

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**RECEIVED**  
AUG 23 2015  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**PETITION FOR RECONSIDERATION, REHEARING, RESCISSION,  
AND/OR AMENDMENT PURSUANT TO 52 PA. CODE §5.572**

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): RVAsh3@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

RECEIVED

AUG 23 2015

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

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):

- |   |   |
|---|---|
| <input type="checkbox"/> ELECTRIC       | <input type="checkbox"/> WASTEWATER/SEWER                                     |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance)  |
| <input type="checkbox"/> WATER          | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT     |   |

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. 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.

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 [lawclnchb@mail.widener.edu](mailto:lawclnchb@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) \_\_\_\_\_

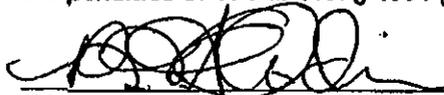
**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are **required** to have a lawyer represent them at a hearing **and** to file any motions, answers, briefs or other legal pleadings.

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, Roger Ashodiam, 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)

7/7/14

(Date)

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. **Two Ways to File Your Formal Complaint**

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

**Note:** If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

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

**Note:** Formal Complaints sent by fax or e-mail will **not** be accepted.

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.**



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

OE

Return Service Requested

MAILED AT  
READING PA  
DROP SHIPMENT  
FIRST CLASS PERMIT NO. 1000

PRESCOTT  
FIRST CLASS

Postnet  
12-05/2-14  
[US POSTAGE]

\$00.08



ZIP CITY  
17105-3265

**RECEIVED**

AUG 23 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

EXHIBIT "B"

6910-~~5001~~ HENRY STREET  
PHILADELPHIA PA 19119

227 KQ1-1EB 19119





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 (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law 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 Commission action. You will receive written notification if this occurs.

Very truly yours,

Rosemary Chiavetta  
Secretary

JP

Enclosures

Certified Mail

Receipt Requested

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Roger Ashodian

v.

Philadelphia Gas Works

C-2014-2432162

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."<sup>1</sup> 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:

---

<sup>1</sup>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*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990), alloc. den., 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. 1109, 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 OALJ 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 *Mumma 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." *Eat'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. : C-2014-2432162  
 :  
 Philadelphia Gas Works :

**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

**RECEIVED**  
AUG 23 2015  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

U.S. POSTAGE  
PAID  
PHILADELPHIA, PA  
19104  
AUG 23, 15  
AMOUNT  
**\$16.95**  
00112703-30



1007



EK845872999US



UNITED STATES  
POSTAL SERVICE®

PRIORITY  
★ MAIL ★  
EXPRESS™

**CUSTOMER USE ONLY**

FROM: (PLEASE PRINT) PHONE ( )

KAGER ASHODIAN  
6910 HENLEY STREET  
PHILADELPHIA, PA 19119

PAYMENT BY ACCOUNT (if applicable)

**DELIVERY OPTIONS (Customer Use Only)**

SIGNATURE REQUIRED *Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.*

**Delivery Options**

No Saturday Delivery (delivered next business day)

Sunday/Holiday Delivery Required (additional fee, where available)

10:30 AM Delivery Required (additional fee, where available)

*\*Refer to USPS.com® or local Post Office™ for availability.*

TO: (PLEASE PRINT) PHONE ( )

SECRETARY  
PENNSYLVANIA PUBLIC UTILITIES  
COMMISSION  
400 NORTH STREET  
HARRISBURG, PA  
17120

ZIP + 4® (U.S. ADDRESSES ONLY)

**ORIGIN (POSTAL SERVICE USE ONLY)**

1-Day  2-Day  Military  DPO

PO ZIP Code 19114	Scheduled Delivery Date (MM/DD/YYYY) 8/25/15	Postage \$ 16.95
Date Accepted (MM/DD/YYYY) 8/23/15	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input checked="" type="checkbox"/> NOON	Insurance Fee \$
Time Accepted 1:23	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	COD Fee \$
Weight lbs. 0.25	<input type="checkbox"/> Flat Rate	Return Receipt Fee \$
	Sunday/Holiday Premium Fee \$	Live Animal Transportation Fee \$
	Accepted Employee Initials [Signature]	Total Postage & Fees \$ 16.95

**DELIVERY (POSTAL SERVICE USE ONLY)**

Delivery Attempt (MM/DD/YYYY) Time [Signature]	Employee Signature <input type="checkbox"/> AM <input type="checkbox"/> PM
Delivery Attempt (MM/DD/YYYY) Time [Signature]	Employee Signature <input type="checkbox"/> AM <input type="checkbox"/> PM

WRITE FIRMLY TO MAKE ALL COPIES LEGIBLE.

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 insurance included.

LABEL 11-B, JANUARY 2014

PSN 7690-02-000-9998

3-ADDRESSEE COPY

WHEN USED INTERNATIONALLY,  
A CUSTOMS DECLARATION  
LABEL MAY BE REQUIRED.



CMPC

PUC SECRETARY BUREAU

PUC

EXPRESS

8/25/2015 7:27:55 AM

Carrier:



EK845872999US