

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dayna Sobanko,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3054654
	:	
PECO Energy Company,	:	
Respondent	:	

EXCEPTIONS OF COMPLAINANT DAYNA SOBANKO

I. INTRODUCTION

Pursuant to 52 Pa. Code §§ 5.533 and 5.535, Complainant Dayna Sobanko ("Complainant"), proceeding pro se, respectfully submits these Exceptions to the Initial Decision of Administrative Law Judge Alphonso Arnold III, dated April 6, 2026 (the "Initial Decision" or "I.D."), which dismissed the Formal Complaint at the above-captioned docket.

Complainant files these Exceptions to preserve her right to Commission review of the Initial Decision and respectfully requests leave to supplement these Exceptions promptly upon retention of counsel. Counsel has not yet been retained due to the compressed twenty-day exception period and the timing of receipt of the Initial Decision. Complainant is actively seeking representation.

Complainant respectfully submits that the Initial Decision contains material legal and evidentiary errors that warrant the Commission's review, and that the dismissal of the Complaint should be reversed and the matter remanded for further evidentiary development—including the receipt of live expert testimony from Complainant's treating physicians at Penn Medicine and the Children's Hospital of Philadelphia and the taking of an independent measurement of the actual horizontal clearance between PECO's facilities and Complainant's residence.

II. SUMMARY OF THE PROCEEDING

Complainant filed her Formal Complaint on April 18, 2025, alleging that PECO Energy Company ("PECO") provides unreasonable service in violation of 66 Pa.C.S. § 1501 and 52 Pa. Code §§ 57.28(b) and 57.194 by reason of the proximity of three pole-mounted high-voltage transformers and associated electrical conductors to her residence at 1433 East Columbia Avenue, Philadelphia, Pennsylvania. The transformers were installed by PECO in January 2021. The Complaint alleges health, safety, noise, vibration, and quality-of-service impacts on Complainant, her husband, and their two young children, and seeks relocation of the offending facilities.

After an initial hearing on July 8, 2025, at which Complainant was unable to connect to the telephonic proceeding due to technical difficulty, a further evidentiary hearing was held on September 22, 2025. Prior to that hearing, Complainant submitted to the Office of Administrative Law Judge a written exhibit submission letter dated September 16, 2025, identifying five exhibits: Exhibit A (medical letter from Richard Schwab, MD, Chief of Sleep Medicine, Penn Medicine); Exhibit B (pediatric sleep-study confirmation from Arun Hunda, MD, CHOP Sleep Medicine, regarding Complainant's son Leonardo Sobanko); Exhibit C (photographs of transformer proximity and wiring); Exhibit D (EMF meter reading); and Exhibit E (summary of EMF exposure guidelines). Complainant testified pro se and sponsored all five exhibits at hearing. The Initial Decision reflects that only Exhibits C and D were admitted into the record. (I.D. at 3.) PECO presented the testimony of Stephen Reilly and admitted PECO Exhibits 1 and 2. The Initial Decision dismissing the Complaint was issued on April 6, 2026.

III. EXCEPTIONS

EXCEPTION NO. 1: The Initial Decision Erred In Faulting Complainant For The Absence Of Expert Testimony While The Record Reflects That Complainant's Medical Expert Evidence (Exhibits A and B) Was Sponsored But Not Admitted. (I.D. at 3, 11.)

The Initial Decision dismisses Complainant's health-and-safety claims for lack of expert testimony, finding that Complainant "is qualified to offer testimony as an engineer, doctor, or other medical professional" and that "the record is devoid of any expert testimony or credible evidence to support her claim." (I.D. at 11.) But the Initial Decision itself acknowledges that Complainant "sponsored five exhibits, two of which (Complainant Exhibits C and D) were admitted into the record." (I.D. at 3.) The three exhibits that were not admitted included precisely the kind of medical evidence the ALJ then faulted Complainant for failing to provide:

Exhibit A is a letter from Dr. Richard Schwab, MD, Chief of Sleep Medicine at the Hospital of the University of Pennsylvania (Penn Medicine), confirming Complainant's diagnosis of narcolepsy and addressing the safety and environmental concerns associated with the proximity of the high-voltage transformers to Complainant's residence. Exhibit B is a letter from Dr. Arun Hunda, MD, of the Children's Hospital of Philadelphia (CHOP) Sleep Medicine program, regarding Complainant's young son, Leonardo Sobanko, who underwent a clinical sleep study at CHOP's Newtown Square Sleep Lab on July 28, 2025, in response to ongoing sleep disturbances coincident with the transformer installation. Exhibit E summarizes published magnetic-field exposure guidance from the National Institute of Environmental Health Sciences (NIEHS) and other recognized U.S. and international bodies.

Complainant respectfully submits that it was error to dismiss her claims for lack of expert evidence in the same proceeding in which her sponsored expert evidence was excluded, particularly where Complainant proceeded pro se and may not have appreciated the foundational requirements (e.g., authentication or treating-physician custodial declarations) that the presiding officer applied to those exhibits. The proper remedy is remand to permit Complainant a reasonable opportunity to present her treating physicians—Dr. Schwab and Dr. Hunda—as live witnesses, with appropriate accommodation for medical-professional schedules, so that the merits of her health-and-safety claims may be considered on a complete record. The Commission

has previously remanded matters where the exclusion of evidence prevented full consideration of a complaint by a self-represented utility customer.

EXCEPTION NO. 2: The Initial Decision Erred In Accepting PECO's Self-Reported And Hedged "About 9.5 Feet" Measurement Without Independent Verification, Where Complainant's Evidence Indicates The Closest Transformer Is Within The 7'-6" NESC Clearance. (I.D. at 5, 9, 12; PECO Ex. 1; Tr. 47.)

PECO Exhibit 1 states only that "[f]ield verification closest 13kv is about 9.5' from the building." (PECO Ex. 1 (emphasis added).) PECO witness Reilly testified that this distance "was measured by a PECO aerial first class lineman." (Tr. 47; I.D. at 5, ¶ 13.) The lineman did not testify, no measurement record or contemporaneous documentation was offered, no methodology was described, and the figure itself is qualified by the word "about."

Complainant submitted Complainant Exhibit C, including a photograph of Complainant herself measuring the distance between the conductors affixed to the pole and the building (I.D. at 9), and testified that the transformers were less than ten feet, and the electrical lines less than three feet, from the service address (Tr. 28-30). Complainant in good faith believes, based on her own measurement and observation, that the closest transformer is in fact within seven feet of the residence—i.e., below the 7'-6" horizontal clearance reflected in PECO Exhibit 1. The Initial Decision does not engage with Complainant's measurement evidence and gives full credit to PECO's hedged self-report.

In a proceeding in which the asserted compliance margin is, at most, two feet (9.5 ft asserted vs. 7'-6" required), and PECO's own measurement is qualified as approximate, the absence of an independent or verifiable measurement is material. Complainant respectfully requests that the Commission remand for an independent third-party measurement of the horizontal clearance from the closest energized PECO facility to the nearest point of the residence at 1433 East Columbia Avenue, conducted on the record. If, as Complainant believes, that measurement is less than 7'-6", PECO is in violation of the very NESC standard PECO itself relies upon, and relocation at PECO's expense is warranted.

EXCEPTION NO. 3: The Initial Decision Erred In Relying On The 2017 Edition Of The National Electric Safety Code Without Confirming It Is The Operative Standard Under 52 Pa. Code § 57.28(b). (I.D. at 10 & n.1; Tr. 60.)

The Initial Decision concludes that the horizontal clearance between the transformers and the service address "is in compliance with the NESC" by reference to NESC 2017 Rule 234A & 234C and PECO Exhibit 1. (I.D. at 12.) However, PECO's own witness, Stephen Reilly, expressly conceded at hearing that he could not confirm whether the 2017 edition is the most recent version of the NESC: "I can't speak to the NESC guidelines. . . . But I can speak to the fact that this standard is up to date in terms of what we design to." (Tr. 60; I.D. at 10 n.1.)

Section 57.28(b) of the Commission's regulations requires compliance with the NESC "pursuant to its terms of applicability," 52 Pa. Code § 57.28(b), which is a question of regulatory interpretation. The Initial Decision treats PECO's internal design standard as legally equivalent to the regulatory standard without analysis. Complainant excepts to this finding and submits that

the Commission should determine, as a matter of law, which edition of the NESC governs and whether PECO's compliance has been measured against the operative edition.

EXCEPTION NO. 4: The Initial Decision Erred In Dismissing Complainant's Noise And Vibration Claims In A Footnote Without Merits Analysis. (I.D. at 10 n.2.)

The Complaint expressly alleged ongoing noise and vibration impacts arising from the pole-mounted transformers, which have disrupted the sleep of Complainant and her young children since January 2021. The Initial Decision dispenses with these allegations in a single footnote, stating only that Complainant "did not provide any further evidence at the hearing regarding this issue." (I.D. at 10 n.2.)

Complainant respectfully excepts. First, Complainant did testify to noise and vibration and to its impacts on her household. (See Tr. 15-16.) Second, unlike a claim of adverse health effects from electromagnetic fields—which the Initial Decision correctly observes implicates "scientific, technical, or other specialized knowledge" under Pa.R.E. 702 (I.D. at 11)—a claim of audible humming or perceptible vibration from a transformer outside one's bedroom window is the kind of ordinary perception that lay testimony has long been competent to establish. The Initial Decision should be reversed insofar as it disposes of the noise and vibration claims without independent merits analysis.

EXCEPTION NO. 5: The Initial Decision Erred In Dismissing The Electrical-Line Proximity Claim Based On An Evidentiary Gap The ALJ Himself Acknowledged. (I.D. at 12.)

With respect to the proximity of PECO's electrical conductors to the service address, the Initial Decision states: "From the pictures provided by Ms. Sobanko, I cannot discern whether or not the electrical lines owned by PECO are less than three feet away from the service address. Ultimately, given the evidence provided, I cannot find that PECO's electrical lines present a safety concern to Ms. Sobanko." (I.D. at 12.)

The ALJ thus expressly acknowledged that he could not determine, on the record before him, whether PECO's lines satisfy applicable horizontal clearance requirements. In these circumstances, dismissal—rather than further record development—was an abuse of discretion. The Commission has broad authority to direct supplementation of the record, including by independent measurement or inspection, particularly where, as here, a pro se complainant has identified a safety concern that the presiding officer concedes the record does not resolve. Complainant requests that the Commission remand for the limited purpose of determining the actual horizontal clearance of PECO-owned conductors from the service address, and for further proceedings consistent with that finding.

EXCEPTION NO. 6: The Initial Decision Erred In Confining Its Section 1501 Analysis To Bare NESC Compliance And Failed To Address PECO's Broader Statutory And Regulatory Duty To Provide "Reasonable" Service. (66 Pa.C.S. § 1501; 52 Pa. Code § 57.194; I.D. at 7-8, 12.)

Section 1501 requires every public utility to furnish and maintain "adequate, efficient, safe, and reasonable service and facilities," 66 Pa.C.S. § 1501, and 52 Pa. Code § 57.194 imposes related

service-adequacy and reliability obligations. While compliance with the NESC is necessary, it is not necessarily sufficient to discharge a utility's Section 1501 obligations in every circumstance, particularly where a utility's facility configuration—here, three transformers clustered on a single pole within feet of a residential bedroom occupied by young children—imposes ongoing nuisance, safety, and quality-of-service impacts on a residential customer. The Initial Decision treats NESC compliance as dispositive without independent analysis under either Section 1501 or Section 57.194, and Complainant respectfully submits that this is legal error.

EXCEPTION NO. 7: The Initial Decision Should Be Reconsidered In Light Of Complainant's Pro Se Status, The Excluded Medical Expert Evidence, And Complainant's Intent To Retain Counsel.

Complainant proceeded pro se at hearing. Complainant intends to retain counsel and, with the Commission's leave, to file supplemental Exceptions developing the foregoing arguments more fully and addressing any additional grounds identified upon review of the complete record by counsel. Given that the underlying installation has been in place since January 2021 and continues to affect a residence occupied by Complainant's young children—including a son currently undergoing pediatric sleep evaluation at CHOP—and given that medical expert evidence from Penn Medicine and CHOP was sponsored but not admitted, Complainant respectfully submits that the interests of justice favor a remand for further proceedings rather than a final dismissal.

IV. RESERVATION OF RIGHTS AND REQUEST FOR LEAVE TO SUPPLEMENT

These Exceptions are filed within the twenty-day period set forth in 52 Pa. Code § 5.533(a) for the express purpose of preserving Complainant's right to Commission review. Complainant respectfully requests leave to file supplemental Exceptions promptly upon retention of counsel. Complainant further reserves the right to raise any additional Exceptions identified by counsel upon review of the complete certified record, including the transcript of the September 22, 2025 hearing and all admitted and excluded exhibits.

V. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Complainant Dayna Sobanko respectfully requests that the Commission:

1. Sustain these Exceptions;
2. Reverse the Initial Decision dismissing the Formal Complaint at Docket No. C-2025-3054654;
3. Remand this matter to the Office of Administrative Law Judge for further evidentiary development consistent with the foregoing, including, without limitation: (i) reconsideration of the admissibility of Complainant Exhibits A, B, and E and a reasonable opportunity for Complainant to present live expert testimony from Dr. Richard Schwab, MD (Chief of Sleep Medicine, Penn Medicine) and Dr. Arun Hunda, MD (CHOP Sleep Medicine); (ii) an independent third-party measurement of the actual horizontal clearance from the closest energized PECO facility to the nearest point of the residence at 1433 East Columbia Avenue, conducted on the record; (iii) determination of

the operative edition of the National Electric Safety Code under 52 Pa. Code § 57.28(b); and (iv) merits consideration of Complainant's noise and vibration claims;

4. In the event the independent measurement establishes that the closest energized PECO facility is less than seven feet six inches (7'-6") from the residence, order PECO to relocate the offending facilities at PECO's expense as a matter of public safety and code compliance;
5. Grant Complainant leave to file supplemental Exceptions upon retention of counsel; and
6. Grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,

/s/ Dayna Sobanko

Dayna Sobanko, Complainant pro se

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Dated: April 27, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of April, 2026, served a true and correct copy of the foregoing Exceptions of Complainant Dayna Sobanko upon the persons listed below in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by Electronic Mail to Counsel of Record for Respondent:

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/s/ Dayna Sobanko

Dayna Sobanko, Complainant pro se