**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dawn Graham :

 :

 v. : C-2022-3032494

 :

Philadelphia Gas Works :

**ORDER**

**GRANTING REQUEST FOR CONTINUANCE**

On May 5, 2022, Dawn Graham filed a formal complaint with the Pennsylvania Public Utility Commission against Philadelphia Gas Works (PGW), docket number C-2022-3032494. In her complaint, Ms. Graham indicated that PGW is threatening to terminate her utility service or has already terminated her utility service, that she would like a payment agreement and that there are incorrect charges on her bill. Ms. Graham also stated that she was told to apply for new service to avoid termination of this account but her trust documents and identification have been rejected. Ms. Graham provided further explanation noting, among other things, that she “wants to pay the adjusted bill from February 2020 until the final bill of Indra Energy’s rates due on August 5, 2021.” Ms. Graham provided additional explanation regarding a lien on the property and her role as a Trustee for the property, among other things.

On June 6, 2022, PGW filed an answer and new matter in response to Ms. Graham’s complaint. In its answer, PGW admitted or denied the various averments in Ms. Graham’s complaint. In particular, PGW denied that there are incorrect charges on the bill for the service address. PGW also denied that Ms. Graham made a legitimate application for service at the service address. PGW added that Ms. Graham is not and has never been a customer of record at the service address. In its new matter, which was accompanied by a notice to plead, PGW averred that Allen Graham is the customer of record at the service address and that he passed away on June 20, 2020, although PGW was not made aware of his passing at the time and gas service remained in his name at the service address. PGW stated it obtained documentation

from Alfred Graham indicating that Allen Graham is deceased as of June 20, 2020. PGW added that Ms. Graham is occupying the property at the service address illegally and was lawfully evicted on November 19, 2021. PGW added that the outstanding balance for gas service at the service address is $3,660.14. PGW argued that Ms. Graham lacks standing to bring this complaint and requested that the complaint be dismissed. PGW attached multiple documents to its answer and new matter in support of its arguments.

Also on June 6, 2022, PGW filed a preliminary objection in response to Ms. Graham’s complaint. In its preliminary objection, PGW reiterated that Ms. Graham lacks standing to bring her complaint. On June 30, 2022, PGW filed a motion for judgment on the pleadings. In its motion, PGW argued among other things that, as there has been no reply filed in response to the new matter, the Commission may find that Ms. Graham has admitted the allegations in the new matter and that PGW that is entitled to judgment as a matter of law as the pleadings show that there is no genuine issue as to a material fact. Ms. Graham did not file an answer to any of PGW’s pleadings.

On August 2, 2022, a call-in telephonic hearing notice was issued setting an initial call-in telephonic hearing for this case for Tuesday, September 20, 2022, at 10:00 a.m., and assigning me as the presiding officer.

PGW’s preliminary objection and motion for judgment on the pleadings were denied via order dated August 11, 2022 and Ms. Graham’s complaint was allowed to proceed to a hearing on September 20, 2022.

On September 14, 2022, however, PGW submitted a motion to continue the hearing. In its motion, PGW stated that the hearing scheduled for September 20, 2022 should be rescheduled because it is still in the process of investigating the issues raised in the complaint. PGW noted that its investigation involves scheduling visits to the property and testing PGW equipment. PGW stated it will not be able to conclude its investigation prior to the scheduled hearing. PGW also noted that Ms. Graham has no objection to the requested continuance.

By email dated September 15, 2022, PGW was informed that its motion will be granted. The purpose of this order is to formally grant the request for a continuance and reschedule the hearing for Tuesday, September 20, 2022.

Section 5.483 of the Commission’s regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Furthermore, the Commission’s regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Finally, 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 presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests. 52 Pa.Code § 1.15(b). Only for good cause shown will requests for continuance be considered. Id.

In this case, PGW has demonstrated good cause to have its request for a continuance granted. PGW requested that the hearing scheduled for September 20, 2022 be continued because it will not be able to conclude its investigation, including visiting the premises and testing its equipment. PGW should be able to fully conduct its investigation prior to the commencement of the hearing. It is not unreasonable that PGW’s request be granted in defending against the averments raised in the complaint. Part of ensuring a party’s due process rights is to ensure that they are able to be prepared when given their opportunity to be heard. Furthermore, Ms. Graham did not object to this request for a continuance.

As a result, PGW’s request for a continuance will be granted. The hearing scheduled for September 20, 2022 will be rescheduled to Thursday, November 17, 2022 at 10:00 a.m. The parties are directed to call 877-931-3508, passcode 32041174 to access the hearing.

In the interim, the parties are reminded that Commission policy promotes settlements. 52 Pa. Code §5.231(a). **PGW is directed to contact Ms. Graham at least seven (7) days before the scheduled hearing to discuss possible settlement of this case**. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. The parties are also reminded that the presiding officer may participate in settlement discussions upon agreement of all parties. 52 Pa.Code § 5.223(c); *see also*, 52 Pa.Code § 5.231(c). If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

ORDER

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THEREFORE,

IT IS ORDERED:

1. That the request of Philadelphia Gas Works for a continuance of the hearing scheduled for September 20, 2022 is granted.
2. That the hearing scheduled for September 20, 2022 in the above captioned proceeding will be rescheduled to November 17, 2022 beginning at 10:00 a.m.
3. That the parties are directed to dial 877-931-3508 and enter passcode 32041174 to participate in the hearing.
4. That the parties are directed to engage in settlement discussions at least seven (7) days prior to the hearing.

Date: September 16, 2022 \_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Joel H. Cheskis

 Deputy Chief Administrative Law Judge

**C-2022-3032494 - DAWN GRAHAM v. PHILADELPHIA GAS WORKS**DAWN J GRAHAM315 NORTH 54TH STREET PHILADELPHIA PA 19139**215.472.2334**DAWN456@MSN.COMGRACIELA CHRISTLIEB ESQUIREPHILADELPHIA GAS WORKS800 WEST MONTGOMERY AVENUEPHILADELPHIA PA 19122**215.684.6164**GRACIELA.CHRISTLIEB@PGWORKS.COMAccepts EService