

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Frances and Sandy Stauffer	:	
	:	
v.	:	C-2025-3056386
	:	
PECO Energy Company Electric	:	

SECOND INTERIM ORDER

On July 17, 2025, Frances and Sandy Stauffer (Complainants) filed a Formal Complaint against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainants placed a checkmark in the boxes marked “I am having a reliability, safety or quality problem with my utility service,” and “[o]ther,” next to which the Complainants referenced a power outage at their home that ruined their refrigerator. As relief, the Complainants requested that the Commission order PECO to pay for their new refrigerator, which cost approximately \$2,499, as well as the lost contents from their old refrigerator, which the Complainants estimated to be approximately \$350.

On August 11, 2025, the Respondent filed an Answer denying that there is a reliability, safety or quality issue with the electric service provided to the service address and denied that the Commission can award compensation for the alleged damage to personal property. The Respondent further answered: that the service address experienced an outage on September 14, 2024, that lasted 57 minutes; that the outage was due to equipment failure and impacted 2,200 customers; and that PECO denied the Complainants’ claim since the outage was not due to any negligence on the part of PECO or its employees.

Also on August 11, 2025, the Respondent filed a Preliminary Objection requesting that the Complainants’ request for monetary damages be stricken from the Formal Complaint for lack of subject matter jurisdiction. The Respondent endorsed its Preliminary

Objection with a Notice to Plead advising the Complainants that they had 10 days to file a written response to PECO's Preliminary Objection.

On August 21, 2025, the Complainants filed a response to the Respondent's Preliminary Objection. In the Response, the Complainants indicated that they "want financial compensation for complete loss of refrigerator."

By Initial Telephonic Hearing Notice dated September 5, 2025, an initial call-in telephonic hearing was scheduled for November 10, 2025, and the matter, including PECO's Preliminary Objection, was assigned to me.

By Interim Order dated October 3, 2025, PECO's Preliminary Objection was sustained, and the portion of the Complaint requesting relief in the form of monetary damages was dismissed. The Interim Order directed that the November 10, 2025, hearing proceed as scheduled to address the remaining allegations set forth in the Complaint.

On November 10, 2025, the hearing was convened as scheduled. Sandy Stauffer appeared *pro se*. Margaret Morris, Esquire, appeared on behalf of Respondent along with two potential witnesses. After a brief discussion at the outset of the hearing, the Complainant orally withdrew her Complaint on the record.

On December 2, 2025, the transcript of the November 10, 2025, hearing was filed with the Commission. Upon review of the hearing transcript, although Ms. Stauffer requested to withdraw her Complaint because the Commission does not have jurisdiction to award damages, I will not grant her request to withdraw at this time because she expressed some interest in pursuing her request for damages in a court of competent jurisdiction.

The parties should be aware that in a complaint against a public utility that seeks monetary damages arising from a failure to provide safe, adequate, reasonable, or efficient service, the Supreme Court has approved of a bifurcated procedure.

The question of the PUC's jurisdiction was before us recently in *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383, A.2d 791 (1977) and *Elkin v. Bell Telephone Co. of Pennsylvania*, 491 Pa. 123, 420 A.2d 371 (1980). In *Feingold*, we held that the courts of common pleas have original jurisdiction to hear suits against public utilities for damages arising from failure to provide adequate service. 477 Pa. at 10, 383 A.2d at 795. *See also, Elkin*, 491 Pa. at 130, 420 A.2d at 375. In *Elkin* we further defined the parameters of our holding in *Feingold*. *Elkin* involved an action challenging the adequacy of a complainant's telephone service, and this Court there approved of a bifurcated procedure for certain situations, whereby the issue of liability is decided initially by the PUC, after which the court of common pleas considers the issue of damages where appropriate. *Elkin*, 491 Pa. at 134, 420 A.2d at 377.

De Francesco v. Western Pennsylvania Water Co., 453 A.2d 595 (Pa. 1982). Thus, service issues are first decided by the Commission, and then a court of common pleas may consider the issue of damages. *DeFrancesco v. Western Pa. Water Co.*, 453 A.2d 595 (Pa. 1982). Although the Commission lacks jurisdiction to award damages to the Complainants in this matter, the Commission does have jurisdiction to determine whether the Respondent rendered reasonable and adequate service to the Complainants.

Since Ms. Stauffer expressed interest in pursuing her claim for damages in a court of competent jurisdiction, pursuant to the bifurcated procedure detailed above, this matter will be rescheduled for hearing to determine whether PECO rendered reasonable and adequate service to the Complainants. The Complainants should be aware that they have the burden of proving by a preponderance of evidence that PECO's service was the cause of damage to their refrigerator, to the degree which constitutes inadequate and unreasonable service. If upon receipt of this Order the Complainants decide that they no longer wish to pursue this matter, they should notify the Commission in writing that they no longer wish to pursue their Complaint.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Office of Administrative Law Judge Scheduling Unit reschedule the hearing for Frances and Sandy Stauffer v. PECO Energy Company at Docket No. C-2025-3056386; and
2. That if the Complainants no longer wish to pursue the matter at Docket No. C-2025-3056386, they should notify the Commission in writing.

Date: December 19, 2025

_____/s/_____
Christopher P. Pell
Deputy Chief Administrative Law Judge

C-2025-3056386 – FRANCES STAUFFER AND SANDY STAUFFER v. PECO ENERGY COMPANY

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