

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Rahman Bush
v.
Philadelphia Gas Works

Public Meeting held January 23, 2025
3046078-OSA
Docket No. C-2024-3046078

MOTION OF VICE CHAIR KIMBERLY BARROW

On January 12, 2024, Rahman Bush filed a Formal Complaint against Philadelphia Gas Works (PGW) disputing PGW's claim that he resided at and was responsible for a balance at 5842 North Hope Street (service address) prior to August 2023 when he submitted a request for service. Bush testified that his son, Rahman K. Bush, resided at the service address beginning in August 2021. Bush explained that he did not reside at the service address, but instead resided at two other addresses.¹ Bush explained that the gas account was in the landlord's name until he submitted his online request on August 7, 2023.² PGW's position relied upon an Experian credit report linking Bush to the service address prior to the August 7, 2023 request. While Bush did not object to the admission of the Experian credit report to the record, Bush did challenge the accuracy of the document and argued that it was hearsay.³

The Initial Decision (ID) was issued on September 9, 2024, sustaining, in part, and dismissing, in part, the Formal Complaint. Specifically, the ID sustained Bush's claim that PGW improperly held him liable for arrearages prior to August 7, 2023, and dismissed the other claims. PGW filed Exceptions.

It is well established that a complainant has the burden of proof to establish a sufficient case to show that the utility/respondent is responsible or accountable for the issue described in the complaint.⁴ Upon the presentation by a complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with evidence to rebut the evidence of the customer-complainant shifts to the respondent-utility.⁵ If the evidence presented by the respondent-utility is of co-equal value or "weight," the burden of proof has not been satisfied.⁶ The complainant then has to provide some additional evidence to rebut that of the respondent-utility.⁷

Here, Bush presented testimony in support of his complaint arguing that PGW incorrectly "linked" him to the service address and rendered him liable for the outstanding balance. PGW

¹ Hearing Transcript, pgs. 23-25 (May 14, 2024).

² Hearing Transcript, pgs. 25-26 (May 14, 2024).

³ Hearing Transcript, pgs. 60-61 (May 14, 2024).

⁴ 66 Pa.C.S. § 332(a); *Patterson v. Bell Telephone Co. of Pennsylvania*, 72 Pa. P.U.C. 196; Docket No. F-8966524 (Order entered February 8, 1990).

⁵ *Burleson v. Pa. PUC*, 461 A.2d 1234, 1235 (Pa. 1983).

⁶ *Milkie v. Pennsylvania Public Utility Comm'n*, 768 A.2d 1217, 1220 (Pa. Cmwlth. 2001).

⁷ *Burleson v. Pa. PUC*, 461 A.2d 1234 (Pa. 1983); *Milkie v. Pennsylvania Public Utility Comm'n*, 768 A.2d 1217, 1220 (Pa. Cmwlth. 2001).

then presented testimony and documentation to rebut Bush's claims, including offering the Experian credit report which was admitted to the record by the Special Agent. While Bush did challenge the accuracy of the Experian credit report, based on the facts of this case, I do not believe that Bush's testimony was sufficient to meet his burden of proof.

Because Bush failed to meet his burden of proof,⁸ there is no need to address PGW's Exceptions and they will be deemed moot.

THEREFORE, I MOVE THAT:

1. The Exceptions of Philadelphia Gas Works filed September 30, 2024, to the Initial Decision of Special Agent Michael J. Mroczka issued September 9, 2024, are deemed moot, consistent with this Motion.
2. The Initial Decision issued September 9, 2024, at Docket No. C-2024-3046078, is modified, consistent with this Motion.
3. The Formal Complaint filed by Rahman Bush against the Philadelphia Gas Works at Docket No. C-2024-3046078, is denied and dismissed, consistent with this Motion.
4. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.
5. This proceeding be marked closed.

January 23, 2025


Kimberly Barrow, Vice Chair

⁸ The Commission is the ultimate fact-finder in formal complaint proceedings; it weighs the evidence and resolves conflicts in the testimony. 66 Pa.C.S. § 335(a); *Pennsylvania Elec. Co. v. Pennsylvania Pub. Util. Comm'n*, 473 A.2d 704 (Pa. Cmwlth. 1984). When reviewing the initial decision of an administrative law judge, the Commission has all the powers that it would have had in making the initial decision except as to any limits that it may impose by notice or by rule. 66 Pa.C.S. § 335(a). The Commission utilizes the "preponderance of evidence standard. A preponderance of the evidence means that one party must present evidence which is more convincing by even the smallest amount, than the evidence presented by an opposing party. *See Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1954). Substantial evidence is "relevant evidence that a reasonable mind may accept as adequate to support a conclusion: more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established." *Murphy v. Pa. Dept. of Pub. Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).