

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Victor Ruffin	:	
	:	
v.	:	C-2023-3042219
	:	
Philadelphia Gas Works	:	

**INTERIM ORDER
CLOSING THE RECORD**

On July 26, 2023, Victor Ruffin (Complainant) filed a Formal Complaint, using the Commission’s Formal Complaint form, against Philadelphia Gas Works (Respondent, or Company), alleging the Respondent failed to fully reimburse him for damages that he sustained at his property after a lightning strike caused an electric surge at his property. The Complainant requested to be reimbursed for the cost of additional items that were damaged by the electric surge. The Complainant also indicates that it took PECO a year to respond to his requests to be reimbursed for items that were damaged at his property.

On September 6, 2023¹, the Company filed an Answer and New Matter to the Formal Complaint, as well as a Preliminary Objection pursuant to 52 Pa.Code § 5.101. In its Answer, the Company denies it improperly denied Complainant’s claim for additional reimbursement. Additionally, the Company avers the Commission lacks the authority to award monetary damages.

¹ The Secretary’s Bureau served a copy of the Formal Complaint on the Respondent on August 15, 2023.

In its Preliminary Objection², the Company argues the Formal Complaint is barred by *res judicata*. Specifically, the Company contends that the issues raised by the Formal Complaint have previously been adjudicated by another Administrative Law Judge and the decision has become final.

The Preliminary Objection contained a Notice to Plead directing the Complainant to file a response within ten days of service. The Complainant did not file any response to the New Matter or the Preliminary Objection.

On November 8, 2023, the Commission issued a Motion Judge Assignment Notice and the matter was assigned to me.

On December 8, 2023, I issued an Interim Order denying the Preliminary Objections in part. I indicated that the Complainant was to file an Amended Complaint by December 22, 2023.

On January 23, 2024, the Respondent filed a Motion to Dismiss the matter for failure to comply with the Interim Order.

As of this date the Complainant has not filed an Amended Complaint or response to the Motion to Dismiss.

The Complainant has one more opportunity to file an Amended Complaint or respond to the Motion to Dismiss, otherwise, the record will be closed in this matter.

² The Company also filed a Motion for Judgment on the Pleadings on October 5, 2023, which contained the same pleadings as the Preliminary Objection. The Complainant did not file any response to the Motion.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Victor Ruffin shall file and serve an Amended Complaint which sets forth additional facts, consistent with the instructions provided on the Commission's formal complaint form, in support of the Complainant's new or additional allegations against Philadelphia Gas Works **on or before December 30, 2024**. A copy of the Amended Complaint shall be served on counsel for Philadelphia Gas Works as well as the undersigned Administrative Law Judge.

2. That upon timely filing and service of an Amended Complaint by Victor Ruffin, Philadelphia Gas Works shall timely file and serve a responsive pleading.

3. That Victor Ruffin shall file and serve a Response to the Motion to Dismiss **on or before December 30, 2024**.

4. That if Victor Ruffin failed to comply with the above paragraphs of this Order, **the record will close on December 31, 2024**.

Date: December 20, 2024

/s/
Marta Guhl
Administrative Law Judge

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