

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PHILLIP BERGER	:	
	:	
v.	:	Docket No. F-2026-3062783
	:	
PECO ENERGY COMPANY	:	

NOTICE TO PLEAD

You are hereby advised that, pursuant to 52 Pa. Code § 5.61, you may file a response within **ten (10) days** of the attached Preliminary Objections of Complainant Phillip Berger. Any response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served upon Complainant and, where applicable, the Administrative Law Judge presiding over the issue.

File with:

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

With a copy served upon:

Phillip R. Berger
509 Deer Lane
West Chester, PA 19380
phillip@berger.land

Dated: June 17, 2026
Phillip R. Berger, Complainant, Pro Se

Phillip R. Berger

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**COMPLAINANT’S PRELIMINARY OBJECTIONS TO
THE ANSWER OF PECO ENERGY COMPANY**

Complainant Phillip Berger, pursuant to 52 Pa. Code § 5.101, files these Preliminary Objections to the Answer of PECO Energy Company (“PECO” or “Respondent”), filed June 17, 2026, on the grounds that the Answer fails to conform to the requirements of 52 Pa. Code § 5.61.

I. PROCEDURAL BACKGROUND

1. On or about April 28, 2026, Complainant filed a Formal Complaint appealing BCS Decision No. 4119733 on three grounds: (A) interest owed under 52 Pa. Code § 56.181(3); (B) overcharges between the BCS Decision date and actual rate correction; and (C) pre-October 2023 overcharges within the four-year lookback under 52 Pa. Code § 56.14, arising from Rate RH eligibility attaching on April 17, 2023, the date of installation of the qualifying Air Source Heat Pump.
2. Paragraphs 10 and 11 of the Formal Complaint contain the specific factual allegations supporting all three grounds, including the April 17, 2023 installation date; multiple sources of PECO’s documented internal knowledge prior to October 2023, including PECO Energy Efficiency Check No. 330569 dated May 22, 2023 in the amount of \$350.00 payable to Complainant; the billing periods and amounts in the lookback window; and the statutory basis for interest.

3. PECO retained outside counsel, Margaret A. Morris, Esquire of Reger Rizzo & Darnall LLP, to file the Answer on June 17, 2026. Counsel responded specifically to paragraphs 1 through 7a of the Formal Complaint. As to paragraphs 7b, 7c, 8, 9, 10, and 11 — which together contain every material factual allegation supporting Complainant’s three grounds of appeal — PECO’s Answer states only: “No response required.” No basis for that designation is offered.

II. ARGUMENT

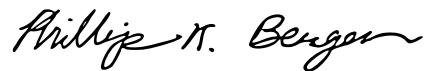
4. 52 Pa. Code § 5.61(b)(3) requires an answer to a formal complaint to “admit or deny specifically all material allegations of the complaint.” 52 Pa. Code § 5.61(b)(2) further requires the answer to “advise the parties and the Commission as to the nature of the defense.” These requirements are mandatory.
5. Paragraphs 10 and 11 of the Formal Complaint are not prayers for relief or legal argument. They are factual allegations as to which PECO must take a position. The facts PECO declined to admit or deny include: whether PECO Energy Efficiency Check No. 330569 establishes that PECO’s own Energy Efficiency division verified and approved a qualifying heat pump installation at 509 Deer Lane by May 22, 2023; whether interest is owed under 52 Pa. Code § 56.181(3); whether Rate RH eligibility attached on April 17, 2023; and whether the billing periods from April 17, 2023 through September 2023 generated overcharges within the lookback window.
6. PECO’s Answer responded to paragraphs 1 through 7a of the Formal Complaint specifically and in detail, demonstrating familiarity with the pleading requirements. The same Answer responded to paragraphs 7b, 7c, 8, 9, 10, and 11 — which together contain the entire factual basis of Complainant’s three grounds of appeal — with only “No response required.” This pattern leaves Complainant without notice of the nature of PECO’s defense as required by 52

Pa. Code § 5.61(b)(2), and prevents the presiding officer from identifying the disputed and undisputed facts in advance of hearing.

7. The Commission's authority to disregard procedural errors is limited to errors that "do not affect the substantive rights of the parties." 52 Pa. Code § 1.2. A complete non-response to the factual basis of a three-part appeal directly affects Complainant's substantive right to know what PECO contests and to prepare accordingly.

WHEREFORE, Complainant respectfully requests that the Commission or presiding officer: (1) sustain these Preliminary Objections; (2) order PECO to file an amended answer within ten (10) days, admitting or denying specifically each material factual allegation in paragraphs 10 and 11 and stating the factual and legal basis for any denial, in accordance with 52 Pa. Code § 5.61(b) (2), (b)(3), and (b)(4); and (3) if PECO again declines to respond, deem the unanswered allegations admitted for purposes of the hearing.

Respectfully submitted,



Phillip R. Berger

Complainant, Pro Se

Account No. 2049162000

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610-800-1998

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Dated: June 17, 2026

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

Margaret A. Morris, Esquire

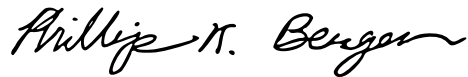
Reger Rizzo & Darnall LLP

mmorris@regerlaw.com

Attorney for PECO Energy Company

Dated: June 17, 2026

Phillip R. Berger

A handwritten signature in black ink that reads "Phillip R. Berger". The signature is written in a cursive style with a prominent "P" and a long, sweeping underline.