**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Alice Ann Belmonte-Gates :

:

v. : F-2012-2332583

:

PECO Energy Company :

Alice Ann Belmonte-Gates :

:

v. : F-2012-2332589

:

Pennsylvania-American Water Company :

**ORDER CONSOLIDATING COMPLAINTS**

On October 19, 2012, Alice Ann Belmonte-Gates filed a formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania-American Water Company (PAWC), docket number F-2012-2332589. The Complaint was an appeal of a prior decision of the Commission’s Bureau of Consumer Services (BCS), case number 3026921. In her Complaint, Ms. Gates left blank section 2 of the complaint form that asks for the name of the utility company which the complaint is being filed against. In section 3 of the complaint form that asks for the “type of utility (check one),” Ms. Gates checked every utility except for steam heat. Ms. Gates provided an attachment to her Complaint that detailed numerous issues of which she complained about.

On November 16, 2012, PAWC filed Preliminary Objections in response to Ms. Gates’ Complaint. The Preliminary Objections were accompanied by a Notice to Plead. In its Preliminary Objections, PAWC argued that Ms. Gates is requesting relief awarded by federal courts to which the Commission lacks subject matter jurisdiction. PAWC also argued that Ms. Gates’ Complaint is insufficiently specific and that the Company does not have sufficient notice as to the nature of the allegations against it and cannot adequately respond. PAWC argues that its Preliminary Objections should be granted based on Sections 5.101(a)(1) and (a)(3) of the Commission’s regulations and Ms. Gates’ Complaint should be dismissed unless Ms. Gates files an amended formal Complaint that is plead with sufficient specificity on issues the Commission has jurisdiction.

By Motion Judge Assignment Notice dated November 21, 2012, Ms. Gates and PAWC were informed that I was assigned as the Presiding Officer in this matter and responsible for resolving any issues which may arise during the preliminary phase of this proceeding.

Also on October 19, 2012, Ms. Gates filed a formal Complaint with the Commission against PECO Energy Company (PECO), docket number F-2012-2332583. The Complaint was an appeal of a BCS decision, case number 3026947. In her Complaint against PECO, Ms. Gates wrote “Ms. Heather Green” in section 2 of the complaint form that asks for the name of the utility company which the complaint is being filed against. In section 3 of the complaint form that asks for the “type of utility (check one),” Ms. Gates checked every utility except for steam heat. Ms. Gates also provided an attachment to her Complaint that detailed numerous issues of which she complained about. The attachment appears to be the same exact attachment that Ms. Gates attached to her Complaint against PAWC.

On November 12, 2012, PECO filed a Preliminary Objection in response to Ms. Gates’ Complaint. The Preliminary Objection was accompanied by a Notice to Plead. In its Preliminary Objection, PECO argued that Ms. Gates did not provide sufficient information in her Complaint to permit the Company to provide a meaningful response or address Ms. Gates’ concerns. PECO further averred that it conducted an independent investigation to determine the issues Ms. Gates is alleging but was still unable to respond to the Complaint. PECO argues that its Preliminary Objection should be granted based on Section 5.101(a)(3) of the Commission’s regulations and that Ms. Gates should be directed to provide more specificity regarding her Complaint.

By Motion Judge Assignment Notice dated November 21, 2012, Ms. Gates and PECO were informed that Administrative Law Judge (ALJ) Kandace F. Melillo was assigned as the Presiding Officer in this matter and responsible for resolving any issues which may arise during the preliminary phase of this proceeding.

On November 27, 2012, both ALJ Melillo and I received a six-page, single-spaced document with a one page attachment. Both documents had listed at the top the docket numbers for both the Complaint against PAWC and the Complaint against PECO. Both documents appear to be identical with identical attachments.

Section 5.81 of the Commission’s rules governs consolidation of proceedings. This Section provides:

**§ 5.81. Consolidation.**

1. The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

52 Pa. Code § 5.81. Because these complaints contain common questions of fact and consolidation will avoid unnecessary delay or cost, they should be consolidated.

Ms. Gates filed both complaints on the same day. In both complaints, Ms. Gates checked that the Complaint was being filed against every utility except for steam heat in Section 3 regarding “Type of Utility.” In both complaints, Ms. Gates stated in Section 4b regarding “state the facts of your complaint,” “All documented with Judge L. Murphy, D.O.J. Eric Holder, Attorney General Eric Schneiderman, EEOC Milton Mayo Jr., Judicial Watch: J. Lions.” The Complaint against PECO also includes “O.P.R. Robin Aston” and the Complaint against PAWC also includes “and the DA!” As noted above, both Complaints include a two-page, single-spaced attachment that appear to be, if not in fact are, identical. Also as noted above, Ms. Gates filed the same six-page, single spaced document on November 27, 2012, presumably an Answer to the Preliminary Objections, which also appear to be, if not in fact are, identical.

In addition to the common issues of fact between the two complaints, Section 5.81 considers the avoidance of unnecessary costs or delay. Consolidation of these two complaints will avoid unnecessary costs, including, among other things, the costs for two ALJ’s addressing each Preliminary Objection separately and, if necessary, the cost of the Commission holding two hearings and processing two Orders for the separate complaints. It is therefore clear that consolidation of these two Complaints is appropriate because of the common issues of fact and the avoidance of unnecessary costs or delay.

THEREFORE,

IT IS ORDERED:

1. That the Complaint filed by Alice Ann Belmonte-Gates against PECO Energy Company at Docket Number F-2012-2332583 and the Complaint filed by Alice Ann Belmonte-Gates against Pennsylvania-American Water Company at Docket Number F-2012-2332589 are hereby consolidated.
2. That the Preliminary Objections filed by both PECO Energy Company on November 12, 2012 and Pennsylvania-American Water Company on November 16, 2012 at their respective dockets will be addressed at the same time.
3. That both Complaints will be heard before an Administrative Law Judge at the same time to the extent necessary.

Date: December 4, 2012 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Joel H. Cheskis

Administrative Law Judge