

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Francine Kennedy Thomas
v.
Philadelphia Gas Works

Public Meeting held August 31, 2017
2566493-ALJ

Docket Nos. C-2016-2566493

MOTION OF CHAIRMAN GLADYS M. BROWN

On September 9, 2016, Francine Kennedy Thomas filed a Formal Complaint against Philadelphia Gas Works (PGW) seeking service reconnection and a payment arrangement. All Parties appeared at the Friday March 3, 2017 telephonic hearing including the Complainant. However, before the hearing began, the Complainant dropped off the line. The presiding Administrative Law Judge (ALJ) called the Complainant several times but received intercept messages and then was routed to voicemail at the alternate number provided on the Complaint.¹ PGW moved for dismissal for failure to prosecute the Complaint, which the ALJ took under advisement.

On Monday March 6, 2017, the Complainant's husband called the ALJ to explain that their landline phone stopped working on the day of the hearing and asked that another hearing be scheduled. The ALJ directed him to file a petition to that effect, and warned that the petition was due by the date of the receipt of the transcript because that is when the record would close. However, the Complainant was not given a specific date by which to file the Letter Petition.

The transcript was filed on March 23, 2017. The Complainant sent a Letter Petition dated March 23, 2017 to PGW requesting a new hearing. The Letter Petition was filed with the Commission on March 27, 2016.² On April 13, 2017, the ALJ denied the Letter Petition to reschedule the hearing because it was late-filed. By Initial Decision issued May 4, 2017, the ALJ dismissed the Complaint, with prejudice, for failure to prosecute.

The Commission has long recognized the mitigating affect *pro se* status confers upon litigants unlearned in the law when confronted with technical violations of its procedural rules. *Carlock v. The United Telephone Company of Pa.*, Docket No. F-00163617 (July 14, 1993). Upon review, this *pro se* Complainant made a good-faith attempt to appear at the March 3, 2017 hearing, contacted the ALJ on the next business day following the hearing, and also made what appears to be a good faith attempt to timely file the Letter Petition requesting another hearing without the guidance of an explicitly stated Letter Petition due date. Consequently, this matter should be dismissed, but without prejudice.³

¹ It is not clear why the Complainant could not be reached at the alternate number.


² The Complainant sent her Letter Petition to PGW only. On April 4, 2017, the ALJ received a copy of PGW's Answer to the Letter Petition. At the ALJ's request, counsel for PGW sent the ALJ a copy of the Letter Petition. Ultimately, the Letter Petition was logged in by the Commission's Secretary on March 27, 2016. ID at 3.

³ *Wiggins v. PECO Energy Co.*, C-2010-2190335 (Order entered October 27, 2011).

THEREFORE, I MOVE THAT:

1. That the ALJ's Initial Decision be modified consistent with this Motion.
2. That the Office of Special Assistants draft an Opinion and Order consistent with this Motion.

August 31, 2017
Date



Gladys M. Brown, Chairman