

In the Matter of:
Tiffany Lowe née Barnes
v.
PECO Energy Company

Docket No. F-2025-3056144

EXCEPTIONS TO INITIAL DECISION

Complainant, Tiffany Lowe née Barnes, respectfully files these Exceptions to the Initial Decision issued February 9, 2026, pursuant to 52 Pa. Code § 5.533, and states as follows:

I. STANDARD OF REVIEW

The Commission must reject an Initial Decision that is not supported by substantial evidence, is based upon an error of law, or results in manifest unfairness. 2 Pa.C.S. § 704. An administrative finding may not rest on speculation, inference, or internal utility assertions unsupported by independent proof.

II. THE INITIAL DECISION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

The Initial Decision improperly treats PECO's internal billing records as conclusive proof that bills were mailed and delivered. No witness testified to personal knowledge of physical mailing, no certificate of mailing was produced, and no USPS confirmation of delivery exists. Evidence that a bill was generated is not evidence that it was delivered.

The Decision further relies on the absence of returned mail as proof of delivery, an inference unsupported by law or logic. Mail may fail to reach a customer without being returned to the sender. The Commission has long recognized that non-return does not equate to receipt.

III. IMPROPER DISCOUNTING OF THIRD-PARTY USPS EVIDENCE

The Complainant submitted USPS Informed Delivery records generated by a neutral federal agency showing the absence of PECO bills from her daily mail stream. These records corroborated sworn testimony that no paper bills were received for an extended period.

The Administrative Law Judge improperly discounted this evidence based on technical gaps caused by USPS archiving limitations rather than credibility or relevance. The Decision effectively imposes an unattainable evidentiary standard on a pro se complainant and disregards reliable third-party corroboration without justification.

IV. MISAPPLICATION OF THE BURDEN OF PROOF

The Complainant established a prima facie case through sworn testimony, third-party USPS documentation, and evidence of repeated good-faith attempts to resolve the issue. At that point, the burden shifted to PECO to demonstrate actual delivery.

PECO failed to rebut this showing with direct evidence. The Initial Decision improperly shifted the burden back to the Complainant, requiring her to disprove delivery beyond what the law requires. This constitutes reversible legal error.

V. PAYMENT ARRANGEMENT DETERMINATION RESULTS IN MANIFEST UNFAIRNESS

Although Section 1405(c) restricts Commission-issued payment arrangements for CAP arrears, the Decision fails to address whether PECO's deficient billing practices materially contributed to the accumulation of those arrears.

Rigid application of statutory restrictions without consideration of causation undermines the consumer-protection purpose of the Public Utility Code and results in manifest unfairness under the circumstances of this case.

VI. RELIEF REQUESTED

The Complainant respectfully requests that the Commission:

Sustain these Exceptions;

Reverse the Initial Decision;

Find that PECO failed to provide reliable billing notice; and

Grant appropriate relief, or in the alternative, remand the matter for further proceedings consistent with law and

Respectfully submitted,

Tiffany Lowe Barnes
Complainant, Pro Se
Date: _____

