

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Frances and Sandy Stauffer	:	
	:	
v.	:	C-2025-3056386
	:	
PECO Energy Company Electric	:	

INITIAL DECISION

Before
Christopher P. Pell
Deputy Chief Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Complainants’ Formal Complaint because they failed to prove by a preponderance of the evidence that the Respondent provided them with inadequate or unreasonable service.

HISTORY OF THE PROCEEDING

On July 17, 2025, Frances and Sandy Stauffer (Complainants) filed a Formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainants placed a checkmark in the boxes marked “I am having a reliability, safety or quality problem with my utility service,” and “[o]ther,” next to which the Complainants referenced a power outage at their home that ruined their refrigerator. Complaint ¶ 4. As relief, the Complainants requested that the Commission order PECO

to pay for their new refrigerator, which they averred cost approximately \$2,499, as well as the lost contents from their old refrigerator, which the Complainants estimated to be approximately \$350. Complaint ¶ 5.

On August 11, 2025, the Respondent filed an Answer denying that there is a reliability, safety or quality issue with the electric service provided to the service address and denied that the Commission can award compensation for the alleged damage to personal property.

Also on August 11, 2025, the Respondent filed a Preliminary Objection requesting that the Complainants' request for monetary damages be stricken from the Formal Complaint for lack of subject matter jurisdiction. The Respondent endorsed its Preliminary Objection with a Notice to Plead advising the Complainants that they had ten (10) days to file a written response to PECO's Preliminary Objection.

On August 21, 2025, the Complainants filed a response to the Respondent's Preliminary Objection. In the Response, the Complainants indicated that they "want financial compensation for complete loss of refrigerator."

By Initial Telephonic Hearing Notice dated September 5, 2025, an initial call-in telephonic hearing was scheduled for November 10, 2025, and the matter, including PECO's Preliminary Objection, was assigned to me.

By Interim Order dated October 3, 2025, PECO's Preliminary Objection was sustained, and the portion of the Complaint requesting relief in the form of monetary damages was dismissed. The Interim Order directed that the November 10, 2025, hearing proceed as scheduled to address the remaining allegations set forth in the Complaint.

On November 10, 2025, the hearing convened as scheduled. Sandy Stauffer appeared *pro se*. Margaret Morris, Esquire, appeared on behalf of the Respondent along with two potential witnesses. After a brief discussion at the outset of the hearing, the Complainant orally withdrew her Complaint on the record.

On December 2, 2025, the transcript of the November 10, 2025, hearing was filed with the Commission. Upon review of the hearing transcript, I determined not to grant Ms. Stauffer's request to withdraw her Complaint. By Second Interim Order dated December 19, 2026, I directed that this matter be rescheduled for hearing.

By Further Telephonic Hearing Notice dated January 5, 2026, a further hearing was scheduled for Thursday, February 26, 2026, at 10:00 a.m.

On February 26, 2026, I convened the hearing as scheduled. The Complainant, Sandy Stauffer, appeared *pro se* and testified in support of the Complaint. Margaret A. Morris, Esquire, appeared on behalf of the Respondent and presented the testimony of Nichole DeMott, a PECO Senior Engineer, and Robert Nickens, a PECO Manager of Claims. PECO offered four exhibits which were admitted into the record. (PECO Exhs. 1 – 4).

The record closed on March 16, 2026, the date the Commission received a copy of the transcript.

FINDINGS OF FACT

1. The Complainants in this case are Frances and Sandy Stauffer.
2. The Respondent in this case is PECO Energy Company.

3. The Complainants live at 4937 Wismer Road, New Hope, PA 18938. Tr. 26.
4. PECO provides the Complainants with residential electric service via 34 kV lines that come out of Buckingham substation, which feed the Gardenville-000 4kV circuit that ultimately feeds the service address. Tr. 44.
5. Every four years, PECO performs vegetation management on the circuit that serves the Complainants. Tr. 45.
6. On June 17, 2022, PECO completed preventative maintenance trimming. Tr. 46-47; PECO Exh. 1.
7. On November 18, 2024, PECO performed off-cycle vegetation trimming. Tr. 46; PECO Exh. 1.
8. Thermography measures the heat signature of aerial equipment and detects issues that can't be seen visually. Tr. 47.
9. Thermography enables PECO to replace equipment before it potentially causes an outage. Tr. 47.
10. On February 23, 2024, PECO completed circuit patrol and thermography. Tr. 47; PECO Exh. 1.
11. An outage is a sustained interruption of electric service without notice that lasts at least five minutes. Tr. 43.

12. A momentary interruption is when service is interrupted for less than five minutes which is usually the result of a recloser or breaker operation. Tr. 43.

13. The service address experienced three sustained outages in 2023: on January 31, 2023, for 7.82 minutes, cause undetermined; on August 22, 2023, for 65.52 minutes due to vegetation; and on September 8, 2023, for 79.65 minutes due to vegetation. Tr. 45-46.

14. The service address experienced one sustained outage in 2024, which occurred on September 27, 2024, for 49.53 minutes due to an equipment issue. Tr. 45-46.

15. On September 14, 2024, a momentary outage occurred at the service address. Tr. 42, 47; PECO Exhs. 1 and 2.

16. The September 14, 2024, momentary outage was the result of a station light cable fault, which is the cable coming directly out of the Buckingham substation. Tr. 48; PECO Exh. 2.

17. The September 14, 2024, momentary outage was due to equipment failure outside of the Company's control that could not have been foreseen. Tr. 59.

18. This momentary outage affected 269 customers. Tr. 59.

19. A breaker operation or recloser acts to deflect a fault; if it no longer sees that fault, it will clear an electrical flow again. Tr. 43.

20. If the breaker operation or recloser detects that a fault is still present, it redirects power to restore as much as possible. Tr. 43.

21. When the fault occurred on September 14, 2024, reclosers operated on that circuit, and then the breaker on the Gardenville circuit opened as power was restored. Tr. 48.

22. The breaker at the Gardenville substation operated as designed. Tr. 48-49.

23. A surge occurs when a higher voltage circuit comes into contact with a lower voltage, creating a path for the higher voltage into lower voltage equipment. Tr. 48.

24. The recloser operation that caused the breaker to open at the Gardenville substation did not increase the voltage on the circuit serving the Complainants because the recloser momentarily stopped the flow of current. Tr. 49.

DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, Complainant must show that the Respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support

the Commission's adjudication must be based upon substantial evidence. 2 Pa.C.S. § 704; *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied his burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 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. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

In the present case, the Complainant asserted that she experienced a power outage which ruined her refrigerator. Tr. 27. The Complainant has raised a claim of inadequate or unreasonable service by PECO.

PECO is required by law to provide the Complainant with adequate and reasonable service. Section 1501 of the Public Utility Code provides, in relevant part:

§1501. Character of service and facilities

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S. § 1501.

Interpreting this provision in *West Penn Power Co. v. Pennsylvania Public Utility Commission*, 478 A.2d 947 (Pa. Cmwlth. 1984), the Commonwealth Court stated:

We hold that in order for the PUC to sustain a complaint brought under this section, the utility must be in violation of its duty under this section. Without such a violation by the utility, the PUC does not have the authority, when acting on a customer's complaint, to require any action by the utility.

West Penn Power, 478 A.2d at 949 (footnote omitted).

The statutory definition of “service” is to be broadly construed.¹ *Country Place Waste Treatment Co., Inc. v. Pa. Publ. Util. Comm’n*, 654 A.2d 72 (Pa. Cmwlth. 1995). In applying the facts to the law, the issue becomes whether PAWC’s actions as

¹ “**Service.**” Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities ... in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them[.]” 66 Pa.C.S. § 102 (emphasis original).

described in the Complaint rise to the level of inadequate service that constitutes a violation of the Public Utility Code.

Although the Complainant alleged that PECO caused damage to her refrigerator, she could not explain how PECO's actions damaged her refrigerator:

Judge: Okay. Following up on that, what are you alleging that PECO did that caused this damage to your refrigerator?

The Witness: Well, I don't think it just going out would have done it. Well, I don't know, because I don't know electricity at all. But there must have been some kind of a surge or something that, you know, backlashed to have killed the refrigerator. It was working fine and it wasn't all that old.

So I – and I had power surge protectors in my house because the house is new enough that it has it in the outlets. Plus, I have other extra power surge protectors. But somehow this surge, when it went off, then the refrigerator never cooled again or worked, other than the little lights.

Tr. 28. The Complainant speculated about what might have caused the problem, namely a power surge, but didn't offer anything beyond her own opinions to support her Complaint. Mere bald assertions, personal opinions or perceptions do not constitute evidence. *Pa. Bur. of Corr. V. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987); *Mid-Atlantic Power Sup, Assn. v. Pa. Pub. Util. Comm'n*, 746 A.2d 1196, 1200 (Pa. Cmwlth. 2000); see also *Steffy's Pattern Shop v. Frontier Comm. of Pa., Inc.*, R-00994808C0001 (Order entered Mar. 3, 2000).

The Complainant was also unable to specify when the outage that she claimed damaged her refrigerator actually happened. Upon hearing PECO's Witness' testimony regarding the dates of outages in her area, the Complainant responded as follows:

Ms. Stauffer: Well, just that I – when I’m up, it’s to use the bathroom facilities. And I had the lights on and, you know, trying to have the lights on, that’s how I knew that they were out. And this was definitely not a momentary thing. It was out for a while.

So the only other thing I can think of is that my time was wrong because they purport on September 8th at the same time, now, that would have been a week earlier, there was an 80-minute outage. Possibly, that was my date. I don’t know because I was freaked out that I didn’t have a refrigerator. It took me a long time to get one. I have no people to help me move it, you know, or get the old one out. That was the biggest problem was getting the removal of the previous one.

And so the only other thing I can think of is, first of all, maybe I have the date wrong and it was the 80-minute outage on September 8th instead of the 14th. But I know for a fact that the entire time that I was up, the power was not back on. But I believe it was probably less than an hour because I was up again.

And whatever. I know that it wasn’t just, you know, on/off, a blink. It was – it was out. So I don’t know what to tell you.

Tr. 62-63. However, PECO witness DeMott noted in response that the “September 8th” outage actually occurred one year earlier in 2023. Clearly, the Complainant was not able to say when the event that allegedly damaged her refrigerator actually occurred.

In response to concerns raised by the Complainant, PECO witness DeMott testified that PECO completed preventative vegetation maintenance trimming on June 17, 2022, as well as off-cycle vegetation trimming on November 18, 2024. Tr. 46-47; PECO Exh. 1. Moreover, Ms. DeMott testified that thermography enables PECO to detect issues and replace equipment before it potentially causes an outage, and that PECO completed circuit patrol and thermography on February 23, 2024. Tr. 47; PECO Exh. 1. Lastly, Ms. Demott established that a surge did not take place on the Complainant’s

circuit, explaining that the recloser operation that caused the breaker to open at the Gardenville substation did not increase the voltage on the circuit serving the Complainants because the recloser momentarily stopped the flow of current. Tr. 49.

Upon review of the record, the Complainant is unable to establish what happened to cause damage to her refrigerator, or when it happened. The Complainant assumes that an outage or a surge caused this damage but did not offer anything to actually demonstrate that a power outage or power surge caused damage to her refrigerator, or that PECO directly caused the problem she experienced. Moreover, PECO established that it took reasonable precautions to prevent power outages and issues prior to the outages that occurred in September 2024. Under these circumstances, I cannot conclude that PECO provided the Complainants with inadequate or unreasonable service.

Accordingly, the Complainants' Complaint is denied in its entirety.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
2. Pursuant to 66 Pa.C.S. § 332(a), the burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).
3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.

4. It is every public utility's duty to "furnish and maintain adequate, efficient, safe, and reasonable service and facilities," and to "make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa C.S. § 1501.

5. Mere bald assertions, personal opinions or perceptions do not constitute evidence. *Pa. Bur. of Corr. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987); *Mid-Atlantic Power Sup. Assn. v. Pa. Pub. Util. Comm'n*, 746 A.2d 1196, 1200 (Pa. Cmwlth. 2000); *see also Steffy's Pattern Shop v. Frontier Comm. of Pa., Inc.*, R-00994808C0001 (Order Entered Mar. 3, 2000).

6. The Complainants failed to meet their burden of proving that the Respondent failed to provide them with adequate and reasonable service.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Frances and Sandy Stauffer at *Frances and Sandy Stauffer v. PECO Energy Company* at Docket No. C-2025-3056386 is denied.

2. That the Secretary's Bureau mark Docket No. C-2025-3056386 as closed.

Date: June 12, 2026

_____/s/
Christopher P. Pell
Deputy Chief Administrative Law Judge