to 52 Pa. Code § 5.533(a).

II. Discussion

A. Legal Standards

1. Commission Jurisdiction

Section 701 of the Public Utility Code (Code) outlines the Commission's procedure for the review of complaints, stating in relevant part:

The Commission, or any person ... having an interest in the subject matter ... may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.

66 Pa.C.S. §701. As explained by the Commission in *West Penn Power Co. v. Pa. PUC*, 478 A.2d 947 (Pa. Cmwlth. 1984) (*West Penn*), Section 701 of the Code provides for complaints against a public utility for anything done or not done in violation of the laws administered by the Commission or Commission Regulations and Orders. *Id.*

However, for the Commission to sustain a complaint against a public utility, the utility must be found to be in violation of its duty under the Code, the Commission's Regulations, or an Order of the Commission. Without proof of such a violation, the Commission does not have authority to require any action by the public utility in relation to the customer's complaint. *See West Penn.*

Finally, any assumption of jurisdiction by the Commission over a complaint must recognize that the Commission is a "creature of statute [that] has only those powers which are expressly conferred upon it by the Legislature and those powers

which arise by necessary implication.” *Feingold v. Bell of Pa.*, 383 A.2d 791, 794 (Pa. 1977) (*Feingold*). The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945) (*City of Pittsburgh*). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992) (*Hughes*).

2. Burden of Proof

Pursuant to Section 332(a) of the Code, the Complainant, as the proponent of a rule or order, bears the burden of proof. 66 P.a. C.S. §332(a). To satisfy the burden of proof, the Complainant, as the party seeking relief, must establish a sufficient case that PECO is responsible for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). This 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*, 529 Pa. 654, 602 A.2d 863 (1992). This standard requires the Complainant’s evidence to be more convincing, by even the smallest amount, than the evidence presented by PECO. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950).

This Commission’s decisions must be supported by substantial evidence in the record; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & West Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980). “Opinions and conclusions cannot be relied upon as substantial evidence in a decision by the Commission.” *Norman v Phila. Gas Works*, Docket No. C- 2018-2640719 (Opinion and Order entered Oct. 7, 2021) (*Norman*).

Upon presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the evidentiary burden shifts to PECO to present persuasive evidence rebutting that of the Complainant. If PECO's evidence is of co-equal weight, the Complainant has not satisfied their burden of proof and must provide additional evidence to rebut that of PECO. *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd* 501 Pa. 433, 461 A.2d 1234 (1983) (*Burleson*). While the evidentiary 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 to prove their case by a preponderance of the evidence. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

3. Reasonableness of Service

The Code requires each public utility to provide reasonable service, as follows:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities . . . Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S. § 1501.

The statutory definition of "service" is to be broadly construed.

Country Place Waste Treatment Co., Inc. v. Pa. PUC, 654 A.2d 72 (Pa. Cmwlth. 1995).

The Code defines "service" as:

Service, used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their

duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them.

66 Pa.C.S. § 102.

B. Initial Decision

In the Initial Decision, ALJ Guhl made eighteen (18) Findings of Fact and reached six (6) Conclusions of Law. I.D. at 3-5, 9-10. The Findings of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

ALJ Guhl dismissed Ms. Wilmer's Formal Complaint, finding that Ms. Wilmer failed to meet her burden of showing PECO had failed to provide adequate, safe, and reasonable service. I.D. at 10. In her Initial Decision, ALJ Guhl separated Ms. Wilmer's service allegations into two broad categories: (1) reasonableness of utility service provided; and (2) billing issues. *Id.* at 6-8.

Considering Ms. Wilmer's claims regarding issues with her electrical service, ALJ Guhl found the following to be true: (1) PECO technicians visited the property on two occasions and did not find "any evidence" of service theft by Ms. Wilmer's neighbors; (2) a green grounding wire for Comcast service was found at the property and is part of Comcast's service; and (3) wire lashing was used to secure wiring to poles located at the property. I.D. at 7 (citing Tr. 31-34; PECO Exh. 1, 2.)

ALJ Guhl found that PECO provided credible testimony that Ms. Wilmer's neighbors, whom she alleged were stealing electricity, had an active PECO account with billings "generally double those of the Complainant." I.D. at 8 (citing Tr. at 34). Further,

PECO's witness, Mr. Keith Steger, testified that if theft of service was occurring, the Company would be expect "to see the Complainant's bills to be higher and the neighbors to be lower or non-existent..." a fact cited by ALJ Guhl in support of her findings in the Initial Decision. I.D. at 8 (citing Tr. at 34-35).

In response to Ms. Wilmer's allegation that she saw glitches on her meter, ALJ Guhl was persuaded by PECO's testimony that "digital [advanced metering infrastructure (AMI)] meters go through a cycle when operating and when 888 flashes on the screen, it indicates that the meter has completed a cycle and is starting a new cycle." I.D. at 8 (citing Tr. at 35). ALJ Guhl also found that PECO established that sparking outlets and flickering lights would be an indication of an internal electrical issue – absent a voltage surge – and there was no evidence that Ms. Wilmer's address had experienced a voltage surge. I.D. at 8 (citing Tr. at 36). ALJ Guhl was not persuaded that PECO had violated Section 1501 of the Code, 66 Pa.C.S. § 1501, and additionally held that technicians failing to show identification was not a violation of the Code. I.D. at 8.

Finally, the ALJ considered the billing issue allegations made by Ms. Wilmer. ALJ Guhl held that "PECO presented credible evidence that the Complainant's billing has not changed except for the account number due to a new system that was implemented by the Company. There is nothing to indicate that a second account was opened under her name." I.D. at 9.

Based upon this consideration of the testimony and record, the ALJ denied and dismissed Ms. Wilmer's Complaint. I.D. at 11.

C. Exceptions and Replies

At the outset, we note that the format of the Exceptions does not strictly comply with Section 5.533(b) of Commission Regulations, which requires that each

exception be numbered and identify the finding of fact and conclusion of law to which exception is taken. 52 Pa. Code § 5.533(b). Nevertheless, recognizing that the Complainant is appearing *pro se*, we will exercise our discretion to accept the Exceptions, as filed, pursuant to Section 1.2(a) of our Regulations, and consider the merits. 52 Pa. Code § 1.2(a).

Ms. Wilmer's Exceptions consist of ten typewritten pages, with substantial portions of the document outlining the evidentiary exhibits filed by Ms. Wilmer in this matter.⁴ In her Exceptions, the Complainant also summarizes, repeats, and attempts to relitigate much of the substance of Ms. Wilmer's Complaint against PECO and her testimony offered at the evidentiary hearing in this matter. Insomuch as it is possible to ascertain the nature of Ms. Wilmer's issues with the Initial Decision, we view her Exceptions to be arguing the Initial Decision is not supported by substantial evidence.

In reply, PECO "respectfully requests that the Commission deny the Complainant's Exceptions and issue an Order adopting the Initial Decision of ALJ Guhl." R. Exc. at 2. In support, PECO argues that "the Complainant has failed to identify any law, statute or regulation that ALJ Guhl failed to comply with during the hearing..." and failed to identify any failures to comply committed by PECO. PECO asserts that the "Initial Decision is well-reasoned with ample support from the law..." and "the Complainant has failed to prove that PECO has violated any statute, regulation or law." *Id.*

⁴ We note that despite the allegations included in Ms. Wilmer's Exceptions, it appears that each of the exhibits referenced are included within the record of this proceeding.

III. Disposition

Before addressing the Exceptions, we note that any issue or Exception that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. 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).

Based on the foregoing analysis, we find that in her Initial Decision, ALJ Guhl's correctly denied Ms. Wilmer's Complaint. We find that the substantial evidence provided by PECO, through the testimony of its witnesses, outweighs the unfounded conclusions and opinions offered by Ms. Wilmer. Accordingly, we shall deny the Exceptions filed by Ms. Wilmer, adopt the Initial Decision without modification, and deny and dismiss Ms. Wilmer's Complaint, consistent with the following discussion.

In support of her allegations of theft of service and wire tampering, Ms. Wilmer offered testimony that:

It looked like someone came on my property and put two pieces of black tape, and it seems like something is under that black tape. And I seen [sic] other wires, like ground wires, that was [sic] going into my neighbor's home, and I'm wondering why is [sic] ground wires connected on my side of my property going into my neighbor's home?

Tr. at 9. Ms. Wilmer also opined that “[a]ll lines around me is [sic] additional lines going into the electrical lines...” and “the electric wires has [sic] been compromised, and you don't have to know about electrical wires to see that.” Tr. at 13, 16.

In response to Ms. Wilmer's allegations of theft and tampering, PECO sent technicians to the service address on multiple occasions to investigate. Tr. 31-31; PECO Exh. 1, 2. PECO's witness, Mr. Steger, a Manager of Revenue Protection and Field Analytics, who manages the field teams investigating theft of service, high bills, foreign wiring, and meter mix-ups, offered the following testimony:

Between the two visits, two different sets of technicians, they identified one of the wires is communication that she was concerned about, and the metal -- the -- there was, I guess, a metal wire she was concerned about. That was actually a lashing wire to hold everything up on the poles. Another wire, like I mentioned earlier, was a green grounding wire. That was from Comcast. That's what they ground on our meter box to for their facilities, and then also service -- and her service entrance cable was identified as a question that she had. And that was -- that's regular customer equipment.

Tr. at 29, 31 (formatting in original). Mr. Steger also provided testimony that PECO would expect a party complaining of service theft to experience higher bills compared to their neighbors, stating that Ms. Wilmer's low bills indicate no theft of service.

Tr. at 34-35, 38; PECO Exh. 3.

Mr. Steger also responded to Ms. Wilmer's concerns regarding flickering lights, sparking outlets, and "glitches" on her meter. Countering Ms. Wilmer's assertions that such issues were evidence that her electric service was compromised, Mr. Steger testified that digital AMI meters regularly cycle when operating and that the flashing 888 number on Ms. Wilmer's meter was indication the meter had completed a cycle and was starting a new cycle. Tr. at 35. Mr. Steger stated that, absent a voltage surge, sparking outlets or flickering lights indicate an internal electrical issue at the property, and no voltage surge was reported at Ms. Wilmer's property during the time period

alleged. Tr. at 36. Notably, this explanation from Mr. Steger is supported by Ms. Wilmer's own testimony, wherein she stated:

Two years ago, we had the electrician in there, who replaced our receptacles, and then all of the sudden, starting in June, that's when I noticed my lights flickering and noticing when I plug things up, it was sparkling -- sparks.

Tr. at 27. In so much as is relevant based upon the record and raised by Ms. Wilmer in her testimony, we note that issues relating to a customer's service lines and appliances ("after the meter") are the responsibility of the customer, with the Code stating, "[a] public utility shall not be authorized or required to acquire or assume ownership of any customer's service line." *See* 66 Pa.C.S. § 1510.

As we have noted *supra*, "[o]pinions and conclusions cannot be relied upon as substantial evidence in a decision by the Commission." *Norman* at 30. Here, Ms. Wilmer offered her opinion that her electrical wiring and equipment had been tampered with. However, PECO offered a detailed response incorporating facts from multiple visits to the property and credibly countered Ms. Wilmer's allegations. For this reason, we find that Mr. Steger's detailed, fact-laden testimony, from a member of the team tasked by PECO with investigating such service issues, outweighs the mere opinions offered by Ms. Wilmer.

Next, we consider Ms. Wilmer's assertions regarding issues with her PECO account and billing. Ms. Wilmer testified to her belief there were multiple accounts associated with her, stating:

Yeah, August 28th, that's when I went into my PECO account and noticed that I had two PECO accounts associated with my information. And I recently went back on there to check again and see if there still was [sic] two accounts, but this time, it just said -- it said something different than last

time. Last time, it said I had two accounts associated with my information, and this time, it says there's too many accounts associated with this -- with my information.

Tr. at 25. In response to Ms. Wilmer's assertions, PECO offered the testimony of Mr. Michael Begley, a Regulatory Assessor tasked with account review and management of formal complaints filed with the Commission against PECO. Tr. at 44-45. Mr. Begley testified, as follows:

The account number changed in the beginning of this year [2024] with our new system coming online, but other than that, everything is still the same. And I didn't see another account that was in her name besides this one.

Tr. at 45. Upon review, we find that Mr. Begley's testimony is of, at the very least, equal weight to that provided by Ms. Wilmer, especially in light of the fact no evidence was entered into the record to support Ms. Wilmer's testimony that "too many accounts" were associated with her information. Therefore, *Burleson* supports the Commission's finding that Ms. Wilmer has not satisfied her burden of proof as to this issue.

Accordingly, we shall reject Ms. Wilmer's Exceptions and adopt the Initial Decision of ALJ Guhl. We find no basis within the Exceptions to support the modification or reversal of the Initial Decision and agree with ALJ Guhl that Ms. Wilmer failed to meet her burden of proving that PECO did not provide her with safe, adequate, and reasonable service. Therefore, the Complainant's Exceptions shall be denied.

IV. Conclusion

Based upon our review of the record and applicable law, we shall deny the Exceptions filed by Dontissa Wilmer and adopt the Initial Decision of Administrative Law Judge Marta Guhl, issued on April 11, 2025, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Exceptions of Dontissa Wilmer, filed on April 30, 2025, to the Initial Decision of Administrative Law Judge Marta Guhl, issued on April 11, 2025, at Docket No. C-2024-3050153 are denied, consistent with this Opinion and Order.

2. That the Initial Decision of Administrative Law Judge Marta Guhl, issued on April 11, 2025, at Docket No. C-2024-3050153, is adopted, consistent with this Opinion and Order.

3. That the Formal Complaint filed by Dontissa Wilmer on July 18, 2024, against PECO Energy Company at Docket No. C-2024-3050153 is denied and dismissed, consistent with this Opinion and Order.

4. That this proceeding be marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script that reads "Matthew L. Homsher".

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: June 5, 2025

ORDER ENTERED: June 5, 2025