

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 5.371(b), a written answer to this Motion may be filed within five (5) days after service of the Motion. 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 FOR DISCOVERY SANCTIONS PURSUANT TO 52
Pa. Code Sections 5.371 AND 5.372**

Complainant Aaron Dlugasch, appearing pro se, respectfully moves the presiding officer, pursuant to 52 Pa. Code Sections 5.371 and 5.372, for calibrated discovery sanctions, and in support states as follows:

I. BACKGROUND

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. Respondent served its responses on June 26, 2026. On July 6, 2026, Complainant sent Respondent's counsel a detailed deficiency and meet-and-confer letter, copied to the presiding officer's office, requesting cure by 5:00 PM on July 9, 2026. On July 9, 2026, Complainant declined counsel's same-morning proposal of a telephone conference for dates on or after the then-scheduled hearing and offered, in writing, to confer by email and provided an item-by-item written response framework. The cure period expired at 5:00 PM on July 9, 2026 with no supplemental discovery production responsive to the identified deficiencies, no verified supplemental response, and no item-by-item written answer. The deficient responses are detailed in Complainant's contemporaneously filed Motion to Compel Full and Complete Discovery Responses, which is incorporated by reference.

II. ARGUMENT

2. Under 52 Pa. Code Section 5.371(a)(1), the presiding officer may make an appropriate order when a party fails to answer, files insufficient answers, or otherwise fails to respond properly to discovery. Although those provisions authorize relief for insufficient discovery responses without a prior order compelling discovery, Complainant requests a calibrated remedy and recognizes that the presiding officer may first direct compliance.

3. The records at issue 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. They concern regulatory duties under 52 Pa. Code Chapter 56 that were Respondent's alone to perform, and their non-production goes to the matters Respondent has placed in issue through its sworn Answer. Under 52 Pa. Code Section 5.371(d), Respondent's failure to respond cannot be excused on the ground that the discovery is objectionable. As to Interrogatory No. 16, Respondent did not serve a timely, procedurally compliant objection and did not pursue the protective-order mechanism, despite Complainant's express offer of protective treatment; under 52 Pa. Code Section 5.365, a petition seeking a protective order for claimed proprietary information is contemplated within 14 days of the information request and none was filed.

4. Complainant does not request that the central facts of the complaint be deemed established, and does not request immediate punishment. The most proportionate course may be to defer final disposition of this Motion until Respondent's compliance with an order compelling discovery can be assessed. Complainant therefore requests that the Motion be held under advisement, and that the consequences identified below attach only upon a later finding of noncompliance or upon Respondent's attempted reliance at hearing on withheld responsive material, after notice and an opportunity to be heard.

5. The category-specific consequences requested are tailored to the missing evidence: (a) as to ten-day termination notices and generation, vendor, and mailing records, that Respondent not be permitted to rely on undisclosed documents to prove the generation, content, mailing, or delivery of any 2025 termination notice; (b) as to dialer and call records, that Respondent not be permitted to rely on undisclosed call data to prove additional or compliant pre-termination contact attempts; (c) as to field and posting records, that Respondent not be permitted to rely on undisclosed records to prove residence contact, posting, or delivery; (d) as to the later October 14, 2025 account activity documented in Respondent's own records but for which no recording, screen history, or workflow record was produced, that Respondent not be permitted to use the incomplete recording and transcript of the initial call as proof of the final payment or arrangement terms; and (e) as to Interrogatory No. 11, that Respondent not be permitted to argue that unidentified records establish the Account's exclusion from any transition-affected group.

III. RELIEF REQUESTED

WHEREFORE, Complainant respectfully requests that the presiding officer: (a) hold this Motion under advisement pending Respondent's compliance with any order entered on Complainant's Motion to Compel; (b) permit Complainant to renew this Motion on an expedited basis upon noncompliance; and (c) upon a finding of noncompliance, after notice and an opportunity to be heard, impose the category-specific relief identified in paragraph 5 above, or such other relief authorized by 52 Pa. Code Section 5.372 as is just and reasonable.

Respectfully submitted,

/s/ Aaron Dlugasch

Aaron Dlugasch, pro se
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732-715-1921
systematicsound@yahoo.com
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 for Discovery Sanctions, and any answer thereto, IT IS ORDERED:

1. Ruling on the requested sanctions is DEFERRED, and the Motion is held under advisement, pending Respondent's compliance with the Order on Complainant's Motion to Compel Full and Complete Discovery Responses.
2. If Respondent fails to comply with that Order, or attempts to rely at hearing on withheld responsive material, Complainant may renew this Motion on an expedited basis, and the presiding officer may impose appropriate relief under 52 Pa. Code Section 5.372, including evidentiary preclusion, designated factual findings, or an adverse inference tailored to the unproduced category of evidence, after notice and an opportunity to be heard.

Barbara Shadie Nause
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complainant's Motion for Discovery Sanctions 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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