

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Suzanne Williamson	:	
	:	
v.	:	C-2022-3034532
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Marta Guhl  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the Complainant’s Formal Complaint because she failed to sustain her burden to establish that she was entitled to a second Commission-issued payment arrangement because she defaulted on a prior Commission-issued payment arrangement and has not experienced a change in income.

**HISTORY OF THE PROCEEDING**

On August 19, 2022, Suzanne Williamson (Complainant or Ms. Williamson) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant requests a payment arrangement.

On September 9, 2022, Respondent filed an Answer denying the material allegations of the Complaint.

On September 13, 2022, a Hearing Notice was issued which indicated an initial hearing was scheduled in the matter for November 15, 2022, at 10:00 a.m., and assigned to me. I issued a Prehearing Order on October 17, 2022.

The initial hearing in this matter was held as scheduled on November 15, 2022. The Complainant appeared *pro se* and testified on her own behalf. The Complainant offered one exhibit which was entered into the record at the hearing. Respondent appeared and was represented by Graciela Christlieb, Esq., who presented the testimony of one witness, Jessica Antonetti. Respondent offered five exhibits which were entered into the record at the time of the hearing. The Complainant requested to submit late exhibits in this matter. I provided the Complainant until November 22, 2022 to submit her late exhibits. I indicated that PGW had until November 29, 2022 to provide any written objections to the Complainant's late filed exhibits.<sup>1</sup>

The hearing resulted in a 37-page transcript. The record closed on January 3, 2023, when I received the transcript.

### FINDINGS OF FACT

1. The Complainant in this case is Suzanne Williamson, who resides at 1321 East Cardeza Street, Philadelphia, Pennsylvania 19119 (Service Address). Tr. 9.
2. The Respondent in this case is Philadelphia Gas Works.
3. The Complainant owns the Service Address. Tr. 11.  
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4. The Complainant resides at the Service Address with her sister who is 62 years old. Tr. 11.

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<sup>1</sup> The Complainant faxed her late exhibits on November 18, 2022 to my office. PGW did not submit any written objections to the exhibits and the late exhibit (Complainant Late Filed Exhibit No. 1) is entered into the record through this decision.

5. The Complainant is employed as her sister's caretaker. Tr. 11.
6. The Complainant earns \$866.00 biweekly as a caretaker after taxes.<sup>2</sup> Tr. 11.
7. The Complainant's sister receives \$788 per month in Social Security benefits. Tr. 12.
8. The Complainant also receives \$1,065 per month in Social Security retirement benefits.<sup>3</sup> Tr. 13.
9. The Complainant received a Commission-issued payment arrangement from the Bureau of Consumer Services (BCS) Decision No. 3640114 on August 15, 2018 for a Level 1 at \$177.00 budget billing plus \$33.00 on the arrears for a total of \$210.00. Tr. 24; PGW Exh. 3.
10. The Complainant defaulted on the BCS issued payment arrangement. Tr. 25; PGW Exh. 2.
11. The Complainant received a second Commission-issued payment arrangement from BCS Decision No. 3797727 on August 18, 2021 for a Level 1 at \$173.00 budget billing plus \$60.00 on the arrears for a total of \$233.00.<sup>4</sup> Tr. 26; PGW Exh. 4.
12. The Complainant defaulted on the second Commission-issued payment arrangement. Tr. 26; PGW Exh. 2.

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<sup>2</sup> The Complainant indicated that she believes her wages are between \$1,100 and \$1,200 per pay period. Tr. 12.

<sup>3</sup> The Complainant's monthly income is \$4,053.

<sup>4</sup> The payment arrangement was issued in accordance with the Commission's *Public Utility Service Termination Moratorium Proclamation of Disaster Emergency-COVID-19*, Docket No. M-2020-3019244 (Emergency Order Revised and Ratified on March 18, 2020, Effective April 1, 2021).

13. The Complainant's income at the time of the 2018 Commission-issued payment arrangement was \$1056 in Social Security and \$900 in wages for a household of two. Tr. 25; PGW Exh. 3.

14. The Complainant's income at the time of the 2021 Commission-issued payment arrangement was \$933 in Social Security, \$600 in wages and \$743 for her sister's Social Security for a household of two. Tr. 26; PGW Exh. 4.

15. The Complainant had company-issued payment arrangements on April 11, 2022, May 4, 2021, February 21, 2020, October 11, 2019, July 19, 2019, October 25, 2021, April 25, 2018, September 2, 2016, and January 29, 2016. PGW Exh. 2.

16. The Complainant has defaulted on all of the company-issued payment arrangements. Tr. 22-23; PGW Exh. 2.

17. The Complainant has made four payments on her account between November 7, 2020 and November 7, 2022. Tr. 21-22; PGW Exh. 1.

18. The Complainant's current account balance is \$4,817.09. Tr. 22; PGW Exh. 1.

### DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, Complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of

the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Trans. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied his burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

#### Request for Payment Arrangement

The Complainant requests a payment arrangement in this matter. PGW contends that the Complainant is not entitled to a payment arrangement due to her poor payment history and the fact that the Complainant has had two prior Commission-issued payment arrangements which were broken.

The Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401–1419 (the Act or Chapter 14) applies to complaints alleging inability to pay and requesting a Commission-issued payment arrangement. This law provides strict guidelines that the Commission must follow in handling customer complaints. 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).

However, absent a change in income, the Commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a Commission order or decision. 66 Pa.C.S. § 1405(d). Section 1403 of the Public Utility Code defines a change in income as a decrease of 20% or more in household income if the customer's income exceeds 200% of the federal poverty guidelines or a decrease of 10% or more if the customer's household income is 200% or less of the federal poverty guidelines. 66 Pa.C.S. § 1403.

The Complainant resides at the Service Address with her sister who is 62 years old. Tr. 11. The Complainant is employed as her sister's caretaker. Tr. 11. The Complainant earns \$866 biweekly as a caretaker after taxes. Tr. 11. The Complainant acknowledged that her pre-tax wages are between \$1,100 and \$1,200 biweekly. Tr. 12. The Complainant's sister receives \$788 per month in Social Security benefits. Tr. 12. The Complainant also receives \$1,065 per month in Social Security retirement benefits. Tr. 13. The Complainant's household monthly income at the time of the hearing was \$4,053.

The Complainant received a Commission-issued payment arrangement from the Bureau of Consumer Services (BCS) Decision No. 3640114 on August 15, 2018 for a Level 1 at \$177 budget billing plus \$33 on the arrears for a total of \$210. Tr. 24; PGW Exh. 3.

The Complainant defaulted on the BCS issued payment arrangement. Tr. 25; PGW Exh. 2. The Complainant received a second Commission-issued payment arrangement from BCS Decision No. 3797727 on August 18, 2021 for a Level 1 at \$173 budget billing plus \$60 on the arrears for a total of \$233. Tr. 26; PGW Exh. 4. The Complainant also defaulted on the second Commission-issued payment arrangement. Tr. 26; PGW Exh. 2. The Complainant's income at the time of the 2018 Commission-issued payment arrangement was \$1056 in Social Security and \$900 in wages for a household of two. Tr. 25; PGW Exh. 3. The Complainant's income at the time of the 2021 Commission-issued payment arrangement was \$933 in Social Security, \$600 in wages and \$743 for her sister's Social Security for a household of two. Tr. 26; PGW Exh. 4.

Further, the Complainant had company-issued payment arrangements on April 11, 2022, May 4, 2021, February 21, 2020, October 11, 2019, July 19, 2019, October 25, 2021, April 25, 2018, September 2, 2016, and January 29, 2016. PGW Exh. 2. The Complainant has defaulted on all of the company-issued payment arrangements. Tr. 22-23; PGW Exh. 2.

In this matter, the Commission is constrained to grant only one payment arrangement to the Complainant, absent a change in income. *See* 66 Pa.C.S. § 1405(d). The Complainant failed to demonstrate a change in income since she was provided with a Commission-issued payment arrangement in August 2021. The Complainant's household income has actually increased since the last Commission-issued payment arrangement. The Complainant defaulted on that payment arrangement. As such, the Complainant's request for a payment arrangement must be denied.

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
2. Pursuant to 66 Pa.C.S. § 332(a), the burden of proof in this proceeding is upon the complainant.
3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Trans. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.
4. Absent a change in income, the Commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a Commission order or decision. 66 Pa.C.S. § 1405(d).
5. The Complainant failed to meet her burden to establish that she entitled to another Commission-issued payment arrangement. *See* 66 Pa.C.S. § 332(a).

## ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant's Late Filed Exhibit No. 1 is entered into the record.

2. That the Complaint of Suzanne Williamson against Philadelphia Gas Works at Suzanne Williamson v. Philadelphia Gas Works, Docket No. C-2022-3034432 is denied and dismissed;

3. That the record at Docket No. C-2022-3034532 be marked closed.

Date: March 29, 2023

\_\_\_\_\_/s/  
Marta Guhl  
Administrative Law Judge