

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bartholomew Lawrence	:	
	:	
v.	:	C-2024-3050908
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Marta Guhl
Administrative Law Judge

INTRODUCTION

This Initial Decision denies Bartholomew Lawrence’s Formal Complaint against PECO Energy Company because Complainant has not established that PECO Energy Company failed to provide safe, adequate or unreasonable service in this matter.

HISTORY OF THE PROCEEDING

On August 26, 2024, Bartholomew Lawrence (Complainant or Mr. Lawrence) filed a Formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent or Company) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant contends that there were issues with the safety, reliability and reasonableness of his service. Specifically, he complained of noise coming from a transformer on an adjacent property.

On September 11, 2024,¹ the Respondent filed an Answer denying the material allegations of the Complaint.

On September 18, 2024, an Interim Order was served on the parties which set the matter for a resolution conference.

On March 12, 2025, a Teams Virtual Mediation Session Notice was served on the parties which indicated that a Mediation Session was set for March 26, 2025, at 1:00 p.m., with Mediator Teri-Lee Rhoades.

On April 8, 2025, a second Teams Virtual Mediation Session Notice was served on the parties which indicated that a second mediation session was scheduled on April 30, 2025, at 9:30 a.m., with Mediator Rhoades. The parties were unable to resolve the issues of the Complaint in the mediation process.

On May 1, 2025, an Initial Telephonic Hearing Notice was issued which assigned the matter to me and scheduled an initial hearing for July 8, 2025, at 10:00 a.m.

On May 2, 2025, I issued a Prehearing Order which indicated procedural matters and hearing procedures.

Due to a conflict in the presiding officer's schedule, a Cancelled/Rescheduled Initial Telephonic Hearing Notice was issued on May 14, 2025, and the matter was rescheduled for July 29, 2025, at 10:00 a.m.

¹ The Formal Complaint was served on the Respondent by the Secretary's Bureau on August 27, 2024.

On July 22, 2025, PECO filed a Motion for Continuance in the matter requesting a 60-day continuance because it was conducting further testing at the Complainant's residence related to his Formal Complaint. Complainant had no objection to the request, so I granted the request via email to the parties.

On July 28, 2025, a Cancelled/Rescheduled Call-In Telephonic Hearing Notice was issued, and the matter was rescheduled for an initial hearing on September 30, 2025, at 1:00 p.m.

The hearing proceeded as scheduled on September 30, 2025. The Complainant participated *pro se* and testified. The Complainant also presented one exhibit which was entered into the record. The Respondent appeared and was represented by Khadijah Scott, Esquire, who presented the testimony of Stephanie Sheppard, Manager of Philadelphia Engineering and Design, and James Yeatman, Principle Engineer. The Respondent offered five exhibits, which were all entered into the record.

The record closed on October 31, 2025, when I received my copy of the hearing transcript.

FINDINGS OF FACT

1. The Complainant in this case is Bartholomew Lawrence, who resides at 446 Shurs Lane, Philadelphia, Pennsylvania 19128. Tr. 9.
2. The Respondent is PECO Energy Company.
3. The Complainant bought the property at Shurs Lane on March 14, 2024, and moved into the residence on April 27, 2024. Tr. 10.

4. The Complainant's property is adjacent to the property of Mishkan Shalom Synagogue. Tr. 10; Complainant Exh. 1; PECO Exh. 5.

5. In the parking lot of the synagogue, there is a PECO transformer. Tr. 10; Complainant Exh. 1; PECO Exh. 5.

6. The Complainant hears a constant buzzing noise coming from the synagogue property. Tr. 11.

7. The Complainant complains that the noise disrupts sleep and work at his property. Tr. 11.

8. The Complainant contacted PECO in May 2024 about the noise. Tr. 11.

9. In May 2024, PECO sent a lineman to the property and did not notice anything abnormal about the transformer. Tr. 34.

10. In October 2024, an engineer and designer with PECO went to the property and did not find anything unusual about the transformer's operation. Tr. 35.

11. The engineer and designer noted that there was construction at the time and a generator was running. Tr. 35.

12. In December 2024, PECO sent another lineman out to the property and did not find anything unusual about the transformer and the lineman found that the transformer was in good condition. Tr. 35.

13. In April 2025, a PECO foreman went to the property and heard a humming sound which is normal for a transformer. Tr. 35.

14. Ms. Stephanie Sheppard is PECO's Manager of Philadelphia Engineering and Design. Tr. 33.

15. In May 2025, Ms. Sheppard visited the property and found no issues. Tr. 35.

16. In August 2025, Ms. Sheppard visited the property again with a contractor who performed a noise test. Tr. 35.

17. The noise test found that the results were within normal range and in compliance with industry standards. Tr. 35.

18. PECO performed an analysis to try to address the Complainant's concerns. Tr. 36.

19. The Company considered relocating the transformer, but it would be cost prohibitive. Tr. 36.

20. PECO also considered raising the transformer, but that option would not allow the Company to perform maintenance on the transformer. Tr. 36.

21. The Company considered replacing the transformer, but it was cost prohibitive. Tr. 36.

22. PECO also considered an additional landscaping package with bushes and trees to block sound, but it could not because of the transformer's location, and because there were already trees along the Complainant's property. Tr. 36-37.

23. PECO also considered building a wall, but determined it was not feasible because the Company needs eight feet of clearance around the transformer so that maintenance can be performed. Tr. 36.

24. Lastly, PECO considered the idea of relocating the transformer to a pole attachment, but determined it was not feasible because of size constraints and the amount of electricity needed by the synagogue. Tr. 37.

25. Ms. Sheppard saw air conditioning units on the synagogue property which were making noise at the time of her site visits. Tr. 40; PECO Exh. 5.

26. PECO paid for a third-party contractor to perform noise tests at the property on August 22, 2025. Tr. 43; PECO Exh. 1.

27. The tests were performed at multiple times of the day and in multiple locations around the property. Tr. 43; PECO Exh. 1.

28. Based on the noise tests, the transformer and noise in the area were within reasonable bounds. Tr. 44; PECO Exh. 1.

29. PECO must meet the Institute of Electrical Engineering and Electronics (IEEE) standards for noise from transformers. Tr. 60-61; PECO Exh. 2.

30. The transformer at the synagogue performs within the IEEE standards. Tr. 61; PECO Exh. 2.

31. The location of the transformer is not a violation of the IEEE standards. Tr. 63.

DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, Complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (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, 602 (Pa. Cmwlth. 1990). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. 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. Unempl. Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied her burden of proof.

The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

Quality of Service

The Complainant contends that there is an issue with the quality of service provided by PECO related to a transformer located on an adjacent property to his residence.

The Public Utility Code at 66 Pa.C.S. § 1501 requires public utilities to provide reasonable and adequate, not perfect service. The statute at 66 Pa.C.S. § 1501, provides, in relevant part:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission.

Interpreting this provision in *West Penn Power Company v. Pennsylvania Public Utility Commission*, 478 A.2d 947 (Pa. Cmwlth. 1984), the Commonwealth Court stated:

We hold that in order for the PUC to sustain a complaint brought under this section, the utility must be in violation of its duty under this section. Without such a violation by the utility, the PUC does not have the authority, when acting on a customer's complaint, to require any action by the utility. (footnote omitted).

478 A.2d at 949.

The statutory definition of “service” is to be broadly construed.² *Country Place Waste Treatment Co., Inc. v. Pa. Pub. Util. Comm’n*, 654 A.2d 72 (Pa. Cmwlth. 1995).

Mr. Lawrence bought the property at Shurs Lane on March 14, 2024, and moved into the residence on April 27, 2024. Tr. 10. He noted that his property is adjacent to the property of Mishkan Shalom Synagogue. Tr. 10; Complainant Exh. 1; PECO Exh. 5. In the parking lot of the synagogue, the Complainant notes that there is a PECO transformer. Tr. 10; Complainant Exh. 1; PECO Exh. 5. The Complainant testified that he and his wife hear a constant buzzing noise coming from the synagogue property. Tr. 11. The Complainant complains that the noise disrupts sleep and work at his property. Tr. 11. The Complainant contacted PECO in May 2024 about the noise. Tr. 11.

² “Service.” Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them . . . 66 Pa.C.S. § 102.

PECO's witness, Ms. Sheppard, testified regarding PECO's efforts to address the Complainant's concerns. Ms. Sheppard testified that in May 2024, PECO sent a lineman to the property who did not notice anything abnormal about the transformer. Tr. 34. In October 2024, an engineer and designer with PECO went to the property and did not find anything unusual about the transformer's operation. Tr. 35. The engineer and designer noted that there was construction at the time and a generator was running. Tr. 35. In December 2024, PECO sent another lineman out to the property who did not find anything unusual about the transformer and determined that it was in good condition. Tr. 35. In April 2025, a PECO foreman went to the property and heard a humming sound which is normal for a transformer. Tr. 35. In May 2025, Ms. Sheppard visited the property and found no issues. Tr. 35. In August 2025, Ms. Sheppard visited the property again with a contractor who performed a noise test on the transformer. Tr. 35. The noise test found that the results were within normal range and were within compliance with industry standards. Tr. 35.

Ms. Sheppard also testified that PECO performed an analysis to try to address the Complainant's concerns. Tr. 36. The Company considered relocating the transformer, but determined that it would be cost prohibitive. Tr. 36. PECO also considered raising the transformer, but that option would not allow the Company to perform maintenance on the transformer. Tr. 36. The Company considered replacing the transformer, but it again was cost prohibitive. Tr. 36. PECO also considered an additional landscaping package with bushes and trees to block sound, but it could not because of the transformer's location and because there were already trees along the Complainant's property. Tr. 36-37. PECO also considered building a wall, but it was not feasible because the Company needs eight feet of clearance around the transformer so that maintenance can be performed. Tr. 36. Lastly, PECO considered the idea of relocating the transformer to a pole attachment, but it was not feasible because of size constraints and the amount of electricity needed by the synagogue. Tr. 37.

Ms. Sheppard explained that PECO paid for a third-party contractor to perform noise tests at the property on August 22, 2025. Tr. 43; PECO Exh. 1. The tests were performed at multiple times during the day and in multiple locations around the property. Tr. 43; PECO Exh. 1. Based on the results of the noise tests, the transformer and noise in the area were within reasonable bounds. Tr. 44; PECO Exh. 1.

PECO's witness, Mr. Yeatman, testified that PECO must meet the Institute of Electrical Engineering and Electronics (IEEE) standards for noise from transformers. Tr. 60-61; PECO Exh. 2. The transformer at the synagogue performs within the applicable IEEE noise standards. Tr. 61; PECO Exh. 2. The location of the transformer is not a violation of the IEEE standards. Tr. 63.

While the Complainant has indicated that there are noise issues with a transformer that is located on an adjacent property, the noise concerns he raised do not rise to the level of a violation of the Public Utility Code. While I understand the Complainant's concerns and frustration, the Company is not required to provide perfect service. Moreover, PECO made every effort to assist the Complainant and address his concerns regarding noise. PECO completed several site visits to the Complainant's location to address his concerns but did not find any excessive noise from the transformer and found that it was in good condition. There are no indications that the Company is in violation of the Public Utility Code as its transformer was performing within IEEE standards. PECO also explored a number of options to address the Complainant's concerns but there were no alternatives that would work in this particular location. Based on all of the above, the Complainant has not established that PECO violated the Public Utility Code, Commission regulations or a Commission order. Therefore, the Complainant has not met his burden of demonstrating that PECO has failed to provide safe, adequate and reasonable service.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.

2. The burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).

3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.

4. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501.

5. The Complainant did not meet his burden of proving that PECO is not providing safe, adequate and reasonable service in this matter. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Bartholomew Lawrence in Bartholomew Lawrence v. PECO Energy Company at Docket No. C-2024-3050908 is denied; and
2. That Docket No. C-2024-3050908 be marked closed.

Date: January 27, 2026

_____/s/
Marta Guhl
Administrative Law Judge