

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Latoyia Pierce	:	
	:	
v.	:	F-2025-3056395
	:	
PECO Energy Company	:	

**INITIAL DECISION**

Before  
Barbara Shadie Nause  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses, with prejudice, the Formal Complaint of Latoyia Pierce because she 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 17, 2025, Latoyia Pierce (Complainant) filed a Formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission).<sup>1</sup> In the Complaint, Complainant checked the boxes on the Complaint form averring that the utility is threatening to shut

---

<sup>1</sup> The Complaint is a timely appeal of the informal determination of the Commission's Bureau of Consumer Services (BCS), at BCS No. 4047952, which is subject to a *de novo* review. 52 Pa. Code § 56.173(a).

off her service or has shut off her service, there are incorrect charges on her bill and “other,” averring that “Peco will not process the payment as a check transaction. UCC-3-104, UCC 3-4-19, HJR. 192, or verification of the money owned.” Complaint ¶ 4. Under relief requested, Complainant asked for “remittance” and cited the Code of Federal Regulations (CFR) and claimed she was a “beneficiary without recourse.” Complaint ¶ 5.

On August 11, 2025, PECO filed an Answer to the Complaint.<sup>2</sup> 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 and residential gas service in Complainant’s name to 306 White Avenue, Linwood, Pennsylvania (Service Address), and that it issued termination notices for undisputed delinquent charges. PECO denied that there are incorrect charges on Complainant’s account.

By Hearing Notice dated August 15, 2025, an Initial Call-In Telephone Hearing was scheduled for October 9, 2025, at 1:00 p.m., and the matter was assigned to me. Due to my unavailability, by Cancelled/ Rescheduled Initial Hearing Notice also dated August 15, 2025, the hearing was rescheduled for November 4, 2025, at 10:00 a.m.

A Prehearing Order was issued on August 21, 2025, advising the parties of the date and time of the rescheduled hearing, and informing them of the procedures applicable to the proceeding.

On November 4, 2025, the hearing convened as scheduled. Complainant appeared *pro se*, refused to identify herself, her service address, be sworn in, or offer

---

<sup>2</sup> The Secretary’s Bureau served the Complaint on the Respondent on July 21, 2025.

testimony or exhibits in support of her Complaint. Margaret Morris, Esquire, appeared on behalf of PECO along with one witness and was ready to proceed.

The record closed on November 18, 2025, upon the filing of the transcript with the Commission.

### FINDINGS OF FACT

1. Complainant is Latoyia Pierce.
2. Respondent is PECO Energy Company.
3. Complainant's mailing address is 306 White Avenue, Linwood, Pennsylvania. Complaint ¶ 1.
4. On July 17, 2025, Complainant filed a Formal Complaint against PECO with the Commission.
5. The Complaint involves utility service provided at 1203 Keystone Road, Chester, Pennsylvania. Complaint ¶ 1.
6. On August 11, 2025, PECO filed an Answer to the Complaint, admitting in part, and denying in part, various material allegations of the Complaint.
7. On November 4, 2025, an evidentiary hearing was convened as scheduled.

8. 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 her behavior. Tr. 3-7, 9-12, 14-15, 18-19.

### 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. Cmwlth. 1990). A complainant can meet that burden if she 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. Cmwlth. 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. Cmwlth. 2001); *see also, Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 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.

Upon going on the record, I asked if I had Ms. Pierce on the line, who responded “No. It is I,” on the line. I continued with my name, the date, the time and I identified the hearing before me. I inquired as to whether the parties wished to engage in

settlement discussions and when I again asked if I had Ms. Pierce on the line, the response was “No. This is ...[sic].” Tr. 3-5. When asked a third time if I was speaking to Ms. Pierce, her response was “ No. ‘Cause—no because I’m not a corporation.” Tr. 6.

I indicated that if I was not speaking to Ms. Pierce, I would treat this hearing as a failure to appear. Subsequently I asked if this is Ms. Pierce and she responded, “Yeah. I appeared.” Tr. 6. When I asked Ms. Pierce for her address, she responded as follows, “I just want to move a motion to remove the jurisdiction.” I advised Ms. Pierce that I must conduct the hearing in an orderly and specific manner and Ms. Pierce responded as follows, “Oh, okay. Then, I’m gonna plead the Fifth” and “Yeah, I want to plead the Fifth.” Tr. 6-7. Further, throughout the hearing Complainant continued to “motion to move for jurisdiction change.” Tr. 7, 9-10, 14-15.

Despite advising Complainant that I am impartial, Complainant continued to argue that she would not get a fair hearing because of a “conflict of interests” and that the “energy commission does not have authority over the Truth in Lending Act.” Tr. 9-12.

Further, Complainant refused to be sworn in and refused to offer any testimony regarding whether the utility is threatening to shut off her service or has shut off her service and/or there are incorrect charges on her bill. Tr. 12-15.

As the transcript demonstrates from the very beginning, Complainant was argumentative and refused to answer even the most basic and routine questions, such as her name and address. Although I gave Complainant numerous opportunities to present her case, she continued to “motion for a jurisdiction change” and offered no testimony whatsoever on the relevant issues in this case.

Here, despite several attempts to conduct the hearing, Complainant obstructed the orderly conduct of the proceeding in a way that was inimical to the public interest and failed to comply with Commission procedures. Complainant refused to identify herself, refused to place her address on the record, refused to be sworn in, plead the Fifth and continuously moved for a jurisdiction change. Complainant was given several opportunities to conform her behavior but failed to do so. Finally, as in *Finberg* and *Nippes*, Complainant's behavior fell far below a respectful and orderly standard. Accordingly, her Complaint will be dismissed.

### 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).

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.*

