

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held April 30, 2026

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Larry Hackney

F-2025-3056536

v.

PECO Energy Company

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions of Larry Hackney (Mr. Hackney or the Complainant), filed on February 6, 2026, to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) F. Joseph Brady, issued on January 14, 2026, in the above-captioned proceeding. Replies to Exceptions were filed by PECO Energy

Company (PECO or the Company) on March 9, 2026.¹ For the reasons set forth below, we shall deny the Complainant’s Exceptions, and adopt the Initial Decision of ALJ Brady, consistent with this Opinion and Order.

I. History of Proceeding

On July 28, 2025, Mr. Hackney filed a Formal Complaint (Complaint) with the Commission against PECO.² Therein, the Complainant checked every box under “Reason for Complaint.”³ The Complainant also included several pages of a handwritten narrative, which in several instances was undecipherable, and included allegations against PECO that were not clear or understandable. I.D. at 1-2; *see* Complaint generally.

¹ As noted below, no Certificate of Service or other indication that the Parties of Record to the case had been served were included with the Complainant’s Exceptions. Consequently, on February 25, 2026, the Commission issued a Secretarial Letter (*February 2026 Secretarial Letter*) serving the Exceptions on PECO and granting the Company until March 9, 2026, to file Reply Exceptions. *February 2026 Secretarial Letter* at 1.

² The instant Complaint is a timely appeal of an informal decision of the Commission’s Bureau of Consumer Services (BCS), issued on May 20, 2025, at BCS Case No. 4052004. BCS dismissed the Complainant’s informal complaint. On May 29, 2025, the Complainant returned the completed form indicating his intent to appeal the BCS decision and requesting Formal Complaint forms. Subsequently, on July 28, 2025, Mr. Hackney filed his Complaint. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

³ On the Formal Complaint form, where asked to name the utility or company being complained against, the Complainant appears to have originally listed: “Utilities: PECO; PGW & Phila. Water Dept;” however, it appears that “PGW & Phila. Water Dept.” were stricken on July 28, 2025. Under the type of utility service subject to the Complaint, the Complainant checked the boxes for electric, gas, and water. Complaint at 2. We note that the Philadelphia Water Department is not subject to the Commission’s jurisdiction because it is municipally operated. *See* 66 Pa.C.S. §§ 102, 1102; 53 Pa.C.S. § 5607(d)(9).

PECO filed an Answer to the Complaint on August 18, 2025, in which it admitted, in part, and denied, in part, various material allegations of the Complaint. PECO denied that there are incorrect charges or a reliability, safety or quality problem with the electric service provided to the Complainant. Answer at 1-5.

A hearing was conducted on October 27, 2025. Mr. Hackney appeared *pro se* and offered no exhibits. PECO was represented by counsel. I.D. at 2.

The record closed on November 10, 2025, when the 33-page transcript was filed with the Commission. I.D. at 3.

On January 14, 2026, the Commission issued the Initial Decision of ALJ Brady, wherein the ALJ dismissed the Complaint because Mr. Hackney obstructed the orderly conduct of the proceeding and failed to comply with Commission procedures. I.D. at 1, 6, 7.

On February 3, 2026, PECO filed a letter indicating that it did not intend to file Exceptions. On February 17, 2026, the Commission issued a Final Order adopting the ALJ's Initial Decision without further action. *February 2026 Secretarial Letter* at 1.

As noted, *supra*, the Commission issued the *February 2026 Secretarial Letter* on February 25, 2026, indicating that the Complainant filed Exceptions on February 6, 2026, via First-Class Mail in an envelope dated February 4, 2026. Inasmuch as no Certificate of Service or other indication that the Parties of Record to the case had been served were included with the Complainant's Exceptions, the *February 2026 Secretarial Letter* provided PECO until March 9, 2026, to file Reply Exceptions. In addition, the *February 2026 Secretarial Letter* rescinded the Commission's February 17, 2026, Final Order. *February 2026 Secretarial Letter* at 1. Replies to Exceptions were filed by PECO on March 9, 2026.

II. Discussion

A. Legal Standards

1. Burden of Proof

As the proponent of a rule or order, the Complainant bears the burden of proof to establish that he is entitled to the relief being sought in this proceeding pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant must show that PECO is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 602 A.2d 863 (Pa. 1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by the Respondent. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, this Commission's decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980).

Upon the presentation by a complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence, sometimes called the burden of persuasion, to rebut the evidence of the complainant shifts to the respondent. If the evidence presented by the respondent is of co-equal value or "weight," the burden of proof has not been satisfied. The complainant now has to provide some additional evidence to rebut that of the respondent. *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983). While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The

burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

B. Initial Decision

ALJ Brady made seven Findings of Fact and reached five Conclusions of Law. I.D. at 3; 6-7. The Findings of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

In the Initial Decision, the ALJ dismissed the Complaint because Mr. Hackney obstructed the orderly conduct of the proceeding in a way that was inimical to the public interest and failed to comply with Commission procedures. I.D. at 1, 6, 7; 52 Pa. Code § 5.245(c). More specifically, the ALJ found that, “[t]hroughout the hearing, [the] 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 his behavior.” I.D. at 3 (citing Tr. at 5-7, 12-17, 21-24, 30-31).

The ALJ explained that 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. I.D. at 5 (citing 52 Pa. Code § 5.245(c); *Finberg v. Aqua Pa., Inc.*, Docket No. F-2017-2588064 (Opinion and Order entered October 25, 2018) (*Finberg*); *Nippes v. PECO Energy Co.*, Docket No. C-2013-2363324 (Final Order entered September 30, 2013) (*Nippes*)). The ALJ stated that, because the Complainant’s handwriting in the Complaint was undecipherable in several places, and the allegations against PECO were not clear or understandable, he attempted to hold a prehearing conference prior to going on the record at the hearing to try to establish the reason for the Complaint. However, the ALJ reported that Mr. Hackney did not appear interested in engaging in any dialogue and frequently

interrupted when the ALJ was speaking. The ALJ stated that Mr. Hackney continued to interrupt throughout the hearing and offered nonsensical testimony, to the point at which the ALJ placed the Complainant on mute during the hearing. I.D. at 5-6 (citing Tr. at 5-7, 11-15, 21, 23-31). Based on Mr. Hackney's persistent interruptions and refusal to stop speaking when instructed to do so by the ALJ, the ALJ dismissed the Complaint, as the Complainant's behavior fell below a respectful and orderly standard. I.D. at 6.

C. Mr. Hackney's Exceptions⁴

The Complainant's Exceptions consist of several handwritten pages. The Exceptions are difficult to read and understand, but they appear to be a continuation of the allegations made in Mr. Hackney's Complaint. The Complainant appears to raise concerns regarding a demolished building and meters associated with PECO, PGW, and the Philadelphia Water Department; however, any more information regarding the Exceptions is difficult to be determined via the handwritten narrative. Exc. at 1-2.

D. PECO's Reply Exceptions

In reply to the Complainant's Exceptions, PECO states that it is unable to ascertain portions of the Exceptions, as the handwriting is mostly undecipherable and the allegations are not understandable. Furthermore, PECO avers that the Exceptions appear to be mostly unrelated to the Company. PECO contends that only the first paragraph appears to be related to the Complainant's disagreement with the Initial Decision. PECO argues that the Exceptions are further proof of the Complainant's non-responsive,

⁴ We note that the format of the Exceptions does not strictly comply with Section 5.533(b) of our Regulations, which requires that each exception be numbered and identify the finding of fact and conclusion of law to which exception is taken and cite to the relevant pages of the Initial Decision. 52 Pa. Code § 5.533(b). Nevertheless, recognizing that the Complainant is appearing *pro se*, we will accept the Exceptions as filed, pursuant to Section 1.2(a) of our Regulations, and consider the merits.

erratic behavior, and states that Mr. Hackney's conduct at the hearing made it impossible for the ALJ to conduct the proceedings. PECO avers that the Complainant was provided numerous opportunities to conform his behavior but chose to continue to disrupt the hearing, which prevented a fair and orderly litigation. PECO submits that the Complainant's Exceptions are without merit and that the record evidence supports the finding that the Complainant's behavior obstructed the orderly conduct of the hearing and was inimical to the public interest. PECO requests that the Initial Decision be adopted, without modification, and that the Complaint be dismissed. R. Exc. at 3-4.

E. Disposition

At the outset, we note that any argument or Exception that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consl. Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlt. 1993); *see also, generally, Univ. of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlt. 1984).⁵

Upon review of the record in this proceeding, the Exceptions, and the Replies thereto, we find that the Complainant's Exceptions should be denied.

The Commission is required to provide due process to the parties appearing before it. This requirement is satisfied when the parties are afforded notice and the opportunity to be heard. *Schneider v. Pa. PUC*, 479 A.2d 10 (Pa. Cmwlt. 1984).

⁵ *See also Metropolitan Edison Co. v. Pa. PUC*, 22 A.3d 353 (Pa. Cmwlt. 2011), *appeal denied*, 22 A.3d 353 (Pa. 2012) (citing *Wheeling & Lake Erie Railway Company v. Pa. PUC*, 778 A.2d 785, 794 (Pa. Cmwlt. 2001) for the proposition that the Commission is not required to expressly consider all of the arguments set forth by the parties in its Order).

Once notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to participate in the hearing. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered October 25, 1993). Commission precedent provides that “[t]his participation must be in a respectful and orderly fashion.” *Nippes*; *see also Finberg*; *Roberts v. PECO Energy Co.*, Docket No. F-2018-3001072 (Order entered January 16, 2020).

Here, the Complainant was afforded an opportunity to explain the reasons for his Complaint at both a prehearing conference and hearing. During the hearing, the Complainant frequently interrupted and spoke over the ALJ and counsel for PECO. The Complainant offered testimony that was unrelated to his Complaint and refused to stop speaking when instructed to do so by the ALJ. In our view, the ALJ correctly dismissed the Complaint, pursuant to the Commission’s Regulation at Section 5.245(c), 52 Pa. Code § 5.245(c).

Accordingly, we shall deny the Complainant’s Exceptions, and adopt the Initial Decision, consistent with this Opinion and Order.

III. Conclusion

Based upon our review of the record in this proceeding, the Exceptions, and the Replies thereto, we shall deny the Complainant’s Exceptions, adopt the Initial Decision of ALJ Brady, and dismiss the Formal Complaint of Mr. Hackney, consistent with this Opinion and Order; **THEREFORE:**

IT IS ORDERED:

1. That the Exceptions of Larry Hackney, filed on February 6, 2026, to the Initial Decision of Administrative Law Judge F. Joseph Brady, issued on January 14, 2026, at Docket No. F-2025-3056536, are denied, consistent with this Opinion and Order.

2. That the Initial Decision of Administrative Law Judge F. Joseph Brady, issued on January 14, 2026, at Docket No. F-2025-3056536, is adopted, consistent with this Opinion and Order.

3. That the Formal Complaint filed by Larry Hackney on July 28, 2025, against PECO Energy Company at Docket No. F-2025-3056536 is dismissed, consistent with this Opinion and Order.

BY THE COMMISSION



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 30, 2026

ORDER ENTERED: May 11, 2026