

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.  
If you do not wish to be a party to the case, consider filing an informal complaint.*

**To complete this form, please type or print legibly in ink.**

### 1. **Customer (Complainant) Information**

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name: Borough of Swarthmore

121 Park Avenue  
Swarthmore, PA 19081

County: Delaware

Telephone Number(s) Where We Can Contact You During the Day (required):

(610) 543-4599 (office)

E-mail Address (required): [wwebb@swarthmorepa.org](mailto:wwebb@swarthmorepa.org)

Utility Account Number (from your bill) \_\_\_\_\_

**If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.**

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### 2. **Name of Utility or Company (Respondent)**

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Exelon/PECO Energy

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC                       STORM WATER
- GAS                                       WASTEWATER/SEWER
- WATER                                       TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- STEAM HEAT                       MOTOR CARRIER (e.g. taxi, moving company, limousine)

4. **Reason for Complaint**

**What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.****

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain). See Addendum attached hereto

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

**5. Requested Relief**

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

See Addendum attached hereto.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

**6. Protection From Abuse (PFA)/ Domestic Violence**

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES        
NO        X

**Note:** If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

**b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?**

YES        
NO       

**Note:** You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

**c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.**

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

**8. Legal Representation**

**If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.**

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name: Robert W. Scott, Esquire

205 North Monroe Street  
P.O. Box 468  
Media, PA 19063

Area Code/Phone Number: 610-891-0108

E-mail Address: rscott@robertwscottpc.com


Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept it.

**Verification:**

I William E. Webb, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
(Signature of Complainant)

01/17/2023  
(Date)

**Borough Manager**

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. How to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

If you are appealing a BCS decision: follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. ONLY Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. All other formal complaints MUST be eFiled or mailed.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your Formal Complaint for your records.**

**Please know that your complaint form and the utility's answer will not be published to the PUC's website. Once your complaint case moves to the Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.**

## **ADDENDUM TO FORMAL COMPLAINT**

### **BACKGROUND:**

This Formal Complaint is submitted on behalf of the Borough of Swarthmore (the "Borough"). PECO Energy ("PECO") has announced its intention to replace existing 35-foot utility poles in a portion of the Borough with 50-foot utility poles for purposes of running new higher voltage lines. PECO states that it will remove approximately 125 trees in connection with this project, most of which are street trees. Under the Borough's Tree Ordinance, "street trees" are trees "located within the right-of-way lines of streets."

While PECO has offered to contribute bare-root replacement trees to affected property owners, PECO refuses to do the work required to plant such replacement trees. Further, PECO refuses to commit to grinding and removing stumps of trees that it will cut down.

### **BOROUGH ORDINANCES:**

Section 266.07 of the Codified Ordinances of the Borough of Swarthmore, entitled "CARING FOR STREET TREES," states as follows: "No person shall plant, transplant, injure, trim, spray or remove any tree or shrub located within the right-of-way lines of streets without prior written authorization of the Tree Committee or its duly designated agent, the Borough Manager."

Section 266.08 of the Codified Ordinances of the Borough of Swarthmore, entitled "REPLACEMENT OF STREET TREES," states as follows: "Any person who has removed a legal street tree shall be required by the Borough to replace that street tree near the location of the removed tree, or at another location approved by the Tree Committee or Borough Manager ...."

Section 1026 et seq. of the Codified Ordinances of the Borough of Swarthmore, entitled "EXCAVATIONS," establishes a permitting process and restoration standards for excavations occurring in public rights of way.

To date, PECO has not filed a permit for the proposed tree removal or excavation. Upon information and belief, the Borough believes that PECO will assert that it is not required to comply with these Ordinances.

### **FORMAL COMPLAINT:**

Accordingly, the Borough hereby submits this Formal Complaint and respectfully requests that the Public Utilities Commission issue an Order and Decree compelling PECO to do the following:

1. Apply to the Borough for a street tree removal permit for all trees to be removed

2. Provide and plant no less than one replacement tree for each street tree removed at PECO's sole expense, with the species and caliper of trees to be subject to the approval of the Borough.
3. Grind or remove tree stumps for each tree removed at PECO's sole expense.
4. Apply to the Borough for an excavation permit for all excavation to be performed in connection with the project, and comply with restoration standards.
5. Commit to removing the existing 35-foot utility poles within 60 days following installation of the replacement 50-foot utility poles.
6. Commit to funding storm water abatement measures associated with the loss of mature trees.
7. Refrain from removing any trees until the above issues are resolved.