

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Marta Abrantes

**Public Meeting March 15, 2018
2613845-ALJ**

v.

Docket No. F-2017-2613845

Philadelphia Gas Works

STATEMENT OF COMMISSIONER NORMAN J. KENNARD

I would adopt the Initial Decision in its entirety, dismissing the Complaint with prejudice. The Initial Decision in this case describes the circumstances of the Complainant's failure to appear:

Prior to the hearing on October 6, 2017, my legal assistant informed me that the Complainant left a voicemail message at 10:44 p.m. on October 5, 2017 [the evening before the hearing] indicating that she would not be attending the hearing because she had to work. The Complainant did not explain why she hadn't contacted my office earlier to explain that she had a scheduling conflict, did not explain why she hadn't contacted my office during office hours, nor did the Complainant request a postponement of the scheduled hearing. I instructed my legal assistant to contact the Complainant and advise her that the hearing would proceed as scheduled and that her Complaint would be dismissed if she failed to appear for the scheduled hearing. The Complainant did not answer so my legal assistant left her a voicemail message. To date, the Complainant has not returned the call.

The Initial Decision, which was served on the complainant, recommends dismissal. No protest to this outcome was lodged by the complainant.

This Commission scrupulously offers multiple forums by which customers may avail themselves to resolve their disputes, including by informal complaint, formal complaint, and mediation. The formal complaint process, if chosen by the customer, provides the opportunity to present one's case under oath in an administrative hearing before an Administrative Law Judge (ALJ). The utility is compelled to attend and defend against the complaint.

The formal hearing process is costly to all involved. In this matter, the Commission (as it does in all hearings) provided a procedural forum and a hearing room, as well as appointed an ALJ to preside. Counsel for PGW was present with two witnesses prepared to proceed. A court reporter was retained by the Commission and in attendance ready to transcribe the hearing.

This investment of time, effort, and money by all involved created an affirmative duty in the complainant to make herself available to participate in hearings under the rules or at least explain why she could not. Leaving an afterhours voice message, the night before a scheduled hearing, about one's unavailability without any subsequent follow up is not a reasonable discharge of this duty. I believe the ALJ was correct in denying this request, made far too late to avoid the hearing.

I vote to affirm the ALJ's Initial Decision.

Date: March 15, 2018



NORMAN J. KENNARD
COMMISSIONER