

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Charmaine Prater/	:	C-2023-3039169
Charmaine Custis ¹	:	C-2025-3058086
v.	:	C-2025-3059038
	:	C-2025-3058088
PECO Energy Company	:	C-2025-3058831

INITIAL DECISION

Before
Barbara Shadie Nause
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaints, with prejudice, for the failure of Complainant to appear for the hearing and prosecute the Complaints.

HISTORY OF THE PROCEEDING

Formal Complaint C-2023-3039169

On March 9, 2023, Charmaine Prater (Complainant) filed a Formal Complaint (First Complaint) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission). This Complaint was docketed at C-2023-3039169. In the First Complaint, Complainant alleged that PECO

¹ Charmaine Prater has filed complaints using the “Prater” surname and the “Custis” surname.

threatened to shut off or has already shut off her service; that there are incorrect charges on her bill; that there is a reliability, safety or quality program with the service and “Other” where she alleged a violation of consumer protective laws, a non-working meter, illegal shutoffs, and blocking her from her account by changing her password. First Complaint ¶ 4. In her First Complaint, Complainant requested to be made whole by creating “her good true account that has been breached by PECO illegally.” Also, in her requested relief, Complainant included additional allegations of fraud and denied access to a fair investigation. First Complaint ¶ 5. Further, Complainant alleged that a court has granted her a “Protection From Abuse” order (PFA); however, she did not attach a copy of the current PFA as required by the Formal Complaint form. First Complaint ¶ 6.

On April 11, 2023, PECO filed an Answer and New Matter (Answer) along with a Notice to Plead. In its Answer, PECO admitted in part and denied in part various material allegations in the First Complaint. PECO denied that PECO has already shut off her service; that there are incorrect charges on her bill, or that there is a reliability, safety or quality program with the service. Additionally, PECO denied a violation of consumer protective laws. In its New Matter, PECO averred that Complainant has failed to state a claim upon which relief may be granted and that Complainant’s allegations in the First Complaint should be dismissed on the grounds of *res judicata*.

The Complainant’s Answer to PECO’s New Matter was due within twenty days of the date of service of the Answer with New Matter. 52 Pa. Code § 5.63(a). The Complainant did not file an Answer to PECO’s New Matter.

On May 11, 2023, an Initial Call-In Telephonic Hearing Notice was served on all parties electronically, setting an Initial Telephonic Hearing for June 29, 2023, at 10:00 a.m. and the matter was assigned to Administrative Law Judge Charece Collins.

On May 25, 2023, a Hearing Type Change Notice was served on all parties electronically, changing the Initial Telephonic Hearing to a Telephonic Prehearing Conference.

At the time of the prehearing conference, the parties agreed to a settlement conference. Tr. 19.

In keeping with the Commission's practice to protect a Complainant's address, telephone number, and account numbers in all filings that are typically made public if a Complainant has a PFA (or other protective court order) in effect, the Commission will redact Complainant's address, account numbers and other contact information from all public filings. However, the record is currently not clear as to whether Complainant's address, account numbers and contact information needs to be protected from public disclosure. By Order Directing Complainant To Produce Protection From Abuse Order served electronically on June 26, 2023, Complainant was directed to send a true and correct copy of a court-issued order that was in effect for her protection, or evidence of any pending court action to renew said order which was in effect at the time her Complaint was filed on or before the close of business July 10, 2023. Complainant did not produce a true and correct copy of a court-issued order that was in effect for her protection, or evidence of any pending court action to renew said order which was in effect at the time her Complaint was filed on or before the close of business July 10, 2023.

On June 30, 2023, a Call-In Telephonic Settlement Conference Notice was served on all parties electronically, scheduling a settlement conference for August 24, 2023, at 10:00 a.m. Complainant failed to appear at the settlement conference. Tr. 29.

On August 14, 2024, a Judge Change-Assignment Notice was served to all parties electronically, advising the parties that the case was reassigned to Administrative Law Judge Steven Haas.

Formal Complaint C-2025-3058086

On September 11, 2025, Charmaine Prater (Complainant) filed a second Formal Complaint (Second Complaint) against PECO with the Commission. This Complaint was docketed at C-2025-3058086. In the Second Complaint, Complainant alleged that PECO threatened to shut off or has already shut off her service; that she would like a payment agreement; that there are incorrect charges on her bill; and that there is a reliability, safety or quality program with the service. Under “Other,” Complainant also alleged a criminal drug ring and gang violence involving PECO employees. Second Complaint ¶ 4. In her Second Complaint, Complainant’s handwriting in several instances was undecipherable and the relief requested was not clear or understandable. Second Complaint ¶ 5. Further, Complainant alleged that a court has granted her a PFA; however, she did not attach a copy of the current PFA as required by the Formal Complaint form. Second Complaint ¶ 6.

On November 11, 2025, PECO filed an Answer and denied all material allegations in the Second Complaint.

Formal Complaint C-2025-3058088

On September 10, 2025, Charmaine Custis (Complainant) filed a third Formal Complaint (Third Complaint) against PECO with the Commission. This Complaint was docketed at C-2025-3058088. In the Third Complaint, Complainant alleged that PECO threatened to shut off or has already shut off her service; that there are incorrect charges on her bill; and that there is a reliability, safety or quality program with

the service due to corrupt police officers working with PECO employees. Third Complaint ¶ 4. In her Third Complaint, Complainant's handwriting in several instances was undecipherable and the relief requested was not clear or understandable. Third Complaint ¶ 5. Further, Complainant alleged that a court has granted her a PFA; however, she did not attach a copy of the current PFA as required by the Formal Complaint form. Third Complaint ¶ 6.

On November 11, 2025, PECO filed an Answer and denied all material allegations in the Third Complaint.

By Order Consolidating Proceedings, dated November 14, 2025, Judge Haas consolidated C-2023-3039169, C-2025-3058086 and C-2025-3058088 for hearing and adjudication. (First Complaint, Second Complaint, Third Complaint).

Formal Complaint C-2025-3058831

On November 5, 2025, Charmaine Custis (Complainant) filed a fourth Formal Complaint (Fourth Complaint) against PECO with the Commission. This Complaint was docketed at C-2025-3058831. In the Fourth Complaint, Complainant alleged that PECO threatened to shut off or has already shut off her service; that she would like a payment agreement; that there are incorrect charges on her bill; that there is a reliability, safety or quality program with the service and "Other" alleging civil right and due process violations because five informal decisions were withheld. Fourth Complaint ¶ 4. In her Fourth Complaint, Complainant indicated that she will explain her relief requested "at a later date." Fourth Complaint ¶ 5. Further, Complainant alleged that she is a victim of ongoing domestic abuse however, she did not attach a copy of the current PFA as required by the Formal Complaint form. Fourth Complaint ¶ 6.

On December 12, 2025, PECO filed an Answer and denied all material allegations in the Fourth Complaint.

On January 9, 2026, a Telephonic Prehearing Conference Notice was served on all parties electronically, scheduling a Telephonic Prehearing Conference for February 23, 2026, at 10:00 a.m.; however, by Notice dated February 23, 2026, the Telephonic Prehearing Conference was cancelled.

Formal Complaint C-2025-3059038

On November 5, 2025, Charmaine Prater (Complainant) filed a fifth Formal Complaint (Fifth Complaint) against PECO with the Commission. This Complaint was docketed at C-2025-3059038. In the Fifth Complaint, Complainant alleged that PECO threatened to shut off or has already shut off her service; that she would like a payment agreement; that there are incorrect charges on her bill; that there is a reliability, safety or quality program with the service, and “Other” where Complainant’s handwriting in several instances was undecipherable and the issue was not clear or understandable. Fifth Complaint ¶ 4. In her Fifth Complaint, in the “Requested Relief” section, Complainant indicated “NO” and she did not explain how she wanted the complaint resolved. Fifth Complaint ¶ 5. Further, Complainant alleged that she is a victim of ongoing domestic abuse. Fifth Complaint; however, she did not attach a copy of the current PFA as required by the Formal Complaint form ¶ 6.

On December 12, 2025, PECO filed an Answer and New Matter (Answer) along with a Notice to Plead. In its Answer, PECO admitted in part and denied in part various material allegations of fact and conclusions of law in the Fifth Complaint. In its New Matter, PECO averred that Complainant has failed to state a claim upon which relief

may be granted and that Complainant's allegations in the Fifth Complaint should be dismissed on the grounds of *res judicata*.

The Complainant's Answer to PECO's New Matter was due within twenty days of the date of service of the Answer with New Matter. 52 Pa. Code § 5.63(a). The Complainant did not file an Answer to PECO's New Matter.

Consolidation of Proceedings

Regarding Fifth Complaint C-2025-3059038, on January 16, 2026, an Initial Call-In Telephonic Hearing Notice was served on all parties electronically, setting an Initial Telephonic Hearing for March 10, 2026, at 10:00 a.m. and the matter was assigned to me. The Hearing Notice provided the parties with the Toll-Free Bridge Number and the Passcode to call and participate in the telephonic hearing. The Hearing Notice further stated as follows:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed "with prejudice" which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint. If you are unable to attend the hearing for any reason, you must request a continuance using the procedure described below.

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a "motion") at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

On January 20, 2026, a Prehearing Order was served on the parties which reminded the parties of the date and time of the hearing. The Prehearing Order also stated the potential consequences if a party failed to appear at the hearing. Additionally, the Prehearing Order informed the parties about the applicable procedural rules and again included the procedure to follow for hearing continuances.

The Hearing Notice and Prehearing Order were electronically served to Complainant in the ordinary course of the Commission's business to the email address she provided to the Commission. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On February 7, 2026, Complainant emailed a request for an in-person hearing due to "physical disabilities hearing visual and mobility."

On March 3, 2026, a Judge Change-Assignment Notice was electronically issued to the parties advising them that Formal Complaints C-2023-3039169, C-2025-3058086, C-2025-3058088 and C-2025-3058831 were reassigned to me. Additionally, by Second Order Consolidating the Proceedings, C-2025-3059038 was consolidated with C-2023-3039169, C-2025-3058086, C-2025-3058088 and C-2025-3058831. (First Complaint, Second Complaint, Third Complaint, Fourth Complaint, and Fifth Complaint).

Further, on March 3, 2026, a Hearing Change Notice was issued changing the Initial Telephonic Hearing scheduled for March 10, 2026, at 10:00 a.m., to an In-person hearing at the same date and time. The Hearing Change Notice provided the parties with the location of the In-Person Hearing. The Hearing Change Notice further stated as follows:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint. If you are unable to attend the hearing for any reason, you must request a continuance using the procedure described below.

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

The Hearing Change Notice also stated the potential consequences if a party failed to appear at the hearing.

The Hearing Change Notice was electronically served to Complainant in the ordinary course of the Commission’s business to the email address she provided to the Commission. The Hearing Change Notice was not returned to the Commission as undeliverable.

On March 10, 2026, I convened the hearing as scheduled. Margaret Morris, Esquire, appeared on behalf of Respondent along with one witness and was ready to proceed. The court reporter was also present. Complainant was not present at the start of the hearing. After a short recess to allow time for Complainant to appear, the hearing proceeded in Complainant’s absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, Respondent moved to dismiss the Complaints, with prejudice, for Complainant’s failure to appear and prosecute her Complaints. Tr. 40. I took this Motion under advisement. Tr. 41.

In this case, the record continues to be unclear if Complainant has a PFA (or other protective court order) as Complainant has not produced a true and correct copy of a court-issued order that was in effect for her protection, or evidence of any pending court action to renew said order which was, or is, currently in effect. However, at the time of the hearing, the court reporting agency was instructed to redact Complainant's address, telephone number, and account numbers in these matters.

On March 18, 2026, Complainant contacted the Commission by hand-written letter, portions of which were undecipherable. However, in the legible portions, Complainant indicated she could not attend a hearing in Philadelphia due to safety reasons and that consolidation of the matters violated a "Fair Hearing."

The record closed on March 25, 2026, following the Commission's receipt of the transcript. This Decision grants Respondent's Motion to Dismiss the Complaints, with prejudice.

FINDINGS OF FACT

1. The Complainant is Charmaine Prater aka Charmaine Custis.
2. The Respondent is PECO Energy Company.

Complaint C-2023-3039169

3. On March 9, 2023, Complainant filed a Formal Complaint against Respondent.

4. In the Complaint, Complainant alleged that a court has granted her a PFA ; however, she did not attach a copy of the current PFA as required by the Formal Complaint form.

5. On April 11, 2023, PECO filed an Answer and New Matter to the Complaint.

6. On May 11, 2023, an Initial Call-In Telephonic Hearing Notice was served on all parties electronically, setting an Initial Telephonic Hearing for June 29, 2023, at 10:00 a.m. and the matter was assigned Administrative Law Judge Charece Collins.

7. On May 25, 2023, a Hearing Type Change Notice was served on all parties electronically, changing the Initial Telephonic Hearing to a Telephonic Prehearing Conference.

8. At the time of the prehearing conference, the parties agreed to a settlement conference.

9. On June 30, 2023, a Call-In Telephonic Settlement Conference Notice was served in all parties electronically, scheduling a settlement conference for August 24, 2023, at 10:00 a.m.

10. Complainant failed to appear at the settlement conference. Tr. 29.

11. Complainant did not produce a true and correct copy of a court-issued order that was in effect for her protection, or evidence of any pending court action to renew said order which was in effect at the time her Complaint was filed on or before the close of business July 10, 2023.

Complaint C-2025-3058086

12. On September 11, 2025, Complainant filed a Formal Complaint against Respondent.

13. In the Complaint, Complainant alleged that a court has granted her a PFA ; however, she did not attach a copy of the current PFA as required by the Formal Complaint form.

14. On November 11, 2025, PECO filed an Answer to the Complaint.

Complaint C-2025-3058088

15. On September 10, 2025, Complainant filed a Formal Complaint against Respondent.

16. In the Complaint, Complainant alleged that a court has granted her a PFA ; however, she did not attach a copy of the current PFA as required by the Formal Complaint form.

17. On November 11, 2025, PECO filed an Answer to the Complaint.

18. By Order Consolidating Proceedings, dated November 14, 2025, Complaints C-2023-3039169, C-2025-3058086 and C-2025-3058088 were consolidated for hearing and adjudication.

Complaint C-2025-3058831

19. On November 5, 2025, Complainant filed a Formal Complaint against Respondent.

20. In the Complaint, Complainant alleged that she is a victim of ongoing domestic violence; however, she did not attach a copy of the current PFA as required by the Formal Complaint form.

21. On December 12, 2025, PECO filed an Answer to the Complaint.

22. On January 9, 2026, a Telephonic Prehearing Conference Notice was served on all parties electronically, scheduling a Telephonic Prehearing Conference for February 23, 2026, at 10:00 a.m.; however, by Notice dated February 23, 2026, the Telephonic Prehearing Conference was cancelled.

Complaint C-2025-3059038

23. On November 5, 2025, Complainant filed a Formal Complaint against Respondent.

24. In the Complaint, Complainant alleged that she is a victim of ongoing domestic violence; however, she did not attach a copy of the current PFA as required by the Formal Complaint form.

25. On December 12, 2025, PECO filed an Answer to the Complaint.

26. On January 16, 2026, an Initial Call-In Telephonic Hearing Notice was served on all parties electronically, scheduling an Initial Call-In Hearing for March 10, 2026, at 10:00 a.m. and the matter was assigned to me.

27. The January 16, 2026 Hearing Notice was served on all parties, provided the parties with the Toll-Free Bridge Number and the Passcode to call and participate in the telephonic hearing, which was scheduled for March 10, 2026, at 10:00 a.m.

28. On January 20, 2026, a Prehearing Order was issued to all, again informing the parties of the date and time of the hearing and providing procedural information.

29. Both the Hearing Notice and the Prehearing Order was served electronically on Complainant to the email address provided to the Commission.

30. Both the Hearing Notice and Prehearing Order provided Complainant with the toll-free bridge telephone number and PIN to call and participate in the hearing, and, *inter alia*, the procedure for requesting a continuance and the possible consequences of failing to appear at the hearing.

31. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

32. On February 7, 2026, Complainant emailed a request for an in-person hearing due to “physical disabilities hearing visual and mobility.”

33. On March 3, 2026, a Judge Change-Assignment Notice was electronically issued to the parties advising them that Formal Complaints C-2023-3039169, C-2025-3058086, C-2025-3058088 and C-2025-3058831 were assigned to me.

34. On March 3, 2026, by Second Order Consolidating the Proceedings, I consolidated C-2025-3059038 with C-2023-3039169, C-2025-3058086, C-2025-3058088 and C-2025-3058831.

35. On March 3, 2026, a Hearing Change Notice was served on the parties which informed the parties that the Initial Telephonic Hearing scheduled in the above-captioned case for March 10, 2026 was changed from a Call-In Telephonic Hearing to an In-Person Hearing.

36. The hearing date and time remained the same.

37. The March 3, 2026 Hearing Change Notice provided Complainant with the location of the In-Person Hearing, and, *inter alia*, the procedure for requesting a continuance and the possible consequences of failing to appear at the hearing.

38. Complainant failed to appear and participate in the scheduled In-Person Hearing on March 10, 2026.

39. The court reporter, Counsel for Respondent and its witness were present and prepared to proceed at the March 10, 2026 hearing.

40. On March 18, 2026, the Complainant contacted the Office of Administrative Law Judge and indicated that due to safety reasons she could not attend a hearing in Philadelphia and that consolidation of the matters violated a "Fair Hearing."

DISCUSSION

Due Process and Notice

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). The essential elements of due process in an administrative proceeding are notice and an opportunity to be heard. *J.P. v. Dep't of Human Servs.*, 150 A.3d 173 (Pa. Cmwlth. 2016). Notice electronically served to a party with no notification that service failed is presumed received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Final Order entered Dec. 19, 2019) (*Hu*); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017) (*Zirkel*); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017) (*Morella*).

The record shows that Complainant was provided notice and the opportunity to be heard. First, on January 16, 2026, the Commission served Complainant a Hearing Notice which advised the parties of the date and time of the hearing, and how to participate. Second, on January 20, 2026, the Commission served Complainant a Prehearing Order which reminded the parties of the date and time of the hearing, and how to participate. Further, both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, both documents advised Complainant that failure to appear may result in the dismissal of the Complaint with prejudice, which means that Complainant would be barred from filing another complaint raising the same claim(s) and issues(s) presented in the dismissed complaint.

Both the Hearing Notice and Prehearing Order were electronically served to Complainant at the email address she provided to the Commission. Neither the Hearing Notice nor the Prehearing Order was returned to the Commission as undeliverable. Accordingly, it must be presumed that these documents sent to Complainant were

received by Complainant. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *Hu*; *Zirkel* ; *Morella*.

By email dated February 7, 2026, from Complainant, she requested an in-person hearing due to “physical disabilities hearing visual and mobility.”

On March 3, 2026, a Judge Change-Assignment Notice was electronically issued to the parties advising them that Formal Complaints at Docket Nos. C-2023-3039169, C-2025-3058086, C-2025-3058088 and C-2025-3058831 were reassigned to me. Additionally, by Second Order Consolidating the Proceedings, C-2025-3059038 was consolidated with C-2023-3039169, C-2025-3058086, C-2025-3058088 and C-2025-3058831. (First Complaint, Second Complaint, Third Complaint Fourth Complaint, Fifth Complaint).

Further, on March 3, 2026, a Hearing Change Notice was served which informed the parties that the Initial Telephonic Hearing scheduled for March 10, 2026, in the above-captioned case was changed from a Call-In Telephonic Hearing to an In-Person Hearing. The date and time of the In-Person Hearing remained the same. The Hearing Change Notice provided the parties with the location of the In-Person Hearing and further stated the potential consequences if a party failed to appear at the hearing.

The Hearing Change Notice was electronically served to Complainant in the ordinary course of the Commission’s business to the email address she provided to the Commission. The Hearing Change Notice was not returned to the Commission as undeliverable.

Complainant had notice of the hearing and an opportunity to be heard in this proceeding. Therefore, Complainant’s due process rights have been fully protected.

Sentner v. Bell Tel. Co. of Pa., Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

Failure to Appear, Waiver and the “Unavoidable” Standard

Once a hearing is scheduled and the parties are duly notified by the Commission, it is the responsibility of the parties to appear and participate in the hearing. *Mumma v. PECO Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 28, 2002). Both the Public Utility Code and the Commission’s regulations provide that, after being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a). However, these provisions in the Code and in the Commission’s regulations do not apply if the presiding officer determines that the party’s failure to appear at the hearing was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(b).

The party who failed to appear at the hearing has the burden of explaining why their failure to appear was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. West Penn Power Co.*, Docket No. C-2021-3028202 (Opinion and Order entered Sept. 15, 2022). When there are no facts in the record that the party’s failure to appear was unavoidable, the complaint should be dismissed. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

Complainant failed to appear for the hearing despite receiving notice and despite the undersigned allowing additional time for Complainant to appear.

Specifically, by email dated February 7, 2026, Complainant requested an In-Person Hearing due to “physical disabilities hearing visual and mobility.” Complainant did not indicate that she could not attend an In-Person Hearing in Philadelphia. Further, Complainant’s February 7, 2026 email confirmed that she was aware of the March 10, 2026 telephonic hearing. Here, Complainant purposely failed to appear in an attempt to avoid paying her electric bills. As evidenced by her February 7, 2026 email, she was aware of the procedures regarding continuances and the consequences for her failure to appear at the scheduled hearing. Once she received the March 3, 2026 Hearing Change Notice, she could have notified and advised the Commission of the alleged unsafe conditions in Philadelphia. However, at no time prior to the scheduled hearing did Complainant contact the Commission regarding alleged unsafe conditions at the Philadelphia location. Despite the March 3, 2026 Hearing Change Notice being electronically sent to Complainant, which stated the potential consequences for not appearing for the hearing, it was not until March 18, 2026 that Complainant claimed that due to safety reasons she could not attend a hearing in Philadelphia.

Consequently, I find that Complainant waived the opportunity to participate in a hearing on the matters raised in the Complaint, Complainant’s absence was not unavoidable, and the Complaint should be dismissed with prejudice.

Burden of Proof and Dismissal of Complaint

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). To establish a

sufficient case and satisfy the burden of proof, a 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). A preponderance of the evidence is established 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).

As the proponent of any request for relief, Complainants bear the burden of proof. By failing to participate and proffer any evidence to support the Complaints, Complainant has failed to meet this burden. Thus, it is appropriate to dismiss these Complaints with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018- 300734 (Opinion and Order entered Mar. 14, 2019) (citing *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995)). Accordingly, the merits of the complaint will not be addressed.

Respondent's Motion to Dismiss the Complaints, with prejudice, will be granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The Commission is required to provide due process to the parties appearing before them; this due process requirement is satisfied when the parties are

provided notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

3. Notice electronically served to a party with no notification that service failed is presumed received. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

4. After being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

5. If there are no facts in the record that a party's failure to appear at a hearing was unavoidable, the complaint should be dismissed. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 2, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995).

6. Complainant's due process rights have been fully protected and Complainant's failure to appear was not unavoidable. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

7. As the party seeking affirmative relief from the Commission, the Complainant bears the burden of proof. 66 Pa.C.S. § 332(a); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

8. By failing to participate in the hearing and proffer any evidence to support the Complaint, Complainant has failed to meet the burden of proof. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of PECO Energy Company to dismiss the Formal Complaints with prejudice filed by Charmaine Prater/ Charmaine Custis at Docket Nos. C-2023-3039169, C-2025-3058086, C-2025-3058088, C-2025-3058831 and C-2025-3059038 is granted.

2. That the Formal Complaints filed by Charmaine Prater in Charmaine Prater v. PECO Energy Company, Docket Nos. C-2023-3039169, C-2025-3058086, and C-2025-3059038 are dismissed with prejudice.

3. That the Formal Complaints filed by Charmaine Custis in Charmaine Custis v. PECO Energy Company, Docket Nos. C-2025-3058088 and C-2025-3058831 are dismissed with prejudice.

4. That Docket Nos. C-2023-3039169, C-2025-3058086, C-2025-3059038, C-2025-3058088, and C-2025-3058831 be marked closed.

Date: June 15, 2026

_____/s/
Barbara Shadie Nause
Administrative Law Judge