BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Dawn Graham :

: C-2022-3032494

v. :

:

Philadelphia Gas Works :

**ORDER GRANTING REQUEST TO REOPEN THE RECORD**

**AND NEW HEARING DATE**

This Order grants the Complainant’s request for another hearing. The record is reopened and this matter will be scheduled for a further hearing.

On May 5, 2022, Dawn Graham (Complainant) filed a formal complaint, alleging that Philadelphia Gas Works (Respondent) had failed to provide reasonable and adequate service, was threatening to shut off or had shut off her service, that there were incorrect charges on her bills and she requested a payment arrangement.

On June 6, 2022, the Respondent filed an Answer and New Matter to the formal complaint denying the material allegations of the Complaint. On the same date, the Respondent also filed Preliminary Objections.

On June 30, 2022, the Respondent also filed a Motion for Judgement on the Pleadings.

On August 11, 2022, Administrative Law Judge Joel Cheskis issued an Order denying the Preliminary Objections and Motion for Judgement on the Pleadings.

Via Hearing Cancellation/Reschedule Notice dated September 16, 2022, the matter was scheduled for hearing on November 17, 2022 at 10:00 a.m. before Judge Cheskis. =

On November 16, 2022, a Judge Change Notice was issued and the matter was assigned to me.

The hearing was held as scheduled on November 17, 2022. The Complainant did not appear for the hearing and Respondent was represented by counsel and was prepared to proceed. On the same date, the Complainant contacted the Harrisburg scheduling office and indicated that she was not aware of the date of the hearing.

On November 22, 2022, the Complainant did reach out again to the Harrisburg scheduling office to further explain her need for a new hearing date.

On March 1, 2023, Respondent objected to the Complainant’s request for a new hearing date.

In *Carlock v.* *United Tel. Co. of Pa.,* Docket No. F-00163617*)* (Order entered July 14, 1993), the Commission held that in the normal course, the presiding officer should not dismiss a *pro se* complaint without first providing a hearing during which the *pro se* complainant could further explain his or her position and the factual basis for the complaint. The concern is that in general, *pro se* complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts. Further, the Commission has generally expressed a preference that administrative law judges refrain from dismissing complaints against unrepresented complainants without first giving them the opportunity to be heard orally and develop a sufficient record. *Home Oxygen & Med. Equip. v. Verizon Pa. Inc.*, Docket No. C-2011-2267086 (Final Order entered May 14, 2012).

While I understand that the Complainant did not reach out to the Harrisburg scheduling office until after the scheduled hearing, I believe that the Complainant is entitled to a further hearing in this matter. The Complainant indicates that she was not aware of the hearing date and time. Respondent objects to the request, but I would note that the Company was granted a continuance request in this matter to further investigate this matter. Based on this information, I will grant the Complainant’s request for a new hearing and reopen the record in the case.

THEREFORE,

IT IS ORDERED:

1. The Complainant’s request for a new hearing is hereby granted.
2. That the record in this matter is reopened.
3. That a further hearing should be scheduled in Dawn Graham v. Philadelphia Gas Works at Docket No. C-2022-3032494.

Date: March 7, 2023 /s/

Marta Guhl

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