

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sheila Wooden

v.

Philadelphia Gas Works

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C-2016-2548462

INITIAL DECISION

Before
Rebecca Waldemar
Special Agent

INTRODUCTION

Sheila Wooden filed a formal Complaint requesting an affordable payment arrangement. This decision grants the request and sets a payment arrangement requiring the balance to be repaid over a period of twelve months.

HISTORY OF THE PROCEEDING

On May 25, 2016, Sheila Wooden (Complainant) filed a formal Complaint with the Pennsylvania Public Utility Commission against Philadelphia Gas Works (PGW or Respondent) requesting a payment arrangement. In her Complaint, she averred that PGW has threatened to terminate her service and she has been trying to pay her bill down but interest and penalties are being charged every month making it difficult for her to catch up on her bill. On June 21, 2016, PGW filed an Answer to the Complaint. In its Answer, PGW detailed previous payment arrangements for Ms. Wooden and denied adding interest and penalties to her bill.¹

¹ Although Ms. Wooden used the term “interest and penalties,” at the hearing, it became clear that she was referencing late payment charges applied to her account.

A Telephone Hearing Notice dated July 26, 2016, advised the parties that an initial telephonic hearing was scheduled for Monday August 22, 2016, at 10:00 a.m. The case was assigned to me, pursuant to 52 Pa. Code § 56.174. A Prehearing Order dated August 2, 2016, advised the parties of the date and time of the scheduled hearing, and informed them of the procedures applicable to this proceeding. In accordance with the provisions of the Prehearing Order, the Respondent submitted proposed exhibits for possible use at the hearing.

The initial telephonic hearing convened as scheduled.² Ms. Wooden appeared *pro se* and testified on her own behalf. Graciela Christlieb, Esq., counsel for Respondent, presented the testimony of one witness, Jessica Glace, a customer review officer for PGW, who sponsored two exhibits. Both exhibits were admitted into the record. The record closed on August 22, 2016 at the conclusion of the hearing.

FINDINGS OF FACT

1. The Complainant is Sheila Wooden, who receives natural gas utility service from the Respondent at 5829 Chester Ave., Philadelphia, Pennsylvania.
2. The Respondent is Philadelphia Gas Works.
3. The Complainant's household consists of herself and a minor child.
4. The Complainant receives \$2750 per month from her employment and \$624 per month from social security.
5. The monthly household income is \$3374.
6. As of the date of the hearing, the Complainant's past due account balance was \$5225.44.

² A tape recording of the hearing was made, no court reporter being present.

DISCUSSION

In her formal Complaint and at the hearing, Ms. Wooden requested a payment arrangement. She stated that she could not afford the large upfront payment being requested by PGW. The Respondent did not object to a payment arrangement at the hearing.

As the party seeking affirmative relief from the Commission, the Complainant bears the burden of proving by substantial evidence that she is entitled to the requested relief. 66 Pa. C.S. § 332(a). To satisfy this burden, the Complainant must show that the named 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). This must be shown by a preponderance of the evidence, that is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. Public Utility Comm.*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. den.*, 602 A.2d 863 (Pa. 1992); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Public Utility Comm.*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transportation Corp. v. Pa. Public Utility Comm.*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa. C.S.A. § 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. Public Utility Comm.*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Dep't. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

The Responsible Utility Customer Protection Act, 66 Pa.C.S. § 1401, *et seq* (Chapter 14) applies to complaints alleging inability to pay and requests for Commission-issued payment agreements. This law authorizes the Commission to establish payment arrangements between a public utility and its customers within prescribed limits that the Commission must follow. 66 Pa.C.S. § 1405(a).

The maximum length of time to resolve an unpaid balance that the Commission is authorized to allow depends upon the Complainant's gross monthly household income as

follows: (1) Five years for customers with an income not exceeding 150% of the federal poverty level; (2) three years for customers with an income exceeding 150% of the federal poverty level but not by more than 250%; (3) one year for customers with an income exceeding 250% of the federal poverty level but not by more than 300%; and (4) six months for customers with an income exceeding 300% of the federal poverty level. 66 Pa.C.S. § 1405(b).

The record does not reflect that a payment arrangement has previously been established for the Complainant by the Commission. I find that Ms. Wooden is a level three customer consistent with Chapter 14 and will set a payment arrangement accordingly. Ms. Wooden testified that her household consists of herself and a minor child. Her monthly gross household income is \$3374 per month. For a household of two, her monthly household income falls between 250 and 300% of the federal poverty level which makes her a level three income customer under Chapter 14. Consequently, she may be given a payment arrangement allowing twelve months to reconcile her past due balance. 66 Pa.C.S. § 1405(b)(1).

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa. C.S.A. § 701.
2. The Complainant had the burden of proof. 66 Pa. C.S.A. § 332(a).
3. The Responsible Utility Customer Protection Act, 66 Pa. C.S.A. §§ 1401, *et seq.*, applies to this proceeding.
4. The Commission is authorized to establish a payment arrangement between a public utility and a customer. 66 Pa. C.S. § 1405(a).
5. The Complainant has met her burden of proving that the Commission may grant her a payment arrangement allowing her twelve months to pay her past due balance.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Sheila Wooden against Philadelphia Gas Works at Docket No. C-2016-2548462 is sustained.
2. That Sheila Wooden's request for a payment arrangement is granted.
3. That Sheila Wooden shall make monthly payments consisting of her current charges plus one 1/12th of the balance accrued on her account, beginning with the first billing due date following the entry of a final Commission Order in this case.
4. That as long as Sheila Wooden keeps the payment schedule stated in this Order, Philadelphia Gas Works shall not suspend or terminate her utility service except for valid safety or emergency reasons or assess late payments or finance charges against her account.
5. That if Sheila Wooden does not keep the payment schedule stated in this Order, Philadelphia Gas Works is authorized to suspend or terminate her utility service in accordance with the Commission's statute and regulations.
6. That the Secretary mark this docket closed.

Date: August 26, 2016

/s/
Rebecca Waldemar
Special Agent