



**PHILADELPHIA GAS WORKS**

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October 5, 2022

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

**Re: Regina Guyton v. Philadelphia Gas Works, Docket No. F-2022-3030775**

Dear Secretary Chiavetta:

Enclosed please find a copy of Philadelphia Gas Works' ("PGW") Reply to Complainant's Exceptions for filing in the above captioned matter. Copies to be served in accordance with the attached Certificate of Service.

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

Sincerely,

*/s/ Anita J. Murray*

Anita J. Murray, Esquire

Enclosure

cc w/encl.: Regina Guyton ([moderngent1515@yahoo.com](mailto:moderngent1515@yahoo.com))  
Administrative Law Judge Arlene Ashton  
Graciela Christlieb, Esq. ([graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com))

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day served a true and correct copy of Philadelphia Gas Works' Reply to Complainant's Exceptions upon the person(s) listed below in the manner indicated below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Via Email:**

Regina Guyton  
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Complainant

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Date: Oct. 5, 2022

Counsel for PGW

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                         |   |                           |
|-------------------------|---|---------------------------|
| Regina M. Guyton,       | : |                           |
| Complainant,            | : |                           |
| v.                      | : | Docket No. F-2022-3030775 |
|                         | : |                           |
| Philadelphia Gas Works, | : |                           |
| Respondent.             | : |                           |

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

Pursuant to 52 Pa. Code § 5.535 and the Secretary’s Letter dated September 15, 2022, the Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits the following Reply to the Exceptions filed by Regina M. Guyton (“Complainant”) to the Initial Decision in this matter issued on September 8, 2022 (“Initial Decision”).

**I. PROCEDURAL HISTORY**

On January 20, 2022, Complainant filed a Formal Complaint (“Complaint”) against PGW with the Pennsylvania Public Utility Commission (“Commission”). Complainant alleged she remitted payments to PGW “by mail and email” and that PGW allegedly failed to properly credit those purported payments on her account.

On March 1, 2022, PGW filed a responding Answer. In the Answer, PGW denied her allegations of improper accounting with respect to gas service at 3880 Glendale Street, Philadelphia, PA (“Service Address”) and denied the validity of the Complainant’s purported payments.

On March 7, 2022, a Call-in Telephone Hearing Notice was issued and a telephone hearing was scheduled for April 26, 2022, before the Honorable Arlene Ashton. On the following day, March 8, 2022, the first Prehearing Order (“Prehearing Order #1”) was issued and described the hearing procedures, including the parties’ obligation to mark and serve their proposed exhibits to both the Court and to each other at least five (5) business days prior to the hearing. The parties were also obligated to have copies of their exhibits available to them for use during the hearing itself.

On March 14, 2022, PGW filed both a Withdrawal of Appearance of Graciela Christlieb, Esquire, and a Notice of Appearance of Laurento Farinas, Esquire, as counsel of record and served copies of the same on the Complainant by email. Later that same day, Complainant objected to PGW's change of its counsel of record ("Complainant's Objection"). By letter dated March 22, 2022, PGW filed a response to the Complainant's Objection.

Shortly thereafter, on March 30, 2022, a second Prehearing Order ("Prehearing Order #2") was issued. Prehearing Order #2 dismissed Complainant's Objection and expressly stated that provisions of Prehearing Order #1 remained in effect, i.e., the parties' obligation regarding the submission and use of exhibits at the hearing.

On April 7, 2022, PGW filed a Motion for Continuance ("Continuance Motion") of the upcoming hearing due to a scheduling conflict and to permit the parties to engage in settlement discussions. Complainant did not oppose this Continuance Motion and said Motion was granted by Order dated April 12, 2022. The April 12, 2022 Order further ordered PGW to provide the Court with a status report regarding settlement discussions on or before May 11, 2022. The next day, on April 13, 2022, a Hearing Cancellation Notice was issued and the hearing was canceled.

On April 20, 2022, a second Call-In Telephone Hearing Notice was issued and the hearing was rescheduled for June 2, 2022. A corrected hearing notice was issued later that same day, to correct an email address associated with the Court.

In accordance with the April 12, 2022 Order, PGW filed a status report to the Court via letter dated May 11, 2022 and advised that settlement discussions were unsuccessful.

On June 2, 2022, the hearing went forward with the *pro se* Complainant, PGW's counsel, and PGW's witness, Adrian Pinkney, in attendance. PGW offered ten exhibits which were admitted into evidence.

Complainant did not pre-mark or properly serve her proposed exhibits on the Court and PGW at least five (5) business days prior to the Hearing. Complainant did, however, send a copy of some documents to both PGW's prior counsel and to the Commission's Secretary on or about March 11, 2022. At the Hearing, these documents were marked as Complainant's Exhibits 1-4<sup>1</sup>.

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<sup>1</sup> The Initial Decision, footnote 6, omitted a description of Complainant's Exhibit 4. This Exhibit consisted of: (a) a two-page email to and from Ms. Guyton dated May 19, 2021 which references Tracking Number RR307328289US and an item delivered on May 11, 2021 in Washington, DC 20220; (b) a \$2,000,000 Private Registered Bonded Promissory Note Number RTF8484, on which: (i) the word "COPY" is stamped 3 times, (ii) a hand-written line appears across the document; (iii) the hand-written words "Unsigned for Exhibits. Only." appear in the upper right corner of the document;

PGW's objection to one of these documents was denied. At the conclusion of the Hearing and at the request of ALJ Ashton, PGW's counsel forwarded to Her Honor a copy of Complainant's Exhibits 1-4. The following day, ALJ Ashton's legal assistant send a copy of Complainant's Exhibits 1-4 to Complainant and "twice requested"<sup>2</sup> that Complainant verify that these Exhibits were copies of the same documents sent to PGW on March 11, 2022. Complainant "provided unclear responses to the legal assistant."<sup>3</sup>

On June 7, 2022, ALJ Ashton issued a Post-Hearing Order and ordered Complainant to verify, in a formal administrative court filing, that Exhibits 1-4 were the same documents previously sent to PGW in March 2022 and further ordered closure of the record on June 10, 2022, regardless of any response from Complainant. Complainant did not respond to the Post-Hearing Order. On June 13, 2022, a second Post-Hearing Order was issued, wherein Complainant's Exhibits 1-4 were admitted into evidence and the record was closed.

On September 8, 2022, ALJ Ashton issued her Initial Decision, which denied and dismissed Complainant's Complaint. Complainant filed Exceptions on or about September 12, 2022, but failed to include a Certificate of Service reflecting service of her Exceptions on PGW. By letter dated September 15, 2022, the Commission served PGW with a copy of Complainant's Exceptions and set October 11, 2022, as the responsive deadline for the filing of any Reply to the Exceptions. PGW now files this Reply to Complainant's Exceptions.

## **II. COMPLAINANT'S EXCEPTIONS AND PGW'S REPLY**

Complainant's Exceptions fail to demonstrate that the Initial Decision is unsupported by the substantial evidence.<sup>4</sup> The Commission should sustain the Initial Decision because Complainant fails to meet her burden of proof<sup>5</sup> and establish, by a preponderance of the evidence<sup>6</sup>, her claims against PGW. Upon review of the parties' testimony and documentary evidence, ALJ Ashton properly determined that PGW's rejection of certain purported payments allegedly remitted

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and (c) an envelope used to send the documents to Graciela Christlieb, Esquire, stamped with a US Postal Service meter mark dated March 11, 2022.

<sup>2</sup> Post-Hearing Order dated June 7, 2022.

<sup>3</sup> *Id.*

<sup>4</sup> *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980) ("More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.")

<sup>5</sup> 66 Pa.C.S. § 332(a).

<sup>6</sup> *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990), *alloc. den.*, 529 Pa. 654, 602 A.2d 863 (1992).

by Complainant in full satisfaction of the amount owed and PGW's acceptance and crediting of a money order in the amount of \$1.00 towards her account balance was reasonable and not in violation of the Public Utility Code.<sup>7</sup>

Initially, Complainant's Exceptions are nonsensical and indiscernible as she does not specifically identify what alleged errors of law or fact were made by ALJ Ashton.<sup>8</sup> Complainant, instead, reiterates her legal arguments made at the hearing and, in at least one instance, submits an entirely new legal argument,<sup>9</sup> all in an attempt to re-litigate the matter simply because she disagrees with the Initial Decision and believes she submitted adequate proof supporting her position. But, and as properly noted by ALJ Ashton, "mere bald assertions, personal opinions or perceptions, when not substantiated by facts, do not constitute evidence." *Mid-Atl. Power Supply Assoc. v. Pa. PUC*, 746 A.2d 1196 (Pa. Cmwlth. 2000).<sup>10</sup>

Without waiving the above argument and to the extent Complainant's Exceptions are discernable in light of Complainant's *pro se* status, Complainant seemingly contends that ALJ Ashton disregarded her Exhibits, her testimony, and the Uniform Commercial Code, in reaching a decision in favor of PGW. Complainant's Exceptions do not take issue with any of PGW's testimony or documentary evidence.<sup>11</sup>

Contrary to Complainant's position, ALJ Ashton fully considered all the evidence and legal authority presented by Complainant, as well as that of PGW.<sup>12</sup> First, ALJ Ashton accepted Complainant's Exhibits 1-4 into evidence over PGW's objection and despite Complainant's non-compliance with Prehearing Orders #1-#2 and the Post-Hearing Orders #1-#2.<sup>13</sup> Her Honor then examined and discussed each of these Exhibits in her Initial Decision when evaluating

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<sup>7</sup> *Patterson v. Bell Telephone Company of PA.*, 72 Pa. PUC 196 (1990).

<sup>8</sup> 52 Pa. Code § 5.533(b).

<sup>9</sup> Complainant's Exceptions include an argument pertaining to President Biden's recent student loan debt cancelation announcement, which was not raised during the Hearing. *See* Exceptions, pg. 2 and *compare* Transcript dated June 2, 2022.

<sup>10</sup> Initial Decision, p. 13, Conclusion of Law #8.

<sup>11</sup> *See* Complainant's Exceptions.

<sup>12</sup> *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983); *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (discussing the parties' respective burdens of proof and the shifting of that burden).

<sup>13</sup> Prehearing Order #1, Prehearing Order #2, Post-Hearing Order #1, Post-Hearing #2, Tr. 29-51; Complainant's Exhibits 1-4; *see also* PGW Exhibits 1, 9, 10.

Complainant's claims of improper accounting by PGW.<sup>14</sup> ALJ Ashton admitted all ten (10) of PGW's exhibits into evidence.<sup>15</sup>

Second, ALJ Ashton considered Complainant's Hearing testimony when rendering the Initial Decision. At the hearing, Complainant testified that she did not owe any money to PGW and did not have any past due accounts,<sup>16</sup> but then Complainant declined to be more specific in her testimony regarding her legal position that the money order, the promissory note, and the tax document, were valid forms of payments with the ability to fully satisfy her account balance.<sup>17</sup> Complainant's Exceptions again decline to provide a further explanation or to point out alleged error of law or fact made by ALJ Ashton. As shown in paragraph 2, Complainant states, in relevant part, "...Out of respect for the code and upstanding defenders of law—I won't site [sic] sections or codes my value and time can not [sic] be tabulated...".<sup>18</sup>

Additionally, ALJ Ashton examined what was missing from Complainant's hearing testimony for Complainant to meet her burden of proof. At the hearing, Complainant failed to present any testimony regarding the authenticity or validity of the promissory note and the tax document. Moreover, she failed to present any testimony or other evidence establishing that PGW was required, either by the PUC or by its own policies and procedures, to accept a money order with the words "accord and satisfaction" handwritten on it, a promissory note of unknown origin, or a tax form, as full payment on an outstanding gas bill.<sup>19</sup>

In contrast to Complainant's testimony, PGW, through Ms. Pinkney, Senior Customer Review Officer, presented sufficient evidence in support of its defenses. Ms. Pinkney testified to the following: the creation and dates of Complainant's accounts; the amount owed on her current account and its basis; PGW's receipt of a money order in the amount of \$1.00 with a handwritten note of "accord and satisfaction", a promissory note, and a tax document from Complainant; PGW's policy of accepting only cash or valid money orders for payments on accounts; PGW's acceptance of only the \$1.00 monetary value of the money order; PGW's subsequent application of the \$1.00 as a payment on Complainant's account; and PGW's rejection of the "accord and

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<sup>14</sup> See Initial Decision.

<sup>15</sup> Tr. 76-86; PGW Exhibits 1-10.

<sup>16</sup> Tr. 26-27; 52-54, 56.

<sup>17</sup> Tr. 63-72, 74.

<sup>18</sup> Complainant's Exceptions, p. 1, para. 2.

<sup>19</sup> Tr. 26, 64; Complainant's Exhibits 1-4; *see also* Initial Decision.

satisfaction” notation on the money order, the promissory note, and the tax document as payment(s) in full for gas service.<sup>20</sup>

Third, ALJ Ashton heard and considered Complainant’s legal arguments and reliance on the Uniform Commercial Code in support of her claims.<sup>21</sup> Her Honor correctly determined that the Commission lacked jurisdiction to both interpret the Uniform Commercial Code and to determine the validity or enforceability of the money order with the handwritten notation, the promissory note, and the tax document.<sup>22</sup> Complainant’s Exceptions fail to show an error of law made by ALJ based on any contrary but relevant case law, statute or regulation.

Based on the above, the record clearly demonstrates that ALJ Ashton contemplated all of Complainant’s evidence in reaching her Initial Decision. Based on the above, the record clearly demonstrates that the Initial Decision is supported by substantial evidence.

### **III. CONCLUSION**

WHEREFORE, PGW respectfully requests that this Commission deny Complainant’s Exceptions and adopt the Initial Decision.

Respectfully submitted,

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Date: Oct. 5, 2022

Counsel for PGW

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<sup>20</sup> Tr. 74-112; PGW Exhibits 1-10.

<sup>21</sup> Tr. 63-72; 74, 113; 116-117.

<sup>22</sup> Initial Decision, p. 10-12.