

ELECTRONICALLY FILED

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Aaron Dlugasch,
Complainant,

v.

PECO Energy Company,
Respondent.

Docket No. C-2026-3061876

NOTICE TO PLEAD

Respondent is hereby notified that, under 52 Pa. Code Section 5.342(g)(1), a written answer to this Motion shall be filed within five (5) days after service of the Motion; see also 52 Pa. Code Section 5.371(b). The answer shall be filed with the Secretary of the Pennsylvania Public Utility Commission, with copies served upon Complainant and the Presiding Officer.

**MOTION OF COMPLAINANT TO COMPEL FULL AND COMPLETE DISCOVERY
RESPONSES PURSUANT TO 52 Pa. Code Sections 5.321, 5.342, 5.349, 5.371 AND 1.15**

Complainant Aaron Dlugasch, appearing pro se, respectfully moves the presiding officer, pursuant to 52 Pa. Code Sections 5.321, 5.342, 5.349, 5.371 and 1.15, for an order compelling Respondent PECO Energy Company to provide full and complete responses to Complainant's First Set of Interrogatories and Requests for Production, and in support states as follows:

I. BACKGROUND AND GOOD-FAITH CONFERRAL

1. Complainant served Interrogatories and Requests for Production, Set I, upon Respondent by electronic mail on June 3, 2026, and eFiled a Certificate of Service on June 4, 2026. Under 52 Pa. Code Sections 5.342(d), 5.342(e), and 5.349(d), Respondent was required to serve objections within ten days and complete responses within twenty days after service. Respondent neither sought nor received an extension and served no objections or responses within the applicable periods, under any reasonable calculation of service.
2. On June 25, 2026, before any response was served, Complainant wrote to Respondent's counsel noting that responses were outstanding and that objections not served within the period prescribed by 52 Pa. Code Section 5.342(e) were untimely and subject to being overruled.

3. Respondent served its responses on June 26, 2026. Those responses included, for the first time, an objection, as well as answers that were incomplete or non-responsive in the respects detailed below.

4. On July 6, 2026, Complainant sent Respondent's counsel a detailed, good-faith deficiency and meet-and-confer letter, copied to the presiding officer's office, identifying seven categories of deficiency, proposing narrowed scope where applicable, offering to accept production of claimed-proprietary material under an appropriate protective order, and requesting cure by 5:00 PM on July 9, 2026.

5. On the morning of July 9, 2026, Respondent's counsel proposed for the first time a telephone conference, offering dates on or after the then-scheduled July 14, 2026 hearing. Within the hour, at 12:43 PM, Complainant responded in writing, offering to confer by email as often as needed and supplying an item-by-item written response framework. Respondent provided no supplemental discovery production responsive to the identified deficiencies, no verified supplemental response, and no item-by-item written answer by 5:00 PM on July 9, 2026. This Motion follows.

6. Respondent's Proposed Hearing Exhibits, served July 8, 2026, did not cure the deficiencies. Proposed hearing exhibits are not a verified supplemental discovery response; the packet does not state whether omitted materials exist, never existed, were destroyed, were withheld, or could not be located; the only notice-related exhibit is account-system contact data referencing a notice event dated April 13, 2026, not a copy of any mailed customer-facing notice and not either customer-specific 2025 notice; the monthly bills it contains begin in March 2024 and therefore confirm rather than cure the pre-March 2024 billing gap; and the packet itself revealed new omissions, including the subsequent October 14, 2025 contact described below.

II. THE DEFICIENT RESPONSES

7. The discovery at issue seeks matter that is relevant and non-privileged under 52 Pa. Code Section 5.321, is governed as to the requests for production by 52 Pa. Code Section 5.349, and goes to the notice, contact, and billing duties at the center of this complaint under 52 Pa. Code Chapter 56. The records sought are within Respondent's possession, custody, or control, including records held by its employees, agents, contractors, vendors, mail houses, dialer providers, and information-system providers.

8. Request for Production No. 3 sought "all call logs, automated-dialer records, agent notes, screen histories, call dispositions, and audio recordings for the Account during the disputed period." Respondent produced a single audio recording and transcript of the initial October 14, 2025 call, while its own produced records reference numerous additional telephone contacts and automated-call events during the disputed period, including entries dated March 5, 2025, March 27, 2025, and August 20, 2025, and a call record stamped September 22, 2025 that is inconsistent with the single September 19 attempt stated in Respondent's interrogatory answer.

9. Respondent's own produced exhibits establish a further, material RFP No. 3 deficiency. The produced audio recording and transcript of the October 14, 2025 call, fifteen pages, end at approximately minute 35 with the customer, Jessica Dlugasch, stating in substance "Please don't hang up" and "Okay, don't go anywhere," and contain no completed transaction; Respondent's contact log confirms that this call ended in silence and "then call got disconnected, unable to complete call flow." Respondent's contact log then records a separate, later contact that same day, at 4:37:56 PM, expressly noting that the customer "CALLED IN TO RESTORE SERVICE," that the agent completed the reconnection process, recorded payment confirmations totaling approximately \$6,213 with confirmation numbers, and documented an eleven-month payment arrangement of \$564.83 in addition to the current budget bill. Respondent has produced no audio recording, transcript, screen history, agent notes, or workflow records for that 4:37:56 PM contact, and has not stated whether it was recorded, retained, destroyed, overwritten, or is otherwise unavailable.

10. Respondent's produced contact log likewise establishes a June 2025 RFP No. 3 deficiency. The log's June 10, 2025 entries record that Respondent stated a restoration condition of \$1,271.33 plus a \$20.00 reconnection fee, and that a \$3,000 payment, plus a \$2.25 processing fee, was then made. The June 9 and June 10, 2025 call recordings, agent notes, screen histories, restoration calculation, and any record of authorization for payment above the stated restoration amount were requested within RFP No. 3 and have not been produced.

11. Requests for Production Nos. 1 and 2 sought the termination notices and, expressly, "print-vendor or mail-house production and mailing logs, postage and batch records, and internal notice-generation system logs." Respondent answered only that it "does not retain copies of issued 10 Day Notices" and "does not retain mailing receipts of any kind related to 10 Day Notices." Nonpossession of the final printed notices does not answer the requests for the generation, print, vendor, batch, and mailing records expressly sought, and Respondent has provided no verified statement identifying the search performed, the applicable retention policy, the mail-house or vendor systems involved, source or merge data retained, or whether equivalent records exist in another form.

12. Request for Production No. 5 sought field-employee and contractor dispatch, routing, work-order, GPS, and visit records, and photographs or geolocation data of posted notices. Respondent answered "No record," yet its own produced contact log contains "Field Activity Completed" entries, including entries dated May 27, 2025 and October 7, 2025. For each such entry, Respondent should state whether it reflects a physical visit, an automated system event, a remote service event, or a work-order closure, and produce the associated work order, dispatch and routing record, employee or contractor identification, times, completion codes, photographs, and geolocation data. The bare entries, without underlying documentation, do not, standing alone, establish separate physical residence activity.

13. Interrogatory No. 16 asked: "Produce all internal communications, tickets, vendor reports, training materials, and call scripts concerning the non-receipt or delayed receipt of PECO bills or notices by customers during or after the 2024 CIS transition." Respondent's response, provided by its outside counsel, states in full: "'2024 CIS transition' not properly defined such that PECO is unable to respond. By way of further response, this request may contain proprietary material such that PECO will only produce subject to a Protective Order consistent with 52 Pa. Code Section 5.362."

14. That objection fails four independent ways. First, it is untimely: it was served June 26, 2026, well after the ten-day period of 52 Pa. Code Section 5.342(e) expired, without any extension sought, and should be overruled as untimely. Second, it is procedurally defective under 52 Pa. Code Section 5.342(c), which requires an objection to be contained in a document separate from an answer; Respondent's objection appears inline within its combined response document. Third, the generalized proprietary assertion does not independently justify continued nonproduction without a timely petition for a protective order or a request that the presiding officer establish appropriate protective terms. Under 52 Pa. Code Section 5.365, a party seeking to withhold claimed-proprietary material must pursue the protective-order mechanism, and a party may not simply rest on a conclusory proprietary objection where protective treatment has been offered; any petition claiming such protection is contemplated within 14 days of the information request. Complainant expressly offered protective-order treatment in his July 6, 2026 letter; Respondent filed no petition and made no such request. Under 52 Pa. Code Section 5.371(d), a failure to respond may not be excused on the ground that the discovery is objectionable unless a proper objection was filed or a protective order was sought. The presiding officer may set appropriate protective terms for any legitimately proprietary material. Fourth, the claimed inability to understand "2024 CIS transition" is unpersuasive and cannot readily be reconciled with Respondent's own records: Respondent's own produced exhibits show this account was migrated to its new billing system on February 19, 2024, and public Commission records document that transition. Without waiving any of these points, Complainant's narrowed formulation and protective-order offer of July 6, 2026 remain open.

15. Interrogatory No. 17 asked Respondent to identify every record, system, database, and account flag reviewed before its sworn averment that company records do not confirm a billing issue, and the persons who conducted that review. Respondent answered in full: "Refer to Bates Nos. 00010-00012 and 00018-00100." A citation to ninety-odd pages of bills and ledger identifies no systems, no flags or exception reports, no date of review, and no personnel, and is not a responsive answer. Complainant seeks a narrowed supplemental answer identifying only: the systems reviewed, the records reviewed, the date of the review, the personnel who performed it, the flags or exception reports checked, and the basis for the sworn assertion.

16. The October 2023 through February 2024 bills. Interrogatory No. 10 sought identification of anomalous bills; no served request sought every ordinary bill for that period. Complainant

accordingly does not ask the presiding officer to compel those bills as previously requested. Instead, because Respondent's July 8, 2026 production shows that a substantial opening balance was carried into the new system through the February 19, 2024 system migration from a period for which no monthly bills have been produced, Complainant requests leave to serve one narrow supplemental request for production, limited to the monthly bills for the Account for October 2023 through February 2024. Without those bills, the March 2024 opening balance cannot be verified; Complainant does not contend the missing bills prove the balance incorrect, but their absence prevents verification of an amount Respondent itself has placed in issue.

III. TIMELINESS

17. To the extent this Motion challenges answers that were incomplete, evasive, or nonresponsive rather than formal objections, 52 Pa. Code Section 5.371(a)(1) independently authorizes an appropriate order where a party files insufficient answers or otherwise fails to respond properly to discovery. Section 5.371 contains no express ten-day filing period for a motion addressing insufficient answers.

18. To the extent the presiding officer determines that the ten-day period of 52 Pa. Code Section 5.342(g) applies to any portion of this Motion, Complainant respectfully requests permission to proceed under 52 Pa. Code Sections 1.15(a)(1), 5.342(d), and 5.321(b). Reasonable grounds exist for acting after the period: Complainant pursued documented, continuous informal resolution through the June 25, 2026 correspondence, the detailed July 6, 2026 deficiency letter with narrowed requests and a protective-order proposal, and the July 9, 2026 written exchange; Respondent's own responses were themselves served late and its objection was untimely; Respondent suffered no prejudice from Complainant's informal-resolution efforts and provided no substantive cure; Respondent's July 8, 2026 production materially clarified the deficiencies; and Complainant acted promptly once the cure deadline expired. Section 5.342(d) expressly provides that time periods may be modified by the presiding officer on motion.

IV. RELIEF REQUESTED

WHEREFORE, Complainant respectfully requests that the presiding officer ORDER Respondent: (a) to serve full, complete, and verified supplemental responses to Requests for Production Nos. 1, 2, 3, and 5 and to Interrogatories Nos. 16 (as narrowed by Complainant's July 6, 2026 letter) and 17 (as narrowed in paragraph 15 above), including the June 9 and 10, 2025 call records and recordings and the records associated with the 4:37:56 PM October 14, 2025 contact and related account activity described above; (b) for any item not produced, to state under verification, separately for each item, whether: (i) the record exists and will be produced, with a production date; (ii) the record exists but is withheld, identifying the precise objection, privilege, or proprietary claim; (iii) the record never existed or was never created; (iv) the record once existed but was destroyed, deleted, overwritten, or lost, identifying the date, method, applicable retention policy, and person or system responsible; (v) the record could not

be located after a reasonable search, identifying the systems, custodians, employees, contractors, and vendors searched; (vi) an equivalent record exists in another form, identifying and producing that equivalent; or (vii) responsive records are held by a vendor or contractor, identifying that entity and explaining Respondent's ability to obtain the records; (c) granting Complainant leave to serve one narrow supplemental request for production limited to the Account's monthly bills for October 2023 through February 2024; (d) directing compliance within seven (7) days after entry of the Order, unless otherwise directed by the presiding officer; (e) in the alternative, if complete production cannot occur before hearing, granting Complainant leave to supplement exhibits, submit rebuttal evidence, and conduct additional cross-examination concerning late-produced material; and (f) granting leave to renew or supplement Complainant's request for relief under 52 Pa. Code Sections 5.371 and 5.372 in the event of noncompliance, together with such other relief as is just and reasonable.

Respectfully submitted,

/s/ Aaron Dlugasch

Aaron Dlugasch, pro se
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Dated: July 10, 2026

VERIFICATION

I, Aaron Dlugasch, hereby state that the facts set forth in the foregoing Motion are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities).

/s/ Aaron Dlugasch

Aaron Dlugasch

Dated: July 10, 2026

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Aaron Dlugasch v. PECO Energy Company

Docket No. C-2026-3061876

PROPOSED ORDER

AND NOW, this _____ day of _____, 2026, upon consideration of Complainant's Motion to Compel Full and Complete Discovery Responses, and any answer thereto, IT IS ORDERED:

1. The Motion is GRANTED.
2. Complainant is permitted to proceed out of time under 52 Pa. Code Section 1.15(a)(1); Interrogatory No. 16 is not treated as withdrawn under 52 Pa. Code Section 5.342(g); Respondent's objection to Interrogatory No. 16 is OVERRULED; and any material Respondent reasonably and specifically identifies as proprietary shall be produced subject to protective terms established by the presiding officer.
3. Respondent shall serve full, complete, and verified supplemental responses to Requests for Production Nos. 1, 2, 3, and 5 and to Interrogatories Nos. 16 (as narrowed by Complainant's July 6, 2026 letter) and 17 (as narrowed in the Motion), including the June 9 and 10, 2025 call records and recordings and the records associated with the 4:37:56 PM October 14, 2025 contact identified in the Motion.
4. For any item not produced, Respondent shall state under verification, separately for each item, whether: (i) the record exists and will be produced, with a production date; (ii) the record exists but is withheld, identifying the precise objection, privilege, or proprietary claim; (iii) the record never existed or was never created; (iv) the record once existed but was destroyed, deleted, overwritten, or lost, identifying the date, method, applicable retention policy, and person or system responsible; (v) the record could not be located after a reasonable search, identifying the systems, custodians, employees, contractors, and vendors searched; (vi) an equivalent record exists in another form, identifying and producing that equivalent; or (vii) responsive records are held by a vendor or contractor, identifying that entity and explaining Respondent's ability to obtain the records.
5. Complainant is granted leave to serve one narrow supplemental request for production limited to the Account's monthly bills for October 2023 through February 2024.
6. Respondent shall comply within seven (7) days after entry of this Order, unless otherwise directed by the presiding officer.

7. Complainant is granted leave to renew or supplement his request for relief under 52 Pa. Code Sections 5.371 and 5.372 in the event of noncompliance with this Order.

Barbara Shadie Nause
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complainant's Motion to Compel Full and Complete Discovery Responses was filed electronically on the Pennsylvania Public Utility Commission's electronic filing system and that I have this day served a true and correct copy upon the following persons in the manner indicated, in accordance with 52 Pa. Code Sections 1.54, 1.57, 1.58 and 1.59:

Via Electronic Mail:

Margaret A. Morris, Esq.
Reger Rizzo & Darnall LLP
Counsel for Respondent PECO Energy Company
mmorris@regerlaw.com

The Honorable Barbara Shadie Nause
c/o Pamela McNeal, Legal Assistant
pmcneal@pa.gov

/s/ Aaron Dlugasch

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Dated: July 10, 2026