



**PHILADELPHIA GAS WORKS**

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December 9, 2022

**VIA ELECTRONIC MAIL**

Administrative Law Judge F. Joseph Brady  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107

**Re: Christopher Haymes v. Philadelphia Gas Works, Docket C-2022-3032787**

Dear Judge Brady:

Enclosed please find a copy of PGW's Reply to the Exceptions of Complainant in the above referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/Anita J. Murray  
Anita J. Murray

/awm  
encl.

cc (w/encl.); Christopher Haymes via email – rulemag1@gmail.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 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**

Christopher Haymes  
rulemag1@gmail.com

*/s/ Anita J. Murray*

Anita J. Murray, Esquire

Date: Dec. 9, 2022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Christopher Haymes,	:	
Complainant,	:	
v.	:	Docket No. C-2022-3032787
	:	
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 November 22, 2022, the Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits the following Reply to the Exceptions filed by Christopher Haymes (“Complainant”) to the Initial Decision in this matter issued on November 21, 2022 (“Initial Decision”).

**I. PROCEDURAL HISTORY**

Complainant filed a Formal Complaint (“Complaint”) against PGW with the Pennsylvania Public Utility Commission (“Commission”) on June 3, 2022. Complainant alleged he was threatened with, or has had, his gas service terminated and he further requested a payment arrangement.

PGW filed a responding Answer on June 27, 2022. In the Answer, PGW admitted only that it issued a shut off notice for the gas service at 825 Cantrell Street, Philadelphia, PA (“Service Address”) on June 1, 2022 and that Complainant has requested a payment arrangement. PGW further averred that Complainant has defaulted on at least two PGW-issued payment agreements and one PUC-issued payment agreement, and requested dismissal of the Complaint.

An Initial Call-In Telephonic Hearing Notice was issued on June 28, 2022 and a telephone hearing was scheduled for August 17, 2022 before the Honorable Judge F. Joseph Brady.

The hearing proceeded as scheduled on August 17, 2022 with Complainant appearing *pro se* and testifying on his behalf. PGW was represented by legal counsel, Graciela Christlieb, Esquire, and Anita J. Murray, Esquire. PGW also presented the testimony of its witness, Adrian

Pinkney, Senior Customer Review Officer, employed at PGW. PGW offered three exhibits which were admitted in evidence, without objection.

On November 21, 2022, ALJ Brady issued his Initial Decision, which denied and dismissed the Complaint. Complainant filed Exceptions on or about November 21, 2022, but failed to include a Certificate of Service reflecting service of her Exceptions on PGW. By letter dated November 22, 2022, the Commission served PGW with a copy of Complainant's Exceptions and set December 22, 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>1</sup> Complainant's Exceptions fail to specifically identify what alleged errors of law or fact were made by ALJ Brady.<sup>2</sup> Complainant, instead, reiterates the same legal arguments presented at the hearing and improperly requests another hearing,<sup>3</sup> all in an attempt to re-litigate the matter simply because he disagrees with the Initial Decision.

The Commission should sustain the Initial Decision because Complainant fails to meet his burden of proof<sup>4</sup> and establish, by a preponderance of the evidence<sup>5</sup>, his claims against PGW. Upon review of the parties' testimony and documentary evidence, ALJ Brady properly determined that Complainant failed to establish he is entitled to a second Commission-based payment arrangement because he defaulted on a prior Commission-based arrangement from December 6, 2016; a portion of his account arrears consisted of CRP arrears which, by law, cannot be subject to such an arrangement; there lacked any evidence of a change in income since the first 2016 Commission-based payment agreement; and he has a poor payment history with the date of last payment made in January 24, 2020.<sup>6</sup>

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<sup>1</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>2</sup> 52 Pa. Code § 5.533(b).

<sup>3</sup> See Exceptions.

<sup>4</sup> 66 Pa.C.S. § 332(a).

<sup>5</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).

<sup>6</sup> See Initial Decision; see also *Mandell v. Duquesne Light Co.*, Docket No. C-20030234 (Opin. and Order entered Mar. 17, 2004); 66 Pa.C.S. § 1405(a), (c), and (d).

Therefore, based on the above, the record clearly demonstrates that ALJ Brady considered all of the evidence before him and properly applied the facts to the correct, applicable law, in reaching his Initial Decision. 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,

/s/Anita J. Murray  
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Date: Dec. 9, 2022

Counsel for PGW