

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gomattie Harilal	:	
	:	
v.	:	C-2021-3027573
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
John M. Coogan  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants a motion to dismiss for failure to prosecute because the Complainant failed to appear for the hearing at the designated date and time despite being given notice of the hearing. The Initial Decision also bars the Complainant or her husband from filing any further complaints with the Commission until the Complainant’s outstanding account balance has been paid in full due to the Complainant’s and her husband’s abuse of the Commission’s process.

**HISTORY OF THE PROCEEDING**

On July 29, 2021, Gomattie Harilal (Complainant or Ms. Harilal) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL), docket number C-2021-3027573. In her complaint, Ms. Harilal averred that there are incorrect charges on her bill for Account No. 58679-89058, PPL is threatening to shut of her service or has already shut off her service, and that PPL refuses to provide her information in writing. Attached to Ms. Harilal’s complaint is a one-page hand-written letter that contains several allegations, including: PPL sent her a termination letter, and

she wrote to PPL, but PPL “refuse[d] to write back”; Ms. Harilal filed an informal complaint, but it was handled by “white conspiracy investigators that hated [her] skin color”; the “white conspiracy investigators assumed [her] identity and conspired with PPL”; Ms. Harilal “never authoriz[ed the] PUC white conspiracy investigators to accept anything from PPL on [her] behalf”; the “white conspiracy investigators never provided [her] with any documents that PPL provided”; and that Ms. Harilal still does “not have any legal documents from PUC white conspiracy investigators about [her] case [number] 3783124.” The hand-written letter also requests a jury trial, a fair judge, and “no white conspiracy judge.” As relief, Ms. Harilal requests that PPL be told to “answer [her] questions and all answers [have] to be written on official documents.”

On August 25, 2021, PPL filed an answer to Ms. Harilal’s complaint. In its answer, PPL admitted or denied the various averments in the complaint. In particular, PPL admitted that on March 2, 2021, it rendered a residential termination notice with a proposed termination date in April. However, PPL denied incorrect charges appear on Complainant’s bill and asserted that, as of April 26, 2021, Account No. 58679-89058 had an overdue balance of \$10,884.38. Further, PPL’s answer highlighted language from a Commission final order dated December 4, 2019 at docket number C-2019-3009714 (December 4, 2019 Order), which precludes Complainant and her husband, Kumar Harilal, from filing further complaints with the Commission until the entire outstanding balance for Account No. 58679-89058 has been paid in full. Lastly, PPL denies both that Ms. Harilal has not received notice or communication regarding subsequent complaints, or that there has been a case or decision from the PUC’s Bureau of Consumer Services for a case docketed at 3783124.

Also on August 25, 2021, PPL filed preliminary objections in response to Ms. Harilal’s complaint. In its preliminary objections, which was accompanied by a notice to plead, PPL objected to Ms. Harilal’s allegations regarding PPL and its employees and/or agents as racists and conspirers. PPL avers such allegations are purely scandalous, impertinent, and wildly unfounded, and therefore, per 52 Pa. Code § 5.101(a)(2), such language should be stricken from the complaint. PPL further averred Ms. Harilal has failed to pay the balance on Account No. 58679-89058 since issuance of the December 4, 2019 Order, and, per the December 4, 2019

Order, Ms. Harilal is prohibited from filing a complaint. Therefore, PPL concludes Ms. Harilal's complaint was docketed in error and Ms. Harilal lacks standing to bring a claim against PPL pursuant to 52 Pa. Code § 5.101(a)(5).

On August 26, 2021, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for September 30, 2021, at 10:00 a.m. and assigning me as the presiding officer. In anticipation of that hearing, I issued a prehearing order on September 1, 2021, setting forth various rules that would govern that proceeding.

Ms. Halilal's answer to the preliminary objections was due no later than September 7, 2021. No answer was filed. On September 10, 2021, I issued an order granting in part and denying in part PPL's preliminary objections. PPL's preliminary objections regarding allegations that PPL and its employees and/or agents are racists and conspirers was stricken from the complaint. However, PPL's request that the complaint be dismissed for lack of standing was denied.

On September 28, 2021, I received an e-mail from Kumar Harilal, Ms. Harilal's husband, stating he was unavailable for a hearing on September 30, 2021 for religious reasons. On September 29, 2021, counsel for PPL indicated by e-mail they would not object to Mr. Harilal's request for a continuance. On September 29, 2021, I informally granted Mr. Harilal's request for a continuance, and canceled the September 30, 2021 hearing. A revised initial telephonic hearing notice was issued on September 29, 2021, canceling the September 30, 2021 hearing, and providing instructions to participate in the October 20, 2021 telephonic hearing. On September 30, 2021, I issued a formal order, continuing the September 30, 2021 hearing to October 20, 2021.

The initial hearing convened on October 20, 2021, as scheduled. Kimberly Krupka, Esquire, appeared on behalf of PPL. PPL presented the testimony of Tami Roland, a Senior Customer Service Representative with PPL. PPL offered one exhibit, which was admitted into the record. (PPL Exhibit 1). No one appeared on behalf of the Complainant.

The record in this case consists of the transcript of 20 pages and one PPL exhibit. The record closed on November 5, 2021, upon my receipt of the hearing transcript. For the reasons discussed below, the complaint will be dismissed.

#### FINDINGS OF FACT

1. The Complainant in this case is Gomattie Harilal.
2. The Respondent in this case is PPL Electric Utilities Corporation.
3. Complainant's account number with PPL is 58679-89058.
4. The service address is 106 Water Way Lane, Stroudsburg, PA, 18360.

PPL Exhibit 1.

5. PPL Exhibit 1 is an account activity statement for Complainant's PPL account for the service address from October 10, 2017, to September 30, 2021. PPL Exhibit 1.

6. The August 26, 2021 hearing notice stated that a party may lose the case if it does not take part in the hearing and present facts on the issues raised. Tr. 5.

7. The September 1, 2021 prehearing order stated that a party may lose the case if it does not take part in the hearing and present facts on the issues raised. Tr. 5.

8. The September 29, 2021 rescheduled hearing notice stated that a party may lose the case if it does not take part in the hearing and present facts on the issues raised. Tr. 6.

9. The hearing convened at 10:00 a.m. on October 20, 2021, as scheduled. Tr. 4-19.

10. No one appeared on behalf of Gomattie Harilal at the hearing on October 20, 2021. Tr. 4-19.

11. At 10:22 a.m. on October 20, 2021, Kumar Harilal sent an e-mail to Administrative Law Judge Coogan and counsel for PPL, stating he had not had telephone service for the past hour. Tr. 8.

12. As of December 4, 2019, the balance on Complainant's PPL account was \$11,493.21. Tr. 15; PPL Exhibit 1.

13. Complainant's PPL account balance as of December 4, 2019, has not been paid in full. Tr. 16; PPL Exhibit 1.

14. Complaint's PPL account balance as of the October 20, 2021 hearing was \$10,829.92. Tr. 16; PPL Exhibit 1.

### DISCUSSION

As an initial matter, it is noted that, per Commission Order issued on December 4, 2019, at docket number C-2019-3009714 (December 4, 2019 Order), Ms. Harilal should have been precluded from filing the current formal complaint. Specifically, the Commission ordered that neither Gomattie Harilal nor her husband, Kumar Harilal, would be allowed to file a formal or informal complaint until the entire outstanding account balance at issue in the 2019 proceeding had been paid in full. *Id.* at O.P. 3. The Commission's December 4, 2019 Order states in relevant part:

3. That Gomattie Harilal, and her husband Kumar Harilal, are precluded from filing any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages on Account No. 58679-89058 for electric service rendered by PPL Electric Utilities Corporation, until such time as the entire outstanding account balance has been paid in full.

4. That the filing of any complaint pertaining to the arrearages which are the subject of this proceeding shall be dismissed without further proceedings.

5. That Commission staff, including the Commission's Bureau of Consumer Services and the Secretary's Bureau, shall reject any formal or informal complaint that Gomattie Harilal or her husband Kumar Harilal, or any person acting on their behalf, may attempt to file with the Commission, pertaining to Account No. 58679-89058, until the entire outstanding account balance has been paid in full.

6. That the filing of any other pleadings in this case concerning the same subject matter shall not be deemed a stay on the implementation of this order.

7. That PPL Electric Utilities Corporation shall file a notice with the Commission, with a copy to all parties to this proceeding, at Docket No. C-2019-3009714, within seven (7) days of the date that outstanding balance for Account No. 58679-89058 has been paid in full.

December 4, 2019 Order.

Nonetheless, Complainant was provided an opportunity for a hearing because, based solely on the pleadings, there were no facts in evidence to dismiss the formal complaint pursuant to the December 4, 2019 Order without a hearing. Specifically, when viewing the complaint in the light most favorable to the Complainant and accepting as true all well pleaded materials facts, as is required when disposing of preliminary objections, I considered the possibility that Ms. Harilal paid the arrearages that were subject of the Commission's December 4, 2019 Order, and that the current dispute was in regard to new arrearages only. Therefore, although PPL filed preliminary objections, Ms. Harilal's complaint was not denied for lack of standing, and the initial hearing was scheduled for September 30, 2021.

In this proceeding, based on a reading of her complaint, Ms. Harilal averred that there are incorrect charges on her bill for her PPL account number 58679-89058, PPL is threatening to shut of her service or has already shut off her service, and that PPL refuses to provide her information in writing. As the party seeking relief, Ms. Harilal has the burden of

proof in this proceeding. 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. den.*, 602 A.2d 863 (Pa. 1992). That is by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa.C.S. § 701.

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984) (*Schneider*). This due process requirement is satisfied when the parties are afforded notice and the opportunity to be heard. *Id.*

The Commission's *Emergency Order re Suspension of Regulatory and Statutory deadlines, Modification to Filing and Service Requirements* at Docket No. M-2020-3019262 (Order entered March 20, 2021) (Emergency Order), provides that service by the Commission on parties will be exclusively electronic during the pendency of the Proclamation of Disaster Emergency (Proclamation). Although the Proclamation is no longer in effect, the notices and orders in this proceeding were sent while the Proclamation was still in effect. *See Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262 (Order entered July 15, 2021) (adopting September 30, 2021 as the expiration date for the Emergency Order). However, in this case, notices and orders have been sent to Complainant via USPS first-class mail because the Office of Administrative Law Judge was notified that Complainant did not have adequate e-mail service to access notices and orders. Specifically, by e-mail dated August 30, 2021, Ms. Harilal's husband, Mr. Harilal, informed the Office of Administrative Law Judge that he was unable to open e-mail attachments, and requested that notices be mailed. Although the Complainant is Gomattie Harilal, e-mail communications have been with Mr. Harilal because it is his address listed as the e-mail contact

on the complaint. The formal complaint listed Complainant's home address as the contact to use for mail communication. Therefore, all notices and orders from the Office of Administrative Law Judge to Complainant have been sent by first-class mail to the USPS mailing address identified by Complainant in her Complaint.

Notice mailed to a party's last known address and not returned by the post office is presumed to have been received. *Harvey v. PECO Energy Co.*, Docket No. C-2018-3002514 (Opinion and Order entered December 20, 2018). The prehearing order and both hearing notices were sent to Ms. Harilal by first-class mail and none were returned to the Commission as undeliverable. Accordingly, it must be presumed that these documents sent to Ms. Harilal were received by Ms. Harilal. *Id.* Of note, the hearing notices and the prehearing order states that, if a party fails to participate in the hearing, the hearing may proceed without that party and a decision may be entered against that party.

Ms. Harilal was provided notice and an opportunity to be heard in this proceeding, but chose not to appear. Therefore, Ms. Harilal's due process rights have been fully protected. *See Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered January 24, 2002).

Additionally, Commission regulations address circumstances where a party fails to appear in a proceeding. Section 5.245 provides:

**§ 5.245. Failure to appear, proceed or maintain order in proceedings.**

(a) After being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will:

- (1) Be deemed to have waived the opportunity to participate in the conference or hearing.
- (2) Not be permitted thereafter to reopen the disposition of a matter accomplished at the conference or hearing.

(3) Not be permitted to recall witnesses who were excused for further examination.

52 Pa. Code § 5.245(a).

During the hearing, counsel for PPL introduced evidence that Complainant's PPL account balance as of December 4, 2019, has not been paid in full. Tr. 15-16; PPL Exhibit 1. Counsel for PPL moved to have the complaint dismissed both for lack of prosecution and because the Commission's December 4, 2019 Order precludes further contest of the charges. Tr. 8, 18. I agree with PPL that the Complainant's entire outstanding account balance at issue in the 2019 proceeding has not been paid in full. Specifically, as of December 4, 2019, the balance on Complainant's PPL account was \$11,493.21. Tr. 15; PPL Exhibit 1. Although payments have been made to Complainant's PPL account since December 4, 2019, they have not come close to equaling the amount owed at the time of the December 4, 2019 Order. Tr. 16; PPL Exhibit 1. Since December 4, 2019, the lowest balance Complainant's PPL account ever reached was \$10,599.38. PPL Exhibit 1. Therefore, the Commission's December 4, 2019 Order serves as an independent basis for why the formal complaint should be dismissed. Because she did not appear and present any evidence, Ms. Harilal failed to both carry her burden in support of her complaint and demonstrate that she is not precluded from filing a complaint. Thus, it is appropriate to dismiss the complaint. *See Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995).

Further, Ms. Harilal's husband, Mr. Harilal, contacted me and counsel for PPL by e-mail during the October 20, 2021 hearing, claiming that he was having trouble calling into the hearing with his phone. Specifically, by e-mail sent at 10:22 a.m., Mr. Harilal claimed that he had no telephone service for an hour, and that he was going to attempt to find service. Although technological problems are sometimes understandable, I do not find Mr. Harilal's assertions credible. The 10 a.m. start time for the hearing was initially delayed for fifteen minutes for Mr. or Ms. Harilal to call in. The hearing was paused again after receiving Mr. Harilal's 10:22 a.m. e-mail. Ultimately, the hearing was adjourned at 10:44 a.m., and still neither Mr. or Ms. Harilal had called in. I do not find it credible that Mr. or Ms. Harilal were either without or could not obtain phone service between approximately 9:22 a.m. and 10:44 a.m. Complainant was

provided with multiple notices that she may lose her case if she does not participate in the proceeding. No explanation has ever been provided why there has been no communications or appearances at any time from the named Complainant, Gomattie Harilal. Additionally, Mr. Harilal did not explain why e-mail service was available to him during the October 20 hearing, but phone service was not.

It should be noted that, per the Commission's December 4, 2019 Order, the Harilals were barred from filing further complaints with the Commission because ALJ Benjamin Myers in 2019 found that Complainant had abused the Commission's process. *Harilal v. PPL Elec. Utils. Corp.*, Docket No. C-2019-3009714 (Initial Decision dated October 10, 2019) (October 10, 2019 Initial Decision). The Commission may preclude a party from filing further informal or formal complaints when the party has abused the regulatory process. *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered August 8, 2019); *Mazza v. PECO Energy Co.*, Docket No. C-2012-2318472 (Opinion and Order entered April 23, 2014); *Argento's Pizza v. Phila. Gas Works*, Docket No. C-2009-2138055 (Final Order entered October 1, 2010); *Thomas v. Peoples Nat. Gas Co.*, Docket No. C-2009-2102194 (Opinion and Order entered June 17, 2010); *Seidenstricker v. Metro. Edison Co.*, Docket No. F-2008-2019388 (Final Order entered July 28, 2009).

In 2019, ALJ Myers found that the Harilals had abused the Commission's process because:

Complainant and her husband have engaged in a type of identity fraud. The Complainant has pretended to correspond with Latchmi Persaud, who is deceased, in an attempt to mislead the Commission into believing that Ms. Persaud is 1) a material witness in this matter who was prevented from providing testimony at a hearing, and 2) the person actually responsible for the Complainant's outstanding account balance. The Complainant has attempted to manipulate and abuse the Commission's processes by engaging in behavior clearly designed to perpetuate a fraud and attempt to escape responsibility for an outstanding account balance in excess of \$11,000.

October 10, 2019 Initial Decision (Final Order entered Dec. 4, 2019).

ALJ Myers' Initial Decision also dismissed the complaint because Complainant failed to appear at two scheduled hearings. As a result of the abuse of process, ALJ Myers' Initial Decision ordered that the Harilals be barred from filing a formal or informal complaint until the entire outstanding account balance had been paid in full. October 10, 2019 Initial Decision. ALJ Myers' Initial Decision became final without further Commission action and the Commission's December 4, 2019 Order adopted the Initial Decision's language precluding the Harilals from filing further complaints until the entire outstanding account balance at issue had been paid in full.

I find that the Complainant and her husband have again abused the Commission's process. First, Mr. Harilal was granted a continuance of the original September 30, 2021 hearing date, but failed to appear at the rescheduled hearing, which was made at his request. Second, I do not find the excuses for not attending the October 20, 2021 credible, for both the reasons explained above and Complainant's and Mr. Harilal's history. Instead, these excuses serve only to unnecessarily extend this proceeding and avoid termination. Given the previous determination by the Commission in 2019 that Complainant and Mr. Harilal has abused the Commission's process, they will not be given an opportunity to abuse the Commission's process again by asking for repeated continuances and failing to appear at scheduled hearings. Due process is not unlimited. *See Schneider*. The Commission has afforded Complainant and Mr. Harilal multiple opportunities to present their case, but Complainant and Mr. Harilal have failed to adhere to the Commission's processes multiple times. Neither the Commission nor PPL have endless resources to give Complainant and Mr. Harilal repeated attempts to pursue their complaint, and the Commission cannot ignore Complainant's or Mr. Harilal's repeated abuses.

Therefore, the formal complaint should be dismissed, and both Complainant and Mr. Harilal should again be barred from filing a complaint until the outstanding arrearage balance is paid in full. Commission staff should not accept either a formal or informal complaint from either Gomattie Harilal or Kumar Harilal until PPL has filed a notice to the docket of this proceeding that the entire outstanding account balance has been paid in full.

## CONCLUSIONS OF LAW

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

2. Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

3. To establish a sufficient case and satisfy the burden of proof, the complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976).

4. The degree of proof required to satisfy the burden of proof is a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. den.*, 602 A.2d 863 (Pa. 1992).

5. A preponderance of the evidence is established by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosier v. Margulies*, 70 A.2d 854 (Pa. 1950)

6. Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied when the parties are afforded notice and the opportunity to be heard. *Id.*

7. Notice mailed to a party's last known address and not returned by the post office is presumed to have been received. *Harvey v. PECO Energy Co.*, Docket No. C-2018-3002514 (Opinion and Order entered December 20, 2018).

8. Once a hearing is scheduled and the parties are duly notified by the Commission, it is the responsibility of the parties to appear and participate in the hearing. *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered January 24, 2002).

9. After being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will: 1) be deemed to have waived the opportunity to participate in the conference or hearing; 2) not be permitted thereafter to reopen the disposition of a matter accomplished at the conference or hearing; and 3) not be permitted to recall witnesses who were excused for further examination. 52 Pa. Code § 5.245(a).

10. The Commission may preclude a party from filing further informal or formal complaints when the party has abused the regulatory process. *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered August 8, 2019); *Mazza v. PECO Energy Co.*, Docket No. C-2012-2318472 (Opinion and Order entered April 23, 2014); *Argento's Pizza v. Phila. Gas Works*, Docket No. C-2009-2138055 (Final Order entered October 1, 2010); *Thomas v. Peoples Nat. Gas Co.*, Docket No. C-2009-2102194 (Opinion and Order entered June 17, 2010); *Seidenstricker v. Metro. Edison Co.*, Docket No. F-2008-2019388 (Final Order entered July 28, 2009).

11. Complainant, Gomattie Harilal, and her husband Kumar Harilal, are precluded from filing any complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages on Account No. 58679-89058 for electric service rendered by PPL Electric Utilities Corporation, until such time as the entire outstanding account balance as of December 4, 2019, has been paid in full. *Harilal v. PPL Elec. Utils. Corp.*, Docket No. C-2019-3009714 (Order entered October 10, 2019).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion of PPL Electric Utilities Corporation to dismiss the formal complaint of Gomattie Harilal at docket number C-2021-3027573 for failure to prosecute and because the Commission's December 4, 2019 Order precludes further contest of the charges is granted.

2. That the formal complaint filed by Gomattie Harilal against PPL Electric Utilities Corporation at docket number C-2021-3027573 is hereby dismissed.

3. That Gomattie Harilal, and her husband Kumar Harilal, are precluded from filing any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages on Account No. 58679-89058 for electric service rendered by PPL Electric Utilities Corporation, until such time as the entire outstanding account balance has been paid in full.

4. That the filing of any complaint pertaining to the arrearages which are the subject of this proceeding shall be dismissed without further proceedings.

5. That PPL Electric Utilities Corporation shall file a notice with the Commission, with a copy to all parties to this proceeding, at Docket No. C-2021-3027573, within seven (7) days of the date that outstanding balance for Account No. 58679-89058 has been paid in full.

6. That, until the notice described in ordering paragraph five has been filed, Commission staff, including the Commission's Bureau of Consumer Services and the Secretary's

