

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Joshua Robinson
vs.
PPL Electric Utilities Corporation

Public Meeting of December 21, 2023
3040667-ALJ
Docket No. F-2023-3040667
M-2023-3038150

STATEMENT OF VICE CHAIR KIMBERLY BARROW

On May 8, 2023, Joshua Robinson (Complainant) filed a formal Complaint against PPL Electric Utilities Corporation (PPL) requesting a payment arrangement that is more affordable and indicating that he recently lost his job.

A hearing convened as scheduled on July 27, 2023. It appears from the hearing transcript that there may have been technical difficulties at some point during the hearing, but at 10:10 am, the Complainant was not present on the line, and the hearing proceeded in the Complainant's absence. During the hearing, PPL moved to dismiss the Complaint with prejudice (Motion) for the failure of the Complainant to appear and prosecute his Complaint. The ALJ granted PPL's Motion and dismissed the Complaint with prejudice.

Even if the transcript's reference to technical difficulties was not of a serious nature, I am unable to discern that this Complainant has abused the administrative process, resulting in wasteful use of the agency's or PPL's time and resources.

I have concerns regarding the Commission's practice of routinely dismissing *pro se* complaints with prejudice as being inconsistent with due process.¹ The Commission has found that a complainant abused the regulatory process by frequently requesting continuances of hearings and then not appearing and by not honoring his part of a settlement. Grossman v. Bell Telephone Company of Pennsylvania, 67 Pa. PUC 714 (1988). In subsequent abuse of process cases, the Commission extended the identifying criteria to include such factors as the number and the nature of complaints, the number of

¹ This Commission has long recognized the mitigating effect *pro se* status confers upon litigants unlearned in the law when confronted with technical violations of its procedural rules. Carlock v. The United Telephone Co. of Pa., Docket No. F-00163617 (July 14, 1993). Most important, from my perspective, the Commission has stated that it is in the public interest that all litigants, particularly *pro se* litigants, be afforded a meaningful opportunity to be heard. Amir V. Williams v. PECO Energy Co., Docket No. C-2010-2190024 (January 13, 2011).

defaulted payments, the use of tactics to avoid payments and service terminations, and the history of payments.²

In this case, the extent to which Mr. Robinson has used the Commission process does not rise to the level of abuse such that he should be barred from refiling this matter should he so choose.

December 21, 2023
Date



Kimberly Barrow, Vice Chair

² DiFilippo v. PECO Energy Company, Docket No. C-20027116 (Initial Decision dated August 8, 2002); Final Order dated October 3, 2002) (complainant had abused the Commission's complaint process by filing three previous complaints which were all dismissed with prejudice and by filing a fourth complaint which contained impertinent or scandalous matters); Seidenstricker v. Metropolitan Edison Company, Docket No. F-2008-2019388 (Opinion and Order entered July 28, 2009) (complainant was an abuser of the system by defaulting on four Bureau of Consumer Services and four Met-Ed payment plans, by using a variety of means to avoid terminations and by invoking the provisions of 66 Pa. C.S. §§ 1521-1533 on 18 occasions).