



PHILADELPHIA GAS WORKS

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February 18, 2025

VIA ELECTRONIC FILING

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

Re: Kevin Wallace v. Philadelphia Gas Works,
Docket No. F-2024-3048205

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Reply to Exceptions in regard to the above-referenced matter. Copies will be served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ **Anita J. Murray**
Anita J. Murray

/awm
encl.

cc (w/encl.): Kevin Wallace via Email and Overnight Mail
Special Agent Michael Mroczka via Email

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true and correct copy of Philadelphia Gas Works' Reply to Exceptions upon the person(s) listed below in the manner indicated below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

VIA OVERNIGHT MAIL AND EMAIL:

Kevin Wallace
1157 Atwood Road
Philadelphia, PA 19151
Kwallace082@gmail.com

VIA EMAIL:

Special Agent Michael Mroczka
micmroczka@pa.gov

By: /s/ Anita J. Murray
Anita J. Murray, Esquire

Date: Feb. 18, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kevin Wallace,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3048205
	:	
	:	
Philadelphia Gas Works,	:	
	:	
Respondent.	:	

**PHILADELPHIA GAS WORKS’
REPLY TO COMPLAINANT’S EXCEPTIONS**

Pursuant to 52 Pa. Code § 5.535 and the Secretary’s Letter dated January 28, 2025, Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits the following Reply to the Exceptions filed by Kevin Wallace (“Complainant”) to the Initial Decision in this matter issued on January 17, 2025 (“Initial Decision”).

I. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Complainant filed a Formal Complaint (“Complaint”) against PGW with the Pennsylvania Public Utility Commission (“Commission”) on or about April 3, 2024. In his Complaint, Complainant alleged that PGW has or was threatening termination of service and requested that the Commission re-establish an alleged previously existing payment agreement between the parties. *See* Complaint.

PGW filed a responding Answer on April 29, 2024. In the Answer and in pertinent part, PGW admitted that a shut off notice had been issued for the service address at 1157 Atwood Road, Philadelphia, PA (“Service Address”) and that Complainant was seeking a payment arrangement. *See* Answer, ¶¶ 4. PGW further averred that Complainant previously had multiple payment agreements with PGW and one (1) issued by the Commission, all of which were unsatisfied. *Id.* PGW requested dismissal of the Complaint. *Id.*

An Initial Call-In Telephonic Hearing Notice dated May 7, 2024, scheduled the hearing for July 2, 2024 before Special Agent Michael J. Mroczka. A Prehearing Order was dated and served on May 9, 2024.

The hearing proceeded as scheduled on July 2, 2024, with Complainant appearing *pro se* and testifying on his behalf. Complainant did not represent any exhibits at the hearing but was given leave of ten (10) days to submit documents as late-filed exhibits. Complainant did not submit any late-filed exhibits. At the hearing, PGW was represented by the undersigned as legal counsel and presented the testimony of its witness, David Kauffman, Customer Review Officer, at PGW. PGW also offered 4 exhibits¹ which were admitted in evidence.

On January 17, 2025, Special Agent Mroczka issued his Initial Decision which dismissed the Formal Complaint because Complainant failed to meet his burden of proof establishing eligibility for a second Commission-issued payment agreement or reinstatement of his earlier Commission-issued payment agreement. On January 27, 2025, the Commission received Complainant's one (1) Exception to the Initial Decision. However, Complainant failed to serve a copy of his Exception on PGW. The Commission served PGW with the Exceptions by letter dated January 28, 2025, and provided a Reply deadline of February 18, 2025. PGW now files this Reply to Complainant's Exception.

II. COMPLAINANT'S EXCEPTION AND PGW'S REPLY

Complainant's Exception fails to demonstrate that the Initial Decision is unsupported by the substantial evidence.² Complainant's sole Exception contends that the Special Agent Mroczka failed to consider Complainant's unemployment status when he denied the requested relief in form of a payment agreement. On the contrary, Special Agent Mroczka expressly addressed Complainant's unemployment status in the Initial Decision.³

At the hearing, testimony and documentary evidence was presented that Complainant had one Commission-issued payment agreement, previously issued on August 10, 2021, under BCS No.: 3798100, which commenced in October 2021 ("August 2021 PAR") and which was later broken by Complainant. Special Agent Mroczka's Finding of Fact correctly reflects this record

¹ PGW's exhibits were: Statements of Complainant's Account (Exhibit 1); a collection of certain Customer Contacts and Account Information from February 2020 and October 2023 pertaining to Complainant's bankruptcy petition which was filed on or about February 7, 2020 (Exhibit 2); Complainant's History of Payment Arrangements (Exhibit 3); and a collections of Shut Off Notices, Customer Contacts, and additional PGW records related to Complainant's account balance (Exhibit 4).

² *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980) ("More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.")

³ See Initial Decision, p. 10.

evidence.⁴ While the Complainant did provide testimony regarding his unemployment, Complainant testified that his unemployment occurred in August 2023.⁵ Thus, Special Agent Mroczka correctly determined, and as expressly noted in the Initial Decision, that his unemployment occurred after the default of the August 2021 PAR and consequently, was not the cause of the default.⁶ The remaining Findings of Fact and Conclusions of Law in the Initial Decision were not contested by the Complainant and should be adopted in full.

The Commission should sustain the Initial Decision because Complainant failed to meet his burden of proof⁷ and establish, by a preponderance of the evidence⁸, his claim(s) against PGW. The record clearly demonstrates that Special Agent Mroczka considered all of the evidence before him and properly applied the facts to the correct, applicable law, in reaching his Initial Decision.

III. CONCLUSION

WHEREFORE, PGW respectfully requests that this Commission deny Complainant's Exception and adopt the Initial Decision.

Respectfully submitted,

/s/Anita J. Murray
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Date: Feb. 18, 2025

Counsel for PGW

⁴ See Initial Decision, p. 4; PGW Exh. 4, pp. 6-10; Tr. pp. 59-60; *see also* PGW Exh. 3 and Tr., pp. 55-56.

⁵ See Initial Decision, p. 10; Tr., pp. 19-20.

⁶ See Initial Decision, p. 10.

⁷ 66 Pa.C.S. § 332(a).

⁸ *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990), *alloc. den.*, 529 Pa. 654, 602 A.2d 863 (1992).