

May 8, 2026

**Via Electronic Filing**

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

**Re: Docket No. C-2025-3054654  
Dayna Sobanko v. PECO Energy Company  
Reply Exceptions of PECO**

Dear Secretary Homsher:

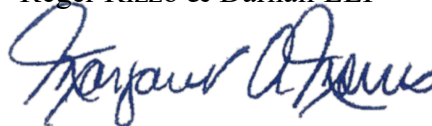
Attached for filing is the Reply of PECO Energy Company to the Exceptions filed by Dayna Sobanko in the above-referenced proceeding.

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. Alphonso Arnold III, PA Public Utility Commission [w/encls.]  
Office of Special Assistants, PA Public Utility Commission [w/encls.]  
Anthony Gay, Esquire, PECO Energy Company [w/encls.]  
Dayna Sobanko [w/encls.]

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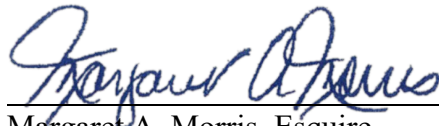
**CERTIFICATE OF SERVICE**

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**

Dayna Sobanko  
[daynaimam@gmail.com](mailto:daynaimam@gmail.com)

Dated: May 8, 2026

  
\_\_\_\_\_  
Margaret A. Morris, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DAYNA SOBANKO	:	
	:	
v.	:	Docket No. C-2025-3054654
	:	
PECO ENERGY COMPANY	:	

**REPLY EXCEPTIONS OF PECO ENERGY COMPANY  
TO THE EXCEPTIONS OF DAYNA SOBANKO**

May 8, 2026

Margaret A. Morris, Esq.  
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*Counsel for PECO Energy Company*

## **I. Introduction**

In accordance with Section 5.535 of the Commission's Regulation,<sup>1</sup> PECO Energy Company, (PECO or Company), submits its Reply to the Exceptions of Dayna Sobanko (Complainant or Ms. Sobanko), which supports the adoption of the Initial Decision, without modification, of the Honorable Alphonso Arnold III (Judge Arnold). 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. Relevant Procedural Background**

On April 18, 2025, the Complainant filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO alleging reliability, safety or quality problem with her utility service.

On May 12, 2025, the Company filed an Answer in which it denied the material allegations of fact and conclusions of law in the Formal Complaint.

On May 15, 2025, the Commission issued a Hearing Notice scheduling the matter for an Initial Telephonic Hearing on July 8, 2025, before Judge Arnold. On May 16, 2025, Judge Arnold issued a Prehearing Order outlining the relevant procedural rules governing the proceeding.

On July 8, 2025, the hearing was convened as scheduled. Khadijah Scott, Esquire, appeared on behalf of PECO along with a witness and was ready to proceed, however, the Complainant was not present to start the hearing. After a short recess to allow time for Ms. Sobanko to appear, the hearing proceeded in the Complainant's absence. No testimony was taken, and no exhibits were introduced into the record. Shortly after recess of the hearing, Ms. Sobanko, *via* email, indicated that she attempted to connect to the hearing but was unable to do

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<sup>1</sup> 52 Pa. Code § 5.535.

so. Judge Arnold informed the parties that, over the objection of PECO, a further evidentiary hearing would be scheduled for this case.

On July 10, 2025, the Commission issued a Further Telephonic Hearing Notice scheduling an evidentiary hearing in this matter for September 22, 2025.

On September 22, 2025, the Further Evidentiary Hearing was held as scheduled. Ms. Sobanko appeared, testified in support of her Complaint and sponsored five exhibits, two of which (Complainant Exhibits C and D) were admitted into the record. Attorney Scott represented PECO and presented the testimony of Stephen Reilly, a new business manager employed by PECO. Mr. Reilly sponsored two exhibits (PECO Exhibits 1 and 2) that were admitted into the record.

On January 13, 2026, the undersigned counsel efiled an Entry Of Appearance. The Initial Decision was issued on April 6, 2026. On April 27, 2026, the Complainant filed Exceptions.

### **III. Initial Decision**

Judge Arnold, based on the record, stated the following:

*Due to the absence of expert testimony presented by Ms. Sobanko in this proceeding, she cannot be found to have made a prima facie case that the transformers near her service address adversely affect her health in violation of Section 1501 of the Code. As Ms. Sobanko did not establish a prima facie case, the burden of production never shifted to PECO. Milkie. For the above reasons, Ms. Sobanko's argument in this regard must be rejected.*

*Next, regarding the proximity of the transformers to the service address, I find that the transformers are nine and a half feet from the service address, based on the measurements of PECO. The NESC horizontal clearance requirement from a 13kV transformer to a building is seven and a half feet. Thus, the*

*horizontal clearance between the transformers and the service address is in compliance with the NESC.*

*Lastly, regarding the electrical lines at issue, Ms. Sobanko alleged that the lines attached to the pole outside of her service address present a safety concern because of the proximity of the lines to her address, claiming that they were less than three feet away from her address. According to PECO, the NESC does not differentiate between the horizontal clearance requirements from a transformer to a building and the horizontal clearance requirements from electrical lines to a building. Tr. 49-50. Also according to PECO, the lines that are closest to the service address are the lines belonging to communication companies and do not belong to PECO. 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.*

Initial Decision at PP. 11-12.

#### **IV. Discussion**

The Complainant requests to supplement her Exceptions after she retains counsel and to remand the matter so that she can have a second opportunity to present her case. She relies heavily on her *pro se* status as justification to permit her to retain counsel and retry the matter. The Complainant chose to proceed *pro se*. The record is closed. The matter is before the Commission and its decision must be based on the evidentiary record that has been developed. A remand is not necessary.

As Judge Arnold recognized in his well-reasoned Initial Decision, the Complainant has not met the burden of proving that PECO violated the Public Utility Code (Code) or Commission's regulations by failing to provide reasonable and adequate service.<sup>2</sup> Her excluded exhibits constitute hearsay and were properly not admitted into the record. The Complainant's assertions, personal opinions or perceptions regarding PECO's service do not constitute evidence. Personal opinion, no matter how strongly held, does not constitute evidence.

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<sup>2</sup> ID at 11-12.

*Pennsylvania Bureau of Corrections v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987). Even a *pro se* complainant must provide relevant and necessary information. *Groch v. Unemployment Comp. Bd. of Review*, 472 A.2d 286 (Pa. Cmwlth. 1984); *Vann v. Unemployment Comp. Bd. of Review*, 494 A.2d 1081 (Pa. 1985). However, other than her opinion, the Complainant presented no evidence. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk and Western Ry. v. PA Public Utility Comm'n*, 489 Pa. 109, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 194 Pa. Super. 278, 166 A.2d 96 (1960); *Murphy v. Commonwealth, Dept. of Public Welfare, White Haven Center*, 85 Pa. Cmwlth. 23, 480 A.2d 382 (1984).

**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.)

**PECO Response:**

The Complainant's Proposed Exhibits A and B consisted of Statements from medical professionals. However, neither author appeared at the Hearing. Judge Arnold properly excluded this hearsay testimony. Consistent with PECO's due process rights, it has the right to cross-examine the authors to challenge any findings.

Exception No. 1 is without merit and should be denied.

**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 Response:**

Judge Arnold properly weighed PECO Exhibit 1 against the Complainant's "good faith" belief and concluded that more weight should be accorded to PECO's business record in determining the distance of the transformer from her residence. The Complainant merely restates her opinion testimony that Judge Arnold dismissed. Her claim that the "absence of an independent or verifiable measurement is material" and requests a remand for independent 3rd party measurements. The record is closed. The Complainant is not entitled to a remand simply

because the case she presented was found not to be substantial evidence to sustain her Formal Complaint.

Exception No. 2 is without merit and should be denied.

**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.)

**PECO Response:**

Judge Arnold properly weighed the testimony of the parties and concluded that more weight should be accorded to PECO's witness Reilly than the Complainant. The record evidence supports a finding that PECO's facilities are safe. The Complainant's argument regarding the Edition of the NECS is not dispositive and is not substantial evidence.

Exception No. 3 is without merit and should be denied.

**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.)

**PECO Response:**

Judge Arnold found that other than her statement that the transformers produce noise and vibration, she did not provide any further evidence to support her claim that the transformers in question poses a health concern. ID at 10, Fn. 2. Judge Arnold properly found that expert testimony was required since the adverse health allegation involves explanation and inferences not within the range of ordinary training, knowledge, intelligence and experience.

Exception No. 4 is without merit and should be denied.

**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.)

**PECO Response:**

Judge Arnold found that based on the photos provided by Ms. Sobanko, he could not conclude that PECO's facilities presented a safety concern. As a result, he ruled that the

Complainant did not carry her burden of proof. Her assertion that a remand is required to supplement the record is without merit. The record is closed. There is no justification that warrants giving the Complainant a second opportunity to present her case.

Exception No. 5 is without merit and should be denied.

**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.)

**PECO Response:**

Judge Arnold properly applied Section 1501 of the Code and concluded that the record evidence did not support the finding that PECO had provided unreasonable or unsafe service. The Complainant only offered her opinion that that PECO's facilities "impose ongoing nuisance, safety, and quality of service impacts on a residential customer." Her opinion testimony is not substantial evidence, no matter how strongly held.

Exception No. 6 is without merit and should be denied.

**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.

**PECO Response:**

There is no justification for a remand. The Complainant choose to appear *pro se*. Judge Arnold properly excluded hearsay evidence. The record is closed. The intent to retain counsel at this late stage of the proceedings is no reason to remand the matter to give the Complainant the opportunity to present additional/different evidence.

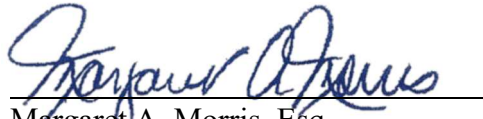
Exception No. 7 is without merit and should be denied.

## V. Conclusion

The Exceptions, either raising irrelevant points or repeating positions that Judge Arnold soundly rejected based on the record evidence, are without merit. The substantial record evidence shows that the Complainant failed to carry her burden of proof that PECO violated the Code, Commission regulation or order. The findings of facts and conclusions of law in the Initial Decision are based on substantial record evidence.

For the reasons set forth above, PECO Energy Company respectfully requests that the Commission adopt, without modification, the Initial Decision of the Honorable Alphonso Arnold III and dismiss the Formal Complaint of Dayna Sobanko.

Respectfully submitted,



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Dated: May 8, 2026

*Counsel for PECO Energy Company*