

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joseph W. Hinton	:	
	:	
v.	:	F-2022-3034504
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Darlene Heep  
Administrative Law Judge

**INTRODUCTION**

This is an appeal of a Bureau of Consumer Services informal decision awarding Mr. Hinton a payment arrangement. The Initial Decision denies the relief requested by the Complainant and dismisses the Formal Complaint because the Complainant did not establish that he is entitled to the relief sought.

**HISTORY OF THE PROCEEDING**

On August 18, 2022, Joseph W. Hinton (Mr. Hinton or Complainant) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint,<sup>1</sup> Mr. Hinton is seeking a monthly payment of \$350 rather than the \$741 per month payment required by the Bureau of Consumer Services (BCS) informal decision, BCS Case Number 3836293. During the

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<sup>1</sup> This Complaint is a timely appeal of the BCS Determination of BCS docket number 3836293.

hearing, Mr. Hinton stated that he would like to pay the outstanding balance over 24 months rather than the current payment arrangement of 12 months.

On September 7, 2022, PGW filed an Answer to the Complaint (Answer) which admitted, in part, and denied, in part, various material allegations of the Complaint. In its Answer, PGW admitted that the Company has provided residential heat and domestic gas service to the Complainant since June of 2004. PGW also stated in the Answer that the Commission issued Mr. Hinton a payment arrangement on July 5, 2022.

By Hearing Notice dated September 13, 2022, an Initial Call-In Telephonic Hearing was scheduled for November 10, 2022, and the matter was assigned to me.

On November 10, 2022, the hearing convened as scheduled. The Complainant appeared *pro se* and testified on his own behalf. PGW was represented by Graciela Christlieb, Esquire, who presented the testimony of Patricia Bernard, a PGW Customer Review Officer. During the hearing, PGW offered three exhibits, all of which were entered into the record without objection.

The record closed on November 29, 2022, upon the filing of the transcript with the Commission.

#### FINDINGS OF FACT

1. The Complainant is Joseph W. Hinton.
2. The Respondent is Philadelphia Gas Works, a gas utility under the jurisdiction of the Pennsylvania Public Utility Commission.
3. The Complainant receives gas service from PGW at 1819 West Grange Avenue, Philadelphia, PA, 19141 (Service Address). Tr. 6.

4. The Complainant resides at the service address with his wife and three adult children and a grandchild. Tr. 11-12.

5. The total household income is \$9,836.67 per month. Tr. 12, 25; PGW Exhibit 3.

6. On July 1, 2022, after finding that Mr. Hinton had satisfied a previous Commission-issued payment arrangement, BCS issued Mr. Hinton a Level 3 payment arrangement, beginning with the August 2022 PGW payment due date. PGW Exhibit 3.

7. The payment arrangement issued by BCS to Mr. Hinton required that he pay a monthly budget amount of \$383 plus \$358 in arrears, totaling a monthly payment of \$741. PGW Exhibit 3.

8. At the time of the hearing, the Complainant's PGW balance was \$4,034.65. Tr. 22.

9. The monthly poverty level for a household of six is \$3,099.<sup>2</sup>

10. Mr. Hinton's household income of \$9,836.67 is approximately 317% of the federal poverty level for a household of six.

### DISCUSSION

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). The Complainant must establish his case by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A complainant can meet that burden if he presents

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<sup>2</sup> <https://aspe.hhs.gov/sites/default/files/documents/98087be2f7c9586ee24c35a011bc7ac8/guidelines-1983-2023.xlsx>; 87 Fed. Reg. 3315 (Jan. 21, 2022).

evidence more convincing, by even the smallest amount, than that evidence presented by Respondent. *Se-Ling Hosierey v. Margulies*, 70 A.2d 854 (Pa. 1950).

The Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401–1419, applies to complaints requesting payment arrangement relief. This law provides strict guidelines that the Commission must follow when determining whether a payment arrangement can be issued and the terms of that payment arrangement. Section 1405(a) of the Public Utility Code reads as follows:

**§ 1405. Payment arrangements**

(a) GENERAL RULE.-- The commission is authorized to investigate complaints regarding payment disputes between a public utility, applicants, and customers. The commission is authorized to establish payment arrangements between a public utility, customers, and applicants within the limits established by this chapter.

66 Pa.C.S. § 1405(a). The length of a payment arrangement is restricted based on household income as follows:

(b) Length of payment arrangements.--The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment arrangement that is investigated by the commission and is entered into by a public utility and a customer shall not extend beyond:

(1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.

(2) Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.

(3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.

(4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

66 Pa.C.S. § 1405(b).

The Complainant's current Commission-issued payment arrangement provides that he pay monthly a budget amount of \$383 plus \$358 in arrears, totaling a monthly payment of \$741.<sup>3</sup> Mr. Hinton contends that the payment required is unaffordable and too high. He is seeking a payment arrangement that requires a total payment of \$350 per month or a payment arrangement for a period of 24 months. The relief requested is not available to Mr. Hinton.

The Complainant's household income for a family of six is approximately 317% of the poverty-level.<sup>4</sup> Under the Code, a payment arrangement of no more than 6 months may be awarded. *See* 66 Pa.C.S. § 1405(b)(4). Also, based on his \$4,034.65 balance at the time of the hearing, Mr. Hinton would be required over the 6-months to pay \$672 per month plus his monthly usage charges, which would total more than \$350 per month.<sup>5</sup> The Complainant has failed to carry his burden of proving that he is entitled to the relief sought. Therefore, the request for relief will be denied.

### CONCLUSIONS OF LAW

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

2. The burden of proof in this proceeding is on the Complainant.  
66 Pa.C.S. § 332(a).

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<sup>3</sup> The Complainant appealed and did not default on his current payment arrangement.

<sup>4</sup> <https://aspe.hhs.gov/sites/default/files/documents/98087be2f7c9586ee24c35a011bc7ac8/guidelines-1983-2023.xlsx>; 87 Fed. Reg. 3315 (Jan. 21, 2022).

<sup>5</sup> In 2020-2022, the Complainant's monthly bills ranged from \$60 to over \$600 per month. PGW Exhibit 1.

3. The Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401-1419, applies to this proceeding.

4. The Complainant has not established that he is entitled to a 24-month payment arrangement or a total monthly payment of \$350 per month. 66 Pa.C.S. §§ 1405(b).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Joseph W. Hinton in Joseph W. Hinton v. Philadelphia Gas Works, Docket No. F-2022-3034504, is denied.

2. That Joseph W. Hinton v. Philadelphia Gas Works, Docket No. F-2022-3034504, be marked closed.

Date: February 21, 2023

\_\_\_\_\_/s/  
Darlene Heep  
Administrative Law Judge