

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Robert Strydio

Public Meeting held July 12, 2018
2633043-OSA

v.

Docket No. C-2017-2633043

PPL Electric Utilities Corporation

STATEMENT OF CHAIRMAN GLADYS M. BROWN

On November 6, 2017, Robert Strydio filed a Complaint alleging that PPL Electric Utilities Corp. (PPL) was planning to terminate his electric service, that PPL's employees refused to respond to inquiries about his account, and asking for a payment arrangement. Proper notice of the January 25, 2018 hearing was served. The Complainant failed to appear at the hearing. On February 14, 2018, the Administrative Law Judge dismissed the Complaint, with prejudice, for failure to prosecute.

On February 22, 2018, the Complainant filed Exceptions arguing that on the date of the telephonic evidentiary hearing, he fell suddenly ill and was unable to participate in the hearing. I believe that the Complainant provided enough information in his Exceptions to demonstrate that he experienced a medical emergency on the date of the hearing and that he was not medically capable of appearing at the scheduled hearing. Accordingly, I believe that the Complainant's Exceptions should be granted because it appears his failure to appear at the scheduled hearing was due to an unavoidable circumstance, consistent with the legal standard at 66 Pa. C.S. § 332(f) and 52 Pa. Code § 5.245.

Additionally, I have previously expressed concern regarding the Commission's practice of dismissing *pro se* complaints, with prejudice, as being inconsistent with Section 1.2 of our Regulations, 52 Pa. Code § 1.2, and the Commission's own case precedent regarding due process.¹ In cases where there is no reason to suspect that the Commission's administrative process is being abused, dismissing without prejudice protects the Complainant's right to due process while respecting the Commission's administrative process.

Therefore, I will dissent on the motion.

July 12, 2018

Date



Gladys M. Brown, Chairman

¹ This Commission has long recognized the mitigating effect *pro se* status confers upon litigants unlearned in the law when confronted with technical violations of its procedural rules. *Carlock v. The United Telephone Co. of Pa.*, Docket No. F-00163617 (July 14, 1993). Most important, from my perspective, the Commission has stated that it is in the public interest that all litigants, particularly *pro se* litigants, be afforded a meaningful opportunity to be heard. *Amir V. Williams v. PECO Energy Co.*, Docket No. C-2010-2190024 (January 13, 2011).