

Tony Gardner

K Fish Comestible LLC

664 Lincoln Highway

Fairless Hills, PA 19030

Email: docfright@aol.com

URGENT - SAFETY ISSUE

August 15, 2025

Via Electronic Filing and Email

Matthew Homsher, Esquire

Secretary

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA 17105-3265

Re: Docket No. C-2025-3056317

Tony Gardner v. PECO Energy Company

URGENT: Ongoing Service Failure - Third Incident Today

Dear Secretary Homsher:

I am writing to inform the Commission of an urgent and deteriorating situation that validates every concern raised in my formal complaint against PECO Energy Company.

Today's Service Failure - The Pattern Continues

This morning, August 15, 2025, K Fish Comestible experienced yet another partial power outage at our facility at 2401 N. Front Street, Philadelphia. The lights are currently flashing intermittently, creating hazardous working conditions and making it nearly impossible to maintain normal business operations. We have notified PECO, but based on their past pattern of inadequate repairs, we have little confidence in a proper resolution.

This Proves Our Point: The "Band-Aid" Repairs Have Failed

As detailed in our formal complaint and response to PECO's preliminary objections:

1. First leg of three-phase system failed - PECO applied a "band-aid" fix
2. **July 2025:** Second leg failed - another temporary patch
3. **August 15, 2025 (TODAY):** System failing again - lights flashing, partial power loss

We predicted this would happen. PECO's own technician admitted they only fixed two legs and never touched the third leg. This is not speculation - this is the inevitable result of PECO's inadequate maintenance practices.

Immediate Safety Concerns

The current situation presents several dangers:

- **Fire hazard** from unstable electrical supply
- **Equipment damage** from power fluctuations
- **Worker safety** issues from flashing/inadequate lighting
- **Food safety** concerns for our refrigerated inventory
- **Customer safety** if we attempt to remain open

PECO's Preliminary Objections Are Now Moot

While PECO's attorneys file procedural objections claiming we're improperly seeking damages, **their equipment continues to fail and endanger our business.** Today's failure demonstrates:

1. PECO has NOT provided adequate service per 66 Pa.C.S. § 1501
2. The service issues are ongoing and getting worse
3. Their "band-aid" approach has predictably failed again
4. This is exactly the pattern we documented in our complaint

Request for Emergency Commission Action

Given the ongoing nature of these failures and the safety risks involved, we respectfully request:

1. **Expedited ruling** on PECO's preliminary objections - this is not about money, it's about safety
2. **Emergency order** requiring PECO to properly repair ALL THREE LEGS of the three-phase system immediately
3. **Investigation** into PECO's pattern of inadequate repairs at this location
4. **Safety inspection** by Commission staff of PECO's three-phase infrastructure

The Irony Is Not Lost

PECO's inadequate service continues to fail. While their lawyers argue about jurisdiction and whether we need an attorney, their infrastructure is actively failing and creating dangerous conditions.

Documentation

We are documenting today's outage with:

- Videos of flashing lights
- Time stamps of power fluctuations
- Business impact records

This Is Not About Money - It's About Safety

PECO's preliminary objections focus on our alleged request for damages. Today's failure makes clear: **this is about requiring PECO to provide safe, adequate, and reliable three-phase electrical service.** We cannot operate a food service business with flashing lights and intermittent power.

Conclusion

The Commission advised us to file a formal complaint because the informal process was inadequate. We did so. Now, while PECO attempts procedural delays, their system continues to fail. Today's incident proves that immediate Commission intervention is necessary.

We are asking for safe, reliable three-phase power with all three legs functioning properly - the bare minimum required under Pennsylvania law.

Please expedite consideration of this matter. Every day of delay is another day of danger.

Respectfully submitted,



Tony Gardner
Sole Member, K Fish Comestible LLC

Date: August 15, 2025

cc:

Margaret A. Morris, Esquire (via email)
Emergency Management - City of Philadelphia (for awareness)

VERIFICATION

I, Tony Gardner, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904.



Tony Gardner
Date: August 15, 2025