

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

Public Meeting held January 15, 2026

Commissioners Present:

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

David Detlefsen

C-2024-3048161

v.

PECO Energy Company

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions of David Detlefsen (Mr. Detlefsen or Complainant), filed on October 29, 2025, to the Initial Decision (I.D.) of Deputy Chief Administrative Law Judge (ALJ) Christopher P. Pell, issued October 28, 2025, in the above-captioned Formal Complaint (Complaint). In the Initial Decision, ALJ Pell found that the Complaint should be dismissed based upon Mr. Detlefsen's failure to appear for a duly scheduled hearing. Replies to Exceptions were received from PECO Energy

Company (PECO or Respondent) on December 1, 2025.¹ In its Replies to Exceptions, while PECO clarifies its understanding of certain representations made by Mr. Detlefsen in his Exceptions, PECO does not oppose reopening the Complaint for further proceedings.

On consideration of the Initial Decision, the Exceptions, and Replies to Exceptions, the Exceptions shall be granted, consistent with the discussion in this Opinion and Order. Mr. Detlefsen’s Complaint at Docket No. C-2024-3048161 shall be remanded to the Office of Administrative Law Judge (OALJ) for such further proceedings, as necessary.

I. History of the Proceeding

The matter before the Commission, as noted, is the Complaint of Mr. Detlefsen, filed on April 5, 2024, naming PECO as Respondent. In the Complaint regarding his electric service, Mr. Detlefsen placed a checkmark in the box marked “[o]ther,” under which he provided the following statement:

I am a residential PECO customer with solar and battery storage. I switched my PECO billing to Time of Use (TOU) in November 2023. Since that time, I have not received a bill from PECO, there is not [sic] bill available online and my multiple attempts to resolve the billing issues have been met with endless promises of “escalation” to no effect. As of today 04 April 2024, I have not received a bill nor have any indication of my electric production or consumption from PECO since November 11, 2023. I have been unable to speak

¹ The Exceptions of Mr. Detlefsen did not contain a Certificate of Service evidencing service upon PECO. By Secretarial Letter dated October 29, 2025, a copy of the Exceptions was served upon PECO to constitute service for purposes of Section 5.533 of Commission Regulation, 52 Pa. Code §5.533. PECO was advised that it would have until December 1, 2025, to file Reply Exceptions.

to anyone that can help me and need assistance resolving this matter.

See I.D. at 1-2.

For relief, the Complainant requested the following:

I want them [PECO] to update and continue to provide the electric usage and export from my residential solar system and fix my billing so that I can pay for the past 4 months and receive monthly invoices going forward.

See Complaint at ¶ 4.²

On April 23, 2024, PECO filed an Answer to the Complaint in which it denied the material averments and requested that an Interim Mediation Order be issued in this matter.

On April 26, 2024, Chief Administrative Law Judge Charles E. Rainey, Jr. issued an Interim Order Setting Resolution Conference and referred this matter to the OALJ's Mediation Unit. Mediation was unsuccessful. I.D. at 2.

By Initial Call-In Telephonic Hearing Notice dated May 15, 2024, an initial call-in telephonic hearing was scheduled for July 1, 2024, at 10:00 a.m., and the matter was assigned to ALJ Pell. The Hearing Notice advised the Parties of the date and time of the scheduled hearing.

A Prehearing Order was issued on May 16, 2024.

² The Complainant selected the option to receive all communications from the Commission via eService through an eFiling account he registered with the Commission. *See* Complaint at ¶ 9.

By Interim Order issued on June 28, 2024, ALJ Pell granted PECO's unopposed Motion for a 60-day continuance. I.D. at 3.

By Initial Call-In Telephonic Hearing Notice dated June 28, 2024, an initial call-in telephonic hearing was scheduled for September 10, 2024, at 10:00 a.m. By Interim Order issued on August 29, 2024, PECO was granted a second, unopposed, Motion for a 60-day continuance. I.D. at 4.

By Call-In Telephone Cancellation/Reschedule Hearing Notice dated September 3, 2024, the initial call-in telephonic hearing was scheduled for November 12, 2024, at 10:00 a.m. A second Prehearing Order was issued on September 4, 2024.

By Interim Order issued on November 12, 2024, ALJ Pell granted PECO's third, unopposed, Motion for a 90-day continuance. I.D. at 4.

By Cancelled/Rescheduled Initial Telephonic Hearing Notice dated November 12, 2024, the initial call-in telephonic hearing was scheduled for February 10, 2025, at 10:00 a.m. A third Prehearing Order was issued on December 9, 2024. I.D. at 5.

By Interim Order issued on February 7, 2025, ALJ Pell granted the Parties' Joint Motion for Continuance. As part of the Interim Order, the February 10, 2025, hearing was cancelled. The Parties were directed by ALJ Pell to file a joint status report on their ongoing settlement discussions on or before March 10, 2025, and every 30 days thereafter. I.D. at 5-6. The Parties were advised that if they failed to file the required joint status reports, the matter would be rescheduled for hearing. *Id.*

PECO filed status reports on March 10, 2025, and April 11, 2025, requesting that the matter remain in settlement discussions to provide the Complainant time to monitor his billing for accuracy. Neither Party filed the required status report in May 2025. I.D. at 6.

By Initial Call-In Telephonic Hearing Notice dated June 3, 2025, the initial call-in telephonic hearing was scheduled for August 4, 2025, at 10:00 a.m. The Hearing Notice advised the parties of the date and time of the scheduled hearing as well as how to call in for the hearing. The Hearing Notice also warned the Parties of the following:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed ‘with prejudice’ which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

I.D. at 6.

On August 4, 2025, the hearing, (fourth, as re-scheduled), was convened as scheduled. Khadijah Scott, Esquire, appeared on behalf of PECO, along with two witnesses, and was ready to proceed. The court reporter was also present. The Complainant was not present at the start of the hearing. I.D. at 6.

After a short recess to allow time for the Complainant to appear, the hearing proceeded in the Complainant’s absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, PECO moved to dismiss the Complaint for failure of Mr. Detlefsen to appear and prosecute his Complaint. I.D. at 6 (citing hearing Transcript (Tr.) at 5). The motion was taken under advisement. I.D. at 6.

The Complainant did not contact the Commission to explain why his failure to appear at the hearing was unavoidable. I.D. at 6. The record closed on August 6, 2025. I.D. at 7.

On October 28, 2025, the Initial Decision of ALJ Pell was issued, granting the Respondent's Motion to Dismiss the Complaint. Exceptions and Replies to Exceptions were filed thereafter, on October 29, 2025 and December 1, 2025, respectively.

II. Discussion

A Legal Standards

The Exceptions of the Complainant, as discussed below, present considerations we have recently addressed in *Ronald and Mia Reister v. FirstEnergy Pennsylvania Electric Company*, Docket No. C-2024-3050528 (Opinion and Order entered August 28, 2025); 2025 WL 2498972 (Pa.P.U.C.) (*Reister v. FirstEnergy*) and *Aristilde Stanley v. FirstEnergy Pennsylvania Electric Company f/k/a Metropolitan Edison Company*, Docket No. C-2024-3049876 (Opinion and Order entered August 28, 2025); 2025 WL 2498971 (Pa.P.U.C.) (*Aristilde v. FirstEnergy*).³ These cases address the failure of participants to appear after notices of hearings are duly issued.

³ The caption did not conform to the testimony provided in the proceeding, which established the correct name of the Complainant as Stanley Aristilde. See *Aristilde v. First Energy* at 1, n.1 (citing Tr. at 16-17).

1. Failure to Appear and Waiver of Hearing

The Commission and its Administrative Law Judges have broad powers in how to review and adjudicate complaints before the Commission. *See Reister v. FirstEnergy* and *Aristilde v. FirstEnergy*, discussing 66 Pa.C.S. § 332(f); 52 Pa. Code §5.202(a)-(c); 52 Pa. Code §5.245; also 52 Pa. Code § 1.15.

Commission precedent has long established that once timely notice of a hearing and the opportunity to be heard have been provided to a party, it is the responsibility of the parties to attend and participate in the hearing. *See Reister v. FirstEnergy*, citing *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered January 24, 2022) (citing *Schneider v. P.U.C.*, 479 A.2d 10 (Pa. Cmwlth. 1984); *Martin v. Duquesne Light Co.*, No. C-00992505 (Opinion and Order entered November 18, 1999).

Parties, however, have the right to request a continuance of the scheduled hearing, which may be granted for good cause. *See Slebodnick v. Pennsylvania Electric Company*, Docket No. F-2019-3011514 (Opinion and Order entered December 17, 2020) (*Sleboznick*); *El-Ayazra v. West Penn Power Company*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016); 52 Pa. Code § 1.15(b). When “good cause” is shown in a request for a continuance, the Commission has acknowledged that the public interest is better served when all litigants, particularly *pro se* litigants, are afforded a meaningful opportunity to be heard. *Sleboznick* citing *Laurie Loucks v. Metropolitan Edison Company*, Docket No. C-2017-2619974 (Opinion and Order entered May 16, 2018).

Also, the Commission may exercise its discretion and excuse a party's failure to appear where the party has made a good faith attempt to attend the

hearing. *See Aristilde v. FirstEnergy* (citing *Then v. Phila. Gas Works*, Docket No. F-2012-2318264 (Opinion and Order entered June 13, 2013) (*Then*)).

In the present case, as noted below, a failure to attend a duly scheduled hearing is raised at the Exceptions stage. In *Aristilde v. FirstEnergy*, the Commission discussed the considerations involving a failure to appear when such failure is raised at the Exceptions stage of a matter:

We note that it is within the discretion of the ALJ to decide whether the Complainants' failure to appear was unavoidable and whether permitting further proceedings after the failure to appear would prejudice the public interest or other parties. 66 Pa.C.S. § 332(f); 52 Pa. Code §5.245(a)-(b). Here, ALJ Pell found it appropriate to dismiss the Complaint, finding that the Complainants failed to participate in the hearing or provide evidence in support of the Complaint. I.D. at 9.

From an administrative due process standpoint, the Commission examines whether the Complainant's failure to appear at a scheduled and duly noticed hearing shall be deemed the Complainant's waiver of the opportunity to participate in a hearing in this Complaint proceeding, pursuant to 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245(a)-(b). Whether the Complainant failed to appear at the hearing due to "unavoidable" circumstances is a fact-based question. Where a complainant's failure to appear at a scheduled hearing is unavoidable, the ALJ has the discretion to recognize that, and to reschedule the hearing. However, if a complainant fails to bring the situation to the attention of the presiding officer prior to the issuance of the Initial Decision, the record closes and the presiding officer can no longer exercise that discretion. *See, e.g., Alice Anderson v. PECO Energy Company*, Docket No. F-2017-2614241 (Order entered July 18, 2018).

The Commission's Regulations provide that the Commission may reopen and conduct further examination in a proceeding where the failure to appear was "unavoidable" and other

parties would not be “prejudiced” or where a party made a good faith attempt to attend the hearing. 52 Pa. Code §5.245(b); *Then*.

At the exceptions stage of the proceeding, the record is closed, and the party filing exceptions is charged with not only challenging the findings and conclusions of the Initial Decision, but also with providing a compelling explanation of why they failed to raise their excuse in a timely fashion so that the ALJ could determine whether to reschedule the hearing.

Aristilde v. FirstEnergy at 15-16.

B. Initial Decision

In his Initial Decision, ALJ Pell reached Twenty-seven (27) Findings of Fact and drew (8) Eight Conclusions of Law. I.D. at 7-10, 13-15. We shall adopt the Findings of Fact and Conclusions of Law unless said findings and conclusions are expressly rejected, or modified, or rejected by necessary implication from our discussion.

ALJ Pell appropriately noted the Complainant’s absence from the duly scheduled hearing of August 4, 2025, and that no contact with the Commission purporting to explain the failure of Mr. Detlefsen to appear was received. *See* I.D. at 10-13. Based on the absence of this contact, and the failure to appear, ALJ Pell recommended that the Complaint be dismissed. *Id.* at 12.

C. Exceptions and Replies to Exceptions

The Exceptions⁴ of the Complainant consist of two paragraphs, reprinted below:

I am writing this letter to request and Exception [sic] to the decision to close my PAUC [sic] complaint (Docket # C-2024-3048161). This complaint was closed due to my absence at a scheduled hearing on Aug 4th. It was my understanding that I had a standing request with PECO to file continuances until this matter was resolved. PECO did indeed file all continuances up until the Aug 4th meeting. I am still not receiving PECO bills as of 28 October 2025 and there has been little progress in fully resolving this billing issue.

I am therefor [sic] requesting an Exception to closing this complaint and request that it be reopened or remain open.

Complainant Exceptions at 1.

In its Replies to Exceptions, PECO clarifies that it disputes the Complainant's characterization that a 'standing' request existed to file continuance requests with the Commission. However, PECO advises the Commission that it does not object to the Complainant's request to reopen the Complaint. *See* R. Exc. at 1-2.

⁴ The Exceptions, in paragraph form, marginally conform to our Rules of Practice. 52 Pa. Code §§ 5.533; 5.535. We shall consider the Complainant's Exceptions within our discretion to liberally construe pleadings to secure a just, speedy, and inexpensive determination in this proceeding. *See* 52 Pa. Code § 1.2(a); *see also* *Steve Atuahene and Agnes Atuahene v. Philadelphia Gas Works*, Docket No. F-2018-3004665 (Opinion and Order entered October 11, 2019).

D. Disposition

We note that any issue or Exception that we do not specifically delineate has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider, expressly or at length, each contention or argument raised by the parties. *Consl. Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, Univ. of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

On consideration of the record of this proceeding, the I.D., the Exceptions, and Replies to Exceptions, we shall grant the Exceptions of Mr. Detlefsen and remand this matter to the OALJ for such further proceedings as necessary and the issuance of an Initial Decision Upon Remand.

In order to support a finding that a failure to appear or participate was “unavoidable,” the Commission requires a complainant to show, with supporting information, that the failure to appear was due to exigent circumstances. *See Slebodnick; El-Ayazra v. West Penn Power Company*. The Commission, however, may also exercise its discretion and excuse a party's failure to appear where the party made a good faith attempt to attend the hearing. *See Then*.

As noted in *Aristilde v. FirstEnergy*, at the exceptions stage of a proceeding, and at such time as the record is closed, the party filing exceptions is charged with not only challenging the findings and conclusions of the Initial Decision, but also with providing a compelling explanation of why they failed to raise their excuse in a timely fashion so that the ALJ could determine whether to reschedule the hearing. *See Aristilde v. FirstEnergy* at 16.

Also, as we noted in *Aristilde v. FirstEnergy*, the exercise of our discretion in matters of this type is fact-intensive. *Aristilde v. FirstEnergy* at 16-17.

On consideration of the specific facts of this proceeding, we find the explanation of Mr. Detlefsen, as set forth in his Exceptions, to be sufficiently compelling and corroborated by the procedural history of this case. The record of this matter is that there have been four consensual/non-contested requests for continuances. Our review of the status reports filed in this matter discloses that said requests for continuances have been primarily related to ongoing settlement discussions between the Complainant and PECO, which have been prolonged due to an apparent need to “. . . monitor his [Complainant] online PECO *myAccount* for billing information accuracy.” See PECO’s Status Report #2 at 1 (April 11, 2025).⁵

While the status reports should not be construed to replace the need for requests for continuances, or to obviate the necessity to keep the ALJ apprised of the status of the proceedings by the parties as directed, the unique procedural history of this matter supports our conclusion that the principles recognized in *Then* are applicable. Additionally, as PECO does not object to the Complainant’s request to reopen the Complaint, it will not be prejudiced by our grant of that request. See R. Exc. at 2.

III. Conclusion

For the reasons set forth in this Opinion and Order, we shall grant the Exceptions of the Complainant. The Complaint of Mr. David Detlefsen is, hereby, reopened and the matter is remanded to the OALJ for such further proceedings, as necessary, including the issuance of an Initial Decision Upon Remand, consistent with this Opinion and Order; **THEREFORE,**

⁵ The status report further advised: “The Complainant’s information is still not displaying properly on his online portal. There remains an active IT investigation.” PECO’s Status Report #2 at 1.

IT IS ORDERED:

1. That the Exceptions of David Detlefsen, filed on October 29, 2025, to the Initial Decision of Deputy Chief Administrative Law Judge Christopher P. Pell, issued October 28, 2025, at Docket No. C-2024-3048161, are granted.
2. That the Initial Decision of Deputy Chief Administrative Law Judge Christopher P. Pell is reversed, consistent with this Opinion and Order.
3. That the Complaint at Docket No. C-2024-3048161 shall be reopened and the matter remanded to the Commission's Office of Administrative Law Judge for such further proceedings as necessary and the issuance of an Initial Decision Upon Remand.

BY THE COMMISSION



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: January 15, 2026

ORDER ENTERED: January 15, 2026