

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Public Meeting held September 25, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Kathryn L. Zerfuss  
John F. Coleman, Jr.  
Ralph V. Yanora

Dontissa Wilmer

C-2024-3050153

v.

PECO Energy Company

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration (Petition), filed by Dontissa Wilmer (Ms. Wilmer or Petitioner) on June 20, 2025,<sup>1</sup> seeking reconsideration

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<sup>1</sup> The Petition was sent via Certified Mail and dated June 20, 2025. However, it was not stamped as received by the Commission's Secretary's Bureau until July 2, 2025. Pursuant to 52 Pa. Code §1.11(a)(3), the Petition is deemed as filed and received by the Commission on June 20, 2025. Further, the Petition did not include a Certificate of Service indicating it had been served upon PECO Energy Company. The Secretary's Bureau issued a Secretarial Letter serving the Petition upon PECO Energy Company on July 3, 2025.

of the Commission’s Opinion and Order entered June 5, 2025 (*June 2025 Order*), in the above-captioned proceeding. The Commission’s *June 2025 Order* adopted the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Marta Guhl, issued on April 11, 2025. In adopting the Initial Decision, the *June 2025 Order* denied the Exceptions filed by Ms. Wilmer on April 30, 2025, and dismissed Ms. Wilmer’s Formal Complaint (Complaint), filed against PECO Energy Company (PECO or the Company).

No Answer to the Petition has been filed.

### **I. History of the Proceeding**

On July 16, 2024,<sup>2</sup> Ms. Wilmer filed the Instant Complaint against PECO. In the Complaint, Ms. Wilmer selected “Other” as the type of problem she was having, and provided a narrative stating, in relevant part:

The PECO powerlines and my PECO electrical box on my property have been tampered with. There has [sic] been PECO technicians out to my home but yet the issues remain. Due to my PECO power lines being compromised, the electrical outlets in my home are hacking all my devices and are affecting my appliances. I reported to PECO that I believe my neighbors on both sides of me were stealing electric. The powerlines on my property were separated and a thin grey wire was loosen. I notice that my Electricial [sic] box numbers weren’t changing...

Complaint at 2 (errors in original). For relief, Ms. Wilmer demanded the following:

I want a formal Hearing to meet face to face with PECO. I want answers to why did PECO illegally and with[out] authorization come onto my property and tampered with my Powerlines and Electricial [sic] box. I want the Powerlines

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<sup>2</sup> The Complaint was served upon PECO by the Commission’s Secretary’s Bureau on July 18, 2024.

and my Electrical box fixed to stop compromising my Electrical [sic] outlets. I also would like to address why PECO Technicians who were not assigned my work ticket visit my home. I want PECO to address the unprofessionalism of their Technicians [sic].

*Id.* at 3 (errors in original).

On July 25, 2024, Ms. Wilmer filed a document with the Commission titled “Additional Statement to Formal Complaint.” On July 29, 2024, July 30, 2024, August 6, 2024, August 27, 2024, and, August 28, 2024, Ms. Wilmer filed additional documents with the Commission. In each of these documents, the Complainant reiterated the facts alleged in her Complaint, while providing background information regarding her claims. On September 2, 2024, Ms. Wilmer filed “Exhibits 1-10” to her Complaint.<sup>3</sup>

On August 7, 2024, PECO filed an Answer to the Complaint (Answer). In its Answer, PECO admitted and denied the various portions of the Complaint, firmly denying “all material allegations of fact and conclusions of law” relating to the tampering alleged by Ms. Wilmer. Answer at 1. Specifically, PECO stated that:

Within the Complaint, the Complainant states that PECO is illegally tampering with her powerlines and electrical box. On June 6, 2024, PECO’s revenue protection technician inspected the Complainant’s property. The seal on PECO’s meter was intact and no theft of services were identified. The Complainant was advised that the grounding wire on her meter box was a [C]omcast wire, not an indication of theft. The Complainant was also advised that the meter in her basement was a Philadelphia Gas Works (PGW) meter and not a PECO meter. The Complainant was instructed to

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<sup>3</sup> These Exhibits were subsequently made part of the record at the November 21, 2024, hearing in this matter.

contact an electrician to investigate her sparking outlet concerns.

*Id.* at 1-2. Based on the assertions made in its Answer, PECO requested that the Commission dismiss Ms. Wilmer's Complaint. *Id.* at 3.

On September 5, 2024, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling a telephonic hearing for November 21, 2024. A Prehearing Order, outlining the procedures for the hearing, was issued on October 24, 2024. I.D. at 2.

The telephonic hearing was convened as scheduled on November 21, 2024. Ms. Wilmer appeared *pro se* and offered her own testimony. Ms. Wilmer offered four exhibits, which were entered into the record without objection. PECO appeared, with counsel, and offered the testimony of two witnesses. PECO also offered three exhibits, which were admitted into the record without objection. I.D. at 2.

The record in this matter closed on January 17, 2025, when a copy of the transcript was filed with the Commission. I.D. at 2.

As referenced, *supra*, an Initial Decision was issued in this matter on April 11, 2025. Therein, ALJ Guhl dismissed Ms. Wilmer's Complaint based on her finding that Ms. Wilmer failed to meet her burden of proving that the Company did not provide safe, adequate, and reasonable service. I.D. at 10.

Exceptions were filed by Ms. Wilmer on April 30, 2025.<sup>4</sup>

Reply Exceptions were filed by PECO on May 6, 2025.

On June 5, 2025, the Commission entered its *June 2025 Order*, denying Ms. Wilmer's Exceptions, denying and dismissing the Complaint, and adopting the ALJ's Initial Decision.

As previously noted, Ms. Wilmer filed her Petition on June 20, 2025, seeking reconsideration of the *June 2025 Order*. The Company did not file an Answer to the Petition.

By Opinion and Order entered July 7, 2025, we granted reconsideration of the *June 2025 Order* pending further review of, and consideration on, the merits, pursuant to Pa. R.A.P. 1701(b)(3).

## II. Discussion

### A. Legal Standards

With respect to petitions for rehearing, reconsideration, rescission, and amendment of Commission orders, the Public Utility Code (Code) establishes a party's right to seek relief within fifteen days following the service of a Commission order

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<sup>4</sup> Ms. Wilmer filed a document titled "Corrected Exceptions" on May 1, 2025. The Corrected Exceptions mirrored the April 30, 2025, Exceptions in content but corrected errors in the filing of the Exceptions. Namely, Ms. Wilmer signed her Corrected Exceptions, with her signature missing from her April 30, 2025, filing. Both filings were timely pursuant to 52 Pa. Code § 5.533(a).

pursuant to Subsection 703(f). 66 Pa.C.S. § 703(f) (relating to rehearing).<sup>5</sup> Upon the filing of a petition for relief pursuant to Section 703(f), the Commission may affirm, rescind, or modify its original order. 66 Pa.C.S. § 703(f). The Code further provides that the Commission may, at any time, after notice and opportunity to be heard by all affected parties, rescind or amend any order made by the Commission, pursuant to Section 703(g). 66 Pa.C.S. § 703(g) (relating to rescission and amendment of orders). A request for relief pursuant to § 703(f) or § 703(g) must be brought as a petition for relief consistent with Section 5.572 of Commission Regulations. 52 Pa. Code § 5.572 (relating to petitions for relief).

Petitions for relief predicated upon Sections 703(f) and 703(g) of the Code, whether brought under Section 5.572(c) of Commission Regulations as a petition for reconsideration, rehearing, reargument, clarification, supersedeas, or others within fifteen days of the service of a Commission order, or under Section 5.572(d) as a petition for rescission or amendment filed at any time following service of a Commission order, are reviewed by the Commission as matters seeking relief falling within the agency's discretion.

The Commission's application of the standard for granting a petition for amendment, reconsideration, or rescission is set forth in *Philip Duick, et al. v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982) (*Duick*) as follows:

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part on the grounds that the decision or

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<sup>5</sup> Petitions under this section which do not allege new evidence are typically treated as petitions for reconsideration. Petitions for rehearing pursuant to Section 703(f) of the Code typically include an allegation of new evidence. 66 Pa.C.S. § 703(f); see *West Penn Power Co. v. Pa. PUC*, 659 A. 2d 1055 (Pa. Cmwlth. 1995).

ruling of the Commission on a matter or issue was either unwise or in error.

In this regard we agree with the Court in the *Pennsylvania Railroad Company* case, wherein the Court said,

[b]ut the grounds for reconsideration should be restricted to the new matters and new or changed conditions set up in the joint petition, which had arisen since and were not presented in the several petitions of these appellants ... and dismissed by the Commission ... and not appealed from. Parties,..., cannot be permitted, by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them and not appealed from. ...

*Pennsylvania Railroad Co. v. Public Service Commission*, [179 A. 850, 854 (Pa. Super. 1935)].

What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

*Duick* at 559; see also *AT&T v Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlt. 1990).

The Commission utilizes a two-step analysis in determining whether to exercise its discretion to grant relief under *Duick*. See, e.g., *SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket Nos. C-2012-2304183 and C-2012-2304324 (Opinion and Order entered May 9, 2019)<sup>6</sup> at 4-5 (discussing *Application of La Mexicana Express Service, LLC, to transport persons in*

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<sup>6</sup> *Affirmed, Phila. Gas Works v. Pa. PUC*, 249 A.3d 963 (Pa. 2021), remand granted, in part, 256 A.3d 1092 (Pa. 2021) (Table).

*paratransit service, between points within Berks County*, Docket No. A-2012-2329717; A-6415209 (Opinion and Order entered September 11, 2014)). The first step is to determine whether a party has offered any basis to persuade the Commission to exercise its discretion, including but not limited to, new and novel arguments or identified considerations that appear to have been overlooked or not addressed by the Commission in its previous order. This initial step examines whether a party raises the same questions which were specifically considered and decided against them by a prior Order of the Commission. If so, it is unlikely that the Commission will be persuaded to exercise its discretion to grant relief. *Duick* at 559 (citing *Pennsylvania Railroad Co. v. Public Service Commission*, 179 A. 850 (Pa. Super. 1935)). The second step of the *Duick* analysis is to evaluate any matter the Commission has deemed worthy of consideration, to determine whether to grant any relief.

Finally, we note that any argument not specifically discussed herein shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

## **B. June 2025 Order**

In the *June 2025 Order*, the Commission denied Ms. Wilmer's Exceptions and adopted ALJ Guhl's Initial Decision, which denied and dismissed Ms. Wilmer's July 16, 2024, Complaint. *June 2025 Order* at 15. In her Exceptions, Ms. Wilmer argued that the ALJ failed to consider certain evidence and testimony offered by Ms. Wilmer, and therefore, the Initial Decision was not supported by substantial evidence.

The Commission, in its *June 2025 Order*, after a careful review of the record evidence in this matter, found the Initial Decision was supported by substantial evidence and properly decided by ALJ Guhl. Notably, the Commission found “that the substantial evidence provided by PECO, through the testimony of its witnesses, outweighs the unfounded conclusions and opinions offered by Ms. Wilmer... .” *June 2025 Order* at 11.

In adopting the findings of the ALJ in the Initial Decision, the *June 2025 Order* cited Commission precedent regarding the evidentiary burden imposed on Ms. Wilmer as the Complainant and the weight given to mere bald assertions and opinion offered in her testimony, finding that Ms. Wilmer’s opinions and conclusions were not sufficient to meet her evidentiary burden of showing substantial proof that PECO had failed to provide safe, adequate, and reasonable service, particularly considering the substantial, credible testimony submitted by PECO countering Ms. Wilmer’s allegations. *June 2025 Order* at 14; *see also Norman v. Phila. Gas Works*, Docket No. C-2018-2640719 (Opinion and Order entered October 7, 2021) (*Norman*); *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff’d*, 461 A.2d 1234 (Pa. 1983) (*Burleson*).

The *June 2025 Order* cited Commission precedent for the position that Ms. Wilmer’s opinions and conclusions were not sufficient to meet her evidentiary burden of showing substantial proof that PECO had failed to provide safe, adequate, and reasonable service. *June 2025 Order* at 14; *see also Norman*. Additionally, we noted in the *June 2025 Order* “that the substantial evidence provided by PECO, through the testimony of its witnesses, outweighs the unfounded conclusions and opinions offered by Ms. Wilmer... .” *June 2025 Order* at 11.

In reaching these conclusions, the *June 2025 Order* and Initial Decision referenced the substantial record in this matter, including exhibits and testimony presented by both Parties. *June 2025 Order* at 11-14; I.D. at 5-9.

### **C. Petition**

Ms. Wilmer filed a Petition for Reconsideration on June 20, 2025. The Petition is labeled as a “Notice of Appeal.” However, the Petition is addressed to the Commission, reflects the docket number of this matter, and is filed within the fifteen days of the Commission’s Opinion and Order, which is the time period contemplated by the Commission’s Regulations for filing of Petitions for Reconsideration. *See* 52 Pa. Code § 5.572(c). For these reasons, and because the Complainant appears *pro se*, exercising the discretion afforded the Commission in 52 Pa. Code §1.2, we shall consider Ms. Wilmer’s filing to be a timely Petition for Reconsideration of the Commission’s *June 2025 Order*.

The Petition, in relevant part, makes the following four arguments in support of reconsideration:

1. **Misrepresentation of Petitioner's Evidence:** The ALJ and subsequently the PUC claimed the user only submitted 4 exhibits, even though over 50 exhibits were sent and confirmed as received. This misrepresentation prevented a fair evaluation of the case.
2. **Mischaracterization of Petitioner's Evidence:** The users evidence, which included photos and videos of meter anomalies, was incorrectly labeled as “error codes” by the PUC. The evidence documented substantive issues with the smart meter.
3. **Failure to Inspect Petitioner’s Smart Meter and Power Lines:** The PUC failed to conduct an onsite inspection

to verify the meter anomalies and investigate potential unauthorized connections. This undermined their conclusion that PECO provided safe and reasonable service.

4. Failure to Address PECO Witness Testimony: A PECO witness testified about the proper functionality of the meter, including the display of total kilowatts. The user indicates this testimony, which appears to contradict the PUC's findings, was not adequately addressed in the decision.

Petition at 1.

As previously noted, No Reply to the Petition for Reconsideration has been filed by PECO in this matter.

#### **D. Disposition**

After careful consideration of the Petition, the record, and the filings in this matter, we shall deny Ms. Wilmer's Petition for Reconsideration. We are unpersuaded that reconsideration is warranted based upon the contents of the Petition. *Duick*. We note that Ms. Wilmer's Petition consists of a restatement of the arguments made in her underlying Complaint, supported solely by her own opinions and conclusions regarding the characterization of the evidence submitted in this matter.

It is well established that the Commission's decisions must be supported by substantial evidence in the record, with more required than a mere trace of evidence supporting our findings. *Norfolk & West Ry. Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980). The Commission may not rely solely upon the opinions and conclusions of a party for substantial evidence. *Norman*.

Insomuch as Ms. Wilmer, in her Petition, reiterates the arguments, opinions and conclusions she had previously raised in this matter, we find no reason to reconsider our *June 2025 Order* adopting the Initial Decision of ALJ Guhl. In her Initial Decision, as adopted by our *June 2025 Order*, ALJ Guhl previously considered these arguments and found the evidence offered by PECO to outweigh the evidence submitted by Ms. Wilmer. I.D. at 5-9; *June 2025 Order* at 11-14. The Complainant’s repeated assertions also fail the first prong of the *Duick* standard, where the Commission looks to, among other considerations, the advancement of new or novel arguments, or considerations not previously addressed by the Commission in the matter. *See Duick*. Per *Duick*, absent such a showing of new or novel arguments, or considerations not previously addressed, “it is unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.” *Duick* at 559.

Turning to the specific arguments raised by Ms. Wilmer, we similarly find they fail to establish a basis for reconsideration in this matter. Ms. Wilmer’s first assertion, that ALJ Guhl and the Commission misrepresented the evidence she submitted by claiming she only submitted 4 exhibits, is easily rejected by a review of the transcripts and record in this matter. A review of the record in this matter shows roughly 170 individual pages of documentary evidence (photos, bills, correspondence) and 10 videos submitted by Ms. Wilmer. Transcript Exhibits at 1. These individual pieces of evidence were batched into 4 broad groups: (1) photographs of Ms. Wilmer’s electric meter and wiring; (2) videos related to this matter; (3) PECO bills and a police report filed in this matter; and (4) letters and emails. *Id.* Despite Ms. Wilmer’s assertions to the contrary, it is clear the Commission considered all admitted evidence submitted by Ms. Wilmer in deciding this matter. Therefore, Ms. Wilmer’s first argument fails to persuade us to reconsider the *June 2025 Order* adopting ALJ Guhl’s Initial Decision.

Similarly, Ms. Wilmer disputes the characterization of the evidence she submitted regarding the behavior of her smart meter, arguing “[t]he evidence documented

substantive issues with the smart meter.” Petition at 1. Again, Ms. Wilmer’s opinions and conclusions cannot form substantial evidence supporting her arguments regarding the smart meter. *Norman*. Indeed, both the Initial Decision and our *June 2025 Order* considered the behavior of the smart meter in detail, finding the evidence submitted by PECO outweighed that offered by Ms. Wilmer. I.D. at 8; *June 2025 Order* at 12-13. The Commission and its Administrative Law Judges, operating as presiding officers in this matter, have the authority to receive relevant evidence and make decisions based upon that evidence. *See* 66 Pa.C.S. § 331(d), 66 Pa.C.S. §322. Because the weight of the evidence balanced against the Complainant’s claims, we find no reason to reconsider the *June 2025 Order*.

Ms. Wilmer also argues that the Commission’s failure “to conduct an onsite inspection” undermined our rejection of Ms. Wilmer’s claims that PECO failed to provide safe and reasonable service as required by the Code. Petition at 1. As noted above, the Commission and its Administrative Law Judges have authority to receive evidence and make decisions based upon that evidence. Here, both the Initial Decision and our *June 2025 Order* exhaustively considered the evidence submitted by Ms. Wilmer and PECO regarding the service provided in this matter. I.D. at 6-8; *June 2025 Order* at 11-13. PECO offered testimony that its technicians visited the property and inspected the PECO facilities multiple times, finding no anomalies, unauthorized connections, or other issues with the service provided. *June 2025 Order* at 12-13. We find that both the ALJ and the Commission properly considered the evidence in this matter and substantial evidence supported dismissal of Ms. Wilmer’s complaints regarding the safety and reasonableness of the service provided by PECO. We are not persuaded that Ms. Wilmer has provided a valid basis for reconsideration of our *June 2025 Order*.

Ms. Wilmer’s final argument mirrors the assertions made elsewhere in her Petition, focusing on the Commission’s consideration of testimony offered by PECO’s witnesses. Petition at 1. As we have stated above, Ms. Wilmer’s Petition provides no

basis for reconsidering the *June 2025 Order*. The Commission considered and addressed the record in this matter in detail, including direct cites to the record and verbatim quotes from the testimony offered, finding the substantial evidence submitted by PECO outweighed that offered by Ms. Wilmer. *June 2025 Order* at 11-13. Nothing offered in the Petition persuades the Commission to exercise our discretion to reconsider our *June 2025 Order*. *See Duick*.

Therefore, we find that Ms. Wilmer's Petition for Reconsideration fails to provide any persuasive basis upon which to grant reconsideration of our *June 2025 Order*. Accordingly, we shall deny the Petition.

### **III. Conclusion**

For the reasons set forth above, we shall deny the Petition for Reconsideration filed by Dontissa Wilmer, consistent with this Opinion and Order; **THEREFORE,**

#### **IT IS ORDERED:**

1. That the Petition for Reconsideration, filed by Dontissa Wilmer on June 20, 2025, seeking Reconsideration of the Opinion and Order entered on June 5, 2025, at Docket No. C-2024-3050153, is denied, consistent with this Opinion and Order.

2. That this proceeding, at Docket No. C-2024-3050153, be marked closed.

**BY THE COMMISSION,**

A handwritten signature in black ink that reads "Matthew L. Homsher". The signature is written in a cursive style with a large initial 'M'.

Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: September 25, 2025

ORDER ENTERED: September 25, 2025