



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

801 Market Street, Suite 4063 – Philadelphia, Pennsylvania 19107

Telephone: (215) 560-2105

April 3, 2018

IN REPLY PLEASE
REFER TO OUR FILE

Re: Errata to Order #2
Cynthia Ortiz v. Philadelphia Gas Works
Docket No. **F-2017-2639274**

To Parties of Record:

It has come to the attention of the undersigned that the above referenced Order contained errors with the docket number. A corrected Order is enclosed with the changes in bold for ease of noting the corrections. Please disregard the previous Order #2 and replace it with the attached Order. Thank you.

Sincerely,

Angela T. Jones
Administrative Law Judge

Attachment

Cc: Service List
Document File

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cynthia Ortiz

v.

Philadelphia Gas Works

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F-2017-2639274

**CORRECTED
PREHEARING ORDER #2
MOTION FOR CONTINUANCE
GRANTED**

By Hearing Notice dated February 5, 2018, an Initial Hearing was scheduled for Wednesday, April 4, 2018, at 10:00 a.m. By letter received by the undersigned Administrative Law Judge (ALJ) on March 27, 2018, the Complainant, Cynthia Ortiz, requested a continuance of her formal complaint (Complaint). The Complainant stated that she began employment on March 26, 2018,¹ and does not have the benefit of any paid time off. The Complainant stated that she will accumulate hours of leave monthly and will be able to take some time off in June 2018.

By electronic mail (email) on March 28, 2018, Graciela Christlieb, Esquire, counsel for Philadelphia Gas Works (PGW or Respondent) stated that PGW does not object to the request.

Pursuant to 52 Pa.Code § 1.15(b), a request for a change of the scheduled hearing date must be submitted by motion in writing and filed no later than five (5) days prior to the hearing with the Pennsylvania Public Utility Commission (Commission or PUC). The continuance

¹ The letter actually stated the date as, March 26, **2017**. It is assumed that the year is a typographical error. The Complaint was filed on December 16, 2017. Starting employment on March 26, 2017, would be irrelevant to this proceeding and would make the reason for requesting a continuance immaterial.

requested by the Complainant is timely but is not in the correct form. The Complainant in this matter is representing herself, and therefore is appearing in this proceeding *pro se*.

This matter is ripe for ruling.

52 Pa.Code § 1.2(a), (c) and (d) state,

(a) This subpart shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.

* * *

(c) The Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party.

(d) These liberal construction provisions apply with particularity in proceedings involving *pro se* litigants.

Pursuant to 52 Pa.Code § 1.2(a), (c) & (d), the undersigned will treat the communicated request as a written motion by the Complainant. The communication not being in the correct form will not delay the undersigned from securing a just, speedy and inexpensive determination in this proceeding. Consequently, the undersigned will invoke the waiver of the motion required in 52 Pa.Code § 1.15(b) as permitted by 52 Pa.Code § 1.2(c).

It is appreciated that the Complainant has acted proactively in the prosecution of her Complaint. The Complainant has recently obtained employment and it is understandable that she does not desire to be absent during her first two weeks of employment. It is also understandable that she has not yet accrued time to be absent from employment with pay. Lastly, it is compelling that the Respondent does not object to the requested continuance.

The undersigned finds that the requested continuance is reasonable. It is also reasonable to reschedule the hearing no earlier than June 4, 2018, to afford the Complainant time to have accrued the benefit of leave with pay.

A Hearing Notice canceling the current hearing date and rescheduling to a future date on or after June 4, 2018, will be issued. All parties are encouraged to talk with each other to resolve this matter, or some portion thereof, if possible, as it is the Commission's policy to encourage settlement. 52 Pa.Code § 5.231.

I caution both parties that a request in the future to continue this matter will be met with strict scrutiny. It is noted that failure of any party to plan and invoke proper procedure without cause to do otherwise does not warrant an emergency.

THEREFORE,

IT IS ORDERED:

1. That the continuance requested by Cynthia Ortiz, the Complainant in the formal complaint of *Cynthia Ortiz v. Philadelphia Gas Works* at Docket No. **F-2017-2639274**, is granted.
2. That this matter is to be rescheduled for hearing.

Date: April 3, 2018

_____/s/
Angela T. Jones
Administrative Law Judge

Ortiz v. PGW
Docket No. **F-2017-2639274**

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