

March 12, 2026

Via Electronic Filing

Matthew Homsher, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. F-2025-3056144
Tiffany Barnes v. PECO Energy Company
Reply Exceptions of PECO**

Dear Secretary Homsher:

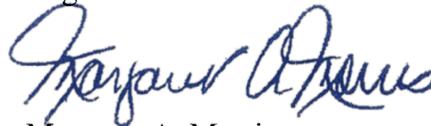
Attached for filing is the Reply of PECO Energy Company to the Exceptions filed by Tiffany Lowe Barnes in the above referenced proceeding.

A copy of the Reply Exceptions has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. Eranda Vero, PA Public Utility Commission [w/encls.]
Office of Special Assistants, PA Public Utility Commission [w/encls.]
Anthony Gay, Esquire, PECO Energy Company [w/encls.]
Tiffany Lowe Barnes [w/encls.]

**Re: Docket No. F-2025-3056144
Tiffany Barnes v. PECO Energy Company
Reply Exceptions of PECO**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic Mail

Tiffany Lowe Barnes
tbarnes0621@gmail.com

Dated: March 12, 2026



Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TIFFANY LOWES NÉE BARNES	:	
	:	
v.	:	Docket No. F-2025-3056144
	:	
PECO ENERGY COMPANY	:	

**REPLY EXCEPTIONS OF PECO ENERGY COMPANY
TO THE EXCEPTIONS OF TIFFANY LOWES NÉE BARNES**

March 12, 2026

Margaret A. Morris, Esq.
REGER RIZZO & DARNALL LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Counsel for PECO Energy Company

I. Introduction

Pursuant to Section 5.535 of the Commission’s Regulation,¹ PECO Energy Company, (PECO or Company), submits its Reply to the Exceptions of Tiffany Lowe Nee Barnes (Complainant), which supports the adoption of the Initial Decision, without modification, of the Honorable Eranda Vero (Judge Vero). The Commission should deny the Exceptions, affirm the Initial Decision in its entirety and sustain the dismissal of the Complaint. The findings of facts and conclusions of law set forth in the well-reasoned Initial Decision are based on the record evidence and sustain the dismissal of the Formal Complaint.

II. Procedural Background

On June 30, 2025, the Complainant filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) alleging that she is having a reliability, safety or quality problem with her electric service and that PECO has failed to send her billing statements by mail despite repeated attempts on her part to correct the issue.

On July 28, 2025, PECO filed an Answer to the Complaint denying the material allegations.

On July 31, 2025, the Commission issued a *Hearing Notice* scheduling the matter for a Call-In Telephonic Hearing on October 7, 2025, before Judge Vero. On August 4, 2025, Judge Vero issued a *Prehearing Order* outlining the relevant procedural rules governing the proceeding.

The telephonic hearing was held on October 7, 2025, as scheduled. The Complainant was permitted to late-file specified documentation from the United States Postal Service (USPS) to substantiate her claim that she has not received any bill form PECO for over a year. Judge Vero specifically instructed the Complainant to submit at least one month of consecutive “Daily Digest” communications from the USPS Informed Delivery Service. In the alternative, the Complainant was instructed to submit one week’s worth of consecutive “Daily

¹ 52 Pa. Code § 5.535.

Digest” communications from the USPS Informed Delivery Service. On October 31, 2025, the Complainant submitted 49 separate emails from USPS Informed Delivery Service which was marked as Complainant Exhibit 3.

The Initial Decision was issued on February 9, 2026. On March 2, 2026, the Complainant filed Exceptions.

III. Initial Decision

Judge Vero, based on the record, stated in the following:

By email dated October 31, 2025, Ms. Lowe submitted 49 “Daily Digest” emails from USPS Informed Delivery Service covering the period July through October 2024. Complainant late-filed Exhibit 3. These documents, however, do not comply with any of my instructions regarding the late-filed exhibit, and therefore have little to no evidentiary value. First, each of the four months reflected in the exhibit have several missing dates. Ms. Lowe did not provide a single month of consecutive “Daily Digest” communications from USPS. For example, for the month of September 2024, Complainant late-filed Exhibit 3 is missing the “Daily Digest” emails for September 2, 3, 4, 13, 15, 20, 21, and 27. For the months of October 2024, Complainant late-filed Exhibit 3 is missing the “Daily Digest” emails for October 4, 11, 14, 18, 20, 25, 27, 30 and 31. In addition, Ms. Lowe submitted only two “Daily Digests” communications for the month of July 2024 and only five for the month of August 2024.

Second, none of the four months reflected in Complainant late-filed Exhibit 3 contains one week’s worth of consecutive “Daily Digest” communications following the billing dates that appear in her Account Statement. For example, PECO Exhibits 2 and 7 show that the Company generated a bill on September 25, 2024. Complainant late-filed Exhibit 3 contains the “Daily Digest” for September 25, 26, 28, 29, and 30, but not for September 27, 2025. Similarly, PECO Exhibits 2 and 7 show that the Company generated a bill on October 25, 2024. Complainant late-filed Exhibit 3 contains the “Daily Digest” for October 26, 28, 29, and,

but not for October 25, 27, 30 and 31, 2024. In addition, PECO generated a bill on July 26, 2024, but the only “Daily Digest” communications submitted by the Complainant for the month of July 2024 are for July 25 and 27, 2024. Complainant late-filed Exhibit 3. Lastly, PECO generated a bill on August 26, 2024, but the only “Daily Digest” communications submitted by the Complainant for the month of August 2024 are for August 24, 26, 27, 28 and 29, 2024. *Id.* I note that the “Digital Digest” email for August 26, 2024 – the day PECO generated the monthly bill for Ms. Lowe – announces nine pieces of mail to be delivered to her but shows only three scanned envelopes. *Id.*

Third, Ms. Lowe failed to submit copies of the two surveys conducted by the USPS. In her testimony, Ms. Lowe described the surveys as follows:

They did two surveys on my mail, which is basically when the poster (sic) service, like, I guess whoever the postmaster is there in that office or the supervisor, they take my mail from the carrier and they hand inspect my mail before it goes out to make sure everything that was scanned in goes and that there's no problems or anything. So it's a double check. That's done for a week, and I requested that twice and there was no issue.

Tr. 16. Instead of the surveys, Ms. Lowe submitted a screenshot of an email from USPS Internet Customer Care Center addressed to her, which informs Ms. Lowe that she can only view archived images of her mail for up to seven days. Complainant late-filed Exhibit 3.

Because crucial information is missing from Complainant late-filed Exhibit 3, it fails to corroborate Ms. Lowe’s claim that she has not received any monthly PECO bills for the past year. Ms. Lowe has failed to rebut the evidence presented by PECO showing that the Company has generated monthly timely bills for her account and mailed them to her address. PECO Exhibits 6 and 7. Consequently, the Complainant has failed to successfully carry her burden of proving that PECO has failed to provide her with timely monthly bills

Judge Vero also denied the request for a Commission payment arrangement (PAR) since the entire balance consists of delinquent charges while the Account is enrolled in PECO's customer assistance program (CAP).

IV. DISCUSSION

The Complainant filed 5 enumerated Exceptions which are set forth in their entirety. Each Exception and PECO's response is set forth below.

Exception #1: 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.

PECO Response:

Exception # 1 is a conclusion of law to which no response is required.

Exception #2: 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.

PECO Response:

The Complainant was given the opportunity to submit the documentation as directed by Judge Vero. She did not comply and Judge Vero found that Complainant Exhibit 3 had little to no evidentiary value. As a result, Judge Vero properly ruled that the Complainant had not rebutted the evidence presented by PECO. The Complainant provided no cite to support her statement that the "Commission has long recognized that non-return does not equate to receipt."

Exception #3: 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 [sic] credibility or relevance. The Decision effectively imposes an unattainable evidentiary standard on a pro se complainant and disregards reliable third-party corroboration without justification.

PECO Response:

Judge Vero's directive of what the Complainant was permitted to file as a late-filed exhibit was clear. The Complainant chose what to submit as Exhibit 3. Based on her filing, Judge Vero properly ruled that Exhibit 3 had little or no evidentiary value.

Exception #4: 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.

PECO Response:

The burden of proof is comprised of two distinct burdens: the burden of production and the burden of persuasion. *Hurley v. Hurley*, 2000 Pa. Super. 178, 754 A.2d 1283 (2000). The burden of production, also called the burden of going forward with the evidence, determines which party must come forward with evidence to support a particular claim or defense. *Scott and Linda Moore v. National Fuel Gas Distribution*, Docket No. C-2014-2458555 (Initial Decision issued May 11, 2015) (*Moore*). The burden of production goes to the legal sufficiency of a party's claim or affirmative defense. *See Id.* It may shift between the parties during a hearing. If a complainant introduces sufficient evidence to establish legal sufficiency of the claim, also called a *prima facie* case, the burden of production shifts to the utility to rebut the complainant's evidence. *See Id.* If the utility introduces evidence sufficient to balance the evidence introduced by the complainant, that is, evidence of co-equal value or weight, the complainant's burden of proof has not been satisfied and the burden of going forward with the evidence shifts back to the

complainant, who must provide some additional evidence favorable to the complainant's claim. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983).

Having produced sufficient evidence to establish legal sufficiency of a claim, the party with the burden of proof must also carry the burden of persuasion to be entitled to a favorable ruling. *See Moore*. While the burden of production may shift back and forth during a proceeding, the burden of persuasion never shifts; it always remains on a complainant as the party seeking affirmative relief from the Commission. *Milkie, Supra*; *see also, Riedel v. County of Allegheny*, 633 A.2d 1325, 1328, n.11 (Pa. Cmwlth. 1993); *see also, Burleson, supra*. It is entirely possible for a party to carry the burden of production but not be entitled to a favorable ruling because the party did not carry the burden of persuasion. *See Moore*. In determining whether a complainant has met the burden of persuasion, the ultimate fact-finder may engage in determinations of credibility, may accept or reject testimony of any witness in whole or in part, and may accept or reject inferences from the evidence. *See Moore*.

The Complainant provided no basis for her position that PECO was required to "demonstrate actual delivery" of the monthly bills. The record evidence reflects that PECO generated bills and mailed them to the Complainant every month, without fail or delay from May 2024 onward. Tr. 43; PECO Exhibit 7. The record also reflects that no issued bill was returned to PECO by the USPS. Tr. 51, 53, 57-58. The Complainant did not produce evidence to refute PECO's evidence. Judge Vero correctly found that the Complainant did not carry her burden of proof.

Exception #5: 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.

PECO Response:

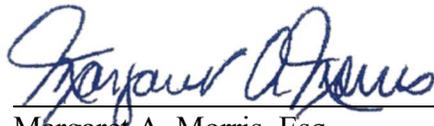
Consistent with the Commission’s *Statement of Policy*² to maintain the status quo of Chapter 14 of the Code, the Commission lacks the authority to direct a PAR when the delinquent charges were incurred while a customer is enrolled in a utility’s customer assistance program. The Complainant’s request for a Commission PAR is prohibited by law.

V. Conclusion

The Exceptions are without merit. The record evidence supports the finding that the Complainant failed to carry her burden of proof that PECO failed to provide her with timely monthly bills and that she is eligible for a Commission-PAR.

For the reasons set forth above, PECO Energy Company respectfully requests that the Commission adopt, without modification, the Initial Decision of the Honorable Eranda Vero and dismiss the Formal Complaint of Tiffany Lowe nee Barnes.

Respectfully submitted,



Margaret A. Morris, Esq.
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 tel.
(215) 495-6600 fax
mmorris@regerlaw.com

Counsel for PECO Energy Company

Dated: March 12, 2026

² Docket No. M-2024-3052328 was entered December 2, 2024.