

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Christopher Coe	:	
	:	
v.	:	C-2023-3043975
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Eranda Vero  
Administrative Law Judge

**INTRODUCTION**

This Decision denies the Formal Complaint of Christopher Coe because the Complainant failed to appear at the scheduled hearing and prosecute his Complaint.

**HISTORY OF THE PROCEEDING**

On October 31, 2023, Christopher Coe (Complainant or Mr. Coe) filed a Formal Complaint (Original Complaint) against Philadelphia Gas Works (PGW, Respondent or Company) with the Pennsylvania Public Utility Commission (Commission). In the Original Complaint, Mr. Coe alleged that PGW has shut-off his gas service at 879 North Brooklyn Street, Philadelphia, PA 19104. In addition, Mr. Coe alleged that “PGW hasn’t been 100% transparent with the agreement that they have with the City of Philadelphia and me as a Note Holder. I have knowledge of my equitable interest in the securities that are being traded by PGW in connection to the account bearing my name.” Original Complaint ¶ 4. As relief, the Complainant requested as follows:

The PUC order PGW to immediately restore service to my home. In addition, I would like PUC to order PGW to release the location and contact information for the Transfer Agent/Indenture Trustee of the company in order for me to sell the short-term securities in which I have an equitable security interest in, or for PGW to directly order the Transfer of the book-entry securities to my Treasury Direct Account where they will be converted and issued a new CUSIP for trading purposes. (For clarity on the request for endorsement information please see 31 CFR 328.6 under the Requirements for Endorsement as well as Notes Payable under PGW's Financial information).

Original Complaint ¶ 5.

On November 20, 2023, the Respondent filed an Answer and New Matter, along with a Notice to Plead. In its Answer, PGW denied the material allegations of the Original Complaint. In its New Matter, Respondent averred that on September 30, 2022, the Complainant filed a Formal Complaint at Docket No. C-2022-3035763, wherein allegations similar to the allegations in the Original Complaint were made against PGW. On July 7, 2023, the Commission issued a Final Order, dismissing the complaint at Docket No. C-2022-3035763. PGW argued that, to the extent that the Complainant seeks an award of monetary damages against PGW, such relief is beyond the jurisdiction of the Commission. PGW further argued that the Commission does not have jurisdiction over the “ordinances and resolutions of the City” that permit an entity to “sell short-term notes in a principal amount that together with interest cannot exceed 150.0 million outstanding at any time.” Additionally, PGW explained that the Commission does not have jurisdiction over issues arising out of 31 CFR 328.6. Ultimately, PGW averred that the Complainant fails to set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” 66 Pa.C.S. § 701. The Complaint fails to set forth “[a] clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation.” 52 Pa. Code § 5.22(a)(5). New Matter ¶¶ 18-21.

Also on November 20, 2023, the Respondent filed a Preliminary Objection seeking the dismissal of the Original Complaint because: 1) the Commission lacks jurisdiction over claims

based on alleged violations of ordinances and resolutions of the City as well as 31 CFR 328.6; and 2) the Original Complaint fails to comply with either 66 Pa.C.S. § 701 or 52 Pa. Code § 5.22(a)(5) and contains no information specific enough to allow PGW to mount a defense.

By Motion Judge Assignment Notice dated December 29, 2023, PGW's Preliminary Objection was assigned to me for disposition.

On January 2, 2024, Mr. Coe filed an Amended Formal Complaint (Amended Complaint) in this matter. In the Amended Complaint, Mr. Coe alleged, again, that PGW has shut off his gas service at 879 North Brooklyn Street, Philadelphia, PA 19104. In addition, Mr. Coe avers as follows:

The company refuse to redeem the municipal book-entry securities issued to me for the benefit of me as Beneficial Owner of the proceeds from the sale at trans and transfer of the municipal bonds better known as notes in the Primary and Secondary markets. I've asked multiple times for the proper address of the assigned transfer agent and/or indenture trustee in order to properly send the issued securities for redemption in the instructions on where to send the proceeds due to me from the exchange there is a grave negligence present within this company in terms of disclosure of information relevant to the investor relationship it has with its account holders agents as well as the assignment and transfer of principal balances.

Amended Complaint ¶ 4. As relief, the Complainant requests as follows,

I would like the PCU [sic] to order PGW to release all proceeds due to me as a beneficial owner. The amounts of the proceeds can be found on the monthly statements of account held under the account number issued with this complaint in addition to any securities violations or acts of securities fraud that may be found in an investigation post the decision made on the already established balance due from the coupons of the statements of account. (Investigation may also be conducted by the MSRB-Municipal Securities Rulemaking Board.) Account information for transfer to me will be provided to both companies once the proceeds are received from the exchange and sale of the securities as Treasury Bills in the primary market an active

Treasury Direct Account is available for the transfer of the marketable securities.

Amended Complaint ¶ 5.

On January 22, 2024, the Respondent filed an Answer to the Amended Formal Complaint, along with New Matter, and a Notice to Plead. In its Answer to the Amended Complaint, PGW denies the material allegations of the Amended Complaint; and, in its New Matter, Respondent avers that the Amended Complaint reflects a continuation in the Complainant's pattern of making allegations that have no bearing on utility related matters or issues over which the Commission has jurisdiction. New Matter ¶ 22. PGW further explains that the Commission does not have jurisdiction over securities and maintains that the Complainant fails to set forth "the act or thing done or omitted to be done" by a public utility "in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission." New Matter ¶ 24 (citing 66 Pa.C.S. § 701). In addition, PGW argues that the Complaint fails to set forth "[a] clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation." New Matter ¶ 25 (citing 52 Pa. Code § 5.22(a)(5)).

Also on January 22, 2024, the Respondent filed a Preliminary Objection to the Amended Complaint. The Respondent seeks the dismissal of the Amended Formal Complaint on the following grounds: 1) the Commission lacks jurisdiction over claims based on alleged violations of Securities and Exchange laws; 2) insufficient specificity of the pleading; and 3) inclusion of scandalous and impertinent matter.

Both the New Matter and the Preliminary Objection filed on January 22, 2024, were accompanied by a Notice to Plead.

Mr. Coe did not file a reply to the January 22, 2024 New Matter or a response to the Preliminary Objection.

On February 27, 2024, I issued an Interim Order granting, in part, and denying, in part, PGW's Preliminary Objections. The Interim Order dismissed the portion of the Amended Complaint concerning Title 31 of the Code of Federal Regulations as well as other Securities and Exchange laws for lack of Commission jurisdiction. In addition, the Interim Order set the matter for a telephonic prehearing conference for the purpose of providing the Complainant with an additional opportunity to state clearly, plainly, and specifically if and how the Company has violated a statute, regulation, or order which the Commission has jurisdiction to administer. The Interim Order informed the parties that, if the Complainant failed to comply with the Interim Order, the Respondent could file an appropriate motion to seek dismissal of the Complaint.

A Call-In Telephone Prehearing Conference Notice dated February 27, 2024, notified the parties that a call-in telephone prehearing conference was scheduled for April 23, 2024, at 10:00 a.m. The Prehearing Conference 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 Interim Order and the Prehearing Conference Notice were eServed on the Complainant at the email address registered with the Commission by the Complainant.<sup>1</sup> None of the emails sent by the Commission to the Complainant were returned as undeliverable.

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<sup>1</sup> Both the Complainant and Respondent have selected to enroll in the Commission's e-Filing Subscription Service (eService) and were served via eService.

The prehearing conference convened as scheduled on April 23, 2024. Graciela Christlieb, Esq. appeared representing the Respondent. The Complainant failed to call in to the prehearing conference. The Complainant was given an additional 10-15 minutes to call in but failed to do so.

At the prehearing conference, counsel for PGW renewed her motion seeking the dismissal of the Complaint. The Motion was held in abeyance.

The record in this matter closed upon receipt of the prehearing conference transcript on May 13, 2024.

#### FINDINGS OF FACT

1. The Complainant is Christopher Coe.
2. The Respondent is Philadelphia Gas Works
3. On October 31, 2023, Mr. Coe filed a Complaint alleging that Respondent had terminated his gas service and was withholding funds from him.
4. As relief, the Complainant requested, *inter alia*, that the Commission direct PGW to restore service to Complainant's residence
5. On November 20, 2023, the Respondent filed an Answer denying the material allegations of the Complaint.
6. On November 20, 2023, the Respondent filed a New Matter arguing, *inter alia*, that the Commission does not have jurisdiction over the "ordinances and resolutions of the City" that permit an entity to "sell short-term notes in a principal amount that together with interest cannot exceed 150.0 million outstanding at any time." Additionally, PGW explained that the Commission does not have jurisdiction over issues arising out of 31 CFR 328.6.

7. On November 20, 2023, the Respondent filed a Preliminary Objection seeking the dismissal of the Original Complaint because: 1) the Commission lacks jurisdiction over claims based on alleged violations of ordinances and resolutions of the City as well as 31 CFR 328.6; and 2) the Original Complaint fails to comply with either 66 Pa.C.S. § 701 or 52 Pa. Code § 5.22(a)(5) and contains no information specific enough to allow PGW to mount a defense.

8. On January 2, 2024, Complainant filed an Amended Complaint alleging that PGW had terminated his gas service and that it refuses “to redeem the municipal book-entry securities issued to me for the benefit of me as Beneficial Owner of the proceeds from the sale at trans and transfer of the municipal bonds better known as notes in the Primary and Secondary markets.” Amended Complaint ¶ 4.

9. On January 22, 2024, PGW filed an Answer and New Matter with a Notice to Plead to the Amended Complaint.

10. In its New Matter to the Amended Complaint, PGW averred, *inter alia*, that the Commission does not have jurisdiction over securities and argues that the Complainant fails to set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” New Matter ¶ 24.

11. On January 22, 2024, PGW filed a Preliminary Objection with a Notice to Plead seeking the dismissal of the Amended Complaint because: 1) the Commission lacks jurisdiction over claims based on alleged violations of Securities and Exchange laws; 2) the insufficient specificity of the pleading; and 3) the inclusion of scandalous and impertinent matter.

12. Mr. Coe did not file a reply to the January 22, 2024 New Matter or a response to the Preliminary Objection.

13. The Interim Order dated February 27, 2024, granted, in part, and denied, in part, PGW's Preliminary Objections.

14. The Interim Order dismissed the portion of the Amended Complaint concerning Title 31 of the Code of Federal Regulations as well as other Securities and Exchange laws for lack of Commission jurisdiction.

15. The Interim Order set the matter for a telephonic prehearing conference for the purpose of proving the Complainant with an additional opportunity to state clearly, plainly, and specifically if and how the Company has violated a statute, regulation, or order which the Commission has jurisdiction to administer.

16. The Interim Order informed the parties that, if the Complainant failed to comply with the Interim Order, the Respondent could file an appropriate motion to seek dismissal of the Complaint.

17. A Call-In Telephone Prehearing Conference Notice dated February 27, 2024, notified the parties that a call-in telephone prehearing conference was scheduled for April 23, 2024, at 10:00 a.m.

18. The Call-In Telephone Prehearing Conference 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**

February 27, 2024 Call-In Telephone Prehearing Notice, p. 1 (emphasis in the original).

19. The February 27, 2024 Interim Order and Call-In Telephone Prehearing Notice were electronically served on the Complainant at the email address provided by the Complainant in his Complaint.

20. Neither the February 27, 2024 Interim Order nor Call-In Telephone Prehearing Notice were returned as undeliverable.

21. The prehearing conference convened as scheduled on April 23, 2024.

22. The Complainant failed to appear at the April 23, 2024 prehearing conference.

23. The Complainant did not request a continuance, withdraw the Complaint, or otherwise notify the Commission to explain why his failure to appear at the April 23, 2024 prehearing conference was unavoidable.

### DISCUSSION

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied, however, when the administrative agency provides the parties notice and the opportunity to be heard. *Id.* All notices and orders issued by the Commission in this proceeding were e-served on Complainant. None of them was returned as undeliverable. Since filing his Amended Complaint, Complainant has not participated in this proceeding in any way. He did not file a reply to the January 22, 2024 New Matter or a response to the Preliminary Objection. In addition, he failed to appear at the prehearing conference and did not request a continuance, withdraw the Complaint, or otherwise notify the Commission to explain why his failure to appear at the April 23, 2024 prehearing conference was unavoidable. To date, there has been no communication from the Complainant regarding this matter. Under these circumstances, Complainant has had ample opportunity to appear and be heard in this proceeding, but voluntarily chose not to do so. Therefore, the due

process rights of Complainant have been fully protected. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161101 (Opinion and Order entered Oct. 25, 1993).

Next, the Commission has held that parties must comply with the orders of an administrative law judge, and a complainant's failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006). The Interim Order issued on February 27, 2024, set the matter for a telephonic prehearing conference and instructed the Complainant to "come prepared to state *clearly, plainly, and specifically* if and how the Company has violated a statute, regulation, or order which the Commission has jurisdiction to administer." Ordering Paragraph No. 3. The Interim Order further informed the parties that, if the Complainant failed to comply with the Interim Order, the Respondent could file an appropriate motion to seek dismissal of the Complaint. Interim Order Ordering Paragraph No. 4. By failing to appear at the prehearing conference, Mr. Coe has failed to comply with the presiding officer's order.

Finally, 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. As the party bringing this Complaint, Complainant bears the burden, by proving by a preponderance of the evidence, that he is entitled to relief requested. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). The Commission's rules provide, "A person complaining of an act done or omitted to be done by a person subject to the jurisdiction of the Commission, in violation, or claimed violation of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission, may file a formal complaint with the Commission." 52 Pa. Code § 5.21. A formal complaint must set forth, in a clear and concise statement, the act or thing done or omitted to be done by a public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission. 66 Pa.C.S. § 701; 52 Pa. Code § 5.22(a)(5).

In the Amended Complaint, as well as the Original Complaint, Complainant specifically, and repeatedly, made allegations concerning municipal and/or federal bonds and securities, along with references to Title 31 of the Code of Federal Regulations – Money and

Finance: Treasury. As I explained in the February 27, 2024 Interim Order, the Commission lacks jurisdiction over Title 31 of the CRF and any Security and Exchange laws. However, since the Amended Complaint alleges termination of service and hinted at a potential billing dispute, I set the matter for a prehearing conference for the sole purpose of providing the Complainant an additional opportunity to clarify his claims against the Respondent. I gave Mr. Coe clear, detailed instructions on what was required. Respondent is entitled to sufficient notice of Complainant's claims so that it can prepare a defense. By failing to file a response to PGW January 22, 2024 Preliminary Objection, and failing to appear at the April 23, 2024 conference, Complainant has failed to provide Respondent sufficient information about his claims such that Complainant is entitled to move forward to an evidentiary hearing in this matter. Under these circumstances, the Respondent's motion to dismiss the Amended Complaint is granted. 52 Pa. Code § 5.245.

#### CONCLUSIONS OF LAW

1. With the exception of claims under Title 31 of the Code of Federal Regulations as well as other Securities and Exchange laws, the Commission has jurisdiction over the parties and subject matter of this proceeding. 66 Pa.C.S. § 701.

2. The due process rights of Complainant have been fully protected in this proceeding. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

3. Parties must comply with the orders of an administrative law judge, and a complainant's failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of Philadelphia Gas Works to dismiss the Formal Complaint filed by Christopher Coe at Docket No. C-2023-3043975 is granted.
2. That the Formal Complaint of Christopher Coe in Christopher Coe v. Philadelphia Gas Works at Docket No. C-2023-3043975 is dismissed.
3. That Docket No. C-2022-3043975 be marked closed.

Date: August 12, 2024

\_\_\_\_\_/s/\_\_\_\_\_  
Eranda Vero  
Administrative Law Judge