



PHILADELPHIA GAS WORKS

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September 9, 2019

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Roslyn Wrotten v. PGW, Docket No. F-2019-3008245

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files its Reply to the Complainants' Exceptions to the August 5, 2019 Initial Decision in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,


Danielle Leva

Enclosure

cc: Roslyn Wrotten (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roslyn Wrotten,	:
Complaint/Appellee	:
v.	: Docket No. F-2019-3008245
	:
Philadelphia Gas Works,	:
Respondent/Appellant	:

**PHILADELPHIA GAS WORKS'
REPLY TO COMPLAINANT'S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535, and the Secretary's letter dated August 30, 2019 in the above captioned matter serving the Complainant's exceptions upon the Philadelphia Gas Works, ("PGW"), PGW hereby files its reply to the Complainant's exceptions filed on August 26, 2019 ("Exceptions"), to the Initial Decision issued August 5, 2019 in the above captioned matter ("Initial Decision").

I. History of the Proceeding

The Complainant, Roslyn Wrotten (the "Complainant") has filed Exceptions with the Commission to the Initial Decision in the above captioned matter that grants PGW's Motion to Dismiss the Complainants' formal Complaint with prejudice because the Complainants failed to appear at the scheduled hearing date.

On April 24, 2018, the Complainant filed an informal complaint against PGW with the Commission's Bureau of Consumer Services ("BCS") docketed at BCS Case No. 3607056. On December 28, 2018 the BCS issued a decision finding that PGW cannot require the Complainant to satisfy the Customer Responsibility Program ("CRP") arrears incurred by another resident before enrolling in CRP as the Customer of Record.

On February 21, 2019, PGW filed a timely appeal of that BCS decision averring essentially that the CRP arrears in question can be imputed to the Complainant as she was a member of that household while the household was enrolled in CRP.

The Complainant failed to answer PGW's complaint/appeal.

By notice dated April 4, 2019, the Commission scheduled an Initial In-Person Hearing of the matter for Monday, May 13, 2019 before Administrative Law Judge F. Joseph Brady ("ALJ"). The hearing convened on May 13, 2019 as scheduled. Neither

the Complainant nor counsel for the Complainant appeared. The ALJ recessed the hearing to see if the Complainants called to show good cause for not appearing at the scheduled hearing. PGW moved for a ruling in favor of PGW, sustaining its appeal of the BCS decision and to vacate the decision in BCS Case No. 3607056. The hearing was concluded at about 10:30 a.m.

On August 5, 2019, the Commission issued the Initial Decision.

On August 26, 2019, the Complainant re-filed Exceptions pursuant to 52 Pa. Code §5.535 but failed to serve PGW with a copy of the Exceptions.

Pursuant to the Secretary's letter dated August 30, 2019, PGW was served a copy of the Complainant's exceptions. PGW replies as follows.

II. PGW'S Reply to Exceptions

The Complainants' exceptions state that the Complainant, "...was unable to make court date due to illness with lung disease..." "I tried contacting the courts; however I was not able to reach anyone."

Unfortunately, the exception asserts unsubstantiated reasons for her failure to attend the hearing of this matter. The Complainant did not indicate how she attempted to contact the Commission's offices or the ALJ or whether she left a voice mail for the Office of the Administrative Law Judge in the Commission's Philadelphia Offices. Had she attempted to contact the Commission on the day of the hearing, she would have been able to leave a voice mail message. It is the practice of the ALJ's to take any such attempts into consideration when arriving at the Initial Decision. The Initial Decision contains no mention of attempts to contact the Commission.

The Commission has not violated the Complainant's due process rights in vacating the BCS decision. The Complainant has abdicated her responsibility to appear at the hearing and carry burden of proof under 66 Pa.C.S.A. § 332(a).

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. That requirement is satisfied when the parties are afforded notice and the opportunity to appear and be heard.¹

¹ Schneider v. Pa. Pub.Util. Comm'n., 479 A.2d 10 (Pa.Cmwlth. 1984).

The Exceptions fail to substantiate a reason for failing to attend the scheduled hearing does not constitute good cause or involve exigent circumstances excusing the Complainant's absence at the scheduled hearing. The Complainant provides no substantiated indication that a good faith effort was made on her part to attend the hearing in a timely fashion.

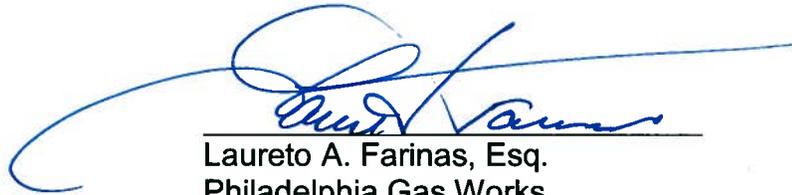
Once a notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to appear and participate in the hearing.² The Complainants waived the opportunity to participate in the hearing by failing to appear.³

III. CONCLUSION

For the reasons stated above, PGW request that the Commission deny the Complainants Exceptions in this matter and issue a Final Order sustaining PGW's appeal and vacate the decision of the BCS at Case No. 3607056

Respectfully submitted,

September 9, 2019



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² *Sentner v. Bell Telephone Co. of Pennsylvania*, Docket No. F-00161106 (Opinion and Order entered October 25, 1993).

³ 52 Pa.Code § 5.245(a); *Jefferson v. UGI Utilities, Inc.*, 1995 Pa. PUC LEXIS 159.

CERTIFICATE OF SERVICE

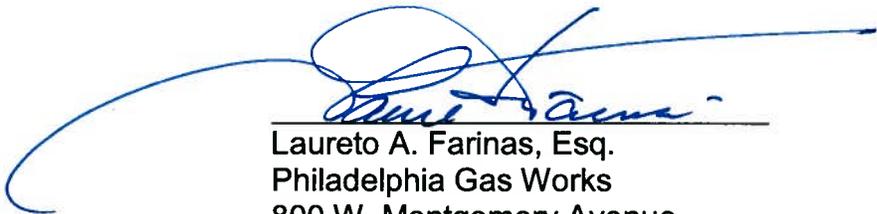
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

**Roslyn Wrotten
5029 Homestead Street
Philadelphia, PA 19135**

September 9, 2019



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