

|                     |  |
|---------------------|--|
| -----               |  |
| Denise Mitchell,    |  |
| v.                  |  |
| PECO Energy Company |  |
|                     |  |
| Call-In Telephonic  |  |
| Hearing             |  |
| -----               |  |
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Judge's Chambers  
 State Office Building  
 801 Market Street  
 Philadelphia, PA

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Docket No. C-2024-3052605

Hearing Date: June 1, 2026

| <u>NUMBER</u>         | <u>FOR IDENTIFICATION</u> | <u>IN EVIDENCE</u> |
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Denise Mitchell, Piv Se  
Complainant

DOCKET NO. C-2024-3052605

PECO Energy Company (PECO)  
Respondent

## Exhibit #1

Exterior Photograph Evidence of 4801 Gransback St 5 Pages

RE: Denise Mitchell v. PECO Energy Company (PECO) Docket No. C-2024-352365.

**Exhibit #1 Exterior Photographic Evidence.**

Description: Claimant's residence - 4801 Greenback St, Philadelphia, PA 19128. Photos are event specific documenting PECO's violation of Title 46 Pa.C.S. §1201 - safe & maintainable service.

Photo #1 - Taken 04/16/2021 Property in Good Condition



Photo #2 - Taken 03/23/2023 PECO Bracket & Aerial Lines Located Near Porch Roof



Photo #3 - Taken 04/21/2023 Roof Top & Rear Section Of Property Facing Open Park Area - Weather Impact



Photo #4 - Taken 07/19/2022 PECO's Bracket North End - 32 of its customer attached



Photo #5 - Taken 04/16/2021 Downspout Properly Aligned



Photo #6 - Taken 06/21/2023 Downspout out of alignment



**Photo #7** Taken 12/07/2023. PECO's Bracket repaired, Aerial Line attachments modified & downspout realigned. Visible Parapet Roof Damage. Did PECO apply pointing to all bricks areas around it's old bracket? See Exhibit #15 Claimant's 06/15/2025 Additional Damage Reported to PECO. Water Continues To Enter 2<sup>nd</sup> Floor Unit.



**Photo #8** – Taken 06/01/2023 Customer's Service Head & Bracket Location



**Photos #9** – See Henkel 05/06/2011 & KO Roofing 04/16/2021 Roof Repair Documents

**(a) Parapet Roof in '2011**



**(b) Taken 04/21/2023 PECO Drooping Wires**



**(c) Taken 01/31/2022 Wires Pulling wall**



**Photo #10** – PECO's Completed Repairs Per Work Order #19203009-04, see Exhibit #11



**Photo # 11 – Taken 11/21/2023 - PECO's Technicians Performing Bracket Inspection.** PECO Senior Claims Manager withheld this report from Claimant until 04/22/2025 after denying it didn't exist. See **Exhibit #11**



**Photo # 12 - Taken 11/22/2025 Lintel Repair – Claimant Replaced 1<sup>st</sup> Floor Rear Window Lintel**



**Photos #13 – Taken 10/16/2024. PECO's Installed - Pole #50866D on Claimant's property without structural engineer's prior approval.**

**Photo (a)**



**Photo (b)**



**Photo (c) – PECO Completed Installation Of Pole #50866D on 10/16/2024**



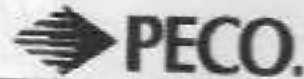
**Denise Mitchell, Pro Se  
Complainant**

**DOCKET NO. C-2024-3052605**

**v.  
PECO Energy Company (PECO)  
Respondent**

## **Exhibit #3**

**Damage Notification To PECO 1 Page**



An Exelon Company

## PECO CLAIM REGISTRATION FORM

Claims Division  
1-877-538-7769

Dear PECO Customer:

To register your claim with PECO, please print out and return a completed claim registration form. You may e-mail it to [pecoclaims@exeloncorp.com](mailto:pecoclaims@exeloncorp.com), fax it to 215-841-4919, or mail the form to the following address: PECO Energy, Claims Division, S16-1, 2301 Market Street, Philadelphia, PA 19103.

Once this form is received in our office, you will be contacted by one of our Case Managers.

Denise Mitchell

Name

(215) 247-2515

Daytime Phone No.

4801 GRANSBARK ST - Apt #1

Mailing Address

dwm19150@AOL.com

E-mail Address

Phila PA 19120

City, State, Zip

TO BE DETERMINED

Date & Time of Loss or Damage

PECO Energy Account No. (if applicable)

4801 GRANSBARK ST - Rear of Property

Address of Loss Location

Please describe the details of the incident and list the item(s) damaged.

Recently PUT ON New Roof. The Roofer Refused to replace the Rear Downspout because of the wires PECO placed overtop the downspout. Additionally, some remedial work is needed to repair the sections of the wall that are structurally damaged due to the heavy weight of the wiring and equipment PECO installed.

01-03-2022

Date

THIS FORM IS A REQUEST FOR INFORMATION ONLY AND DOES NOT CONSTITUTE ANY ADMISSION OF LIABILITY ON THE PART OF PECO ENERGY COMPANY.

Exhibit #3 Page 1 of 1 Initial Notice To PECO

**Denise Mitchell, Pro Se**  
**Complainant**  
**v.**  
**PECO Energy Company (PECO)**  
**Respondent**

**DOCKET NO. C-2024-3052605**

## **Exhibit # 5**

Claimant submission – Claimant and PECO's Discussions - Engineer's Project Approval  
Bracket Repair and PECO's Pole Installation 6 Pages

## REQUEST FOR MEDIATION TO RESOLVE THE ABOVE CLAIM

Mr Nickens, I am requesting mediation to resolve the above claim. What are the next steps to put this request in motion?

Thank you,

Denise Mitchell

On Thursday, September 19, 2024 at 02:52:06 PM EDT, Denise Mitchell <[dwm19153@aol.com](mailto:dwm19153@aol.com)> wrote:

Mr. Nickens,

(a) I just wanted to follow up on the email I sent on 08/13/2024. However, today, I noticed markings on my property indicating planned construction. Please provide me with a copy of the plans so I can obtain the engineer's approval.

Thank you,

Denise Mitchell

Exhibit #5 - Page 1 of 6 Engineer's Project Affidavit

## RE: [EXTERNAL]Status Of Claim #C2022120476

From: Nickens Jr, Robert L.(PECO) (robert.nickens@exeloncorp.com)

To: dwm19150@aol.com

Date: Monday, July 8, 2024 at 12:21 PM EDT

Good morning Ms. Mitchell,

See my responses below. I will await your reply.

From: Denise Mitchell <dwm19150@aol.com>

Sent: Saturday, June 15, 2024 12:40 PM

To: Nickens Jr, Robert L.(PECO) <Robert.Nickens@exeloncorp.com>

Subject: Re: [EXTERNAL]Status Of Claim #C2022120476

Date: June 15, 2024

This is my response to your offer dated 05/13/2024 to settle the property damage part of Claim #C2022120476:

(1) Mr. Nickens' Special Damages occurred when PECO attached its equipment to the rear wall of my property at 4801 Gransback St, Philadelphia, PA 19120, without my knowledge or consent. According to the law, the party creating the easement is responsible for paying for the actual and consequential damages resulting from this action.

It's the customer's responsibility to provide a secure point of attachment on the property.

(2) As you recall, my claim has several moving parts that we agreed to address. Unfortunately, the breakdown of reimbursable items you are offering to settle the property damage phase of my claim does not include reimbursement for the renovation project I was compelled to do because the unit became uninhabitable once the mold spread throughout. I have repeatedly sent this report to you since 11/05/2023, and I haven't heard back from you yet. Please respond, as the breakdown you provided is limited in scope and needs to account for the renovation project I was compelled to perform due to the spread of mold throughout the 2nd-floor unit.

(b) I believe you are referring to the "Phase 1 Mold Prevention and Cleanout" invoice submitted in the documents you provided. The invoice covers 5 dates of mold remediation with no breakdown for allocation. I provided for mold remediation in the offer that was extended. I would tend to doubt that all of the mold throughout the property was related the claim at hand.

(3) Although PECO is a Self-Insured Corporation, the Claims Adjuster must follow the industry standard of practice when settling a damage claim. The \$3,500 you are offering is based on the inspection you made on 01/07/2022. Why is your offer listing \$400 for Mold Remediation instead of the \$2,520.00 I listed on my damage report? This line item says you were aware of the presence of Mold in the 2<sup>nd</sup> Floor Unit at the time of your inspection. This information has just been shared with me. I paid for my property inspection once everything was removed from the unit. I needed to be sure about the damage the penetrating water had caused.

See above.

Exhibit #5 - Page 2 of 6 Engineer's Project Approval

(4) Your email dated 10/24/2023 confirmed that PECO is the direct cause of my property's actual and consequential damages. Please forward me a copy of the permits Curry Electric pulled regarding the repairs they completed on 12/07/2023. I need to review this information to determine whether the repair has entirely resolved the water issue on my property.

I cannot provide that documentation as I do not believe a permit was needed to facilitate their repair.

(5) I am seeking total compensation for the losses I incurred. Verbally, you said that loss of rental income and other expenses may not be recoverable. I'm unsure why the law says I'm entitled to 100% recovery.

You completed a total renovation of your the rental property. PECO is not responsible for lost income associated with your renovation.

(6) Lastly, when will PECO add the new pole on my side of the street to support the line feeding off my property? I want a Structural Engineer to review the plans before any construction is initiated. You told me on 10/24/2023 that the job had to be designed, and once completed, it would be sent out for the bid process. Please provide an update.

(d) It is scheduled for October 15 and 16<sup>th</sup>, 2024. We are adding a pole for additional support. We do not provide our job plans for outside review.

Thank you, Denise Mitchell, Email: [dwm19150@aol.com](mailto:dwm19150@aol.com)

On Friday, June 7, 2024 at 11:39:55 AM EDT, Nickens Jr, Robert L.(PECO) <[robert.nickens@exeloncorp.com](mailto:robert.nickens@exeloncorp.com)> wrote:

Good morning. I will await your submission.

Thank you,

Robert Nickens

Sr. Claims Case Manager  
PECO Energy

400 Park Ave.

Warminster, PA 18974

Office: 215 956-3136 | Fax: 215 841-4919 | Cell 215 740-9131

[Robert.Nickens@Exeloncorp.com](mailto:Robert.Nickens@Exeloncorp.com)

Exhibit #5 - Page 3 of 6 Engineer's Project Approval

Re: [EXTERNAL]PECO Claim #: C2022120476

From: Denise Mitchell (dwm19150@aol.com)

To: robert.nickens@exeloncorp.com

Date: Sunday, September 3, 2023 at 06:38 PM EDT

Mr. Nickens, I am still waiting for an update on the investigation. Can you please provide me with one?  
Thank you,  
Denise Mitchell  
(215)247-2515

On Friday, August 11, 2023 at 07:42:19 AM EDT, Nickens Jr, Robert L.(PECO) <robert.nickens@exeloncorp.com> wrote:

Good morning Ms. Mitchell,

As discussed, I have engaged PECO engineering to look into your issue. They will investigate the current configuration and will determine next steps in response to the reports you submitted. I will let you know when I hear back from them.

In the interim, feel free to contact me if you have any questions.

Regards,

Robert Nickens  
Sr. Claims Case Manager  
PECO Energy  
400 Park Ave.  
Warminster, PA 18974  
Office: 215 956-3136 | Fax: 215 841-4919 | Cell 215 740-9131  
[Robert.Nickens@Exeloncorp.com](mailto:Robert.Nickens@Exeloncorp.com)



From: Denise Mitchell <dwm19150@aol.com>  
Sent: Thursday, August 10, 2023 6:07 PM  
To: Nickens Jr, Robert L.(PECO) <Robert.Nickens@exeloncorp.com>  
Subject: Fw: [EXTERNAL]PECO Claim #: C2022120476

Mr Nickens thanks for calling me today. I will await your email detailing the next steps to resolve this claim.  
Thank you,  
Denise Mitchell  
Cell: (215)300-4758  
Home: (215) 247-2515  
Fax: (215)207-9746

----- Forwarded Message -----

Exhibit #5 - Page 4 of 6 Engineer's Project Approval

Fw: [EXTERNAL]PECO Claim #: C2022120476 / 4801 GRANSBACK ST., PHILADELPHIA

From: Denise Mitchell <dwm19150@aol.com>

To: lopezthompsonparalegal@gmail.com

Date: Friday, October 27, 2023 at 04:47 PM EDT

We'll talk about how to present the damages etc.

Denise Mitchell

----- Forwarded Message -----

From: Nickens Jr, Robert L.(PECO) <robert.nickens@exeloncorp.com>

To: Denise Mitchell <dwm19150@aol.com>

Sent: Tuesday, October 24, 2023 at 02:36:44 PM EDT

Subject: FW: [EXTERNAL]PECO Claim #: C2022120476 / 4801 GRANSBACK ST., PHILADELPHIA

Good afternoon Ms. Mitchell,

(f) As we discussed, PECO will be adding a new pole on your side of the street to provide additional support to the line feeding your property. This job has to be designed and once completed, it will be sent out to bid for completion.

With regard to the current issues with the bracket, we have agreed to have Curry Electric come out and make repairs to the bracket and surrounding bricks. This should remediate the issue until the new pole is installed. Once that's complete, we can revisit the issue of the structural integrity of the rear wall.

Lastly, please submit you documentation for the internal repairs made to your house. Once received, we can discuss resolution of that aspect of your claim.

Feel free to contact me if you have any questions.

Regards,

Robert Nickens

Sr. Claims Case Manager

PECO Energy

400 Park Ave.

Warminster, PA 18974

Office: 215 956-3136 | Fax: 215 841-4919 | Cell 215 740-9131

[Robert.Nickens@Exeloncorp.com](mailto:Robert.Nickens@Exeloncorp.com)



**peco**<sup>SM</sup>

AN EXELON COMPANY

From: Denise Mitchell <dwm19150@aol.com>

Sent: Tuesday, August 8, 2023 9:08 PM

Exhibit #5 - Page 50 FLO ENGINEER'S PROJECT APPROVAL

I do not have an inspection report. Based on the visual observation of the attachment point, it was noted that repairs are needed. We utilize Curry Electric to assess and make the repair. They usually inspect and repair on the same date. As discussed, they will not be making any structural repairs to the wall. They will only be addressing the bracket and point of attachment.

Reach out if you have additional questions.

Regards,

Robert Nickens  
Sr. Claims Case Manager  
PECO Energy



400 Park Ave.  
Warminster, PA 18974  
Office: 215 956-3136 | Fax: 215 841-4919 | Cell 215 740-9131  
[Robert.Nickens@Exeloncorp.com](mailto:Robert.Nickens@Exeloncorp.com)

From: Denise Mitchell <[dwm19150@aol.com](mailto:dwm19150@aol.com)>  
Sent: Wednesday, February 2, 2022 2:03 PM  
To: Nickens Jr, Robert L.(PECO) <[Robert.Nickens@exeloncorp.com](mailto:Robert.Nickens@exeloncorp.com)>  
Subject: Re: PECO Claim #: C2022120476

Mr. Nickens, thanks for your attention to the above claim. There's a change in plan. Please forward me a copy of PECO's Inspection Report that spells out the details about how you plan to address the damages to my home. Additionally, I would need the Engineer's Stamped Report detailing how your proposed repair will make my house whole again. Upon receipt of this information, I will review the details and decide who's going to perform the work.

**Thank you,**  
**Denise Mitchell**

—Original Message—

From: Nickens Jr, Robert L.(PECO) <[Robert.Nickens@exeloncorp.com](mailto:Robert.Nickens@exeloncorp.com)>  
To: 'dwm19150@aol.com' <[dwm19150@aol.com](mailto:dwm19150@aol.com)>  
Sent: Mon, Jan 31, 2022 3:17 pm  
Subject: PECO Claim #: C2022120476

Hello Ms. Mitchell,

As discussed, we will hold off on the bracket repair until you engineer has a chance to complete their inspection. Please contact me when you have their findings and let me know how you wish to proceed.

Feel free to contact me if you have any questions or concerns.

Regards,

Robert Nickens  
Sr. Claims Case Manager  
PECO Energy



400 Park Ave.  
Warminster, PA 18974  
Office: 215 956-3136 | Fax: 215 841-4919 | Cell 215 740-9131  
[Robert.Nickens@Exeloncorp.com](mailto:Robert.Nickens@Exeloncorp.com)

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Exhibit #5- Page 6 of 6 Engineer's Project Approval

**Denise Mitchell, Pro Se**  
Complainant

v.  
**PECO Energy Company (PECO)**  
Respondent

**DOCKET NO. C-2024-3052605**

## **Exhibit # 11**

**PECO Work Order #19203009-04 6 Pages**

**REPAIR REAR BRACKET OF 4801 GRANSBACK ST**

W/O Task Title: SECONDARY MIDSPAN POLE PLACEMENT

Title (cont) :

Planner : EG72450 BUXTON

Priority: 30

Completed By:

Task Dupln : 0

W/O Dupln: 0

Location:

FD/WC : OPS-MAINT

Unit: D

Equipment Name:

CRESCENTVILLE-161

Facility: PDS PECO DISTRIB.SYSTEM -NO INVENTORY

Work Group: THV

Dir/St:

Sfx:

Name:

Type:

Phone:

Cell Phone:

Email:



**Work Order Package**

19203009 04

Sched Grp

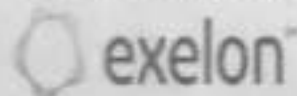
W/O Type

PALP

SP

Rpt : TIRMC11

Date: 04/15/2025



Page:

1

**Work Order Task Written To**

Job Type : SP

Division : CRESCENTVILLE

Equipment : CIRC 161

Work Item :

Equip. Tag: -9959920

Reg Comp. :

Catalog ID:

Client/Act:

Location :

Dept: 20305

Issued Fac: BER

Task Need Date: 10/16/24

Schd Start Date: 12/12/24

Unit : D

Area :

Component:

Eqt. List:

Alt:

UTC :

UCR:

PEG : CIRC CRESCENTVILLE-161

OP Unit :

Prod CSo

Proj Mbr: FASPELACO

SE7003

Planning Center:

Schd End Date: 12/12/24

**Work Order Attributes**

JCO0-AS BUILT TRACKING

JCO4-RECEIVED BY MADE

JCO5-NOT REQUIRED BY MADE

JCO6-EXT NUMBER

JCO7- BOX NUMBER

Exhibit #1 Page 1 of 6 PECO work order #19203009-04

**REPAIR REAR BRACKET OF 4801 GRANSBACK ST**W/O Task Title: **SECONDARY MIDSPAN POLE PLACEMENT**

Title (cont) :

Planner : E072450 BUXTON D

Priority: 30 Completed By:

Task Dupln : 0 W/O Dupln: 0

Location:

FD/WC : OPS-MAINT Unit: D

Equipment Name: CRESCENTVILLE-161

Facility: PDS PECO DISTRIB.SYSTEM -NO INVENTORY

Work Group: THV

Dir/St:

Sfx:

Name:

Type:

Phone:

Cell Phone:

Email:

**Work Order Package**

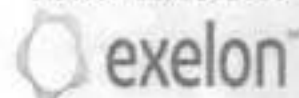
19203009 04

Sched Grp W/O Type

PALP SP

Rpt : TIPMC11

Date: 04/15/2025



Page: 2

SCAD ORDER STATUS

ONSITE

SENT TO PV

1920300904

**Work Order Task Instructions****\*\*SAFETY FIRST, LAST, AND ALWAYS\*\***

INSTRUCTIONS:

1) PLACE NEW MIDSPAN POLE 58866D BEFORE CUSTOMERS REAR BRACKET TO RESOLVE IT FROM PULLING ON BRICKS AT BACK OF CUSTOMERS HOUSE

SEE SKETCH FOR MORE DETAILS

**Work Order Task Updates**

2024-12-12 : 10/16/24 CREW COMPLETED JOB AS PER INSTRUCTIONS.

2024-12-12 : U001MEA ONSITE

2024-12-12 : U001MEA ENROUTE

2024-12-12 : U001MEA ACCEPTED

2024-12-12 : BOYDCK DISPATCHED

(a) Exhibit #11 Page 2 of 6 PECO WORK ORDER #19203009-04

REPAIR REAR BRACKET OF 4801 GRANSBACK ST

W/O Task Title: **SECONDARY MIDSPAN POLE PLACEMENT**

Title (cont) :

Planner : E072450 BOXTON 0

Priority: 30 Completed By:

Task Depln : 0 W/O Depln: 0

Location:

PD/WC : OPS-MAINT Unit: 0

Equipment Name: CRESCENTVILLE-151

Facility: PDS PECO DISTRIB.SYSTEM -NO INVENTORY

Work Group: THV

Dir/St:

Six:

Name:

Type:

Phone:

Cell Phone:

Email:



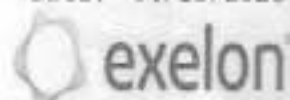
Work Order Package

19203009 04

Sched Grp W/O Type  
PALP SF

Rpt : TIFWC11

Date: 04/15/2025



Pager: 3

QC Requirements/Comments

WO Task Commitment Profile Notes

Task Holds Not Released

Hold Code : HMD HOLD FOR PRE JOB WALKDOWN

Responsible:

Hold Date: 04/27/2024 12:54

Major Failure/Action Taken

(b) Major Failure :  Action Taken:

Work Completion Signatures

| Name                 | Function/Dept.       | Date                 |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Comments:  
(rework?)

Exhibit #11 Page 3 of 6 PECO WORK ORDER #19203009-04

REPAIR REAR BRACKET OF 4801 GRANSBACK ST

W/O Task Title: **SECONDARY MIDSPAN POLE PLACEMENT**

Title (cont) :

Planner : E072450 BUXTON D

Priority: 30 Completed By:

Task Depin : 0 W/O Depin: 0

Location:

PD/WC : OPS-MAINT Unit: D

Equipment Name: CRESCENTVILLE-161

Facility: PDS PECO DISTRIB.SYSTEM -NO INVENTORY

Work Group: THV

Dir/St:

Sfx:

Name:

Type:

Phone:

Cell Phone:

Email:



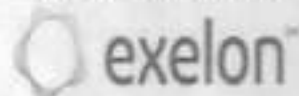
Work Order Package

19203009 04

Sched Grp W/O Type  
PALP SP

Rpt : TIFMC11

Date: 04/15/2025



Page: 4

Completion Comments on Work Performed

Completion Comments Required : Y

Comments:

Comments:

Comments:

Continued on Additional Sheets? : \_\_\_\_\_

\*\*\*\*\* END OF REPORT \*\*\*\*\*

Exhibit #11 Page 4 of 6 PECO WORK ORDER # 19203009-04

Dirv To Fac: PDS  
 Reference : WO 19203009  
 MR Status : COMPLETE  
 Responsible: D. BUXTON  
 Need Date : 10/16/2024  
 PD/WC : OPS-MAINT

MR Type : M  
 04  
 Priority: 30  
 Dept : 20305  
 Job Type: SF  
 Group : THV

MTL REQUEST 05788253



PRT 04/15/2025 16:10  
 PAGE: 1

Title : SECONDARY MIDSPAN POLE PLACEMENT  
 Deliver To : JOB  
 4801 GRANSBACK ST (40.021945, -75.11)  
 Approved By: E089967 07/24/2024  
 Issue Fac : BER

Parts : 1  
 Holds :  
 Est Value:  
 Actual :  
 Stock Fac:

| Catalog ID                                                                           | Qty | UI | Estimated Value | Actual | Actual Value | Pend |
|--------------------------------------------------------------------------------------|-----|----|-----------------|--------|--------------|------|
| =====                                                                                |     |    |                 |        |              |      |
|                                                                                      | 1   | 20 | 3200.00         | 1      | 3200.00      |      |
| =====                                                                                |     |    |                 |        |              |      |
| POLE, WOOD, 35 FOOT, HEAVY, SOUTHERN PINE, CCA<br>TREATED, CLASS 2, EXELON SPEC WP-1 |     |    |                 |        |              |      |

Exhibit #11 Page 5 of 6 PECO WORK ORDER # 19203009-04

RE: [EXTERNAL]Mediation Session TODAY at 1:00 p.m. for: Denise Mitchell v. PECO Energy Company (C-2024-3052605) - mediation update

From: Scott, Khadijah (PECO) (khadijah.scott@exeloncorp.com)

To: dwm19150@aol.com

Cc: terhoades@pa.gov

Date: Tuesday, April 22, 2025 at 03:50 PM EDT

Hi Mrs. Mitchell,

(4) Attached is the work order as requested. Please note, that this is a confidential internal document that PECO does not share with its customers. I do know, however, that you want to show it to your engineer, so I am providing the document itself, as opposed to the summary that was discussed during mediation.

Enjoy your day,  
Khadijah

Khadijah Scott, Esquire  
Assistant General Counsel  
(she/her/hers)  
PECO, an Exelon Company  
2301 Market Street, 23<sup>rd</sup> Floor  
Philadelphia, PA 19103  
(267) 533-1830 (work phone)  
(215) 568-3389 (fax)  
[khadijah.scott@exeloncorp.com](mailto:khadijah.scott@exeloncorp.com)



**peco**<sup>SM</sup>

AN EXELON COMPANY

This e-mail and any attachments are confidential, may contain legal, professional or other privileged information, and are intended solely for the addressee. If you are not the intended recipient, do not use the information in this e-mail in any way, delete this e-mail and notify the sender.

From: Rhoades, Teri-Lee <terhoades@pa.gov>

Sent: Tuesday, April 15, 2025 8:43 AM

To: Denise Mitchell <dwm19150@aol.com>

Cc: Scott, Khadijah (PECO) <Khadijah.Scott@exeloncorp.com>

Subject: [EXTERNAL]Mediation Session TODAY at 1:00 p.m. for: Denise Mitchell v. PECO Energy Company (C-2024-3052605) - mediation update

Importance: High

*EXTERNAL MAIL. Do not click links or open attachments from unknown senders or unexpected Email.*

Here is the hotlink [use with smart phone or computer] to join the mediation session:

Exhibit #11 Page 6 of 6 PECO work order #19203009-04

**Denise Mitchell, Pro Se  
3052605**

**Complainant**

**v.**

**PECO Energy Company (PECO)**

**Respondent**

**DOCKET NO. C-2024-**

## **Exhibit # 12**

**Senior Claims Manager Acknowledge Claim Damages Pages 1**

Re: [EXTERNAL]PECO Claim #: C2022120476 / 4801 GRANSBACK ST., PHILADELPHIA

From: Denise Mitchell (dwm19150@aol.com)

To: robert.nickens@exeloncorp.com

Date: Sunday, November 5, 2023 at 10:11 PM EST

Mr Nickens, I am forwarding the documents regarding my claim. Please call if you have any questions.

Thank you,

Denise Mitchell

Home: (215)247-2515

Cell: (215)300-4758

On Tuesday, October 24, 2023 at 02:36:44 PM EDT, Nickens Jr, Robert L.(PECO) <robert.nickens@exeloncorp.com> wrote:

Good afternoon Ms. Mitchell,

(a) As we discussed, PECO will be adding a new pole on your side of the street to provide additional support to the line feeding your property. This job has to be designed and once completed, it will be sent out to bid for completion.

(b) With regard to the current issues with the bracket, we have agreed to have Curry Electric come out and make repairs to the bracket and surrounding bricks. This should remediate the issue until the new pole is installed. Once that's complete, we can revisit the issue of the structural integrity of the rear wall.

(c) Lastly, please submit you documentation for the internal repairs made to your house. Once received, we can discuss resolution of that aspect of your claim.

Feel free to contact me if you have any questions.

Regards,

Robert Nickens

Sr. Claims Case Manager  
PECO Energy

400 Park Ave.

Warrminster, PA 18974

Exhibit #12 Page 1 of 1 Senior Claims Manager Acknowledged  
Claim Damages

**RE: Denise Mitchell v. PECO Energy Company (PECO) Docket No. C-2024-3052605.**

**Exhibit 17 — Response to Judge Nause’s Request Regarding Exhibit 1, Photo #7 (Taken 12/07/2023)** documenting the current condition of the Claimant’s rear wall. During the repair work, PECO modified the aerial line attachments and realigned the downspout. **PECO did not apply pointing to all brick areas surrounding its old bracket**, leaving the wall vulnerable to continued water intrusion. Subsequent deterioration is documented in:

**Claimant’s Additional Damage Reported to PECO on 06/15/2025, and**

- **Exhibit 16**, showing the Claimant’s emergency replacement of the first-floor rear window lintel on 11/22/2025.

**Parapet-wall deterioration, downspout displacement, and water infiltration continues at the time of this filing.**

### **Summary of Observations:**

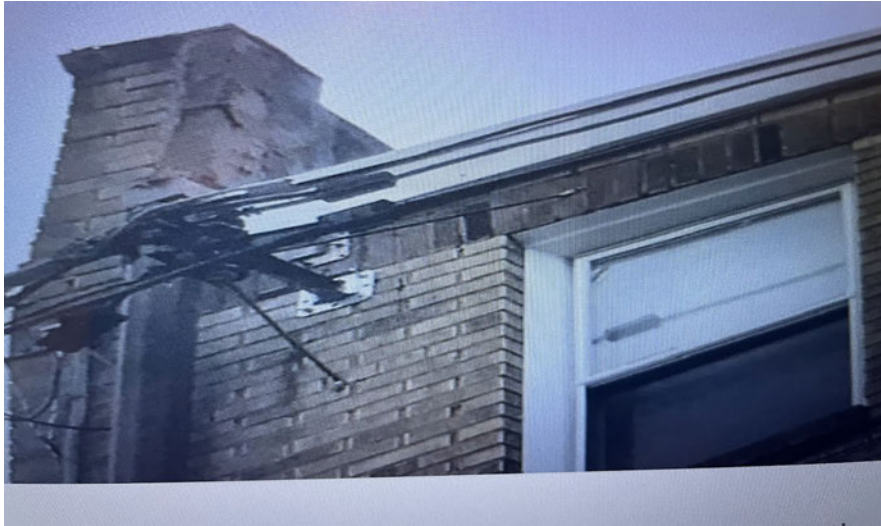
1. Visible Bracket Impression - The clean outline of the original bracket above the new bracket indicates the surface behind it was recently covered. This is consistent with recent detachment.
2. Downspout displacement - The downspout is pulled outward in the same direction as the wall movement. This is consistent with tension redistribution when a bracket loosens or detaches. The downspout misalignment is a symptom of structural wall movement caused by PECO’s bracket detachment. Realigning the downspout does not stop the wall from shifting, does not repair the mortar loss, and does not correct the brick separation documented in Exhibit 17. The misalignment of the downspout returned because the wall continues to move. PECO’s readjustment of the downspout in 05/2026 was cosmetic only and did not address the underlying structural condition. Exhibit 18, photo 2 and 3 (c) as opposed to Exhibit 1, photo 5
3. The April 26, 2026 photographs show:
  - (a) the bracket impression of PECO’s old bracket recently dislodged
  - (b) downspout displacement
  - (c) continued wall movement
  - (d) aerial line from pole across Street connected to bracket on Claimant’s rear wall
  - (e) worsening parapet damage

These conditions are consistent with ongoing structural movement in the area where PECO’s equipment is attached.

**Photo #1** Taken 12/07/2023



**Photo #2** Taken January 4, 2025 - Shows progression of cracking and mortar loss around the old bracket location.



**Photos #3** Taken 11/22/2025 – Claimant's 1<sup>st</sup> Floor Rear Window Lentil Repair

(a)



(b)



(c)



**Photo #4** Taken 11/28/2025 - Shows continued cracking and displacement around the original bracket area.



**Photo #5** Taken 04/26/2026 - “Visible impression of the original bracket above the current bracket. The outline is clean and sharply defined, indicating the original bracket has recently detached.”



**Photo #6** - Taken 04/27/2026 - Downspout displacement. The downspout is visibly pulled outward in the same direction as the wall movement documented in prior photos.

**Photos #7** - Taken 05/27/2026 - **Exterior View — Aerial Line From Pole Across Street to PECO Bracket.** **Description:** This photo shows the PECO aerial service line extending from the pole located across the street at E. Loudon & Bingham directly attached to the Claimant's rear wall. The angle and tautness of the line demonstrate the direction of tension applied to the structure. This image visually confirms the load path described in PECO Work Order 19203009 ("job to put additional pole... to reduce load on rear bracket").

(a)



(b)



**RE: Denise Mitchell v. PECO Energy Company (PECO) Docket No. C-2024-3052605.**

**Exhibit 18** - “Your Honor, Exhibit 18 documents PECO’s most recent activity at my property. On April 27, 2026, both Mr. Nickens and I photographed the misaligned downspout, confirming PECO has actual notice of ongoing wall movement. After that date, PECO returned and attempted to realign the downspout, but the work was poorly performed and the wall damage continues. The wall is still moving and PECO’s adjustment did not remedy the underlying structural damage.”

**Photo #1** – Taken 04/27//2026 Misaligned Downspout



**Photo #2** – Taken 05/13/2026 After PECO’s Attempt To Realign Claimant’s Downspout



**Photos #3** – Document the resulting damage from the structural conditions shown in Exhibit 17, including PECO’s metal fastener found on the ground beneath the utility mounting area and the Claimant’s shattered windshield caused by a vertical falling-object impact. The fall zone aligns directly with the location of the missing fastener shown in **photo 3(a) below**. The impact pattern on the windshield is consistent with a dense metal object falling from the height above the vehicle, supporting the conclusion that PECO-related hardware caused the hazard. See photo **3(a) and 3(d) below**.

(a)



(b)



(c)



(d)



(e)



## Summary of Updated Facts

1. PECO's personnel accessed the rear wall of the Claimant's property at **4801 Gransback Street** and **realigned the downspout sometime after the photos taken by myself and Mr Nickens on 04/27/2026**. This activity occurred **in the exact location** where PECO's aerial service bracket previously detached and caused structural movement.
2. A downspout is **not PECO equipment**. PECO's decision to adjust Claimant-owned property is **not routine maintenance** and constitutes **admission-by-conduct** that the displacement was caused by PECO's bracket failure and the resulting wall movement.  
This action directly contradicts PECO's written position in **Exhibit 4**, where PECO denied responsibility for brick pointing, water infiltration, and downspout-related damage.

## Visual Description of Downspout Condition

1. The upper-right section of the downspout remains visibly **misaligned** following PECO's May 2026 adjustment. The downspout is **pulled outward from the brick surface**, creating a noticeable **gap** between the metal and the wall. The top portion angles away from the structure rather than sitting flush, while the lower portion remains closer to the wall, producing a **bent or bowed profile** rather than a straight vertical line.
2. The brick surface behind the upper section shows **fresh disturbance and mortar loss**, consistent with the wall movement documented in Exhibit 17. The misalignment and gapping indicate that PECO's adjustment was **cosmetic only** and did not correct the underlying displacement caused by the original bracket detachment. The condition remains consistent with **ongoing structural movement**.

## Relevance to Exhibit 17

1. **Exhibit 17 documents:**
  - (a) Visible impression of PECO's original bracket (Photo #5, 04/26/2026)
  - (b) Downspout displacement consistent with wall movement (Photo #6, 04/27/2026)
  - (c) Progressive cracking and mortar loss around the bracket area
  - (d) Ongoing parapet deterioration
2. **PECO's May 2026 downspout realignment confirms:**
  - (a) The movement is **real**, and historical.
  - (b) The is **caused by tension redistribution** from PECO's bracket detachment.
  - (c) PECO was aware of the condition and attempted to correct it.
  - (d) The condition persisted prior to and **after** PECO's November 2023 bracket repair.

3. **Contradiction With PECO's Written Position (Exhibit 4)**
  - (a) In Exhibit 4, PECO's Assistant General Counsel stated:
    - (i) Brick pointing is "**not covered.**"
    - (ii) Downspout-related damage is "**customer responsibility.**"
    - (iii) Structural deterioration outside a narrow area is "**not covered.**"
4. Despite these assertions, PECO:
  - (a) Returned to the property in May 2026
  - (b) Touched Claimant-owned property
  - (c) Realigned the downspout
  - (d) Did so without notice or explanation
  - (e) Did so at the precise location of their equipment failure
5. This contradiction is material to the issues of:
  - (a) Credibility
  - (b) Causation
  - (c) Responsibility for ongoing damage
  - (d) Adequacy of service under 66 Pa. C.S. §1501

### **Conclusion**

6. **PECO's May 2026 second attempt to perform downspout realignment:**
  - (a) Confirms ongoing structural movement
  - (b) Supports the findings documented in Exhibit 17
  - (c) Contradicts PECO's written denial of responsibility in Exhibit 4, damage outside of the area PECO is responsible for
  - (d) Demonstrates PECO's continued reactive, piecemeal corrections
  - (e) Shows PECO altered Claimant-owned property without notice or explanation
  - (f) Reinforces Claimant's position that PECO's equipment caused the damage and continues to affect property's structure