



**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](mailto:graciela.christlieb@pgworks.com)

May 23, 2024

**VIA ELECTRONIC FILING**

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

Re: Christopher Haymes v. Philadelphia Gas Works; Docket No. F-2023-3042824

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Reply to Complainant's Exceptions to the Initial Decision issued in 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' Reply to Exceptions 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 ELECTRONIC MAIL**

Christopher Haymes  
[haymes719@gmail.com](mailto:haymes719@gmail.com)

Date: May 23, 2024

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Christopher Haymes,	:	
Complainant,	:	
v.	:	Docket No. F-2023-3042824
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**PHILADELPHIA GAS WORKS’  
REPLY TO COMPLAINANT’S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535 and the Secretary’s Letter dated April 29, 2024, the Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits the following Reply to the Exceptions filed by Christopher Haymes (“Complainant”) to the Initial Decision in this matter issued on April 23, 2024 (“Initial Decision”).

**I. INTRODUCTION**

On September 6, 2023, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) against PGW wherein he alleges that PGW is threatening to terminate his gas service and requests a payment agreement (“Complaint”).

On September 28, 2023, PGW filed an Answer with New Matter wherein it admitted the material allegations in the Complaint and added that the Complainant maintains gas service by way of abusing the PUC’s complaint process.

Complainant did not file a response to the new matter in PGW’s Answer.

On November 3, 2023, the PUC issue a Call-In Telephone Hearing Notice scheduling a call-in telephonic hearing on January 10, 2024, at 10:00 a.m. before Administrative Law Judge Marta Guhl (“Judge Guhl”). The Hearing Notice provided the Parties with the Toll-Free Bridge Number and the PIN to dial on the morning of the hearing to participate in the telephonic hearing. The Hearing Notice further stated as follows:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another

complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

On January 10, 2024, at 10:00 a.m., counsel for PGW along with their witness dialed-in to participate in the telephonic proceeding. The court reporter was also present. Complainant was not present. After providing an adequate period of time for the Complainant to call in, Judge Guhl convened the hearing. PGW moved for dismissal of the Complaint pursuant to 52 Pa. Code § 5.245 and that the Complainant be barred from filing further informal and formal complaints until his current outstanding balance had been paid in full. In support of its Motions, PGW provided the testimony of a witness and sponsored 5 exhibits, which were entered into the record.

On April 23, 2024, Judge Guhl issued the Initial Decision wherein she granted PGW's Motion to dismiss the Complaint with prejudice due to Complaint's failure to appear for the hearing to prosecute the Complaint as well as the Motion to preclude the Complainant from filing any further informal or formal complains until his current outstanding balance is paid in full.

By Secretarial Letter dated April 29, 2024, the Commission served PGW with Exceptions to the Initial Decision filed by Complainant. PGW's Reply follows.

## **II. COMPLAINANT'S EXCEPTIONS AND PGW'S REPLY**

### **Exceptions**

Complainant's Exceptions fail to identify any error in fact or law contained in the Initial Decision. Rather, the Complainant uses his Exceptions to let the Court know that his focus was on other things. He also uses his Exceptions to raise an issue regarding an alleged missing payment that appears nowhere in his Complaint.

### **Reply**

Complainant's exceptions fail to demonstrate that the Initial Decision is unsupported by substantial evidence. There is also nothing in the record to indicate that Complainant's failure to appear for the telephonic hearing was unavoidable.<sup>1</sup> Complainant claims That his wife was in the hospital and that they were fighting an eviction, but has not provided the court with anything to

---

<sup>1</sup> "The Code provides that a party who fails to attend a scheduled conference and hearing "shall be deemed to have waived the opportunity to participate" and shall not be permitted to later reopen the matter. 66 Pa. C.S. § 332(f); 52 Pa. Code § 5.245. As noted, the Commission may excuse non-attendance at a hearing where "... the presiding officer shall determine that failure to be represented was unavoidable and that the interests of the other parties and the public would not be prejudiced." Id. No determination was made that the non-attendance was unavoidable, and there are no facts in the record that would allow the Commission to reach this conclusion." *Brown v. PECO Energy Co.*, Docket No. C-2019- 3009486 (Opinion and Order entered April 22, 2022).

support the premise that those things kept him from making a phone call on January 10, 2024, at 10:00 a.m. to participate in proceedings initiated by him to address his gas service. Emergencies are unavoidable and so allowances can be made, but the plain language of what the Complainant is saying is that he forgot about the hearing in this case because he had other things going on. Are the things the Complainant is saying were occupying his thoughts concerning and important? Certainly, but so is this. Formal complaint proceedings are not something the Commission should permit to be relegated to an afterthought. Moreover the fact that the documentation provided to the Complainant regarding how to ask for a continuance went ignored while the documentation cutting off his mainstay for keeping his gas on (abuse of process) prompted a swift reaction undercuts the Complainant's arguments.

### III. CONCLUSION

WHEREFORE, PGW respectfully requests that this Commission deny Complainant's exceptions and adopt the Initial Decision.

Respectfully submitted,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire  
Attorney I.D. 200760  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
Telephone: (215) 684-6164  
[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

Date: May 23, 2024

Counsel for PGW