

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Larry Hackney	:	
	:	
v.	:	F-2025-3056536
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
F. Joseph Brady
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint of Larry Hackney because he obstructed the orderly conduct of the proceeding in a way that was inimical to the public interest and failed to comply with Commission procedures.

HISTORY OF THE PROCEEDING

On July 28, 2025, Larry Hackney (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO or Respondent). In the Complaint, Complainant checked every box under “Reason for Complaint.” Complaint ¶ 4. The Complaint also included several pages of a handwritten narrative and the following: a portion of select monthly bills, select 10-day notices, a photo and a Utility Report. However,

Complainant's handwriting in several instances is undecipherable and the allegations against PECO are not clear or understandable.

This matter is the timely appeal of a decision from the Bureau of Consumer Services (BCS) dated May 20, 2025, at BCS Case No. 4052004, which dismissed the informal complaint of the Complainant. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On August 18, 2025, PECO filed an Answer to the Complaint. In its Answer, PECO admitted in part, and denied in part, various material allegations of the Complaint. Specifically, PECO admitted that it provides residential electric service in Complainant's name to 5529 Vine Street, Philadelphia, Pennsylvania (Service Address) and it issued a termination notice for delinquent undisputed charges. PECO denied that there are incorrect charges or a reliability, safety or quality problem with the electric service provided to the Service Address.

By Hearing Notice dated August 20, 2025, an Initial Call-In Telephone Hearing was scheduled for October 28, 2025, and the matter was assigned to me.

A Prehearing Order was issued on August 22, 2025, advising the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to the proceeding.

On September 30, 2025, a Rescheduled Initial Telephonic Hearing Notice was issued rescheduling the hearing for October 27, 2025.

On October 27, 2025, the hearing convened as scheduled. Complainant appeared *pro se*, testified on his own behalf, and offered no exhibits for the record. Margaret Morris, Esquire, appeared on behalf of PECO.

The record closed on November 10, 2025, upon the filing of the transcript with the Commission.

FINDINGS OF FACT

1. Complainant is Larry Hackney.
2. Respondent is PECO Energy Company.
3. Complainant receives electric service from PECO at 5529 Vine Street, Philadelphia, Pennsylvania (Service Address). Tr. 8.
4. On July 28, 2025, Complainant filed a Formal Complaint with the Commission against PECO.
5. On August 18, 2025, PECO filed an Answer to the Complaint, admitting in part, and denying in part, various material allegations of the Complaint.
6. On October 27, 2025, an evidentiary hearing was convened as scheduled.
7. Throughout the hearing, Complainant engaged in behavior that obstructed the orderly conduct of the proceeding and that was inimical to the public interest despite several warnings to moderate his behavior. Tr. 5-7, 12-17, 21-24, 30-31.

DISCUSSION

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of

law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (Opinion and Order entered Feb. 8, 1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlt. 1990). A complainant can meet that burden if he presents evidence more convincing, by even the smallest amount, than that evidence presented by Respondent. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code (Code), a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlt. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on the complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlt. 2001); *see also, Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlt. 1982).

Relevant to this matter, Section 5.245 of the Commission's Regulations states, in relevant part:

(c) If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, in a proceeding obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application or petition, if the action is that of complainant, applicant, or petitioner.

52 Pa. Code § 5.245(c). Pursuant to Section 5.245, the Commission has consistently held that dismissal of a complaint is proper when a complainant continuously obstructs the orderly conduct of a proceeding despite multiple warnings. *See Finberg v. Aqua Pa., Inc.*, Docket No. F-2017-2588064 (Opinion and Order Entered Oct. 25, 2018) (*Finberg*) and *Nippes v. PECO Energy Co.*, Docket No. C-2013-2363324 (Final Order entered Sept. 30, 2013) (*Nippes*). Additionally, “[i]n instances in which a complainant’s behavior prevents fair and orderly litigation, it also interferes with the respondent’s due process rights.” *Finberg* at 11.

In this case, the Complainant checked every box under “Reason for Complaint” in the Complaint. Complaint ¶ 4. The Complaint also included several pages of a handwritten narrative. However, Complainant’s handwriting in several instances is undecipherable and the allegations against PECO are not clear or understandable. Thus, prior to going on the record at the October 28, 2025 hearing, I attempted to hold a prehearing conference in order to try and establish the reason for Mr. Hackney’s complaint. Unfortunately, Mr. Hackney did not appear interested in engaging in any dialogue and would just speak over me any time I tried to speak. As a result, I concluded the prehearing conference and went on the record. As the transcript demonstrates from the very beginning, Mr. Hackney continued to interrupt and speak over me. Tr. 5-7. As I attempted to continue the hearing, it became impossible to stop

Mr. Hackney from speaking. Tr. 11-12. In order to have a clear record and speak with Counsel for PECO, I was forced to mute Mr. Hackney. Tr. 12-13. Upon unmuting Mr. Hackney, he continued to interrupt and speak over me. Tr. 13-14. I gave Mr. Hackney the option of changing this telephone hearing into an in-person hearing, but Mr. Hackney declined. Tr. 15. Mr. Hackney was given the opportunity to present his case, and in doing so, began to testify to hearsay to which Ms. Morris objected. Tr. 21. This led to another exchange wherein Mr. Hackney continued to interrupt and talk over me until I had to mute him a second time in order to state something on the record. Tr. 23. Upon being unmuted, Mr. Hackney once again continued to interrupt, talk over me, and offer nonsensical testimony¹ that culminated in me having to mute him for the remainder of the hearing. Tr. 23-31.

Here, it is clear that despite several warnings, Mr. Hackney obstructed the orderly conduct of the proceeding in a way that was inimical to the public interest and failed to comply with Commission procedures. Mr. Hackney persistently interrupted the presiding officer throughout the hearing and refused to stop speaking when instructed to do so. Mr. Hackney was given several opportunities to conform his behavior but failed to do so. Finally, as in *Finberg* and *Nippes*, Mr. Hackney's behavior fell far below a respectful and orderly standard. Accordingly, I am constrained to dismiss his Complaint.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa.C.S. § 701.
2. The burden of proof in this proceeding is on the Complainant. 66 Pa.C.S. § 332(a).

¹ See Tr. 30-31.

3. If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, in a proceeding obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application or petition, if the action is that of complainant, applicant or petitioner. 52 Pa. Code § 5.245(c); *Finberg v. Aqua Pa., Inc.*, Docket No. F-2017-2588064 (Opinion and Order entered Oct. 25, 2018); *Nippes v. PECO Energy Co.*, Docket No. C-2013-2363324 (Final Order entered Sept. 30, 2013).

4. “In instances in which a complainant’s behavior prevents fair and orderly litigation, it also interferes with the respondent’s due process rights.” *Finberg v. Aqua Pa., Inc.*, Docket No. F-2017-2588064 at 11 (Opinion and Order entered Oct. 25, 2018).

5. Complainant’s actions obstructed the orderly conduct of the proceeding and were inimical to the public interest and, therefore, the Complaint should be dismissed. 52 Pa. Code § 5.245(c); *Finberg v. Aqua Pa., Inc.*, Docket No. F-2017-2588064 (Opinion and Order entered Oct. 25, 2018); *Nippes v. PECO Energy Co.*, Docket No. C-2013-2363324 (Final Order entered Sept. 30, 2013).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Larry Hackney at Larry Hackney v. PECO Energy Company, Docket Number F-2025-3056536, is dismissed.

