

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Starr	:	
	:	
v.	:	C-2024-3048960
	:	
Philadelphia Gas Works	:	

**INTERIM ORDER GRANTING COMPLAINANT'S
MOTION FOR CONTINUANCE**

On May 10, 2024, James Starr (Complainant) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed checkmarks in the boxes indicating that “[t]he utility is threatening to shut off my service or has already shut off my service” and “I am having a reliability, safety or quality problem with my utility service.” Under the “requested relief” section of the Complaint form, the Complainant averred that since he opened his account with PGW his gas bills have been approximately 300% higher than standard heating costs. The Complainant believes that the problem is some inefficiency or leak for which he should not be held responsible.

On May 30, 2024, the Respondent filed an Answer admitting that it issued a 10-day Shut Off Notice for the gas service at 2124 Walnut Street, 1R, Philadelphia, PA (service address). The Respondent further answered that the Complainant established gas service at the service address as of October 15, 2022, that the service address has gas heat, and that the bills are based on actual meter readings. The Respondent requested that the Commission deny all relief requested in the Complaint and dismiss the Complaint.

By Initial Call-In Telephonic Hearing Notice dated August 19, 2024, an initial call-in telephonic hearing was scheduled for October 16, 2024 at 10:00 a.m., and the matter was

assigned to me. The Hearing Notice advised the parties of the date and time of the scheduled hearing as well as how to call in for the hearing and also explained how to request a continuance:

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your Motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

I issued a Prehearing Order on August 19, 2024. The Prehearing Order also advised the parties of the date and time of the scheduled hearing as well as how to call in for the hearing. Additionally, the Prehearing Order directed the parties to comply with various procedural requirements and directed that a request to change the scheduled hearing *should be sent to my legal assistant, Athena Delvillar*, at least five days prior to the hearing date, be in writing and state the agreement or opposition of the other party. It warned both parties of potentially serious consequences if they failed to obtain a continuance and failed to attend the hearing. It also explained that the Complainant bears the burden of proof to establish that the respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that he is entitled to the relief requested in the Complaint.

After the close of business on October 15, 2024, the Complainant emailed a request for a continuance to Teri-Lee Rhoades, Mediator with the Office of Administrative Law Judge (OALJ). In the request, the Complainant stated the following:

I’m terribly sorry for the late notice but we will need to reschedule this hearing. I am on a very important shoot in Detroit and as things have lined up I need to be on a sailing ship in the middle of Lake Heron at the time of our hearing. Please let me know if there is anything official I need to do in order to make the rescheduling. Thank you again, apologies for the inconvenience.

The Complainant copied Graciela Christlieb, Esq., counsel for PGW on his request, but did not indicate PGW’s position on his request. Mediator Rhoades forwarded the email to me prior to the start of the hearing.

The hearing convened as scheduled on May 21, 2024. Ms. Christlieb called in to the hearing and was prepared to proceed. Mr. Starr did not call in for the hearing. Ms. Christlieb stated PGW objected to the Complainant's late requested continuance, unless he is able to better substantiate his request. Ms. Christlieb requested that, in the absence of information to substantiate his requested continuance, this matter be dismissed for lack of prosecution. I noted Ms. Christlieb's objection and motion and adjourned the hearing.

After the hearing, my legal assistant, Ms. Delvillar, emailed the Complainant and advised him of the following:

Please be advised that you have until 4:30 p.m. tomorrow, October 17, 2024 to substantiate (provide good reason for) your late request for a continuance of your hearing scheduled for this morning, October 16, 2024 at 10:00 a.m. You must follow the instructions for requesting continuances set out at paragraph 3 of Administrative Law Judge Christopher Pell's August 19, 2024 Prehearing Order. Please make sure to copy Graciela Christlieb on anything you send to me on Judge Pell's behalf.

A short while later, Mr. Starr sent an email to Ms. Delvillar, copying Ms. Christlieb, advising as follows:

I am requesting a continuance for case C-2024-3048960 scheduled for Oct 16, 2024. Reason being last-minute changes to work schedule on a documentary shoot I am in charge of producing. My subjects are a team of sailors setting off from Detroit to the Bahamas to promote the construction of a school. Due to weather we have been stuck in port since Sunday, but yesterday the captain decided we would cast off this morning at 9:00 a.m., just before our hearing. So I have been on the clock.

I hope we can arrange another time for this hearing. I am not sure if the other party is in agreement with this.

Thank you and apologies again for the circumstances.

Ms. Christlieb did not submit a response to Mr. Starr's email.

Paragraph 3 of my August 19, 2024 Prehearing Order advised the parties that they may request a continuance of the hearing if they have a good reason. My Prehearing Order further advised that “[t]o request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing.” My Order further instructed that your motion should include: the case name, case number, and hearing date; the reason you are requesting a continuance; and the other party’s position on the request.

The Complainant clearly failed to adhere to the requirements set out in my August 19, 2024, Prehearing Order. The Complainant’s request was late and submitted to an OALJ Mediator instead of my legal assistant as directed by my Prehearing Order. The Complainant also failed to state PGW’s position on his request. It is also unclear how the Complainant was not aware of the potential work conflict well in advance of the hearing, since his emails indicate that he had been in Detroit for several days for purposes of filming a documentary. However, I will grant the Complainant’s request for a continuance of the October 16, 2024 hearing, in part based upon his stated reason for his request, but also because Ms. Christlieb did not object after the Complainant provided additional information regarding his request. However, I would caution the Complainant that, going forward, he must adhere to the directives set out in my August 19, 2024, Prehearing Order. Moreover, the Complainant is expected to make himself available for the rescheduled hearing.

A Notice canceling the current hearing date and rescheduling to a future date will be issued. It is the Commission’s policy to encourage settlements (52 Pa. Code § 5.231). Accordingly, the parties are encouraged to talk with each other to resolve this matter or some portion thereof.

THEREFORE,

IT IS ORDERED:

1. That the Complainant’s Motion for Continuance of the hearing in the matter captioned as James Starr v. Philadelphia Gas Works at Docket No. C-2024-3048960 is granted; and

C-2024-3048960 - JAMES CAMERON STARR v. PHILADELPHIA GAS WORKS

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