

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17105**

**Ifedoo Enigwe**  
v.  
**Philadelphia Gas Works**

**Public Meeting held February 8, 2018**  
**2551964-OSA**  
**Docket No. F-2016-2551964**

**MOTION OF COMMISSIONER DAVID W. SWEET**

Before the Commission for decision are the Exceptions filed by Ifedoo Enigwe to the Initial Decision of Administrative Law Judge Andrew M. Calvelli (ALJ), which granted the customer's request for a payment arrangement but denied his allegations that Philadelphia Gas Works (PGW) had acted improperly and by doing so, had prevented him from being awarded funds from a PGW hardship fund. While I agree that the evidence supports the ALJ's ruling regarding PGW's actions in this matter, the record does not reflect the information necessary to support the award of the payment arrangement. With this Motion, I seek to remand the case for additional proceedings to supplement the record and to ensure that the level of payment arrangement granted is the correct one.

This is a timely appeal of an informal decision of the Commission's Bureau of Consumer Services (BCS) which granted a payment arrangement for 36 months based on information that he had provided. As the appeal was timely, the formal complaint is considered de novo, and the request for a payment arrangement must be evaluated based on the evidence provided in the formal proceeding.

In this case, the complainant is a taxi driver whose income fluctuates from month to month. While he explained this to the ALJ in the hearing, he did not provide evidence or documentation of his monthly household income, which is a crucial element to determining the level of a payment arrangement. The ALJ who wrote the Initial Decision was not the ALJ who conducted the hearing. In attempting to determine household income, the ALJ relied on the complainant's self-reported income given to BCS. Unfortunately, this information was hearsay that was neither subject to cross-examination nor provided under oath. This information also was not corroborated by other record evidence. Accordingly, the findings of fact that discuss the BCS proceeding have no place in an initial decision for a timely appeal from that BCS decision. Rather, the information necessary to support an initial decision must be based on evidence of record in the formal proceeding.

A reading of the transcript reveals that Mr. Enigwe, in his attempts to show the ALJ that his income fluctuated monthly, failed to provide the actual numbers on which a payment arrangement can be based. The Commission is bound by the provisions of the Public Utility Code that require the Commission to base payment arrangements on where the customer's household income falls on the federal poverty scale, and that means that we need to have the income of the customer. The case must be remanded to make clear to Mr. Enigwe that he has the burden of giving the Commission the information necessary to determine where his household's

monthly income falls on the federal poverty scale so that we can apply the level of payment arrangement that is appropriate under the statute. Also, in addition to Mr. Enigwe's income, the income of any other adult household members must also be included in determining annual household income and identifying the length of the payment arrangement that will be granted.

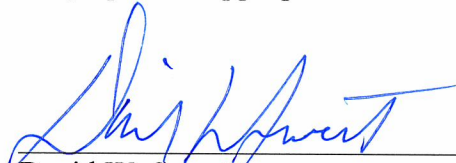
Mr. Enigwe's exception regarding the manner in which PGW handled his grants will be denied as PGW provided an adequate explanation for its actions.

THEREFORE,

I MOVE:

1. That the Exceptions of Ifedoo Enigwe are denied.
2. That the Initial Decision of Administrative Law Judge Andrew M. Calvelli is affirmed in part and denied in part, consistent with this Motion.
3. That the matter be remanded to the Office of Administrative Law Judge for proceedings limited to establishing the appropriate length of the payment arrangement.
4. That the Office of Special Assistants prepare an appropriate order consistent with this Motion.

February 8, 2018  
DATE

  
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David W. Sweet  
Commissioner