

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Edward Ruffin	:	
	:	
v.	:	F-2025-3052776
	:	
PECO Energy Company	:	

**INITIAL DECISION**

Before  
Alphonso Arnold III  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the Formal Complaint of an electric utility customer, finding that Commission review of the balance transfer the customer contests in his Complaint is barred by the statute of limitations.

**HISTORY OF THE PROCEEDING**

On January 2, 2025, Edward Ruffin (“Mr. Ruffin” or “Complainant”) filed a Formal Complaint against PECO Energy Company (“PECO” or “Respondent”) with the Pennsylvania Public Utility Commission (“Commission”), alleging that there were incorrect charges on his bill. Specifically, Mr. Ruffin claimed that PECO required payment of the outstanding balance of his deceased mother (Theresa Ruffin) as a condition of establishing electric service at 200 Londonderry Road, Darby, PA 19023. Mr. Ruffin argued that he should not be responsible for his mother’s outstanding account

balance because he did not live at 200 Londonderry Road prior to him moving into the address in July 2017.

The Complaint is a timely appeal from a decision issued by the Commission's Bureau of Consumer Services ("BCS") at BCS Case No. 4003596. The timely appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On January 23, 2025, PECO filed an Answer to the Complaint. PECO asserted that Theresa Ruffin's account for service at 200 Londonderry Road was finalized with an account balance of \$3,621.88. When Mr. Ruffin contacted PECO about placing service at 200 Londonderry Road in his name, PECO advised Mr. Ruffin that public records associated him with 200 Londonderry Road and that he would be responsible for his mother's outstanding balance if service was placed in his name. PECO asserted that Mr. Ruffin established service at 200 Londonderry Road on August 11, 2017, and his mother's outstanding account balance was placed in his name. PECO further asserted that on January 8, 2019, Mr. Ruffin stopped service at the service address with an outstanding balance of \$2,143.33. On January 2, 2019, Mr. Ruffin established service at 8011 Buist Avenue, Philadelphia, PA 19153 and PECO transferred the outstanding balance of \$2,143.33 from Mr. Ruffin's account at 200 Londonderry Road to his new account at 8011 Buist Avenue. PECO concluded its Answer by requesting dismissal of the Complaint.

On January 29, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling this matter for a telephonic evidentiary hearing on April 15, 2025, and assigning this matter to me as Presiding Officer.

On January 30, 2025, the Commission issued a Prehearing Order which provided the parties with the procedural rules that would govern the evidentiary hearing.

On April 15, 2025, the evidentiary hearing was held as scheduled. Mr. Ruffin appeared for the hearing, testified on his own behalf, and presented the testimony of Rashida Watson, his fiancée. Tr. 26. Mr. Ruffin sponsored three exhibits (Ruffin Exhibits 1-3) that were admitted into the record. Attorney Khadijah Scott represented PECO at the hearing and presented the testimony of Ramona Milburn, a regulatory assessor employed by PECO. Tr. 39. Ms. Milburn sponsored four exhibits (PECO Exhibits 1-4) that were admitted into the record.

On May 6, 2025, an 88-page electronic transcript of the evidentiary hearing was filed with the Commission. The record was closed on this date.

This matter is ready for resolution. For the reasons discussed below, the Complaint will be dismissed.

#### FINDINGS OF FACT

1. Complainant is Edward Ruffin.
2. Respondent is PECO Energy Company.
3. Theresa Ruffin (“Ms. Ruffin”) was Mr. Ruffin’s mother, who passed away in August 2016. Tr. 7, 21.
4. Ms. Ruffin had a PECO electric service account at 200 Londonderry Lane, Darby, PA 19023 and had a final account balance of \$3,621.88. Tr. 42; PECO Exhibit 1, p. 6.
5. On July 10, 2017, service was established at 200 Londonderry Lane in Mr. Ruffin’s name. Tr. 47.

6. On August 16, 2017, Ms. Ruffin's final account balance of \$3,621.88 was transferred to Mr. Ruffin's account at 200 Londonderry Lane. PECO Exhibit 2, p. 1.

7. On January 8, 2019, Mr. Ruffin's account at 200 Londonderry Lane was closed with an outstanding account balance of \$2,143.33. Tr. 50.

8. On February 6, 2019, Mr. Ruffin's outstanding account balance of \$2,143.33 was transferred to his new account at 8011 Buist Avenue, Philadelphia, PA 19153. Tr. 50; PECO Exhibit 2, p. 3.

9. On July 22, 2024, Mr. Ruffin filed an Informal Complaint with the Commission's BCS, docketed at BCS No. 4003596, challenging the transfer of his mother's final account balance to his account balance. Tr. 53; PECO Exhibit 5.

## DISCUSSION

### *Legal Standards*

The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977). Thus, the Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa. Super. 1945). 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). To this end, the Commission has consistently held that Section 3314 of the Public Utility Code, 66 Pa.C.S. § 3314, "is non-waivable because it terminates the right to bring an action as well

as any remedy the Commission may order.” *Kovarikova v. Pa. Am. Water Co.*, Docket No. C-2017-2592131 (Opinion and Order entered Aug. 23, 2018). Specifically, Section 3314 provides:

**§ 3314. Limitation of actions and cumulation of remedies**

**(a) General rule.**-- No action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefore arose, except as otherwise provided in this part.

66 Pa.C.S. § 3314(a).

Additionally, Section 1312(a) of the Code addresses the limitations in a refund proceeding. Section 1312(a) states, in pertinent part:

**§ 1312. Refunds**

If, in any proceeding involving rates, the Commission shall determine that any rate received by a public utility was unjust or unreasonable, or was in violation of any regulation or order of the Commission, or was in excess of the applicable rate contained in an existing and effective tariff of such public utility, the Commission shall have the power and the authority to make an order requiring the public utility to refund the amount of any excess paid by any patron, in consequence of such unlawful collection, within four years prior to the date of the filing of the complaint, together with interest at the legal rate from the date of such excessive payment.

66 Pa.C.S. § 1312(a).

## *Analysis*

In this matter, Mr. Ruffin claims that Ms. Ruffin's final account balance was improperly transferred to him. For relief, he requests that this amount be excused from his balance. Mr. Ruffin's claim must be dismissed as being barred by the applicable statute of limitations.

Record evidence shows that Ms. Ruffin had a final account balance at 200 Londonderry Lane of \$3,621.88. Tr. 42; PECO Exhibit 1, p. 6. As a condition of Mr. Ruffin establishing service at 200 Londonderry Lane, PECO transferred Ms. Ruffin's final account balance to Mr. Ruffin. Mr. Ruffin's statement of account for service at 200 Londonderry Lane shows that Ms. Ruffin's final account balance of \$3,621.88 was transferred to Mr. Ruffin's account on August 16, 2017. PECO Exhibit 2, p. 1. Mr. Ruffin filed an Informal Complaint with the BCS regarding the transfer of this balance on July 22, 2024. Tr. 53; PECO Exhibit 5. This Formal Complaint is a timely appeal of the BCS's decision regarding Mr. Ruffin's Informal Complaint.

Complainant's liability for the balance transfer arose on August 16, 2017, the date PECO transferred Ms. Ruffin's balance to Mr. Ruffin. Mr. Ruffin filed his Informal Complaint on July 22, 2024, well beyond the three-year statute of limitations under 66 Pa.C.S. § 3314(a). As such, a review of PECO's actions as it relates to the transfer of Ms. Ruffin's final account balance to Mr. Ruffin's account balance is barred by the statute of limitations. Section 3314(a) of the Code divests the Commission of jurisdiction to hear the Complainant's action.

Alternatively, to the extent that this matter could be viewed as a request for a refund or credit of what has been billed to Mr. Ruffin regarding the balance transfer, this matter is barred as being well beyond the four-year limitation for refunds under 66 Pa.C.S. § 1312(a).

For the above reasons, Mr. Ruffin's Complaint will be dismissed in the Ordering paragraphs below.

### CONCLUSIONS OF LAW

1. The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).
2. The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa. Super. 1945).
3. Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).
4. 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).
5. No action for the recovery of any penalties or forfeitures or any prosecution shall be maintained unless brought within three years from the date at which the liability arose. 66 Pa.C.S. § 3314(a).
6. Section 3314 of the Public Utility Code "is non-waivable because it terminates the right to bring an action as well as any remedy the Commission may order." *Kovarikova v. Pa. Am. Water Co.*, Docket No. C-2017-2592131 (Opinion and Order entered Aug. 23, 2018).

