

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sean Dancy

v.

PECO Energy Company

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C-2025-3057829

INITIAL DECISION

Before
Christopher P. Pell
Deputy Chief Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Complainant’s Formal Complaint because he failed to prove by a preponderance of the evidence that the Respondent provided him with inadequate or unreasonable service.

HISTORY OF THE PROCEEDING

On October 6, 2025, Sean Dancy (Complainant) filed a Formal Complaint against PECO Energy Company (PECO, Respondent, or Company) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed a checkmark in the box marked “[o]ther.” The Complainant explained that during a rain and windstorm that occurred on June 30, 2025, a tree branch located outside of his property fell onto his power lines and disrupted power to his home. The Complainant averred that it is PECO’s “responsibility to inspect and maintain its

electrical infrastructure, overhead wires, and the vegetation that interferes with it.” The Complainant further averred that the damage to his property was preventable by PECO. As relief, the Complainant requested to be reimbursed for the \$4,200 he spent to replace a pole and ground wires damaged by the storm and on the cleanup that followed. The Complainant further requested that PECO be directed to reduce the size of the trees located directly behind his backyard and to regularly maintain them so that they do not interfere with the power lines that serve his property.

On October 27, 2025, the Respondent filed an Answer denying all material allegations of fact in the Complaint. The Respondent maintained that the vegetation event at issue was not due to any delay in maintenance on PECO’s part and was instead an act outside of its control. PECO further maintained that there are no unreasonable service reliability issues at the Complainant’s premises due to any failure on the Company’s part.

Also on October 27, 2025, the Respondent filed a Preliminary Objection requesting that the Complainant’s request for monetary damages be dismissed pursuant to 52 Pa.Code § 5.101(a)(1) because the Commission lacks jurisdiction to award damages. The Respondent endorsed its Preliminary Objection with a Notice to Plead advising the Complainant that he had 10 days to file a written response to PECO’s Preliminary Objection. The Complainant did not file a written response to PECO’s Preliminary Objection.

By Motion Judge Assignment Notice dated November 7, 2025, PECO’s Preliminary Objection was assigned to me for disposition.

By Interim Order Sustaining Respondent’s Preliminary Objection, I dismissed the portion of the Complaint requesting relief in the form of monetary damages and directed that a hearing be scheduled to address the remaining issues in the Complaint.

By Initial Telephonic Hearing Notice dated November 20, 2025, an Initial Call-In Telephonic Hearing was scheduled in this matter for January 22, 2026, at 10:00 a.m.

I issued a Prehearing Order on November 21, 2025. The Prehearing Order directed the parties to comply with various procedural requirements and directed that a request to change the scheduled hearing should be sent to me at least five days prior to the hearing date, be in writing and state the agreement or opposition of the other party.

By email received on Friday, December 19, 2025, the Complainant requested a continuance of the January 22, 2026, hearing.

By Interim Order dated January 6, 2026, I granted the Complainant's request for a continuance.

By Cancelled/Rescheduled Initial Telephonic Hearing Notice dated January 6, 2026, the hearing was rescheduled for March 13, 2026, at 10:00 a.m.

On March 13, 2026, I convened the hearing as scheduled. The Complainant appeared *pro se* and testified in support of his Complaint. The Complainant offered nine exhibits which were admitted into the record (Complainant Exhs. 1 – 9). Margaret A. Morris, Esquire, appeared on behalf of the Respondent and presented the testimony of Cori Indelicato, PECO's Principal Program Manager for Vegetation Management, and Robert Nickens, a PECO Manager of Claims. PECO offered nine exhibits which were admitted into the record. (PECO Exhs. 2-10).

The record closed on March 27, 2026, the date the Commission received a copy of the transcript.

FINDINGS OF FACT

1. The Complainant in this case is Sean Dancy.
2. The Respondent in this case is PECO Energy Company.
3. The Complainant resides at 5 Deep Dale Drive West, Levittown, PA 19056 (service address). Tr. 9.
4. PECO provides electric service to the service address via a service line located behind the Complainant's property. Tr. 24; Dancy Exh. 1.
5. On June 30, 2025, a severe rain and windstorm occurred that brought a tree branch down onto the Complainant's service line, momentarily disrupting power to his home. Tr. 10-11, 22-23; Dancy Exhs. 1, 3, 4, 5, 6.
6. The tree from which the branch fell is located behind the Complainant's property. Tr. 11; Dancy Exh. 1.
7. The Complainant does not own the strip of land behind his property where the tree is located, nor does he know who owns the strip of land. Tr. 21.
8. The tree branch that fell was hanging over the wires before it collapsed. Tr. 21-22.
9. The branch that fell on the power lines caused the line pole attached to the service address to bend. Tr. 38; Dancy Exh. 2.

10. The Complainant notified PECO about the branches falling on his power lines the same day as the storm. Tr. 31.

11. PECO submits a plan to the Commission on a biennial basis for the inspection, maintenance, repair and replacement of facilities, including vegetation management. Tr. 65; PECO Exh. 3.

12. PECO provides vegetation maintenance on the circuits that provide power to the service address every four years. Tr. 64.

13. PECO also performs off-cycle vegetation maintenance after a storm, or as needed. Tr. 64.

14. An isolated secondary line refers to a segment of a circuit where the pole spans do not also have primary conductors on the same pole. Tr. 68, 79.

15. Isolated secondary lines are not maintained on the four-year cycle. Tr. 79.

16. Secondary lines are maintained on a case-by-case, reactive, corrective maintenance basis, or in response to customer requests to remove vegetation that is actively in contact with the secondary line. Tr. 68, 79.

17. PECO removes anything actively in contact with the wires if it is reported by line mechanics, customers, or PECO's reliability programs. Tr. 80, 91.

18. PECO performs rear property patrols for facilities and will send the vegetation department a work request to address problems. Tr. 80.

19. For isolated secondary lines, acceptable clearance is three feet, even if a branch is hanging over the secondary line. Tr. 80, 85.

20. The service lines located behind the Complainant's house are isolated secondary lines. Tr. 68, 79, and 90.

21. Prior to the June 30, 2025, storm, the Complainant never contacted PECO to request that the trees behind his home near the secondary lines be trimmed. Tr. 36.

22. Following the June 30, 2025, storm, PECO's priority was to address those customers who experienced an outage due to the storm, and to restore their service. Tr. 69.

23. PECO did not immediately respond to the Complainant's call following the June 30, 2025, storm because the Complainant still had power. Tr. 69.

24. On July 3, 2025, the Complainant observed PECO contractors at a nearby Wawa and spoke with them about the issue at his home. Tr. 32-33.

25. On July 3, 2025, PECO performed work at the service address in response to the Complainant's request. Tr. 33, 35, 71; PECO Exh. 4.

26. On July 3, 2025, a line crew de-energized the lines before the vegetation crew arrived. Tr. 72; PECO Exh. 5.

27. PECO's crew removed a lead branch that was approximately 8 feet from the base that broke and was tangled in the secondary line. Tr. 73; PECO Exh. 6.

28. PECO's crew did not detect any structural defects in the tree, such as dead or declining branches, large cavities in the base, or cavities in the branches. Tr. 73.

29. PECO's crew determined the tree was in good health. PECO Exh. 6.

30. During storm cleanup, it is the customer's responsibility to dispose of any vegetation left at the property. Tr. 77.

31. In response to the Complainant's Formal Complaint, PECO scheduled vegetation management to trim further ingrowth on the open wire secondary lines between Verizon poles 1 and 2. Tr. 73; PECO Exh. 7.

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, the 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, the 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 PECO failed in its obligations to ensure that the lines serving his home were properly cleared from vegetation. 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 PECO’s actions as described in the Complaint rise to the level of inadequate service that constitutes a violation of the Public Utility Code.

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).

In the present case, the Complainant averred that PECO failed to adhere to the inspection and maintenance standards set out at 52 Pa. Code § 57.198² by not performing vegetation management on the service line behind his home. Tr. 26. The Complainant argued that PECO never trimmed the trees behind his house. Tr. 36.

In response, PECO witness Indelicato testified that PECO submits a plan to the Commission regarding its inspection and maintenance plan on a biennial basis. Tr. 65; PECO Exh. 3. PECO provides vegetation maintenance on the circuits that provide power to the service address every four years, and PECO will also perform off-cycle vegetation maintenance after a storm, or as needed. Tr. 64.

Ms. Indelicato also explained that an isolated secondary line refers to a segment of a circuit where the pole spans do not have primary conductors on the same pole. Tr. 68, 79. As a result, isolated secondary lines are not maintained on the four-year cycle. Tr. 79. Instead, secondary lines are maintained on a case-by-case, reactive, corrective maintenance basis, or in response to customer requests to remove vegetation that is actively in contact with the secondary line. Tr. 68, 79. Additionally, Ms. Indelicato further testified that for isolated secondary lines, the acceptable clearance is three feet, even if a branch is hanging over the secondary line. Tr. 80, 85. The service lines located behind the Complainant's house are isolated secondary lines. Tr. 68, 79, 90.

Ms. Indelicato further testified that following the June 30, 2025, storm, PECO's priority was to address those customers who had experienced an outage due to the storm, and to restore their service. Tr. 69. PECO did not immediately respond to the

² Regarding vegetation management, Commission regulations provide that "[t]he Statewide minimum inspection and treatment cycle for vegetation management is between 4-8 years for distribution facilities. An EDC shall submit a condition-based plan for vegetation management for its distribution system facilities explaining its treatment cycle." 52 Pa. Code § 57.198(n)(1).

Complainant's call following the June 30, 2025, storm because the Complainant still had power. Tr. 68. However, on July 3, 2025, PECO did perform work at the service address in response to the Complainant's request. Tr. 71; PECO Exh. 4.

Upon review of the record in this case, the Complainant was not able to demonstrate that PECO failed to adhere to its vegetation management policy, or that it provided him with unreasonable or inadequate service. It is important to note that the tree limb that fell on the secondary line servicing his home was the result of a severe storm with heavy winds that passed through the Complainant's area. By the Complainant's own acknowledgement, this storm caused considerable damage:

Mr. Dancy: First of all, it caused excessive damage in the area, where not only my – not only did it damage my power lines, but it caused a lot of collateral damage throughout the area.

Tr. 22. Moreover, by his own acknowledgment, the Complainant never contacted PECO to request that the trees behind his home near the secondary lines be trimmed before this storm occurred. Tr. 36. Clearly, the Complainant did not consider these trees to be problematic prior to this storm.

Additionally, while I understand the Complainant's frustration that it took PECO several days to come to his property to clear his service lines, I find it reasonable that PECO prioritized work based on customers who had experienced outages and delayed coming to his home because his power was still on. Under the circumstances, I cannot conclude that PECO provided the Complainant with unreasonable or inadequate service. Accordingly, the Complainant's Complaint is denied.

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. The Complainant failed to meet his burden of proving that the Respondent provided him with inadequate or unreasonable service. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Sean Dancy at Sean Dancy v. PECO Energy Company at Docket No. C-2025-3057829 is denied.

2. That the Secretary's Bureau mark Docket No. C-2025-3057829 as closed.

Date: June 24, 2026

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