

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Kimekia Mayo
v.
Philadelphia Gas Works

Public Meeting held February 9, 2017
2562263-ALJ
Docket No. C-2016-2562263

**MOTION OF CHAIRMAN GLADYS M. BROWN AND
VICE CHAIRMAN ANDREW G. PLACE**

This case involves a decision that dismisses a Formal Complaint filed by a consumer concerning the financial liability for an arrearage that arose, at least in part, before the 3-year period set forth in Section 3314 of the Public Utility Code, 66 Pa. C.S. § 3314. By Formal Complaint filed on August 12, 2016, Ms. Mayo challenged charges for services rendered by PGW when she was a minor and/or when she was under the care of the Department of Human Services. Because the Complaint was dismissed on Preliminary Objections¹ as being brought outside of the statute of limitations, facts which we believe are necessary to make a conclusive determination on this matter have not been entered into the record.

While the ALJ read the Complaint to say that Ms. Mayo was seeking relief from the amount that accrued in 2004, which was clearly beyond the statute of limitations for Commission consideration, our reading is broader. The Complaint also appears to be a request for a payment arrangement for arrears which may or may not be subject to the 3-year statute of limitations. Without an evidentiary hearing, we are unable to ascertain if any amount is eligible for a payment arrangement.

THEREFORE, I MOVE THAT:

1. The proceeding be remanded to the Office of Administrative Law Judge for further proceedings on this matter;
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

February 9, 2017
Date



Gladys M. Brown, Chairman



Andrew G. Place, Commissioner

¹ For purposes of disposing of a preliminary objection, the Commission must accept as true all well-pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts. *Douglas and Diane P. Evans v. PECO Energy Co.*, 2013 Pa. PUC LEXIS 785 *4, C-2013-2368477 (December 19, 2013); *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A.2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa. Cmwith. 1988).