

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ifedoo Enigwe :
 :
 v. : C-2025-3055408
 :
 PECO Energy Company - Electric :

Ifedoo Enigwe :
 :
 v. : C-2025-3055430
 :
 PECO Energy Company - Gas :

ORDER
DENYING MOTIONS FOR SUBPOENA

On May 20, 2025, Ifedoo Enigwe (“Complainant”) filed a Formal Complaint against PECO Energy Company – Electric division, with the Pennsylvania Public Utility Commission (“Commission”). Also on the same date, Complainant filed an identical Formal Complaint against PECO Energy Company – Gas division. In the Formal Complaints, Complainant alleged that PECO took \$1,238.05 from his bank account in error. For relief, Complainant asked that PECO be ordered to refund him \$1,238.05. The Complaints were served on PECO on May 28, 2025.

On June 17, 2025, PECO filed Answers to the Formal Complaints, admitting or denying the allegations of the Complaints. PECO specifically asserted that a payment in the amount of \$1,238.05 and a processing fee of \$2.25, totaling \$1,240.30, was charged back to Complainant’s bank on March 19, 2025. PECO concluded its Answers by requesting dismissal of the Formal Complaints.

On June 26, 2025, these matters were scheduled for an evidentiary hearing on September 30, 2025.

On August 1, 2025, by Order, the Formal Complaints were consolidated.

On September 17, 2025, Complainant filed Motions for Issuance of Subpoena for PNC Bank Officials at both dockets. In his Motions, Complainant asked the Commission to issue a subpoena for the attendance and testimony of “appropriate officials from PNC Bank” and to direct “that the subpoena require the witness(es) to bring all records, documents, and communications related to any alleged payments or transactions between PNC Bank and PECO Energy Company, particularly regarding the \$1,248.00 in question” for the evidentiary hearing scheduled in these matters.

The Commission’s authority to issue subpoenas to compel the testimony of witnesses is contained in Sections 309 of the Public Utility Code:

The commission, or its representative, shall have the power, in any part of this Commonwealth, to subpoena witnesses, to administer oaths, to examine witnesses, or to take such testimony, or compel the production of such books, records, papers, and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation, or hearing, held by it, and to do all necessary and proper things and acts in the lawful exercise of its powers or the performance of those duties.

66 Pa.C.S. § 309. *See also* 66 Pa.C.S. § 331(d)(2) (authorizing presiding officers to issue subpoena).

The requirements for service of the written subpoena applications are found at 52 Pa. Code § 5.421(c). Written applications must be served upon the presiding officer and the person or individual for whom the subpoena is sought when the person is not a party to the case. *See* 52 Pa. Code § 5.421(c)(2), (5). Complainant’s applications were not served upon me at the time of its filing, and the certificates of service do not indicate that it was served upon the PNC official or officials for whom the subpoena is sought.

The requirements for the form of a written application are found at 52 Pa. Code § 5.421(b). Of note, the application must contain a notice that a response or objection to the application shall be filed with the Commission and presiding officer within 10 days of service of the application. 52 Pa. Code § 5.421(b)(3). Complaints' applications do not contain such a notice.

Lastly, I note that the Motions were filed on September 17, 2025. The evidentiary hearing is scheduled for September 30, 2025. Even if the service and notice requirements cited above were met, the Motions were not filed in enough time in advance of the hearing so that I could address any potential objections to the Motions.¹ Additionally, due to the lateness of the filing of the Motions, if the applications were granted Complainant would not be able to serve copies of the subpoena upon the PNC Official or Officials in advance of the hearing.

Given these above defects in the Motions, they will be denied in the Ordering paragraphs below.

¹ (f) *Objections and decision.* A party, person or individual objecting to an application for a subpoena under this section may do so within 10 days in accordance with subsection (b)(3). The administrative law judge will address an objection within 10 days of the assignment of any objection filed under this section. 52 Pa. Code § 5.421(f).

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