



**PHILADELPHIA GAS WORKS**

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September 26, 2024

**VIA ELECTRONIC FILING**

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

Re: Robbin Stanton v. Philadelphia Gas Works; Docket Nos. F-2023-3043322

Dear Secretary Chiavetta:

Enclosed for electronic filing is Philadelphia Gas Works' Answer to the Complainant's Petition for Reconsideration in the above-referenced proceeding. Copies will be served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire

Enclosure

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robbin Stanton	:	
	:	
v.	:	Docket No. F-2023-3043322
	:	
Philadelphia Gas Works,	:	

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**ANSWER OF PHILADELPHIA GAS WORKS TO THE  
PETITION FOR RECONSIDERATION OF ROBBIN STANTON**

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Date: September 26, 2024

*Counsel for PGW*

## **I. INTRODUCTION**

Philadelphia Gas Works (“PGW”), pursuant to 52 Pa. Code §§ 5.61 and 5.572, hereby respectfully submits this Answer to the Petition for Reconsideration (“Petition”) filed by Robbin Stanton (“Complainant”) on May 21, 2024. In her Petition, Ms. Stanton seeks reconsideration of the Opinion and Order of the Pennsylvania Public Utility Commission (“Commission”) entered in the above-captioned proceeding on May 13, 2024 (“Order”).

As explained below, the Complainant’s Petition should be denied because it fails to meet the well-established standard for granting reconsideration set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982). The Petition fails to raise novel arguments not previously considered by the Commission. For this reason, and as more fully explained below, PGW respectfully requests that the Commission deny the Complainant’s’s Petition for Reconsideration.

## **II. BACKGROUND**

On September 21, 2023, the Complainant filed a Formal Complaint (“Complaint”) with the Commission against PGW, wherein she indicated that she was seeking a Commission-issued payment agreement.

On October 20, 2023, PGW filed its Answer to the Complaint.

By Hearing Notice dated October 25, 2023, an Initial Call-In Telephonic Hearing was scheduled for December 20, 2023.

On December 20, 2023, the hearing convened as scheduled. The Complainant appeared pro se and testified on her own behalf. PGW appeared, presented the testimony of one witness, and sponsored one exhibit, which was admitted into the record without objection.

On April 10, 2024, the assigned Presiding Officer, Administrative Law Judge F. Joseph Brady, issued an Initial Decision wherein he issued the Complainant a payment agreement based on the information she provided during the December 20, 2023 hearing.

On May 13, 2024, the Commission issued a Final Order in this matter indicating that the Initial Decision issued on April 10, 2024 has become final without further Commission action.

On June 11, 2024, the Complainant filed the instant Petition, but failed to serve PGW. By Secretarial Letter dated September 13, 2024, the Commission served PGW with the Petition.

### III. LEGAL STANDARD

The Commission's standard for granting reconsideration following final orders is set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982) (emphasis added):

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein it was said that “[p]arties ..., cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them...” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.

Consequently, for a petition to warrant reconsideration by the Commission, it must demonstrate new and novel arguments or considerations not previously addressed by the Commission. The Commission has cautioned that the last portion of the operative language of the *Duick* standard (*i.e.*, “by the Commission”) focuses on the deliberations of the Commission, not the arguments of the parties. *See Pa. PUC v. PPL Elec. Utils. Corp.*, Docket No. R-2012-2290597, p. 3 (Order entered May 22, 2014). Therefore, a petition for reconsideration cannot be used to raise new arguments or issues that should have been, but were not, previously raised.

While a petition seeking relief under the *Duick* standard may properly raise matter designed to convince the Commission that it should exercise its discretion to rescind or amend a prior order in whole or part, the *Duick* standard does not permit a petitioner to raise issues and arguments considered and decided below such that the petitioner obtains a second opportunity to argue properly resolved matters. *Id.* Further, as explained by the Pennsylvania Supreme Court, petitions for reconsideration of a final agency order may only be granted judiciously and under appropriate circumstances because such action results in the disturbance of final agency orders. *City of Pittsburgh v. Pa. Dep't of Transp.*, 490 Pa. 264, 416 A.2d 461 (1980).

#### IV. ARGUMENT

##### A. THE REQUEST FOR RECONSIDERATION SHOULD BE DENIED BECAUSE IT FAILS TO SATISFY THE *DUICK* STANDARD.

In her Petition, the Complainant raises the issue of how many hours she works a week; an issue relevant to her household income, which was raised during the December 20, 2023 hearing in this matter and previously considered in the determination of whether to issue a payment agreement. Therefore, the Petition fails to meet the *Duick* standard for reconsideration.

The number of hours a week worked by the Complainant is not a novel issue. During the December 20, 2023 hearing in this matter, the Presiding Officer specifically asked the Complainant how many hours a week she worked:

Judge Brady: And then how many hours a week do you work?

Ms. Stanton: I work 40 hours a week.<sup>1</sup>

Household income is an integral part of the analysis required to determine the applicability of a payment agreement as well as the terms of a payment agreement should one be issued; as such, it is a consideration that was addressed by the Commission.

The Petition fails to raise a novel argument or a consideration not previously addressed by the Commission. Thus, the Petition and should be denied in its entirety.

#### V. CONCLUSION

WHEREFORE, for all the foregoing reasons, Philadelphia Gas Works respectfully requests that the Commission deny the Complainant's Petition for Reconsideration.

Respectfully submitted,

/s/ Graciela Christlieb

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Date: September 26, 2024

*Counsel for PGW*

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<sup>1</sup> TR at p.7.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document 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

Robbin Stanton

[robbink125@gmail.com](mailto:robbink125@gmail.com)

Date: September 26, 2024

/s/ Graciela Christlieb

Graciela Christlieb, Esq.