

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Patrick Black	:	
	:	
v.	:	C-2018-3000864
	:	
Philadelphia Gas Works	:	

ORDER
GRANTING CONTINUANCE

On March 28, 2018, Patrick Black filed a Complaint against Philadelphia Gas Works (PGW), at docket number C-2018-3000864. In his Complaint, Mr. Black stated that PGW was threatening to shut off or has shut off his service and requested a payment arrangement.

On April 23, 2018, PGW filed an answer to the Complaint. PGW admitted to threatening to terminate service at the service address due to Mr. Black's alleged nonpayment of his past-due balance. PGW requested that the Commission find against the Complainant and dismiss the Complaint.

By Hearing Notice issued April 30, 2018, an initial telephonic hearing for this case was scheduled for Wednesday, May 30, 2018 at 10:00 a.m., and the case was assigned to me. A Prehearing Order was issued on May 1, 2018, setting forth various procedural rules that would govern the hearing, including the method by which one could obtain a continuance of the scheduled hearing date if needed.

By letter sent through the U.S. mail, Mr. Black made a request for continuance of the May 30, 2018 hearing. The letter was received by the Office of Administrative Law Judge on May 24, 2018.

Requests for continuances are governed by Section 1.15 of the Commission's regulations, which states, in relevant part:

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

52 Pa.Code § 1.15(b).

Additionally, the May 1, 2018 Prehearing Order states, in relevant part, the following:

2. A request for a change of the scheduled hearing date must state the agreement or opposition of the other parties and must be submitted in writing no later than five days prior to the hearing. 52 Pa.Code § 1.15(b). **Please note that changes are granted only in situations where good cause exists.** Requests for changing a hearing date must be sent to me and all parties of record.

May 1, 2018, Prehearing Order.

It should first be addressed, that the request for continuance submitted by Mr. Black does not fully comply with the Prehearing Order or with the Commission's regulations in that the request did not state the agreement or opposition of PGW, nor was the request filed with the Commission or served upon PGW. I will choose to disregard these errors. Section 1.2 of the Commission's regulations allow for a presiding officer to disregard an error or defect of procedure which does not affect the substantive rights of the parties.

(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.

52 Pa.Code § 1.2.

Upon receiving the request for continuance letter in my inbox, I caused the request to be sent to PGW through fax on May 25, 2018, at approximately 8:43 a.m. I called the Attorney for PGW, Graciela Christlieb, following the sending of the continuance through fax, to inform her that Mr. Black requested a continuance of the hearing date and that I sent the request to her office. Additionally, I caused the request to be filed with the Secretary of the Commission. As the errors made in the request for continuance have been corrected, it is my belief that the substantive rights of PGW will not be adversely affected by me choosing to disregard the errors.

In his request for continuance, Mr. Black stated that he has been scheduled for a job interview on the day of the hearing at 11:00 a.m. He stated that this interview was for a job that he applied for in February 2018. The job interviewers scheduled him for this job on May 23, 2018. He stated in his request that he asked the job interviewers for a different time and date and was told that if he could not make the interview at the scheduled date and time that he would be put back on the waiting list for the job position. He lastly stated in his request that, "I really need this job badly."

PGW objected to the continuance request of Mr. Black. In summary, Attorney Christlieb alleged that Mr. Black has used the Commission's administrative processes to avoid termination and to avoid paying for his gas service. Mr. Black has filed multiple Informal and

Formal Complaints with the Commission and allegedly has an outstanding balance of over \$16,000. As a result, PGW requested for Mr. Black's request for a continuance not to be granted.

Noting PGW's objections, I will nonetheless grant Mr. Black's request for a continuance in this case. It would be beneficial to both parties to grant the continuance to allow Mr. Black to attend his job interview. I presume that being able to secure quality employment would lead to Mr. Black paying his gas bills in a timely fashion. This is Mr. Black's first request for a continuance and granting one requested continuance is not unreasonable. However, absent exigent circumstances, **no further continuances** made on Mr. Black's behalf will be granted. Mr. Black's request for a continuance of the May 30, 2018 hearing date will be granted.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the hearing scheduled for Wednesday, May 30, 2018, at 10:00 a.m. in the matter of Patrick Black v. Philadelphia Gas Works, at docket number C-2018-3000864 is hereby continued and will be rescheduled for a further date.

Date: May 29, 2018

/s/
Alphonso Arnold III
Special Agent

C-2018-3000864 - PATRICK BLACK v. PHILADELPHIA GAS WORKS

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