

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Esther Lenzner
v.
Philadelphia Gas Works

Public Meeting held December 22, 2016
2491223-OSA
Docket No. F-2015-2491223

MOTION OF CHAIRMAN GLADYS M. BROWN

The Initial Decision of Administrative Law Judge Cynthia Williams Fordham dismisses this case, with prejudice, due to the Complainant's failure to appear at the hearing.

The Complainant filed Exceptions to the dismissal of the case explaining that a medical condition prevented her from appearing at the hearing. I believe that the medical condition, if verified, would serve as a justifiable excuse for permitting the Complainant to file a second complaint on the same subject matter. Therefore, while I agree with the recommendation to dismiss the Complaint, the dismissal should be without prejudice.

Based on these unique facts, in this case, dismissing without prejudice protects the Complainant's right to due process while respecting the Commission's administrative process.

THEREFORE, I MOVE THAT:

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

December 22, 2016
Date



Gladys M. Brown, Chairman