



PHILADELPHIA GAS WORKS

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October 1, 2024

VIA ELECTRONIC FILING

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

Re: Florence Ackridge v. Philadelphia Gas Works; Docket Nos. C-2022-3035899

Dear Secretary Chiavetta:

Enclosed for electronic filing is Philadelphia Gas Works' Answer to the Complainant's Petition for Rescission 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.]

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the following 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 FIRST CLASS MAIL

Florence Ackridge
6713 North Gratz Street
Philadelphia, PA 19126

Date: October 1, 2024

/s/ Graciela Christlieb

Graciela Christlieb, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Florence Ackridge	:	
	:	
v.	:	Docket No. C-2022-3035899
	:	
Philadelphia Gas Works	:	

**ANSWER OF PHILADELPHIA GAS WORKS TO THE
PETITION FOR RESCISSION OF FLORENCE ACKRIDGE**

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Date: October 1, 2024

Counsel for PGW

I. INTRODUCTION

In accordance with 52 Pa. Code § 5.572, Philadelphia Gas Works (“PGW”) hereby files its Answer to the Petition for Rescission (“Petition”) filed by Florence Ackridge (“Complainant”) on March 8, 2024. The Petition seeks to rescind the Final Order in this matter, entered February 15, 2024, (“Final Order”), wherein the Commission denied the Exceptions filed by the Complainant and adopted the Initial Decision (“I.D.”) of the Honorable Marta Guhl (“Judge Guhl”), without modification, which denied the Complaint with respect to incorrect billing, but granted the request for a payment agreement.

II. BACKGROUND

On October 5, 2022, the Complainant filed a Formal Complaint (“Complaint”) against PGW with the Commission), wherein the Complainant indicated that there were incorrect charges on her bills and requested a payment agreement.

On October 27, 2022, PGW filed an Answer, wherein it denied the material allegations of the Complaint.

On November 9, 2022, a Hearing Notice was issued which indicated an initial hearing was scheduled in the matter for January 12, 2023, at 10:00 a.m., and assigned the matter to Judge Guhl.

On January 12, 2023, the hearing took place as scheduled. The Complainant appeared pro se and testified on her own behalf at the hearing. The Complainant also presented eight exhibits at the hearing which were entered into the record at the time of the hearing. PGW appeared and presented the testimony of one witness. The Respondent offered nine exhibits at the hearing, which were entered into the record.

On May 15, 2023, Judge Guhl issued the I.D., wherein she denied the complaint with respect to incorrect billing, but granted the request for a payment agreement.

On May 25, 2023, the Complainant filed Exceptions to the I.D., but did not serve the Exceptions on PGW. The Commission served PGW with Complainant’s Exceptions via email on October 11, 2023.

On October 24, 2023, PGW filed a Reply to the Complainant’s Exceptions.

On February 15, 2024, the Commission issued its Final Order, wherein it denied the Exceptions filed by the Complainant and adopted the I.D., without modification, which denied the Complaint with respect to incorrect billing, but granted the request for a payment agreement.

On March 8, 2024, the Complainant filed the instant Petition, but did not serve the Petition on PGW. The Commission served PGW with Complainant's Petition via email on July 31, 2024. PGW's Answer to the Petition follows.

III. LEGAL STANDARD

A petition to amend or rescind a final Commission order is wholly within the Commission's discretion. Because the granting of such a petition naturally results in the disturbance of final orders, they should be granted judiciously and only under appropriate circumstances, such as where special relief is warranted. *City of Pittsburgh v. Pennsylvania Department of Transportation*, 490 Pa. 264, 416 A.2d 461 (1980); *West Penn Power Co. v. Pa. P.U.C.*, 659 A.2d 1055 (Pa. Cmwlth. 1995) (*West Penn Power*); *Feleccia v. PPL Electric Utilities Corp.*, Docket No. C-20016210 (Order entered March 7, 2003) (*Feleccia*).

Additionally, the Commission has long recognized that “[t]o establish a proper basis for rescission, a petitioner must first establish the existence of newly discovered evidence, a substantial change in circumstances, or an error of fact or law.” (*Feleccia* at 2, citing *Duick* at 559). Upon the filing of a petition for rescission, the Commission must review the petition to determine whether “under the totality of the circumstances, we should exercise our discretionary authority to rescind.” (*Feleccia* at 2). As a matter soundly within the Commission's discretion, a decision to deny such a petition will only be overturned where a reviewing court finds an abuse of discretion “where the agency's decision demonstrates evidence of bad faith, fraud, capricious action or abuse of power.” (*West Penn Power*, 659 A. 2d at 1065).

IV. ARGUMENT

The Commission should deny Complainant's Petition because Complainant has failed to meet the strict standard for rescission. Specifically, Complainant has failed to establish any “newly discovered evidence, a substantial change in circumstances, or an error of fact or law.” (*Feleccia* at 2, citing *Duick* at 559). In her Petition, the Complainant merely reiterates the same arguments previously raised during the hearing regarding incorrect billing. However, in both the I.D. and

Final Order, Judge Guhl and the Commission thoroughly considered and rejected the Complainant's argument that her PGW bills were incorrect.

V. CONCLUSION

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

Respectfully submitted,

Graciela Christlieb

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