

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EMMETT PATTERSON	:	
Complainant	:	
	:	F-2024-3051418
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

PROPOSED ORDERING PARAGRAPHS

IT IS ORDERED:

1. The Joint Motion for Continuance and Clarification is hereby granted.
2. Complainant’s request for an award of damages in this proceeding has been withdrawn.
3. Respondent’s October 17, 2024, Preliminary Objections are moot.
4. The January 15, 2025, initial telephonic hearing is cancelled. A revised prehearing order, rescheduling the initial telephonic hearing for a future date, will be issued.

Date: _____

Marta Guhl
Administrative Law Judge

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JOINT MOTION FOR CONTINUANCE AND CLARIFICATION

Emmett Patterson (Complainant), by and through counsel Community Legal Services, Inc., and Philadelphia Gas Works (Respondent, together with Complainant, Movants) hereby move for an order (1) continuing the hearing in this matter scheduled for January 15, 2025, pursuant to 52 Pa. Code § 1.15(b) and Administrative Law Judge (ALJ) Marta Guhl’s December 2, 2024 Prehearing Order and (2) acknowledging that Complainant has withdrawn his request for damages in this proceeding and, as a result, that Respondent’s October 17, 2024, Preliminary Objections are moot. In support of this motion, Movants state as follows:

1. Complainant, proceeding *pro se*, initiated this proceeding as an appeal of the Bureau of Consumer Services September 4, 2024, Informal Complaint Decision (BCS Case No. 3992533) by Formal Complaint dated September 19, 2024, and served on Respondent by the Commission on September 27, 2024.
2. Respondent filed an Answer with New Matter and Preliminary Objections to Complainant’s Complaint on October 17, 2024.

3. Complainant efiled his Reply to New Matter, Answer to Preliminary Objections, and amended Formal Complaint on October 26, 2024.¹
4. Complainant served his Reply to New Matter, Answer to Preliminary Objections, and amended Formal Complaint on Respondent's counsel by email on October 26, 2024.
5. Complainant's Reply to New Matter and Answer to Preliminary Objections reflected that Complainant understood that his request for damages, as set forth in his original Formal Complaint, was beyond the jurisdiction of the Commission.² As a consequence, Complainant agreed to amend his Formal Complaint to address the substance of PGW's Preliminary Objections and New Matter, namely, that he would not be pursuing an award of damages from the Commission.
6. On December 10, 2024, attorneys from Community Legal Services, Inc., filed their Notice of Appearance on behalf of Complainant, serving the same on Respondent Philadelphia Gas Works.
7. On December 11, 2024, counsel for Complainant confirmed with the Commission's Secretary's Bureau that Complainant's amended Formal Complaint had been mistakenly rejected and that staff had designated the submission as a "duplicate."
8. Movants engaged in preliminary settlement discussions on December 12, 2024, and agreed to the joint submission of this motion for continuance of the January 15, 2025, hearing in order to endeavor to narrow the issues in controversy, engage in further settlement discussions, and conduct discovery to prepare for an evidentiary hearing.
9. Although Complainant retains the ability to amend his Formal Complaint at any time pursuant to 52 Pa. Code § 1.81(a), Movants instead submit this motion, clarifying that

¹ These documents were submitted via the Commission's efilings system on October 26, 2024.

² Reply to New Matter at ¶¶ 8, 10; Answer to Preliminary Objections at ¶ 11.

Complainant has withdrawn his request that the Commission award damages from Respondent, and Respondent acknowledges that its Preliminary Objections are moot. Movants respectfully submit that, upon granting this Motion, no further action will be necessary with respect to the pleadings concerning damages.

WHEREFORE, for the foregoing reasons, Movants submit that there is good cause for a continuance of the hearing in this matter, within the meaning of 52 Pa. Code § 1.15, and request the January 15, 2025, hearing be rescheduled. Furthermore, rather than amend Complainant's Formal Complaint, necessitating further Answer by Respondent and potentially contributing to unnecessary delay, Movants submit this motion to clarify that Complainant has withdrawn the request for an award of damages in this proceeding and, as a consequence, Respondent's Preliminary Objections are moot.

Respectfully submitted,

/s/ Robert W. Ballenger

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VERIFICATION

I, Robert W. Ballenger, hereby state that the facts set forth above in the Joint Motion for Continuance and Clarification, are true and correct and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

December 16, 2024

/s/ Robert W. Ballenger

CERTIFICATE OF SERVICE

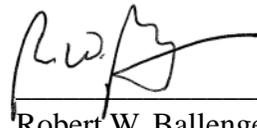
I hereby certify that this day I served a copy of Joint Motion for Continuance and Clarification upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

Hon. Marta Guhl, Administrative Law Judge
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Date: December 16, 2024



Robert W. Ballenger, Esquire