

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---------------------|---|----------------|
| Nouel De La Rosa | : | |
| | : | |
| v. | : | C-2022-3034065 |
| | : | |
| UGI Utilities, Inc. | : | |

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This decision denies the Formal Complaint of Nouel De La Rosa because the Complainant failed to appear at the scheduled hearing and prosecute his Complaint.

HISTORY OF THE PROCEEDING

On July 6, 2022, Nouel De La Rosa (Mr. De La Rosa or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against UGI Utilities, Inc. (UGI, the Company, or Respondent) alleging that there are incorrect charges in his bills from UGI. As relief, Mr. De La Rosa seeks the Commission’s assistance in rectifying the situation.

On August 1, 2022, the Respondent filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

A Call-In Telephone Hearing Notice dated August 8, 2022, notified the parties that an initial call-in telephone hearing was scheduled for September 21, 2022, at 10:00 a.m. The Hearing Notice provided the following instructions:

To participate in the hearing,

- You must dial the toll-free Conference number below
- You must enter the PIN number below when instructed
- You must speak your name when prompted, and press #
- Then, the telephone system will connect you to the hearing

Toll-free Bridge Number: 1-866-560-8322
PIN Number: 36676820

(Emphasis in the original). The Hearing Notice further stated, “You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised.”

On August 31, 2022, I issued a Prehearing Order. The Prehearing Order directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing and provided instructions for obtaining interpreters and for calling in to the hearing. More specifically, the Prehearing Order instructed the parties as follows:

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

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PIN Number: 36676820

(Emphasis in the original). In addition, the Prehearing Order warned in bold type: “**You may lose the case if you do not take part in this hearing and present evidence on the issues raised.**” (Emphasis in the original).

The Hearing Notice and the Prehearing Order were electronically served on the Complainant at the email address provided by the Complainant. None of the emails sent by the Commission to the Complainant were returned as undeliverable.

By email dated September 20, 2022, counsel for UGI, Larry Crayne, Esq., informed me that on September 19, 2022, Mr. De La Rosa had reached a settlement agreement with UGI. On the same day, Mr. Crayne filed a Certificate of Satisfaction with the Commission. However, the Complainant had changed his mind about the settlement. Mr. Crayne requested guidance about the hearing scheduled for September 21, 2022. In an email dated September 20, 2022, I instructed the parties that the September 21, 2022, hearing would proceed as scheduled in light of the new developments.

Soon after my email to the parties, I received an e-mail from Ondina Henriquez. The subject line of Ms. Henriquez' email read, "Nouel De La Rosa v UGI Utilities - C-2022-3034065." The email does not explain the relationship between Ms. Henriquez and the Complainant but states verbatim in its entirety, "I really want to see the mañana judge because I UGI, it does not want to reach another to me anymore. Thank you." Although the email was somewhat confusing, I understood it to mean that the Complainant or someone connected to him was aware that the hearing would be conducted as scheduled on September 21, 2022, at 10:00 a.m.

The hearing convened as scheduled on September 21, 2022. Larry Crayne, Esq. appeared representing the Respondent. The Complainant failed to call in to the hearing. The Complainant was given an additional 17 minutes to call in but failed to do so.

At the hearing, counsel for the Company moved that the Complaint be dismissed for lack of prosecution pursuant to 52 Pa. Code § 5.245. The Motion was held in abeyance.

On September 26, 2022, counsel for UGI filed a Motion to Withdraw the Certificate of Satisfaction with the Commission's Secretary's Bureau.

On September 27, 2022, Ondina Henriquez emailed me two written statements from Mr. De La Rosa, one addressing his objection to the settlement agreement, and the other addressing his claims in this case. Neither statement addressed his absence at the hearing on September 21, 2022, or requested a continuance.

Despite the Motion to Withdraw the Certificate of Satisfaction, on October 9, 2022, the Commission's system automatically closed the case and removed it from the docket.

By email dated December 20, 2023, attorney Crayne brought the discrepancy to my attention.

In order to ensure due process to the parties, the case was reopened on January 3, 2024.

A Further Call-In Telephone Hearing Notice dated January 9, 2024, notified the parties that a further call-in telephone hearing was scheduled for March 12, 2024, at 10:00 a.m. The Further Hearing Notice provided the following instructions:

To participate in the hearing,

- You must dial the toll-free Conference number below
- You must enter the PIN number below when instructed
- You must speak your name when prompted, and press #
- Then, the telephone system will connect you to the hearing

Toll-free Bridge Number: 1-866-560-8322
PIN Number: 36676820

(Emphasis in the original). The Hearing Notice further stated, "You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised."

On February 12, 2024, I issued a second Prehearing Order. The second Prehearing Order directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing, and provided instructions for obtaining interpreters and for calling in to the hearing. Like the Prehearing Order of August 31, 2022, the second Prehearing Order instructed the parties as follows:

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

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(Emphasis in the original). In addition, the Prehearing Order warned in bold type: “**You may lose the case if you do not take part in this hearing and present evidence on the issues raised.**” (Emphasis in the original).

The Hearing Notice and the Prehearing Order were electronically served on the Complainant at the email address provided by the Complainant. None of the emails sent by the Commission to the Complainant were returned as undeliverable.¹

The hearing convened as scheduled on March 12, 2024. Larry Crayne, Esq. appeared representing the Respondent. The Complainant failed to call in to the hearing. The Complainant was given an additional 10-15 minutes to call in but failed to do so.

¹ I note that the Hearing Notice and Prehearing Order were emailed in January and February of 2024, after the expiration of the COVID service waiver and should have been sent by U.S. First-Class Mail. However, the communication received on March 21, 2024, indicates that the Complainant had received them and had notice of the further hearing.

At the hearing, counsel for UGI renewed his motion seeking the dismissal of the Complaint for lack of prosecution pursuant to 52 Pa. Code § 5.245. The Motion was held in abeyance.

On March 21, 2024, at 7:49 p.m., more than a week after the scheduled hearing, Ondina Henriquez emailed the Commission's Philadelphia Office as follows, "I was waiting for the call from my appointment [March 12, 2024 hearing], but I didn't receive it. I want to know what is going to happen with my case, please."

The record in this matter closed upon receipt of the hearing transcript on April 10, 2024.

FINDINGS OF FACT

1. The Complainant is Nouel De La Rosa.
2. The Respondent is UGI Utilities, Inc.
3. On July 6, 2022, Mr. De La Rosa filed a Complaint alleging that there are incorrect charges on his bills from UGI.
4. As relief, the Complainant requested the Commission's assistance in rectifying the situation.
5. On August 1, 2022, the Respondent filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.
6. An Initial Call-In Telephone Hearing Notice dated August 8, 2022, notified the parties that an initial call-in telephone hearing was scheduled for September 21, 2022, at 10:00 a.m.

7. The Initial Call-In Telephone Hearing Notice provided the following instructions:

To participate in the hearing,

- You must dial the toll-free Conference number below
- You must enter the PIN number below when instructed
- You must speak your name when prompted, and press #
- Then, the telephone system will connect you to the hearing

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PIN Number: 36676820

August 8, 2022 Initial Call-In Hearing Notice, p. 1 (emphasis in the original).

8. The Initial Call-In Telephone Hearing Notice stated, “You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised.” August 8, 2022 Initial Call-In Hearing Notice, pp. 1-2.

9. A Prehearing Order dated August 31, 2022, directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing, provided instructions for calling in to the hearing.

10. The August 31, 2022 Prehearing Order instructed the parties as follows:

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

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PIN Number: 36676820

August 31, 2022 Prehearing Order, ¶ 1 (emphasis in the original).

11. The August 31, 2022, Prehearing Order warned in bold type: “**You may lose the case if you do not take part in this hearing and present evidence on the issues raised.**” August 31, 2022, Prehearing Order, ¶ 1 (emphasis in the original).

12. The August 8, 2022, Hearing Notice and the August 31, 2022, Prehearing Order were electronically served on the Complainant at the email address provided by the Complainant in his Complaint.

13. Neither the August 8, 2022 Hearing Notice nor the August 31, 2022 Prehearing Order were returned as undeliverable.

14. On September 19, 2022, Mr. De La Rosa reached a settlement agreement with UGI which disposed of the issues raised in the Complaint.

15. On September 19, 2022, counsel for UGI, Larry Crayne, Esq. filed a Certificate of Satisfaction with the Commission.

16. On September 20, 2022, Mr. De La Rosa informed Mr. Crayne that he had changed his mind about the settlement agreement.

17. By email dated September 20, 2022, the parties were instructed that the September 21, 2022 hearing would proceed as scheduled.

18. On September 20, 2022, I received an e-mail from Ondina Henriquez with a subject line reading “Nouel De La Rosa v UGI Utilities - C-2022-3034065.”

19. The September 20, 2022, email does not explain the relationship between Ms. Henriquez and the Complainant but states verbatim in its entirety, “I really want to see the mañana judge because I UGI, it does not want to reach another to me anymore. Thank you.”

20. The hearing convened as scheduled on September 21, 2022.

21. Larry Crayne, Esq. appeared representing the Respondent.

22. The Complainant failed to appear at the September 21, 2022, hearing.

23. On September 26, 2022, counsel for UGI filed a Motion to Withdraw the Certificate of Satisfaction with the Commission's Secretary's Bureau.

24. On September 27, 2022, Ondina Henriquez emailed the undersigned two written statements from Mr. De La Rosa: one addressing his objection to the settlement agreement, and the other addressing his claims in this case.

25. Neither statement addressed Mr. De La Rosa's absence at the hearing on September 21, 2022, or requested a continuance.

26. On October 9, 2022, the Commission's system automatically closed the case and removed it from the docket.

27. The case was reopened on January 3, 2024.

28. A Further Call-In Telephone Hearing Notice dated January 9, 2024, notified the parties that a further call-in telephone hearing was scheduled for March 12, 2024, at 10:00 a.m.

29. The first page of the January 9, 2024 Further Hearing Notice provided the following instructions:

To participate in the hearing,

- You must dial the toll-free Conference number below
- You must enter the PIN number below when instructed

- You must speak your name when prompted, and press #
- Then, the telephone system will connect you to the hearing

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January 9, 2024 Further Hearing Notice, p. 1 (emphasis in the original).

30. The January 9, 2024 Further Hearing Notice stated, “You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised.” January 9, 2024 Further Hearing Notice, pp. 1-2.

31. On February 12, 2024, a second Prehearing Order was issued directing the parties to comply with various procedural requirements, reminding them of the time and date of the hearing, and providing instructions for calling in to the hearing.

32. The second Prehearing Order instructed the parties as follows:

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

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Second Prehearing Order, ¶ 1 (emphasis in the original).

33. The second Prehearing Order warned in bold type: “**You may lose the case if you do not take part in this hearing and present evidence on the issues raised.**”

Second Prehearing Order, ¶ 1 (emphasis in the original).

34. The Further Call-In Telephone Hearing Notice and the second Prehearing Order were electronically upon the Complainant at the email address he provided to the Commission.

35. Neither the Further Call-In Hearing Notice nor the second Prehearing Order were returned as undeliverable.

36. The Complainant failed to appear at the March 12, 2024, hearing.

37. On March 21, 2024, at 7:49 p.m., Ondina Henriquez emailed the Commission's Philadelphia Office as follows, "I was waiting for the call from my appointment, but I didn't receive it. I want to know what is going to happen with my case, please."

38. The Complainant did not request a continuance, withdraw the Complaint, or otherwise notify the Commission to explain why his failure to appear at the March 12, 2024 hearing was unavoidable.

DISCUSSION

In his Complaint, Mr. De La Rosa alleged that there are incorrect charges on his bills from UGI. As relief, Mr. De La Rosa seeks the Commission's assistance in rectifying the situation.

As the party seeking affirmative relief from the Commission, the burden of proof rests on the Complainant. 66 Pa.C.S. § 332(a).

Administrative agencies, like the Public Utility Commission, are required to provide due process to the parties appearing before them. This requirement is satisfied when the parties are afforded notice and the opportunity to appear and be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). Both the Initial and Further Call-In Telephone Hearing Notices, as well as the two Prehearing Orders were electronically served to the email

address provided to the Commission by the Complainant. None of these documents were returned to the Commission as undeliverable. Accordingly, it must be presumed that these documents sent to Complainant were received by Complainant. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019) (*Hu*); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017) (*Zirkel*); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017) (*Morella*).

As the Commission noted in *Strydio v. PPL Electric Utilities Corp.*, Docket No. C-2017-2633043 at 6 (Opinion and Order entered July 18, 2018), "[o]nce notice of a hearing and the opportunity to be heard have been provided by the Commission, it is the responsibility of the parties to appear and participate in the hearing." (citing, *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 24, 2002)); *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

In this case, an Initial Call-In Telephone Hearing Notice dated August 8, 2022, notified the parties that an initial call-in telephone hearing was scheduled for September 21, 2022, at 10:00 a.m. The Initial Call-In Telephone Hearing Notice provided the following instructions:

To participate in the hearing,

- You must dial the toll-free Conference number below
- You must enter the PIN number below when instructed
- You must speak your name when prompted, and press #
- Then, the telephone system will connect you to the hearing

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(Emphasis in the original). The Initial Call-In Telephone Hearing Notice also stated, "You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised."

A Prehearing Order dated August 31, 2022, directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing, and provided instructions for calling in to the hearing. The August 31, 2022, Prehearing Order instructed the parties as follows:

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

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August 31, 2022, Prehearing Order, ¶ 1 (emphasis in the original). The August 31, 2022, Prehearing Order also warned in bold type: **“You may lose the case if you do not take part in this hearing and present evidence on the issues raised.”** August 31, 2022, Prehearing Order, ¶ 1 (emphasis in the original).

The August 8, 2022, Hearing Notice and the August 31, 2022, Prehearing Order were electronically served on the Complainant at the email address provided to the Commission by the Complainant. Neither the August 8, 2022, Hearing Notice nor the August 31, 2022, Prehearing Order were returned as undeliverable.

On September 20, 2022, I received an e-mail from Ondina Henriquez. The subject line of Ms. Henriquez’ email read, “Nouel De La Rosa v UGI Utilities - C-2022-3034065.” The email does not explain the relationship between Ms. Henriquez and the Complainant but states verbatim in its entirety, “I really want to see the mañana judge because I UGI, it does not want to reach another to me anymore. Thank you.” Although the email was somewhat confusing, I understood it to mean that the Complainant or someone connected to him was aware that the hearing would be conducted as scheduled on September 21, 2022, at 10:00 a.m.

The Complainant failed to appear at the initial telephone hearing that was conducted on September 21, 2022. Six days after the initial hearing, on September 27, 2022, Ondina Henriquez emailed the undersigned two written statements from Mr. De La Rosa: one addressing his objection to the settlement agreement, and the other addressing his claims in this case. Neither statement addressed Mr. De La Rosa's absence at the hearing on September 21, 2022, or requested a continuance.

When the case was reopened on January 3, 2024, to rectify an administrative error, the Complainant was notified of the further hearing scheduled to be held on March 12, 2024. A Further Call-In Telephone Hearing Notice dated January 9, 2024, notified the parties that a further call-in telephone hearing was scheduled in this matter for March 12, 2024, at 10:00 a.m. Like the first page of the Initial Hearing Notice dated August 8, 2022, the first page of the Further Hearing Notice provided the following instructions:

To participate in the hearing,

- You must dial the toll-free Conference number below
- You must enter the PIN number below when instructed
- You must speak your name when prompted, and press #
- Then, the telephone system will connect you to the hearing

Toll-free Bridge Number: 1-866-560-8322
PIN Number: 36676820

(Emphasis in the original). The Further Hearing Notice also stated, "You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised." In addition, on February 12, 2024, a second Prehearing Order was issued directing the parties to comply with various procedural requirements, reminding them of the time and date of the hearing, and providing instructions for calling in to the hearing. Like the first Prehearing Order dated August 31, 2022, the second Prehearing Order instructed the parties as follows:

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number,

which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

Toll-free Bridge Telephone Number: 1-866-560-8322
PIN Number: 36676820

Second Prehearing Order, ¶ 1 (emphasis in the original). The second Prehearing Order also warned in bold type: “**You may lose the case if you do not take part in this hearing and present evidence on the issues raised.**” Second Prehearing Order, ¶ 1 (emphasis in the original).

The Further Call-In Telephone Hearing Notice as well as the second Prehearing Order were electronically served upon the Complainant at the email address he provided to the Commission. Neither the Further Call-In Hearing Notice nor the second Prehearing Order were returned as undeliverable

Complainant failed to appear at the March 12, 2024, further hearing. Instead, nine days after the further hearing, on March 21, 2024, at 7:49 p.m., Ondina Henriquez emailed the Commission’s Philadelphia Office as follows, “I was waiting for the call from my appointment [March 12, 2024 hearing], but I didn’t receive it. I want to know what is going to happen with my case, please.” Although the relationship between Ms. Henriquez and the Complainant remains unclear, all her communications refer to the present case in their subject line, and it is reasonable to conclude that she was communicating on his behalf. As such, Ms. Henriquez’ March 21, 2024, email indicates that the Complainant or someone close to him had actual notice of the hearing.

If, however, Ms. Henriquez was not communicating on behalf of the Complainant, then Mr. De La Rosa did not communicate with the Commission after the further hearing. Because the Further Hearing Notice and the second Prehearing Order were electronically served upon the Complainant at the email address he provided to the Commission

and were not returned as undeliverable they are presumed to have been received by Mr. De La Rosa.² *See, Hu, Zerkiel, Morella.*

Having received the Further Call-In Telephone Hearing Notice and the Second Prehearing Order, both of which display prominently the instructions for dialing in to the hearing, I find the statement that the Complainant was waiting for a call to join the further hearing to be an unreasonable explanation for his failure to appear at the hearing. His failure to appear at the further hearing was not unavoidable.

Both the Public Utility Code and the Commission's regulations provide that, after being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a). Thus, the Complainant has waived the opportunity to participate in the hearing by failing to appear. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995).

Additionally, Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of any request for relief. By failing to appear and proffer any evidence to support the Complaint, the Complainant has failed to meet this burden. Consequently, the Complaint will be dismissed on this basis as well. *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); *El-Ayazra v. W. Penn Power Co.*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016); 52 Pa. Code § 5.245.

Finally, the party who failed to appear at the hearing has the burden of explaining why her failure to appear was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. West Penn Power Co.*, Docket No. C-2021-3028202 (Opinion and Order entered Sept. 15, 2022). When there are no facts

² Additionally, the email communication I received on March 21, 2024, in response to the notices served electronically, indicates that the Complainant had received the electronic mail and had notice of the further hearing.

in the record that the party's failure to appear was unavoidable, the complaint should be dismissed. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a). There are no facts on the record that suggest that Complainant's failure to appear was unavoidable. Therefore, the Complaint will be dismissed.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The Complainant received notice of the hearing. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *Hu v. UGI Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. UGI Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

3. The due process rights of the Complainant have been fully protected in this proceeding and Complainant's failure to appear was not unavoidable. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984); 52 Pa. Code § 5.245(a).

4. As the party seeking affirmative relief from the Commission, the Complainant bears the burden of proof. 66 Pa.C.S. § 332(a).

5. The Complainant did not participate in the hearing, failed to appear for the hearing, did not present any evidence and, therefore, failed to meet the Complainant's burden of proving eligibility for the relief sought from the Commission. 66 Pa.C.S. § 332(a).

6. If there are no facts in the record that a party's failure to appear at a hearing was unavoidable, the complaint should be dismissed. *Brown v. UGI Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of UGI Utilities, Inc. to dismiss the Formal Complaint filed by Nouel De La Rosa at Docket No. C-2022-3034065 is granted.
2. That the Formal Complaint of Nouel De La Rosa in *Nouel De La Rosa v. UGI Utilities, Inc.* at Docket No. C-2022-3034065 is dismissed.
3. That Docket No. C-2022-3034065 be marked closed.

Date: July 9, 2024

/s/
Eranda Vero
Administrative Law Judge