

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

K Fish Comestible

Complainant

v. Docket No. C-2025-3056317

PECO Energy Company

Respondent

OBJECTION TO PECO'S REQUEST FOR NUNC PRO TUNC RELIEF

K Fish Comestible ("K Fish"), by and through its owner Dr. Tony Gardner, hereby objects to PECO Energy Company's ("PECO") request for nunc pro tunc relief and respectfully requests that the Commission DENY such request for the following reasons:

I. STATEMENT OF THE CASE

K Fish filed a formal complaint on July 17, 2025, documenting PECO's repeated failures to maintain adequate electrical service, resulting in catastrophic damage to our community grocery store. PECO has now missed procedural deadlines and seeks retroactive relief from this Commission.

II. PECO'S REQUEST SHOULD BE DENIED

A. PECO Has Shown No Good Cause for Its Delay

PECO is a sophisticated utility company with extensive legal resources and experience before this Commission. The company has provided no legitimate excuse for missing established deadlines. This is not a case of excusable neglect but rather continues the pattern of inadequate response documented in our complaint.

B. K Fish Suffers Ongoing Prejudice from Further Delays

Each day of delay causes concrete harm:

1. **Daily Financial Losses:** Our refrigeration systems remain compromised, causing daily inventory spoilage in extreme heat exceeding 100 degrees.
2. **Community Harm:** Elderly, disabled, and low-income residents in this food desert lack access to fresh groceries while PECO seeks procedural delays.
3. **Public Safety Risk:** PECO's incomplete repairs (fixing only 2 of 3 phases) create ongoing electrical hazards requiring immediate resolution, not procedural delays.
4. **Program Disruption:** Our workforce development program for formerly incarcerated individuals remains suspended, breaking the rehabilitation pathway for vulnerable community members.

C. Granting Relief Would Reward PECO's Pattern of Negligence

The same carelessness PECO demonstrates in maintaining our electrical service is now evident in its litigation conduct:

- Failed to properly maintain three-phase power line despite notice
- Applied inadequate "band-aid" repairs after first failure
- Avoided scheduled management meeting on July 25, 2025
- Performed incomplete after-hours repairs without supervision
- Now seeks excuse for procedural failures

This Commission should not enable PECO's systemic negligence by excusing procedural defaults.

D. The Merits Strongly Favor Denial

Our complaint documents:

- Two catastrophic failures within 12 months
- Over \$100,000 in combined losses
- PECO's actual knowledge of defects after first incident
- Failure to implement permanent solutions
- Discriminatory service in low-income community

These substantive issues demand prompt resolution, not procedural delays that benefit only PECO while our community suffers.

III. REQUEST FOR SANCTIONS

If PECO has indeed missed the Answer deadline, K Fish respectfully requests that the Commission:

1. DENY the nunc pro tunc request
2. Enter appropriate sanctions, including possible default
3. Expedite resolution given the public safety concerns
4. Award all costs and fees associated with this objection

IV. CONCLUSION

PECO's request epitomizes its approach to our community: seeking accommodations for its own failures while vulnerable residents suffer without essential services. This Commission exists to protect consumers from exactly this type of utility conduct. K Fish respectfully requests that the Commission DENY PECO's request and proceed with appropriate sanctions for PECO's procedural default.

Respectfully submitted,

Dr. Tony Gardner
Owner-Operator
K Fish Comestible

Date: 8/6/2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Objection has been served upon PECO Energy Company's counsel of record via electronic mail on this 8th day of August, 2025.