



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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Danielle Leva, Paralegal  
Legal Department  
Direct Dial: 215-684-6862  
FAX: 215-684-6798  
E-mail: [danielle.leva@pgworks.com](mailto:danielle.leva@pgworks.com)

September 2, 2015

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Roger Ashodian v. PGW, Docket No. C – 2014 – 2432162**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.572(e), the Philadelphia Gas Works ("PGW") hereby files its Answer to the Complainant's Petition for Rescission of the November 25, 2014 Final Order in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Leva", is written over a large, light blue, stylized flame graphic that occupies the right side of the page.

Danielle Leva

Enclosure

cc: Roger Ashodian (Fed Ex and Regular Mail)  
Linda Pereira (PGW Mail)  
Wendy Vacca (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Roger Ashodian**

:

**Docket No. C-2014-2432162**

**v.**

:

:

**Philadelphia Gas Works**

:

**Answer of  
Philadelphia Gas Works  
To Complainant's Petition for Rescission**

Pursuant to 52 Pa. Code §5.572(e), in the above captioned matter, the Philadelphia Gas Works ("PGW") hereby files timely its Answer to the Complainant's Petition for Rescission of the November 25, 2014 Final Order in the above captioned matter (the "Petition"). The Complainant's Petition for Rescission in this matter (although dated August 22, 2014) was faxed to PGW at 9:06 p.m. on Sunday, August 23, 2015, as indicated on the Facsimile Cover Sheet, a copy of which is attached hereto and incorporated hereto as Appendix "A." PGW received the Petition by mail on August 27, 2015.<sup>1</sup> PGW answers, the Petition for Rescission as follows:

1. Admitted.

2. Admitted. By way of further answer, the Complainant, in the formal complaint stated that his address for service of process is 6910 Henley Street, Philadelphia, PA 19119.

3. Denied. To the contrary, both the Complainant and PGW received notice of the hearing by Hearing Notice dated August 13, 2014, which is attached hereto as Appendix "B". The hearing notice indicates that it was mailed to the Complainant at 6910 Henley Street, Philadelphia, PA 19119. The Commission mailed the hearing notice to the parties from its Harrisburg office. The Complainant also received PGW's Answer (response) to the Complaint which is attached hereto as Appendix "C." PGW mailed its Answer to the Complainant by regular mail to 6910 Henley Street, Philadelphia, PA 19119, the Complainant's correct address. By way of further answer,

the Commission mailed to the Complainant a Prehearing Order dated August 15, 2015 which states the date, time and place of the scheduled hearing, which is attached hereto as Appendix "D." The Prehearing Order indicates that it was mailed to 6910 Henley Street, Philadelphia, PA 19119. The Prehearing Order was sent by Administrative Law Judge Christopher P. Pell from the Commission's Philadelphia Office.

4. Denied. PGW lacks sufficient information to admit or deny the truthfulness of the averment concerning when, how the Complainant received an misaddressed envelope and its contents. Therefore, PGW denies the averment. By way of further answer answer, PGW received the Initial Decision of this matter and the Final Order in two separate mailings. These are on or about October 20, 2014 and November 25, 2014, respectively. A mailing from the Commission in this matter with a post mark of November 25, 2014 would have contained only the Final Order in the matter.

5. Admitted.

6. Denied, emphatically. To the contrary, the Complainant received PGW's response to the Complaint as he was served with the PGW's Answer timely and at the correct address. The Complainant had notice of the hearing scheduled for Friday, October 3, 2014, he was served with the Hearing Notice and the Prehearing Order at the correct address. The Complainant failed to appear at this hearing which meant that he had not met his burden of proof. *Andre Turner v. PECO Energy*, Docket No. C-00956999 (Order entered March 14, 1996). *Tiffany Bryant v. Bell Atlantic – Pa.*, Docket No. F-00270958 (Order entered April 11, 1996) The Complainant was served with the Commission's Initial Decision in the matter on or about October 20, 2014, but did not file exceptions to that decision.

7. Denied. The Complainant had notice of the hearing scheduled for Friday, October 3, 2014, he was served with the Hearing Notice and the Prehearing Order at the correct address. The Complainant was served with the Commission's Initial Decision in the matter on or about October 20, 2014, but did not file exceptions to that decision. The Complainant had notice of the Commission's action in this matter.

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<sup>1</sup> Date of the filing of the Petition is uncertain.

## Argument

The Complainant's Petition for review under 52 Pa. Code §5.572(d), fails to support the averments of "no notice" of any Commission action. With the filing of the Petition, the Complainant attempts to revive his complaint based upon what might be a misaddressed envelope that, due to the postmark date, contained only the Commission's Final Order in the matter. The Complainant has not shown that the separate envelopes containing the PGW Answer, the Hearing Notice, the Prehearing Order and the Initial Decision were all misaddressed. The Petition should be denied.

The Commission has articulated the standards governing requests for relief under 52 Pa. Code §5.572 in *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982). Under the standards of *Duick*, such a petition may properly raise any matter designed to convince this Commission that it should exercise its discretion to amend or rescind a prior Order, in whole or in part. Such petitions are likely to succeed only when they raise "new and novel arguments" not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.<sup>2</sup>

The Complainant has not shown that the separate envelopes containing the separate documents, PGW Answer, Hearing Notice, Prehearing Order and Initial Decision were all misaddressed. The Petition fails to support the argument that the Complainant had no notice of the hearing causing his failure to participate in the hearing. Further the Complainant has failed to explain adequately why he failed to address the matter with the filing of exceptions. The Petition presents no exceptional circumstances that would merit providing the Complainant with yet another opportunity to have his "day in court" when he had notice of the hearing but had clearly chosen not to participate.

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<sup>2</sup> *Duick*, 56 Pa. P.U.C. at 559

**Wherefore**, for the foregoing reasons, PGW respectfully requests that the Commission deny the Petition for Recission.

Respectfully submitted,

September 2, 2015

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Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

# **APPENDIX A**

### FACSIMILE

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**To:** Laureto Farinas, Esquire                      **From:** Roger Ashodian

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**Fax:** (215) 684-6798                                      **Pages:** 19

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**Phone:** (215) 684-6982                                **Date:** 8/23/2015

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**Re:** PUC Docket No. C-2014-2432162              **CC:**

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**Urgent**       **For Review**       **Please Comment**       **Please Reply**       **Please Recycle**

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roger Ashodian :  
 :  
 v. : C-2014-2432162  
 :  
 Philadelphia Gas Works :

**PETITION FOR RECONSIDERATION, REHEARING, RESCISSION,  
AND/OR AMENDMENT PURSUANT TO 52 PA. CODE §§.572**

1. Petitioner is the Complainant in the above-captioned
2. Petitioner initiated the formal complaint on July 7, 2014, a copy of which is attached, marked as Exhibit "A".
3. Petitioner did not receive notice of hearing, nor any response from PGW.
4. Just in the last week, Petitioner received in his regular mail an envelope postmarked 12/3/2014 misaddressed to:

ROGER ASHODIAN  
6901 HENRY STREET  
PHILADELPHIA, PA 19119

The "6901" is crossed out by hand, and "6910" is inserted, but there was no change in the incorrect street name. Contained in the envelope are two documents, an October 20, 2014 cover letter from Rosemary Chiavetta, Secretary, and an Initial Decision and Order dated October 3, 2014, neither of which were separately received at any time by Petitioner (*see* Exhibit "B").

5. Petitioner's actual address is 6910 Henley Street, not 6910 Henry Street.
6. At no time was Petitioner aware that any action had been taken by the PUC on his formal complaint until he received the misdirected envelope.
7. Petitioner has now examined the docket of the case and realizes that the PUC did take action on his complaint, but without his ever having received notice until the last few days.

WHEREFORE, Petitioner requests that he be served with PGW's response and a new hearing set of which he is given adequate notice at his correct address, and that PGW be enjoined from any action to terminate gas service pending the outcome of the new hearing.

Date: August 22, 2014



Roger V. Ashodian

**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:

Name Roger Ashodian

Street/P.O. Box 6910 Henley Street Apt # \_\_\_\_\_

City Philadelphia State PA Zip 19119

County Philadelphia

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

( ) n/a (home) (267) 340-2460 (mobile)

E-mail Address (optional): RVAsh.3@gmail.com

Utility Account Number (from your bill) 1122004604

**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 n/a

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.

Philadelphia Gas Works

EXHIBIT "A"

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
- GAS
- WATER
- STEAM HEAT
- WASTEWATER/SEWER
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- 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.  
The notice of shutoff was on the ground in the garden and was not discovered until 7/5/14 (copy enclosed)
- 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.

see informal complaint

- 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).  
The utility was required to restore my sidewalk & yard after digging to install sheathing inside my gas line coming in from the street, but failed to do so

**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.

- a. issue a credit for the amount of overcharges that are inconsistent with the previous PUC settlement of Case No. F2010-2213836 and for interest, penalty and any other charges associated with the overcharges.
- b. issue a credit for the cost of restoring the sidewalk and yard to its former condition before the utility dug it up; to the extent the cost may exceed the current outstanding bill, after adjustment, the utility need not pay for the damage; we will accept a credit on the account.

**Note:** As indicated in the February 7, 2012 letter from Counsel for the utility, I accepted the terms of settlement, but the utility failed to fully implement the settlement, part of the performance of which was to be deferred until Spring of 2012. It is now 2 years later, and no action has been taken.

**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)

Has a court granted a "Protection From Abuse" order 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 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

**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.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at [lawclinicb@mail.widener.edu](mailto:lawclinicb@mail.widener.edu).

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. 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 not at this time

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

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

Area Code/Phone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

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.





Commonwealth of PA  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Return Service Requested

MAILED  
 44-4115  
 OFFICE OF THE  
 ATTORNEY GENERAL

11 11 11  
 11 11 11  
 11 11 11

11 11 11  
 11 11 11  
 11 11 11

*6918*  
 ROGER ASHODIAN  
 6909 HENRY STREET  
 PHILADELPHIA PA 19119

227

K01-158

19119



EXHIBIT "B"



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

October 20, 2014

C-2014-2432162

Roger Ashodian  
v  
Philadelphia Gas Works

**TO ALL PARTIES:**

Enclosed is a copy of the Initial Decision of the Office of Administrative Law Judge.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Your signed Exceptions to the decision, if any, must be: 1) filed with the Secretary of the Commission, and 2) mailed or hand-delivered to each party of record, within twenty (20) days of the date of this letter.

To file Exceptions with the Secretary of the Commission, you must mail or hand-deliver them as follows:

**If using U.S. Postal Service:**

Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**If using Overnight or Hand Delivery Service:**

Secretary  
Pa. Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Or, instead of mailing or hand-delivering your Exceptions, you may electronically file them with the Secretary of the Commission. To do so, you need to establish an account on the Commission's eFiling system, which may be accessed at <http://www.puc.state.pa.us/efiling/default.aspx>. Please note that Exceptions sent to the Commission by fax or e-mail will not be accepted for filing.

In addition to filing your Exceptions with the Secretary of the Commission, a courtesy copy of your Exceptions should be e-mailed to the Commission's Office of Special Assistants (OSA) at [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov). If the document is too large to e-mail, please mail or hand-deliver a copy on CD-ROM or DVD (or other data storage media), in Microsoft Word 2010 format or other compatible format to either address noted above.

Replies to Exceptions, if any, must be filed with the Secretary of the Commission and served on each party of record and the Commission's OSA, in the manner described above. They are due within ten (10) days of the date when Exceptions are due.

It is your responsibility to serve all the parties with your Exceptions and Replies to Exceptions. Failure to do so may render your filing unacceptable. A certificate of service (see format in 52 Pa. Code §1-58) shall be attached to the filed Exceptions or Replies to Exceptions.

Exceptions and Replies to Exceptions shall follow 52 Pa. Code §§5-533 and 5-535 particularly the 40-page limit for Exceptions and the 25-page limit for Replies to Exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's Initial Decision shall include the page number(s) of the cited section of the decision.

If no Exceptions are received, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

IP  
Enclosure  
Certified Mail  
Receipt Requested

Very truly yours,  
  
Rosemary Chiavetta  
Secretary

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Roger Ashodian**

C-2014-2432162

**Philadelphia Gas Works**

**INITIAL DECISION**

Before  
**Christopher P. Pell**  
Administrative Law Judge

**HISTORY OF THE PROCEEDING**

This Initial Decision dismisses the Complaint of Roger Ashodian against Philadelphia Gas Works for failure to prosecute his Complaint.

On July 7, 2014, Roger Ashodian (complainant) filed a formal Complaint (Complaint) against Philadelphia Gas Works (PGW or respondent) with the Pennsylvania Public Utility Commission. In the Complaint, the complainant placed a check-mark in the box indicating "the utility is threatening to shut off my service or has already shut off my service," next to which he wrote in "[t]he notice of shut off was on the ground in the garden and was not discovered until 7/5/14 (copy enclosed)." The complainant also placed a check mark in the box indicating "incorrect charges are on my bill," next to which he wrote "[s]ee informal complaint." Lastly, the complainant placed a check-mark in the box marked "other," next to which he wrote "[t]he utility was required to restore my sidewalk & yard after digging to install sheathing inside my gas line coming in from the street, but failed to do so." As relief, the complainant requested the following:

Complainant did not attach a copy of the referenced informal complaint.

a. Issue a credit for the amount of overcharges that are inconsistent with the previous PUC settlement of Case No. F-2010-2213836, and for interest, penalty and any other charges associated with the overcharges.

b. Issue a credit for the cost of restoring the sidewalk and yard to its former condition before the utility dug it up, to the extent the cost may exceed the current outstanding bill, after adjustment, the utility need not pay for the damage; we will accept a credit on the account.

Note: As indicated in the February 7, 2012 letter from counsel for the utility, I accepted the terms of settlement, but the utility failed to fully implement the settlement, part of the performance of which was to be deferred until Spring of 2012. It is now 2 years later, and no action has been taken.

On August 5, 2014, respondent filed an Answer admitting that on May 23, 2014, it issued a shut off notice for the service at 6910 Henley Street, Philadelphia, PA (service address).

Respondent denied that there are incorrect charges on the bill for service at the service address.

Respondent indicated that the meter located at the service address is equipped with an Automatic Meter Reading device (AMR) and maintained that the bills have been based on actual readings.

By Hearing Notice dated August 13, 2014, a hearing was scheduled for October 3, 2014 at 10:00 a.m., and the matter was assigned to me. The Hearing Notice advised the parties of the location, date and time of the scheduled hearing and warned in italicized type: "*Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.*"

I issued a Prehearing Order on August 15, 2014. The Prehearing Order directed the parties to comply with various procedural requirements and directed that a request to change the scheduled hearing should be sent to me at least five days prior to the hearing date, be in writing and state the agreement or opposition of the other party. It warned both parties of potentially serious consequences if they failed to obtain a continuance and failed to attend the hearing. It also explained that the complainant bears the burden of proof to establish that the respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that he is entitled to the relief requested in the Complaint.

The hearing convened as scheduled on October 3, 2014. Counsel for PGW was present with a witness and was prepared to proceed. Mr. Ashodian was not present, and had not contacted this office to indicate that he would or would not appear.

Because a customer who files a complaint before the Commission has an affirmative duty to make himself or herself available to participate in hearings on the complaint, I deemed Mr. Ashodian's failure to appear at the location, date and time of the scheduled hearing as evidence that he did not wish to participate in the hearing.

No witnesses were presented and no exhibits were introduced into the record. Respondent's counsel moved that the Complaint be dismissed with prejudice for lack of prosecution pursuant to 52 Pa. Code § 5.245. In accordance with Commission policy, I am granting the Motion.

The record was closed at the end of the hearing on October 3, 2014.

#### FINDINGS OF FACT

1. The complainant in this proceeding is Roger Ashodian.
2. The respondent in this proceeding is Philadelphia Gas Works.
3. By Hearing Notice dated August 13, 2014, an initial hearing on complainant's Complaint was scheduled for October 3, 2014, at 10:00 a.m., with both parties given notice.
4. Both parties were advised of the procedures for requesting a continuance of a scheduled hearing by Prehearing Order dated August 15, 2014.
5. Both the August 13, 2014, Hearing Notice and the August 15, 2014, Prehearing Order were mailed to the complainant at 6910 Henley Street, Philadelphia, PA 19119 (service address).

6. Respondent appeared for the hearing at the scheduled location, date and time by legal counsel and a proposed witness and was prepared to proceed.

7. The complainant was advised that the Complaint would be dismissed if he failed to appear for a scheduled hearing by the August 13, 2014, Hearing Notice and the August 15, 2014, Prehearing Order.

8. Complainant failed to appear for the scheduled hearing.

9. Complainant did not settle or withdraw the Complaint nor obtain a continuance prior to the scheduled hearing.

10. The Hearing Notice, which contained the location, date and time of the scheduled hearing, was not returned by the postal authorities as undeliverable.

#### DISCUSSION

The Public Utility Code, 66 Pa.C.S.A. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, complainant has the burden of proof in this matter pursuant to 66 Pa.C.S.A. § 332(a).

To establish a sufficient case and satisfy the burden of proof, complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Telephone Co. of Pa.*, 72 Pa. PUC 196 (1990), *Feinstein v. Philadelphia Suburban Water Co.*, 50 Pa. PUC 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n.*, 518 A.2d 600, 602 (Pa. Cmwlth. 1990), *alleged*, 602 A.2d 863 (Pa. 1992). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n.*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transportation Corp. v. Pa. Pub. Util. Comm'n.*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa. C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to

be established. *Norfolk and Western Ry. v. Pa. Pub. Util. Comm'n*, 489 Pa. 109, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 194 Pa.Super. 278, 166 A.2d 96 (1960); *Murphy v. Commonwealth, Dep't of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). However, this due process requirement is satisfied when the parties are provided notice and the opportunity to appear and be heard. *Id.*

Notice of the October 3, 2014 hearing in this case was sent to the complainant on August 13, 2014, by regular first-class mail to the address stated on the Complaint. This piece of mail was never returned to the sender, the scheduling staff for the Office of Administrative Law Judge in Harrisburg. Notice mailed to a party's last known address and not returned by the post office is presumed to have been received. *Meierdierck v. Miller*, 394 Pa. 484, 147 A.2d 406 (1959); *Berkowitz v. Mayflower Securities, Inc.*, 455 Pa. 531, 317 A.2d 584 (1974). Therefore, the complainant is deemed to have received this document and had sufficient notice of the location, date and time of the scheduled hearing.

Section 332(f) of the Public Utility Code, 66 Pa.C.S.A. § 332(f) provides in relevant part:

Any party who shall fail to be represented at a scheduled conference or hearing after being duly notified thereof, shall be deemed to have waived the opportunity to participate in such conference or hearing, and shall not be permitted thereafter to reopen the disposition of any matter accomplished thereat.

Since the complainant did not participate in the hearing, the hearing was held in accordance with 66 Pa.C.S.A. § 332(f) and 52 Pa.Code § 5.245 and the record was closed.

By not appearing for the scheduled hearing, the complainant obviously failed to bear his burden of proof. Consequently, the Complaint must be dismissed.

The complainant was notified of the scheduled hearing location, date and time, as well as how to contact the O&E office. Despite this, he made no attempt whatsoever to notify me that he did not plan to attend the hearing. Under these circumstances, it appears complainant had ample opportunity to appear and be heard in this proceeding, but voluntarily chose not to do so. Therefore, the due process rights of the complainant have been fully protected.

As the Commission stated in *Mamma v. PPL Electric Utilities Corp.*, Docket No. C-00014869, Commission Opinion and Order entered January 24, 2002, "It is well-established law that once timely notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to be present and participate in the hearing. See, *Schneider v. Pa. Pub. Util. Comm'n.*, 479 A.2d 10 (Pa. Cmwlth. 1984); *Plummer v. Columbia Gas of Pa., Inc.*, Docket No. Z-00847836, Commission Opinion and Order entered September 27, 2001. The Pennsylvania Commonwealth Court has made it clear that in administrative hearings, "a party's own negligence is not sufficient good cause as a matter of law for failing to appear at a . . . hearing." *Ear'N Park Hospitality Group, Inc. v. Unemployment Compensation Board of Review*, 2008 Pa. Commw. LEXIS 663, \*8.

Due to the waste of the Commission's and respondent's time, money, and energy occasioned by the complainant's failure to appear at a hearing of which he had notice, this Complaint will be dismissed with prejudice in accordance with well-established Commission precedent. *Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892, Commission Opinion and Order entered December 26, 1995; *Evans v. Bell Atlantic Pennsylvania, Inc.*, Docket No. C-00957229, Commission Opinion and Order entered July 12, 1996; *King v. PECO Energy Co.*, Docket No. C-00967919, Commission Opinion and Order entered January 16, 1997; *Kenny v. PPL Electric Utilities Corporation*, Docket No. C-20042399, Commission Final Order entered October 13, 2004; *Jones v. The Peoples Natural Gas Company d/b/a Dominion Peoples*, Docket No. C-20054885, Commission Opinion and Order entered February 14, 2006.

**CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding.

2. Pursuant to 66 Pa.C.S.A. § 332(a); the burden of proof in this proceeding is upon the complainant.

3. By failing to appear at the scheduled hearing and failing to present any evidence, the complainant has failed to satisfy the burden of proof.

4. Notice properly mailed to a party's last known address and not returned is presumed to have been received.

5. The complainant had notice of the date, location and time of the scheduled hearing.

6. The due process rights of complainant have been fully protected in this proceeding.

7. A formal Complaint may be dismissed if, after notice and opportunity to be heard, a complainant fails to appear and prosecute the Complaint.

8. The failure of the complainant to appear for a scheduled hearing of which he had notice warrants dismissal of the Complaint with prejudice.

**ORDER**

**THEREFORE,**

**IT IS ORDERED:**

1. That the motion of Philadelphia Gas Works to dismiss the Complaint filed at Docket No. C-2014-2432162 is granted;
2. That the Complaint of Roger Ashodian against Philadelphia Gas Works at Docket No. C-2014-2432162 is dismissed with prejudice; and
3. That the docket at Docket No. C-2014-2432162 be marked closed.

Date: October 3, 2014

/s/  
**Christopher P. Pell**  
Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roger Ashodian

v.

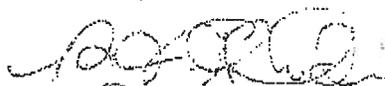
Philadelphia Gas Works

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: C-2014-2432162  
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**CERTIFICATION OF SERVICE**

I, Roger V. Ashodian, Petitioner in the above-captioned matter, hereby certify that on or before August 23, 2015, I served a copy of the Petitioner's Motion for Reconsideration, Rehearing, Rescission and/or Amended Pursuant to 52 Pa. Code §5.572 on the following parties by facsimile and by first class mail, postage prepaid, to the following addresses:

Laureto A. Farinas, Esquire  
Philadelphia Gas Works  
800 West Montgomery Avenue  
Philadelphia, PA 19122



---

Roger V. Ashodian  
6910 Henley Street  
Philadelphia, PA 19119

**ORDER**

**THEREFORE,**

**IT IS ORDERED:**

1. That the motion of Philadelphia Gas Works to dismiss the Complaint filed at Docket No. C-2014-2432162 is granted;
2. That the Complaint of Roger Ashodian against Philadelphia Gas Works at Docket No. C-2014-2432162 is dismissed with prejudice; and
3. That the docket at Docket No. C-2014-2432162 be marked closed.

Date: October 3, 2014

/s/

**Christopher P. Pell**  
**Administrative Law Judge**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roger Ashodian

v.

Philadelphia Gas Works

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C-2014-2432162

**CERTIFICATION OF SERVICE**

I, Roger V. Ashodian, Petitioner in the above-captioned matter, hereby certify that on or before August 23, 2015, I served a copy of the Petitioner's Motion for Reconsideration, Rehearing, Rescission and/or Amended Pursuant to 52 Pa. Code §5.572 on the following parties by facsimile and by first class mail, postage prepaid, to the following addresses:

Laureto A. Farinas, Esquire  
Philadelphia Gas Works  
800 West Montgomery Avenue  
Philadelphia, PA 19122



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Roger V. Ashodian  
6910 Henley Street  
Philadelphia, PA 19119

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Roger Ashodian

v.

Philadelphia Gas Works

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C-2014-2432162

**FINAL ORDER**

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Christopher P. Pell dated October 3, 2014, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the motion of Philadelphia Gas Works to dismiss the Complaint filed at Docket No. C-2014-2432162 is granted;
2. That the Complaint of Roger Ashodian against Philadelphia Gas Works at Docket No. C-2014-2432162 is dismissed with prejudice; and
3. That the docket at Docket No. C-2014-2432162 be marked closed.

BY THE COMMISSION,



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ENTERED: November 25, 2014

# **APPENDIX B**



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 13, 2014

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: **C-2014-2432162**

(SEE ATTACHED LIST)

**Roger Ashodian v. Philadelphia Gas Works**

Various Disputes

**Hearing Notice**

This is to inform you that a hearing on the above-captioned case will be held as follows:

**Type: Initial Hearing**

**Date: Friday, October 3, 2014**

**Time: 10:00 a.m.**

**Location: In an available 4th Floor Hearing Room  
(Take one of the last four elevators at the far end of the lobby)  
801 Market Street (enter on 8th Street)  
Philadelphia, PA 19107**

**Presiding: Administrative Law Judge Christopher P. Pell  
Suite 4063  
801 Market Street  
Philadelphia, PA 19107  
Telephone: 215.560.2105  
Fax: 215.560.3133**

*Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.*

**You must serve the Presiding Officer with a copy of ANY document you file in this case.**

If you intend to file exhibits, two (2) copies of all hearing exhibits to be presented into evidence **must** be submitted to the reporter. An additional copy **must** be furnished to the Presiding Officer. A copy **must** also be provided to each party of record.

**Individuals** representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) **must** be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If individuals filing **consumer complaints** are interested in receiving legal representation, they may contact the Widener Harrisburg Civil Law Clinic, located at 3605 Vartan Way, Harrisburg, PA 17110, by telephone at **717.541.0320**, or via email at [lawclinichb@mail.widener.edu](mailto:lawclinichb@mail.widener.edu) . Based on the individual's income, legal representation may be available at no cost to a reduced fee. For additional information see Widener Harrisburg's Civil Law Clinic's website:

<http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinics.aspx>

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Please call the scheduling office at the Public Utility Commission at least ten (10) business days prior to your hearing to submit your request.

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: ALJ Pell  
Ariel Wolf  
File Room  
Calendar File

**C-2014-2432162 - ROGER ASHODIAN v. PHILADELPHIA GAS WORKS**

ROGER ASHODIAN  
6910 HENLEY STREET  
PHILADELPHIA PA 19119  
**267.340.2460**

LAURETO FARINAS ESQUIRE  
PHILADELPHIA GAS WORKS  
4TH FLOOR  
800 W MONTGOMERY AVENUE  
PHILADELPHIA PA 19122  
**215.684.6982**  
*Accepts E-service*

# **APPENDIX C**



**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

CONSUMERINFO UTILITY&INDUSTRY FILING&RESOURCES ABOUTPUC CONTACTUS

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**eFiling Successfully Transmitted**



Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

*If your filing exceeds 250 pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120 . Please print a copy of this page and attach it to the paper copy of your filing as the first page.*

eFiling Confirmation	
Docket Number:	C-2014-2432162
Description:	C-2014-2432162
Transmission Date:	8/5/2014 3:58:19 PM
Filed On:	8/5/2014 3:58:19 PM
eFiling Confirmation Number:	1558973

**Uploaded File List**

File Name	Document Class	Document Type
Ashodian.PDF	Communication	Answer to Formal Complaint

You can view a record of any previous eFiling, including the one you just made, by clicking the **My Filings** link in the left menu.

If a paper copy is required in accordance with the eFiling Regulations, please print this page and include it with your paper filing.

Customer Hotline 1-800-692-7380 | [PUC Webmaster](#)

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**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal  
Legal Department  
Direct Dial: 215-684-6862  
FAX: 215-684-6798  
E-mail: danielle.leva@pgworks.com

August 5, 2014

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Roger Ashodian v. PGW, Docket No. C-2014-2432162**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original Answer to the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

  
Danielle Leva

Enclosure

cc: Roger Ashodian (Regular Mail)  
Linda Pereira (PGW Mail)  
Wendy Vacca (PGW Mail)

Recommended for Call of the Docket

✓ Not recommended for Call of the Docket

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Roger Ashodian**

v.

**Philadelphia Gas Works**

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**Docket No. C – 2014 – 2432162**

**Answer of the Philadelphia Gas Works**

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. (a-b) Admitted in part. Denied in part. PGW admits that it issued a shut off notice for the service at 6910 Henley Street, Philadelphia, PA (Service Address). By way of further answer, PGW issued a shut of notice on May 23, 2014 with a shut off date of on or up to 60 days after June 4, 2014.

PGW lacks sufficient information to determine the truth of averment that the Complainant did not discover the shut off notice on July 5, 2014. Therefore, PGW denies this averment.

PGW denies that there are incorrect charges on the bill for the service at the Service Address.

By way of further answer, the Complainant established gas service at the Service Address on October 14, 1988 under PGW Account No. 11-2200-4604. The account is listed as residential gas heat and domestic usage. The meter located at the Service Address is equipped with an Automatic Meter Reading device (AMR) and the bills have been based on actual readings.

On August 17, 2006, the Complainant filed an Informal Complainant.

The Bureau of Consumer Services (BCS) decision dated May 7, 2007, concluded that the Complainant is responsible for the balance of \$2,935.89 owing to PGW.

On August 7, 2007, the Complainant filed a Formal Complainant. On September 27, 2007, the Formal Complainant was settled.

On May 12, 2008, the Complainant filed an Informal Complaint. The BCS decision dated May 29, 2009, concluded that the Complainant is to have a payment agreement of a \$259 budget plus \$44 towards arrears (\$303 total).

On May 6, 2010, PGW terminated the Complainant's gas service for non-payment

On May 19, 2010, the Complainant filed an Informal Complaint. The BCS decision dated June 3, 2010, concluded that the Complainant has paid to restore service but he must allow PGW access to upgrade the gas service (piping).

On December 27, 2010, the Complainant filed a Formal Complaint. On December 5, 2011, a pre-hearing conference was held at the Commission's Philadelphia office and the hearing was continued until January 3, 2012.

On December 22, 2011, PGW renewed the gas service at the Service Address. On January 11, 2012, the Formal Complaint was settled. The Complainant will allow restoration with certain restrictions. PGW's Distribution department will be contacted once it is arranged with the Complainant. PGW will also credit the Complainant \$372 for the dig charge. Once the service is restored, the previously rendered PUC payment agreement will be entered.

On January 24, 2012, a PGW technician visited the Service Address and restored the service.

On April 23, 2013, the Complainant filed an Informal Complaint. The BCS decision dated August 20, 2013, concluded that, 1) PGW failed to enter the prior PUC payment agreement. 2) PGW issued credits for the dig fee and late fee charges. 3) No payment were received on the Complainant's account until April 24, 2013, causing a past due balance for the current charges. 4) The Complainant's account reflected two balance as PGW billed the Complainant for the current charges while the past due balance was set aside for a payment agreement. 5) PGW has no record of the Complainant contacting PGW

concerning a billing dispute. 6) The bills are correct as rendered. 7) The Informal Complaint is dismissed.

On February 25, 2014, PGW's Collection's Department added the total balance of \$3,148.73 to the April Sheriff Sale list and sent a request to lien the property in the amount of \$1,483.32.

On April 2, 2014, April 7, 2014, and April 22, 2014, a PGW technician visited the Service Address to terminate the service for non-payment but could not get inside and reported that there is no curb valve.

On May 24, 2014, PGW's Collection's Department added \$1,808.24 to the June's Sheriff Sale list and sent a request to lien the property in the amount of \$1,159.51.

On May 29, 2014, PGW's Collection's Department received a pay-off request from the Sheriff Sale for June 3, 2014. On July 2, 2014, a collection's notice was delivered to the Service Address. On July 15, 2014, PGW's Collection's Department added \$1,540.97 to the Sheriff Sale list.

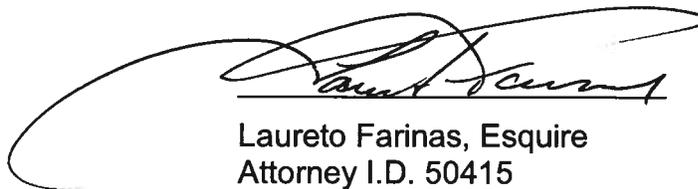
On July 16, 2014, the Complainant filed a Formal Complaint.

5. Denied. The averments contained in the Complaint that are requests for relief to which no response is required. PGW therefore denies this averment.
6. Admitted.
7. Admitted.

**Wherefore**, PGW respectfully requests that this Commission find against the Complainant and dismiss the Complaint.

Respectfully submitted,

August 5, 2014

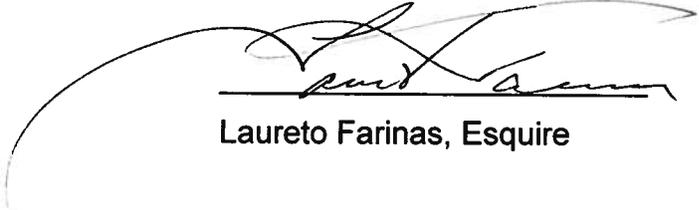


Laureto Farinas, Esquire  
Attorney I.D. 50415  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982

**VERIFICATION**

I, Laureto Farinas, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

August 5, 2014



A handwritten signature in black ink, appearing to read 'Laureto Farinas', is written over a horizontal line. A long, sweeping flourish extends from the left side of the signature across the page.

Laureto Farinas, Esquire

**CERTIFICATE OF SERVICE**

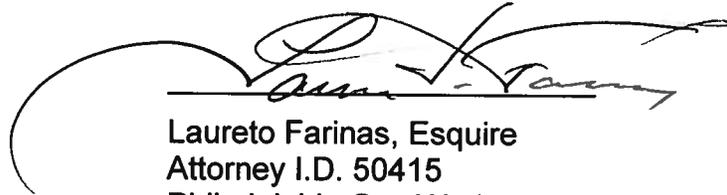
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Roger Ashodian  
6910 Henley Street  
Philadelphia, PA 19119

August 5, 2014

A handwritten signature in black ink, appearing to read 'Laureto Farinas', is written over a horizontal line. The signature is stylized with a large, sweeping flourish that extends to the left and curves upwards.

Laureto Farinas, Esquire  
Attorney I.D. 50415  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982

# **APPENDIX D**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roger Ashodian

v.

Philadelphia Gas Works

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C-2014-2432162

**PREHEARING ORDER**

An Initial Hearing in this case is scheduled for Friday, October 3, 2014 at 10:00 a.m. in an available hearing room on the 4<sup>th</sup> Floor at 801 Market Street.<sup>1</sup> **You must be available in the hearing room when your case is called by the presiding Administrative Law Judge.** You should arrive at the hearing room no later than 9:45 a.m. and wait in the hearing room until the Administrative Law Judge calls your case. **If the customer is not present and prepared to go forward with the case when it is called, the case will be dismissed by the Administrative Law Judge.** When you arrive on the 4<sup>th</sup> Floor, please use the house telephone located at the front desk and call 215-560-2105 to be admitted into the hearing room.

The parties are hereby directed to comply with the following requirements:

1. **YOU MUST SERVE ME DIRECTLY WITH ANY DOCUMENTS THAT YOU FILE IN THIS PROCEEDING. IF YOU SEND ME ANY DOCUMENT OR CORRESPONDENCE, YOU MUST SEND A COPY TO ALL OTHER PARTIES IN THE CASE. THE CURRENT SERVICE LIST IS ATTACHED TO THIS ORDER.**

2. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, **and must be submitted in writing no later than five (5) business days**

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<sup>1</sup> The entrance for the building is on 8<sup>th</sup> Street.

prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. My correct address is:

Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
Telephone: 215-560-2105  
Fax: 215-560-3133

Changes are granted only in rare situations where good cause exists.

3. Commission policy promotes settlements. 52 Pa. Code §5.231(a). The utility will contact the customer at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

4. If you intend to present any documents or exhibits for my consideration, you must bring at least four (4) copies to the hearing. These are the original and one copy for the Commission's records, one copy for me and one copy for every other party. Proposed exhibits should be properly pre-marked for identification.

5. This hearing is a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

6. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

7. You are not required to have a lawyer represent you in the complaint process before the Public Utility Commission. However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320, or via email at [lawclinichb@mail.widener.edu](mailto:lawclinichb@mail.widener.edu). For additional information, see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>.

8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

9. If you, or anyone you plan to call as a witness on your behalf, have a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you want an interpreter, please contact the Scheduling Office (Christine Williams) at least ten (10) days before the scheduled Prehearing Conference or Hearing to make your request. Scheduling Office: (717) 787-1399. AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

10. The complainant is responsible for payment of current undisputed bills for service pending the resolution of this complaint. 52 Pa. Code §56.181. Failure to make payments may result in the termination of utility service.

**11. THE COMPLAINT WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

12. The complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that he/she is entitled to the relief requested in the Complaint.

Date: August 15, 2014

  
\_\_\_\_\_  
Christopher P. Pell  
Administrative Law Judge

Roger Ashodian v. Philadelphia Gas Works  
Docket Number C-2014-2432162

SERVICE LIST

Roger Ashodian  
6910 Henley Street  
Philadelphia, PA 19119

Laureto Farinas, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

**CERTIFICATE OF SERVICE**

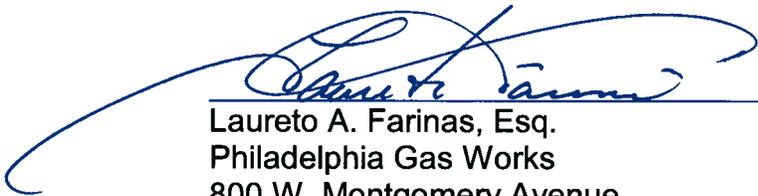
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF § 1.54 (RELATING TO SERVICE BY A PARTICIPANT).

**Service List**

Roger Ashodian, Esq.  
6910 Henley Street  
Philadelphia, PA 19119

[RVAsh3@gmail.com](mailto:RVAsh3@gmail.com)

September 2, 2015

  
Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122