



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney
Legal Department
Direct Dial: 215-684-6164
FAX: 215-684-6798
E-mail: graciela.christlieb@pgworks.com

December 19, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Jaycinah Simon v. Philadelphia Gas Works; Docket No. F-2023-3043721

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Motion for Judgment on the Pleadings with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

Enclosure

cc: Cert. of Service [w/enc.]

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Motion for Judgement on the Pleadings upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

Via First Class Mail

Jaycinah Simon
1232 West Master Street
Philadelphia, PA 19122

Date: December 19, 2023

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jaycinah Simon,	:	
Complainant,	:	
v.	:	Docket No. F-2023-3043721
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

NOTICE TO PLEAD

To: Jaycinah Simon
1232 West Master Street
Philadelphia, PA 19122

Pursuant to Pa. Code § 5.63, you are hereby notified that any response to the enclosed Motion for Judgement on the Pleadings of Philadelphia Gas Works in the above captioned matter must be filed within twenty (20) days of the date of service of this Notice.

All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for PGW and, when applicable, the Administrative Law Judge presiding over the proceeding. Failure to file a timely response to this Motion for Judgement on the Pleadings may result in relevant facts stated in the Motion for Judgement on the Pleadings being deemed admitted, thereby requiring no other proof.

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
graciela.christlieb@pgworks.com

Date: December 19, 2023

Counsel for PGW

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jaycinah Simon,	:	
Complainant,	:	
v.	:	Docket No. F-2023-3043721
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**MOTION OF PHILADELPHIA GAS WORKS
FOR JUDGEMENT ON THE PLEADINGS**

Respondent Philadelphia Gas Works (“PGW” or “Respondent”), pursuant to 52 Pa. Code § 5.102, hereby submits the following Motion for Judgement on the Pleadings seeking dismissal of any allegations in the Formal Complaint filed by Jaycinah Simon (“Complainant”) served by the Secretary of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on August 15, 2022 (“Complaint”) that relate to the accuracy of her bills before May 5, 2022. PGW avers and represents as follows:

Background

1. On May 6, 2022, the Complainant filed a Formal Complaint against PGW at Docket No. C-2022-3032428, attached hereto as Exhibit A, wherein she initiated “a billing error dispute” and disputed the accuracy of her account balance up to that point.
2. On September 14, 2022, an evidentiary hearing on “the accuracy of the account balance” was held where the Complainant participated and submitted five (5) exhibits.
3. On January 11, 2023, Judge Heep issued an Initial Decision at Docket No. C-2022-3032428, Attached hereto as Exhibit B, wherein she denied the allegation that there were incorrect charges on the Complainant’s bills for gas service, noting that “There is no basis upon which to find for the Complainant regarding the accuracy of the bills issued by PGW to the Complainant.”
4. On February 21, 2023, the Commission issued a Final Order at Docket No. C-2022-3032428, attached hereto as Exhibit C, wherein it denied and dismissed the allegation that there were incorrect charges on the Complainant’s bills for gas service, ordered PGW to pay a civil penalty on a separate issue, and ordered the PUC’s Secretary to mark the docket closed upon payment of the civil penalty.
5. On March 2, 2023, PGW paid the civil penalty, closing Docket No. C-2022-3032428. *See* Exhibit D.

5. On October 11, 2023, the Complainant filed the instant Complaint wherein she appears to be again contesting the accuracy of the same bills addressed at Docket No. C-2022-3032428.

6. PGW filed its Answer with New Matter on November 15, 2023, denying the allegations raised in the Complaint. In its New Matter, PGW asserted that the Complaint is barred by the doctrine of collateral estoppel.

7. The Complainant has not filed a Reply to PGW's New Matter.

8. By failing to respond to the New Matter, the Commission can find that Complainant has admitted to the allegations contained therein. 52 Pa. Code § 5.63(b) ("Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted"); *Stefanowicz v. Pennsylvania-American Water Co.*, C-20078165 (Order entered May 22, 2008) ("The Commission's Regulations clearly provide that failure to respond to affirmative allegations in New Matter may cause those allegations to be deemed admitted.").

9. PGW requests that that Commission deem the allegations raised in its New Matter admitted.

Legal Standard

10. In accordance with the Commission's regulations, after the pleadings are closed but within such time as to not delay a hearing, a party may move for judgment on the pleadings. 52 Pa. Code § 5.102(a).

11. A presiding officer should grant a motion for judgment on the pleadings "if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issues as to a material fact and that the moving participant is entitled to judgment as a matter of law." 52 Pa. Code § 5.102 (d)(1). *Hammerstein v. Lindsay, M.D.*, 655 A.2d 597 (Pa. Super. 1995).

12. When deciding whether a motion for judgment on the pleadings should be granted the court must examine the record in the light most favorable to the non-moving party and all doubts as to the existence of a genuine issue of material fact must be resolved in favor of the non-moving party. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

13. The Commission's regulations related to a motion for judgment on the pleadings serves judicial economy where no factual dispute exists. If no factual dispute exists, a hearing is wholly

unnecessary. 66 Pa.C.S. § 703(b). *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d 557 (Pa. Cmwlth. 1989).

14. Section 5.102 of the Commission regulations provides for the granting of a Motion where there is no genuine issue as to a material fact and Respondent is entitled to a judgment as a matter of law. 52 Pa. Code § 5.102.

Argument

15. It is well settled that a party is precluded from re-litigating a prior final order of the Commission. 66 Pa.C.S. § 316 expressly establishes the finality of Commission action and states in relevant part:

“Whenever the Commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review.”

16. The Commission’s findings of fact in prior complaints “are conclusive on the parties.” *Warren v. Equitable Gas Co.*, Docket No. C-2014-2426795 (Order entered September 15, 2014). Further, the legal doctrines of both res judicata and collateral estoppel apply to preclude collateral attack of final orders rendered in proceedings brought before the Commission. *O’Toole v. Bell Telephone Company of Pennsylvania, Inc.*, 77 Pa. PUC 98 (1992).

17. The doctrine of collateral estoppel also known as issue preclusion, prevents a question of law or an issue of fact that has been once litigated and adjudicated finally in a court of competent jurisdiction from being relitigated in a subsequent suit. The four conditions that must be met for this doctrine to apply are: (1) the issue decided in the prior adjudication is identical with the one presented in the later action; (2) there was a final judgment on the merits; (3) the party against whom the plea is asserted was a party or in privity with the party to the prior adjudication; and (4) the party against whom the plea is asserted has had a full and fair opportunity to litigate the issues in question in the prior action. *Day v. Volkswagonwerk Aktiengesellschaft*, 464 A.2d 1313, 1319.

18. As a doctrine of issue preclusion, collateral estoppel seeks to prevent the re-litigation of a finally litigated issue in a subsequent proceeding between the same parties. *Baker v. Pa. Human Relations Comm’n*, 462 A.2d 881 (Pa. Cmwlth. 1983).

19. In the instant case, all four necessary conditions are met: (1) the apparent issue raised is the accuracy of the Complainant's bills for gas service, (2) there was a final judgement on the merits of the accuracy of the Complainant's gas bills as issued up to the filing of her complaint at Docket No. C-2022-3032428, (3) the parties are still PGW and Jaycinah Simon, and (4) the Complainant had a full and fair opportunity to litigate the issues in question in the prior action.

20. Like Section 316 of the Code, the doctrines of res judicata and collateral estoppel are designed to promote certainty, finality and judicial economy. *Albert Buoncristiano v. Philadelphia Gas Works*, Docket No. C-2015-2466853 (Order entered April 29, 2016). They reflect the refusal of the law to tolerate the re-litigation of a matter decided by a court or agency of competent jurisdiction to curtail the waste of resources of both the agency and the parties by re-litigating issues that already have been adjudicated. *Canon v. Verizon Pennsylvania Inc.*, Docket No. C-2013-2353818 (Order entered March 6, 2014).

Conclusion

To the extent that the instant Complaint is an attempt to re-litigate the issues raised and dismissed at Docket No. C-2022-3032428, this Complaint is barred by collateral estoppel because there is identity of issues, a final judgement on the merits, identity of persons and parties to the action, and a full and fair opportunity to litigate the issues in question in the prior action. The Code and Commission precedent precludes the Complainant from re-litigating issues that have already been raised and dismissed. A hearing is not required on those issues. PGW is entitled to judgment as a matter of law.

WHEREFORE, Respondent, PGW, respectfully requests that this Commission find that the averments in PGW's New Matter be deemed to be admitted, grant PGW's Motion for Judgement on the Pleadings with respect to the allegations regarding accuracy of the Complainant's bills up to May 5, 2022, and Order that those allegations be stricken from the Complaint.

Respectfully submitted,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

Date: December 19, 2023

Counsel for PGW

A

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Jayunah Simon

Street/P.O. Box 1232 W. Master St. Apt # _____

City Philadelphia State Pa. Zip 19122

County Phila:

Telephone Number(s) Where We Can Contact You During the Day (required):

(____) _____ (home) (267) 596-2674 (mobile)

E-mail Address (required): jsimon5412@gmail.com

Utility Account Number (from your bill) 0558546669

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

P&W

DATE OF DEPOSIT

MAY 06 2022

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|---|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> STORM WATER |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> WATER | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> STEAM HEAT | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.

- I would like a payment agreement.

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

- Other (explain).

I've attempted to initiate a billing error dispute/resolution



pursuant to 15 U.S.C. 1666 and
CFR 1026.13
have received no response/remedy
from company. While attempting
previously; POW took adverse action
against me and terminated my
services. I have since received
another 10-day termination notice
dated for May 11th, 2022. I have
received a notice reflecting a past
due amount totaling \$7,632.79
with no explanation of charges.

The total is also reflecting as a
positive balance; proof that
no debt is due to them.

15 U.S.C. 1692g - validation of
debt: I am disputing the
validity of this alleged debt and
ask POW to provide validation &
verification in writing.

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

- Damages for violating my rights.
- Provide written validation & verification of alleged debt.
- Cease & desist collection attempts on alleged debt.
- stop harassment via mailing/posting adverse action notices to my home.
- Refund of all monies paid.
- Provide original contract with my signature showing POW extended me credit in the amount of: \$7,632.79 as well as signature of POW being the original creditor.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)/ Domestic Violence

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

several times

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Was told that a supervisor at PGW must call me back. No names or telephone numbers were provided.

Once a representative called me back: they must initiate billing error request.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

MAY 06 2022

9. Verification and Signature


PA PUBLIC UTILITY COMMISSION

SECRETARY'S BUREAU

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

1, Jayunah Simon, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

J. Simon  UCCI-308 5/3/22
(Signature of Complainant) (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. How to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

If you are appealing a BCS decision: follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be efiled or mailed.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.



①
PHILADELPHIA GAS WORKS
 800 W. MONTGOMERY AVENUE, PHILADELPHIA, PA 19122-0050

Notice Date: Apr 29, 2022
 Account Number: 0558546669

10-DAY SHUT OFF NOTICE
Your Gas Service May Be Shut Off *Adverse Action*

Your bill is past due. As a result, PGW will shut off gas to 1232 W MASTER ST on or after 8 a.m. on May 11, 2022. This notice will remain effective for 60 days. To talk about your bill or this notice, call our office at 215-235-1777.

We will not shut off gas if you do ONE of the following:

- Arrange to pay your past due amount of \$7,632.79.
- Pay the amount you owe on your payment plan.
- Show us a payment receipt for the past due amount.
- Make a payment arrangement (you may be eligible for a special assistance program).
- Contact us to dispute the bill.

- Call us if your landlord pays your utility bill. You have certain legal protections.
- If you have trouble understanding or speaking English call us for free interpretation.
- Please contact us if you are disabled and need assistance.
- All adult occupants of the premises whose names are on the mortgage, deed or lease are considered the 'customer' and are responsible for payment of the bill. If service is shut off ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.

At a minimum, you may have to pay all of the following before we turn your service on:

Past Due Amount	\$7,632.79
Security Deposit	\$470.00
Turn On Charge	\$123.23
Total	\$8,226.02

*CFR 1026.13
 15 U.S.C 1666*

no explanation of charges

If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.

(Plus \$372.00 if we must dig up the street to shut off gas).

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- Contact us before the shut off date to give us household and occupant information to see if you qualify for any assistance programs.
- If you are low income there are special rules about whether we may shut off your gas in the winter. Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service. We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- If we reconnect your service during the winter months (between December 1st and March 31st) we will restore your service within 24 hours of you meeting all requirements to have service reconnected. When street digging is required, it may take up to seven days.

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify by phone or in writing that such an illness exists and that it may be aggravated if your service is shut off; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS. VERIFYING THE MEDICAL CONDITION.

IMPORTANT TO KNOW - BEFORE WE SHUT OFF YOUR GAS SERVICE

- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.
- If you have a valid Protection From Abuse order from a court, there are additional protections available to you. Call us immediately at 215-235-1777. You will be required to provide us with a copy of the order.

Federal Poverty Guidelines (FPG) 2022

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
	1	\$1,699 or less
2	\$2,289 or less	\$2,290-\$3,815
3	\$2,879 or less	\$2,880-\$4,798
4	\$3,469 or less	\$3,470-\$5,781
Each add. person add	\$590	\$591-\$983

Please return this portion with your payment.

At a minimum, you may have to pay all of the following before we turn your service on:

CFR 1026.13
15 U.S.C 1666

Past Due Amount	\$7,632.79
Security Deposit	\$470.00
Turn On Charge	\$123.23
Total	\$8,226.02

(Plus \$372.00 if we must dig up the street to shut off gas).

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify by phone or in writing that such an illness exists and that it may be aggravated if your service is shut off; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS, VERIFYING THE MEDICAL CONDITION.

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- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.
- If you have a valid Protection From Abuse order from a court, there are additional protections available to you. Call us immediately at 215-235-1777. You will be required to provide us with a copy of the order.

payment of the bill. If service is shut off ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.

- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- Contact us before the shut off date to give us household and occupant information to see if you qualify for any assistance programs.
- If you are low income there are special rules about whether we may shut off your gas in the winter. Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service. We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- If we reconnect your service during the winter months (between December 1st and March 31st) we will restore your service within 24 hours of you meeting all requirements to have service reconnected. When street digging is required, it may take up to seven days.

Federal Poverty Guidelines (FPG) 2022

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
	1	\$1,699 or less
2	\$2,289 or less	\$2,290-\$3,815
3	\$2,879 or less	\$2,880-\$4,798
4	\$3,469 or less	\$3,470-\$5,781
Each add. person add	\$590	\$591-\$983

PL_20220429180001.dat-77-00000076

Please return this portion with your payment.

Write your account number on your check or money order made payable to Philadelphia Gas Works



Place "X" in box for address corrections. Print corrections on reverse side.

Account Number:
Notice Date:
Please Pay:

0558546669
Apr 29, 2022
\$7,632.79

(disputed)

Amount Enclosed: \$

000039 000000076

JAYCINAH SIMON
1232 W MASTER ST
PHILA PA 19122-4017

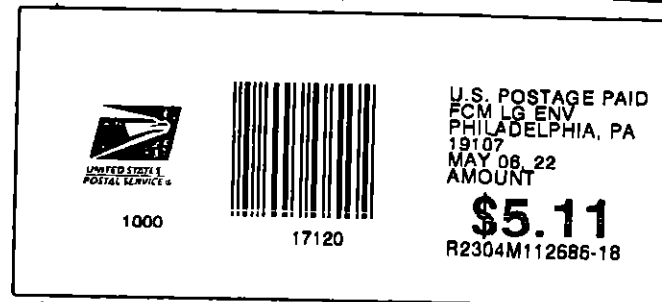


Philadelphia Gas Works
P.O. Box 11700
Newark, NJ 07101-4700

3

positive balance

Jaycinah Simon
1232 W. Master St.
Philadelphia, Pennsylvania 19122



Pennsylvania P.U.C
Commonwealth of PA
400 North Street
Harrisburg, PA 17120

RECEIVED

MAY 09 2022

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jaycinah Simon	:	
	:	
v.	:	C-2022-3032428
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Darlene Davis Heep
Administrative Law Judge

INTRODUCTION

This Initial Decision holds that Philadelphia Gas Works violated the Public Utility Code when, while the Complainant’s dispute was pending, the company issued shut off notices and terminated the Complainant’s service. A fine of \$300 is imposed.

All other claims against Philadelphia Gas Works are denied and dismissed.

HISTORY OF THE PROCEEDING

On May 6, 2022, Ms. Jaycinah Simon filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW or Company). On the Formal Complaint form, Ms. Simon checked the boxes indicating that PGW was threatening to shut off her service or had already shut it off and that there are incorrect charges on her bill. Under “Other,” Ms. Simon wrote that she attempted to initiate a billing error dispute resolution pursuant to “15 U.S.C. 1666, C.F.R. 1026.13” and that she received no response or remedy from PGW. She also wrote that while she was attempting to

resolve the matter, PGW terminated her service and that she received another ten-day termination notice dated May 11, 2022. She also asserted in the Complaint that she received a notice from PGW stating that she had an amount due of \$7,632.79 with no explanation of charges and that there is no debt due to PGW and that there is a positive balance, referencing “15 U.S.C. 1692(g).” Ms. Simon disputed the validity of the debt and asked that PGW provide validation and verification of the debt in writing. Ms. Simon also sought damages for what she asserts are violations of her rights.

On June 3, 2022, PGW filed an Answer and New Matter with an attached Notice to Plead that advised the Complainant that she had 20 days to file a Reply. In the Answer, PGW admitted that the company issued a shut off notice to the Complainant. PGW denied that there were incorrect charges and that there was a positive balance or credit on the Complainant’s PGW account. PGW also denied that it is a debt collector under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, 1692a–1692p. and also denied that the company had violated the Fair Credit Billing Act, 15 U.S.C. §§ 1601–1616. or the Truth in Lending Act, 12 C.F.R. § 1026, stating that PGW does not extend credit to customers for the purchase of natural gas. 12 C.F.R. §§ 1026, 1026.1–1026.4.

PGW also stated in the Answer that the Complainant has not made good faith efforts to make payments on her account since establishing service on or about May 2, 2019. PGW also averred that PGW entered an internal billing dispute on Complainant’s behalf when she contacted the company on April 12, 2022 and that due to a system error, PGW terminated the Complainant’s gas service on April 18, 2022. PGW further averred that the Complainant filed an informal complaint with the Commission’s Bureau of Consumer Services at Docket Number 3831657 on April 19, 2022 and that Ms. Simon’s gas service was restored on April 20, 2022. PGW also stated in its Answer that on May 12, 2022, PGW issued the Complainant a letter stating that her bills were correct as issued.

In the New Matter, PGW asserted that the Commission lacks jurisdiction over the Complaint insofar as the issues raised therein arise out of alleged federal violations asserted in the Complaint and that the Commission also lacks jurisdiction to award money damages.

On July 5, 2022, a Motion Judge assignment was issued which assigned the Preliminary Objections to me for a decision.

On July 29, 2022, an Order was issued that dismissed the federal claims and claim for money damages for lack of jurisdiction.

A hearing on the remaining issues - accuracy of the account balance, appropriateness of notices under Commission regulations and the request for account records - was held on September 14, 2022. Ms. Simon represented herself and presented no witnesses. PGW was represented by Graciela Christlieb, Esquire, who presented Jessica Glace, PGW Senior Customer Review Officer, as a witness.

The following exhibits were admitted:

Complainant Exhibit 1- Breakdown of Charges
Complainant Exhibit 2- Bill dates 3/9/2022
Complainant Exhibit 3- Billing letter dated 3/9/2022
Complainant Exhibit 4- How Gas Is Measured Flyer
Complainant Exhibit 5- Shut Off Notice

PGW Exhibit 1- Customer Contract
PGW Exhibit 2- Negotiated Payment Arrangements
PGW Exhibit 3- PGW Response to Dispute
PGW Exhibit 4- Shut Off Notice
PGW Exhibit 5- Screen Shoot of PUC Hold
PGW Exhibit 6B- Statement of Account

The record closed on October 21, 2022 upon receipt of the 73-page transcript.

FINDINGS OF FACT

1. The Complainant is Jaycinah Simon, a PGW customer on West Master Street in Philadelphia, Pennsylvania.

2. The Respondent is Philadelphia Gas Works.

3. On April 11, 2022, Ms. Simon contacted PGW after receiving a bill showing a past due amount of \$7,115.72 to dispute the charges and to obtain an address where she could send a written dispute. Tr. 15,17; PGW Exhibit 2.

4. When Ms. Simon called PGW on April 11, 2022 to dispute the charges, she was told that she would receive a call back. Tr. 15-16.

5. On April 12, 2022, PGW noted in the Complainant's PGW account record that there was a dispute regarding her bill. Tr. 34-35; PGW Exhibit at 2.

6. On April 18, 2022, PGW terminated the Complainant's service. Tr. 16; PGW Exhibit 1 at 3.

7. On April 19, 2022, the Complainant filed an informal complaint with the Commission's Bureau of Consumer Services, BCS # 3831657. Tr. 19-20; PGW Exhibit 1 at 4, 5.

8. On April 20, 2022, the Complainant received a call from PGW telling her that her gas service was terminated in error. Tr. 18; PGW Exhibit 1 at 6.

9. PGW records state that the Complainant's gas service was shut off in error. PGW Exhibit 1 at 6.

10. Ms. Simon's PGW service was restored on April 20, 2022. Tr. 17; PGW Exhibit 1 at 8.

11. Ms. Simon had PGW service at the time of the hearing.

12. PGW is required to post a termination notice prior to terminating service to a customer. Tr. 32; Complainant Exhibit 5.

13. Ms. Simon filed a Formal Complaint with the Commission on May 6, 2022.

14. A letter dated May 12, 2022 from PGW to the Complainant acknowledged that the Complainant was disputing the charges on her account and explained the charges and the Complainant's balance. PGW Exhibit 3.

15. The Past Due amount on the bills issued by PGW to the Complainant is an accumulation of billed amounts not paid in full. PGW Exhibit 6B; Tr. 31-32.

DISCUSSION

As the proponent of a rule or order, the Complainant bears the burden of proof pursuant to Section 332(a) of the Pennsylvania Public Utility Code (Code). 66 Pa.C.S. § 332(a). To satisfy this burden, the Complainant must demonstrate by a preponderance of the evidence that the Respondent was responsible for the problems alleged in the Complaint through a violation of the Code or a regulation or order of the Commission. 66 Pa.C.S. § 701.

Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing than that presented by the other party. Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n, 578 A.2d 600 (Pa. Cmwlth. 1990), alloc. den., 602 A.2d 863 (Pa. 1992). In addition, the Commission's decision must be supported by "substantial evidence," which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n, 413 A.2d 1037 (Pa. 1980). A trace of evidence or a suspicion of the existence of a fact is insufficient. Erie Resistor Corp. v. Unemployment Comp. Bd. of Review, 166 A.2d 96 (Pa. Super. 1961).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight to the evidence presented by the Complainant, the Complainant has not satisfied his burden of proof. The Complainant would then 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), *aff'd*, 461 A.2d 1234 (Pa. 1983).

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).

The Pennsylvania Public Utility Code requires each public utility to comply with the following:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities . . . Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S. § 1501. The statutory definition of “service” is to be broadly construed. Betchy v. West Penn Power Co., Docket No. C-2018-3000257 (Opinion and Order entered Oct. 8, 2020) (citing Country Place Waste Treatment Co., Inc. v. Pa. Pub. Util. Comm'n, 654 A.2d 72 (Pa. Cmwlth. 1995)). “Service” is defined in the Code as follows:

“Service.” Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them[.]

66 Pa.C.S. § 102.

When a customer files a termination dispute or complaint, a company is prohibited from terminating the customer's service. 52 Pa. Code § 56.141(2). Additionally, a public utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved. 52 Pa. Code § 56.92.

Ms. Simon contends that she received inaccurate billing from PGW, particularly the past due amount of \$7,115.72. Tr. 12, 14; Complainant Exhibits 1, 2. Ms. Simon is also seeking an explanation and accurate accounting of the charges PGW records indicate are past due. Tr. 18. She also questions the appropriateness of the April 18, 2022 termination of her service and shut off notices issued to her, especially a shut off notice that was pinned to her door stating that she did not pay her past due bill. Tr. 19-20.

Accuracy of Billing

The Complainant's assertion that her bill is inaccurate is not supported by the record. The testimony of Jessica Glace, PGW Senior Customer Review Officer, was that the bills as issued to the Complainant were accurate. Tr. 31, 33. Additionally, the Account Statement, PGW Exhibit 6B,¹ is an accounting of the Complainant's charges that the Complainant did not challenge. The Complainant did not dispute any particular charge to her account. There is no basis upon which to find for the Complainant regarding the accuracy of the bills issued by PGW to the Complainant.

Explanation of Billing

Regarding the Complainant's assertion that PGW did not provide her with an explanation of the outstanding amount due on her account, a May 12, 2022 letter from PGW to the Complainant explains the charges. The letter noted that the Complainant was enrolled in the PGW Customer Responsibility Program (CRP) on April 26, 2021:

¹ During the hearing, PGW submitted an update of the Complainant's balance and account record, which is identified herein as PGW Exhibit 6B. This document was admitted instead of PGW Exhibit 6. Tr. 7-8.

with a balance of \$4,962.52. CRP is an income based program and the monthly bills during enrollment in this program are based on a percentage of the monthly gross house hold income and not the actual usage recording on the meter. Your current balance was frozen in anticipation of a monthly forgiveness of \$137.84 being applied to reduce the balance each month with your on-time payment. While you were a participant on the CRP, the balance due was not reduced to zero but was held and you were billed based on the income provided. Once you were removed from the program, you were sent a bill which requested the full account balance of \$5,259.66. Since the bills generated after October 13, 2021, your monthly bills have been based upon usage recorded on the meter

PGW Exhibit 3. Also, prior to the hearing, the Complainant was provided with an Account Statement showing the charges from May 19, 2019 to that date.

PGW did not provide this information explaining the charges until after the Complainant had contacted the Commission and filed a Formal Complaint. Nevertheless, Section 1501 of the Code, 66 Pa.C.S. § 1501, mandates that the Respondent provide reasonable and adequate service, not perfect service. Elkin v. Bell Tel. Co., 372 A.2d 1203 (Pa. Super. 1977). Failing to immediately provide an accounting does not rise to the level of a violation.

Termination Notices and Service Termination

However, PGW did not provide adequate, efficient, safe, and reasonable service and also violated 52 Pa. Code § 56.92 when it sent the Complainant shut off notices and posted a shut off notice on her door in April of 2022. PGW records show that PGW was well aware that the Complainant was disputing the charges as the dispute was noted in PGW records and in the May 12, 2022 letter sent to the Complainant explaining the charges. Issuing a termination notice to the Complainant when her pending dispute was well documented in PGW records, particularly posting a shut off notice on her door, was not reasonable service and violated the Code.

Additionally, terminating the Complainant's service while a dispute was pending violated 52 Pa. Code § 56.141(2). Further, PGW admits in its records that the Complainant's gas was shut off in error. There is a violation here.

Penalty

Penalties may be imposed where violations of the Code and Commission Regulations or a Commission Order are found. See 52 Pa. Code § 69.1201; see also Rosi v. Bell-Atlantic Pa., Inc., Docket No. C-00992409 (Order entered Mar. 16, 2000). Here, two acts by PGW violated the Public Utility Code and its regulations. One, by sending the Complainant a shut off notice and posting such on her door after a dispute was pending violated 66 Pa.C.S. § 1501 and 52 Pa. Code § 56.92. Two, by shutting off the Complainant's service while her dispute of the PGW charges was pending, PGW violated 52 Pa. Code § 56.141(2).

The Commission's Policy Statement sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

These factors are: (i) whether the conduct at issue was of a serious nature; (ii) whether the resulting consequences of the conduct at issue were of a serious nature; (iii) whether the conduct at issue was deemed intentional or negligent; (iv) whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (v) the number of customers affected and the duration of the violation; (vi) the compliance history of the regulated entity that committed the violation; (vii) whether the regulated entity cooperated with the Commission's investigation; (viii) the amount of the civil penalty or fine necessary to deter future violations; (ix) past Commission decisions in similar situations; and (x) other relevant factors. 52 Pa. Code § 69.1201(c).

The first factor considers whether the conduct at issue was of a serious nature, and, if so, whether the conduct may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(1). "When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the

conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty." *Id.* The violations here were not willful fraud or misrepresentations and therefore a lower penalty is warranted.

The second factor considers whether the resulting consequences of the conduct in question were of a serious nature. 52 Pa. Code § 69.1201(c)(2). A violation here resulted in the Complainant's gas service being shut off for two days. This supports a higher penalty.

The third factor considers whether the conduct at issue was deemed intentional or negligent. 52 Pa. Code § 69.1201(c)(3). The violations here are not intentional for purposes of this section. They appear to be the result of miscommunication. Nevertheless, PGW was well aware that the Complainant had filed a dispute and yet her PGW service was terminated while the dispute was pending. The Company also posted a shut off notice on her home while a dispute was pending. This supports a higher penalty.

The fourth factor to be considered is whether PGW made efforts to modify internal policies and procedures to address the alleged conduct at issue and to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). PGW admitted its error here and there is no evidence that this is a systemic problem at PGW. This supports a lower penalty.

The fifth factor considers the number of customers affected and the duration of the violation. 52 Pa. Code § 69.1201(c)(5). Here, one customer was without gas service for two days. This suggests that a higher penalty is not warranted.

The sixth factor considers the compliance history of the company. 52 Pa. Code § 69.1201(c)(6). The provision provides that "[a]n isolated incident from an otherwise compliant company may result in a lower penalty." *Id.* PGW generally has a favorable Compliance history, which warrants a lower penalty.

The seventh factor to be considered is whether the regulated entity cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). This factor is not applicable here.

The eighth factor is the amount of the civil penalty or fine necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). Again, there is no record that termination of service while a dispute is pending is a systemic problem at PGW and therefore this factor suggests a lower penalty.

The ninth factor examines past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). No similar situations were found.

Finally, the tenth factor considers any other relevant factor. 52 Pa. Code § 69.1201 (c)(10). There are no other relevant factors to consider.

A penalty of \$100 for the shut off notices and \$100 per day for the two days that the Complainant's gas service was shut off are appropriate here. PGW will be ordered to pay a total penalty of \$300.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties of this proceeding. 66 Pa.C.S. § 701.
2. The Complainant bears the burden of proving by a preponderance of the evidence that she is entitled to relief from the Commission. 66 Pa.C.S. § 332(a).
3. A Commission decision must be supported by “substantial evidence,” which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. A “trace of evidence or a suspicion of the existence of a fact” is insufficient. HIKO Energy, LLC v. Pa. Pub. Util. Comm'n, 163 A.3d 1079, 1094 (Pa. Cmwlth. 2017) (quoting Lyft, Inc. v. Pa. Pub. Util. Comm'n, 145 A.3d 1235, 1240 (Pa. Cmwlth. 2016)), *aff'd*, 209 A.3d 246 (Pa. 2019).

4. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities and such service and facilities shall be in conformity with the regulations and orders of the commission. 66 Pa.C.S. § 1501.

5. The Complainant did not establish by a preponderance of the evidence that PGW billing was inaccurate or that PGW violated the Public Utility Code, a Commission Order or the regulations by not immediately providing the Complainant with an explanation of the bills that the Company issued to the Complainant. 66 Pa.C.S. § 332(a).

6. The Complainant has established by a preponderance of the evidence that PGW violated 52 Pa. Code § 56.141(2) when it shut off her gas service while a dispute was pending.

7. The Complainant has established by a preponderance of the evidence that PGW violated 66 Pa.C.S. § 1501 and 52 Pa. Code § 56.92 when it issued shut off notices and posted a shut off notice on her door while a dispute was pending.

8. A fine is warranted because the Company violated 52 Pa. Code § 56.141(2), 66 Pa.C.S. § 1501 and 52 Pa. Code § 56.92. 52 Pa. Code § 69.1201.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Jaycinah Simon v. Philadelphia Gas Works, Docket No. C-2022-3032428 is granted in part and denied in part.

2. That the claim that PGW violated the Public Utility Code by issuing shut off notices to the Complaint while a dispute was pending is granted.

C

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Jaycinah Simon

v.

Philadelphia Gas Works

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:
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C-2022-3032428

FINAL ORDER

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Darlene Davis Heep dated January 11, 2023, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

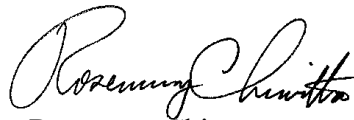
1. That the Complaint of Jaycinah Simon v. Philadelphia Gas Works, Docket No. C-2022-3032428 is granted in part and denied in part.
2. That the claim that PGW violated the Public Utility Code by issuing shut off notices to the Complaint while a dispute was pending is granted.
3. That the claim that PGW violated the Public Utility Code by shutting off the Complainant's service while a dispute was pending is granted.
4. That all other claims are denied and dismissed.

5. That the Respondent, Philadelphia Gas Works, shall pay a total civil penalty of three hundred dollars (\$300.00) as provided for in Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, by sending a certified check or money order payable to the Commonwealth of Pennsylvania, within twenty (20) days from entry of the Final Commission Order to:

Secretary
Public Utility Commission
400 North Street
Harrisburg, PA 17120

6. That upon payment of the penalty, the Secretary shall mark this docket closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ENTERED: February 21, 2023

D



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney
Legal Department
Direct Dial: 215-684-6164
FAX: 215-684-6798
graciela.christlieb@pgworks.com

March 2, 2023

Via FedEx

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

DATE OF DEPOSIT *Fine payment \$300.00*
Company check.
MAR 02 2023
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Jaycinah Simon v. Philadelphia Gas Works, Docket No. C-2022-3032428

Dear Secretary Chiavetta:

Pursuant to Ordering Paragraph 5 of the Commission's Final Order entered on February 21, 2023 in the above-captioned matter, enclosed is a certified check made payable to the Commonwealth of Pennsylvania in the amount of \$300.00 as payment for the civil penalty assessed on Philadelphia Gas Works. Consistent with Ordering Paragraph 6 of the Order, please mark this proceeding closed.

If you have any questions, please contact me.

Sincerely,

Graciela Christlieb

Graciela Christlieb

