

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Georgianna Simmons	:	
	:	
v.	:	F-2025-3056322
	:	
PECO Energy Company	:	

**INTERIM ORDER  
GRANTING PECO’S MOTION TO FILE ANSWER *NUNC PRO TUNC***

On July 11, 2025, Georgianna Simmons (Complainant or Ms. Simmons) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission), against PECO Energy Company (PECO, Company, or Respondent) indicating that the Company was threatening to shut off or had already shut off his utility service and that there were incorrect charges on her bills. The Complainant also indicated that PECO placed her on budget billing without her consent and she requested that PECO correct its billing error.

The Complaint was served on PECO by the Commission’s Secretary’s Bureau on July 17, 2025. The deadline for PECO to file its answer was August 6, 2025. 52 Pa Code § 5.61(a). By August 6, 2025, PECO had not filed an answer.

On August 7, 2025, PECO filed an Answer as well as a Motion to File Answer *Nunc Pro Tunc* (Motion). In its Motion, PECO explains that while it was served by the Commission with the Complaint on July 17, 2025, due to a catastrophic failure in the outside counsel’s firm’s computer network, it was unable to file the Answer by August 6, 2025.

In its Answer, PECO admits that a 10-day shut off notice was issued for the Complainant’s delinquent account, but it was stayed by the Informal Complaint. PECO also admits that the Complainant’s account was erroneously placed on budget billing as the result of a

previous Informal Complaint, but that PECO has corrected this error. PECO denied that there were incorrect charges on the Complainant's account.

The Motion contained a Notice to Plead, directing Complainant to file a Complaint within 20 days of service. Any response to the Motion would have been due by August 27, 2025.

As of the date of this Order, the Complainant has not filed a response to the Motion.

It is now appropriate to rule on the Motion.

### Discussion

Pursuant to 52 Pa. Code § 5.61, the Company's Answer to the Formal Complaint was due for filing on or before August 6, 2025. On August 7, 2025, the Company filed its Answer, one day late.

Commission regulations at 52 Pa. Code § 1.1 *et seq.* govern rules of administrative practice and procedure before the Public Utility Commission. The Commission's rules provide that the procedural rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. 52 Pa. Code § 1.2. Furthermore, the Pennsylvania Commonwealth Court has held that the Commission has authority to waive procedural defects when they do not affect the substantive rights of the parties. *Info. Connections, Inc. v. Pennsylvania Public Utility Commission*, 630 A. 2d 498 (Pa. Cmwlth. 1993).

In this matter, the late filing of the Answer was due to a failure in outside counsel's firm's computer system, which was out of PECO's control. The matter has not been scheduled for hearing as of this date. The Answer was filed one day late which is *de minimis* in nature, and does not create any prejudice against the Complainant.

Further, due to the nature of the claims in the Complaint, it is in the interest of both parties (as well as the public interest) that this matter be heard fully on the merits.

Therefore, PECO's Answer filed on August 7, 2025, shall be treated as if it was filed timely on August 6, 2025.

Further, the parties should be advised that at the evidentiary hearing, Complainant will bear the burden to present substantial evidence the Company violated a statute which the Commission has jurisdiction to administer, a tariff provision, or a regulation or order of the Commission. 52 Pa. Code § 5.12(a).

THEREFORE,

IT IS ORDERED:

1. That the Motion of PECO Energy Company to File Answer *nunc pro tunc* at F-2025-3056322 is granted.
2. That the matter shall be scheduled for an evidentiary hearing.

Date: September 18, 2025

\_\_\_\_\_/s/  
Marta Guhl  
Administrative Law Judge

**F-2025-3056322 - GEORGIANNA JOHNSON SIMMONS v. PECO ENERGY COMPANY**

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