

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Angela Daniel	:	
	:	
v.	:	F-2019-3013371
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
F. Joseph Brady  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the formal Complaint of Angela Daniel against Philadelphia Gas Works due to her failure to comply with the presiding officer's Orders to have an attorney, licensed to practice in the Commonwealth of Pennsylvania, enter an appearance on behalf of the estate of the owner of the Service Address.

**HISTORY OF THE PROCEEDING**

On October 3, 2019, Angela Daniel (Complainant or Ms. Daniel) filed a formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission). In her Complaint, Ms. Daniel stated that the issues arise from service being provided to a property owned by Armour Hughlett, who is now deceased.

On December 12, 2019, PGW filed an Answer with New Matter to the Complaint. In its Answer, PGW denied all material allegations of fact in the Complaint. In its New Matter,

PGW alleged that Armour Hughlett is the owner of the Service Address and she is deceased. PGW also alleged that Ms. Daniel purports to be the executor of Ms. Hughlett's estate.

On January 8, 2020, Ms. Daniel filed an Answer to the Respondent's New Matter. In her Answer, Ms. Daniel admitted that Armour Hughlett is deceased and the Estate of Armour Hughlett is the owner of the Service Address. Also, Ms. Daniel alleged that there is an outstanding PGW balance on the service address account as well as a lien on the property. Ms. Daniel requested that PGW be ordered to clear the balance from Ms. Hughlett's estate and remove the lien from the property.

By Hearing Notice dated January 16, 2020, a hearing was scheduled for March 3, 2020, and the matter was assigned to me.

On January 29, 2020, I issued a Prehearing Order that directed the following at Paragraph No. 1:

1. **ANGELA DANIEL: Have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent the Estate of Armour Hughlett prior to February 21, 2020. FAILURE TO DO SO WILL RESULT IN YOUR COMPLAINT BEING DISMISSED.**

Prehearing Oder, 1/29/20, paragraph No. 1 (emphasis in original).

On March 3, 2020, a hearing was convened as scheduled. Angela Daniel appeared for the hearing *pro se*. Counsel for PGW appeared for the hearing with a witness and was prepared to proceed.

Before the hearing began, Ms. Daniel advised that she did not retain the services of an attorney to represent the Estate of Armour Hughlett. I advised Ms. Daniel that the hearing could not go forward without an attorney. Ms. Daniel requested a continuance in order to hire an attorney, which I advised that I would grant.

On March 5, 2020, I issued an Order formally granting Ms. Daniel's continuance request and directing her to have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent the Estate of Armour Hughlett by close of business on April 3, 2020 or the case would be dismissed.

To date, there is no record of an attorney filing a notice of appearance on behalf of the Estate of Armour Hughlett.

The record closed on April 3, 2020 and is now ripe for decision.

#### FINDINGS OF FACT

1. The Complainant is Angela Daniel.
2. The Respondent is Philadelphia Gas Works.
3. Ms. Daniel is the sister of Armour Hughlett.
4. Armour Hughlett is deceased.
5. The Service Address is 5912 Walton Avenue, Philadelphia, PA.
6. The Estate of Armour Hughlett is the owner of the Service Address.
7. Ms. Daniel is the Executrix of the Estate of Armour Hughlett.
8. By Hearing Notice dated January 16, 2020, a hearing was scheduled for March 3, 2020, and the matter was assigned to me.
9. On January 29, 2020, I issued a Prehearing Order that directed the following at Paragraph No. 1:

1. **ANGELA DANIEL: Have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent the Estate of Armour Hughlett prior to February 21, 2020. FAILURE TO DO SO WILL RESULT IN YOUR COMPLAINT BEING DISMISSED.**

(emphasis in original).

10. On March 3, 2020, a hearing was convened as scheduled.

11. Angela Daniel appeared for the hearing *pro se* and prior to going on the record, stated that she did not retain the services of an attorney to represent the Estate of Armour Hughlett.

12. On March 4, 2020, I issued an Order directing the following:

1. That the continuance requested by the Complainant in the matter of Angela Daniel v. Philadelphia Gas Works at Docket No. F-2019-3013371 is granted.

2. **That the Complainant, Angela Daniel, shall have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent the Estate of Armour Hughlett by close of business on April 3, 2020.**

3. **That the Complaint shall be dismissed if the Complainant fails to complete the Order at Paragraph No. 2.**

(emphasis in original).

13. As of the date of this Initial Decision, there is no record of an attorney filing a notice of appearance on behalf of the Estate of Armour Hughlett.

#### DISCUSSION

This matter constitutes an adversarial proceeding, as it involves a formal Complaint filed by Ms. Daniel against PGW seeking remedy and/or relief from the Commission regarding a billing dispute. *See* 52 Pa. Code § 1.8. In this case, Ms. Daniel filed the Complaint on behalf of the

Estate of her deceased sister, Armour Hughlett, the owner of the Service Address. However, the Commission's Regulations require estates to be represented by attorneys in adversarial proceedings before the Commission. *See* 52 Pa. Code § 1.21(b).<sup>1</sup> Accordingly, the Estate of Armour Hughlett is required to be represented by counsel in order to move forward in this matter.

Ms. Daniel was informed of this requirement on three separate occasions – in my Prehearing Order issued on January 29, 2020; at the in-person hearing held on March 3, 2020; and in my March 4, 2020, Order directing that counsel be obtained on behalf of the Estate of Armour Hughlett. Additionally, Ms. Daniel was explicitly warned that the case would be dismissed if an attorney did not enter an appearance on behalf of the Estate of Armour Hughlett by April 3, 2020. Nevertheless, to date, no notice of appearance to represent the Estate of Armour Hughlett has been filed.

Failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of And Ex Cor*, A-2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, C-2008-2065498 (Opinion and Order entered June 24, 2009); *Snyderville Community Development Corp. v. PGW*, C-20055032 (Opinion and Order entered July 31, 2006).

In this case, Ms. Daniel failed to comply with both my January 29, 2020 Prehearing Order and March 4, 2020 Order directing that an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent the Estate of Armour Hughlett. Therefore, the Complaint shall be dismissed.

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<sup>1</sup> The Commission's regulations concerning representation and notice of appearance are set forth in 52 Pa. Code §§ 1.21-24.

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter in this proceeding. 66 Pa.C.S. § 701.

2. This matter constitutes an adversarial proceeding, as it involves a formal Complaint filed by the Complainant against PGW seeking remedy and/or relief from the Commission regarding a billing dispute. *See* 52 Pa. Code § 1.8.

3. The Commission's Regulations require estates to be represented by attorneys in adversarial proceedings before the Commission. 52 Pa. Code § 1.21(b).

4. Failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of And Ex Cor*, A-2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Snyderville Community Development Corp. v. PGW*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

## ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Angela Daniel against Philadelphia Gas Works at Docket No. F-2019-3013371 is dismissed; and

2. That Docket No. F-2019-3013371 be marked closed.

Date: May 20, 2020

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/s/  
F. Joseph Brady  
Administrative Law Judge