

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nina Reese

v.

Philadelphia Gas Works

:
:
:
:
:

F-2024-3049697

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Decision grants the Formal Complaint of Nina Reese against Philadelphia Gas Works because she successfully carried her burden of proving that she resided in Illinois during the period September 10, 2021, to August 16, 2023, that she is the victim of identity theft, and that PGW erroneously billed her for gas service in Philadelphia, PA. This Decision directs Philadelphia Gas Works to remove her outstanding balance from her name and correct the information provided to the collection agency and the three credit reporting agencies within 30 days from the entry of a Final Commission Order in this matter.

HISTORY OF THE PROCEEDING

On May 29, 2024, Nina Reese (“Complainant” or “Ms. Reese”) filed a Formal Complaint (“Complaint”) against Philadelphia Gas Works (“PGW” or “Respondent”) with the Pennsylvania Public Utility Commission (“Commission”). In her Complaint, Ms. Reese alleged that someone placed gas service in her name at 12728 Verda Drive, Philadelphia PA. However, Ms. Reese claims that she never resided at that address. As relief, the Complainant requested that PGW remove the debt from her name, issue an apology, and restore her credit rating with Equifax, Transunion and Experian.

This Formal Complaint is a timely appeal from the decision of the Commission’s Bureau of Consumer Services at BCS Case No. 3965283. A timely BCS appeal is subject to de novo review. 52 Pa. Code § 56.173(a).

The Formal Complaint was served upon the Respondent by the Secretary of the Commission on June 24, 2024. On July 15, 2024, the Respondent filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

An Initial Call-in Telephonic Hearing Notice dated July 26, 2024, notified the parties that an initial call-in telephone hearing was scheduled on September 30, 2024, at 10:00 a.m., and that the matter was assigned to me. Due to a conflict in my schedule, the hearing was rescheduled for October 8, 2024, at 1:00 p.m. A Hearing Cancellation/Reschedule Notice issued on August 9, 2024, notified the parties of the new date and time.

On September 19, 2024, I issued a Prehearing Order. The Prehearing Order directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing and provided instructions for calling in to the hearing.

The hearing convened as scheduled on October 8, 2024. Ms. Reese appeared *pro se* and testified in support of the Complaint. She also presented the testimony of Jonathan Taylor, who is her long-time boyfriend. Anita Murray, Esq. represented the Respondent, Philadelphia Gas Works, and presented the testimony of Patricia Bernard, who is a Customer Review Officer with PGW. The Respondent sponsored 10 exhibits, which were admitted into the record.

During the hearing, I instructed the Complainant to submit, as late-filed exhibits, documentation supporting her claim that she did not reside at 12728 Verda Drive, Philadelphia, Pennsylvania during the period from September of 2021 to August of 2023. The deadline for submitting late filed exhibits was November 12, 2024. The deadline for filing written objections to the late-filed exhibits was November 22, 2024. My instructions also included provisions for extending the submission deadlines, if necessary.

By email dated October 15, 2024, the Complainant submitted a photo of a document titled Proof of Receipt of Program Benefits dated October 9, 2024, as well as photos of a transcript and an attendance letter from the Complainant's daughter's schools in Illinois. These documents will be marked as Reese late-filed Exhibit 1.

In her October 15, 2024 email Ms. Reese indicated that she was still waiting to receive a verification letter from her job for the years 2021 and 2022.

On October 25, 2024, PGW filed written Objections to Ms. Reese's late-filed exhibits.

By email dated December 3, 2024, Ms. Resse submitted a photo of a letter from the Illinois Department of Human Services, also dated December 3, 2024. This document will be marked as Reese late-filed Exhibit 2.

On December 9, 2024, PGW filed written Objections to Ms. Reese's late-filed Exhibit 2.

The record in this matter closed on December 9, 2024, upon receipt of PGW's Objections to Ms. Reese's late-filed Exhibit 2.

Reese late-filed Exhibits 1 and 2 shall be admitted into the record in this case and PGW's Objections to same shall be overruled in accordance with the discussion below.

FINDINGS OF FACT

1. The Complainant is Nina Reese.
2. The Respondent is Philadelphia Gas Works.
3. Ms. Reese resides with her grandmother, 16-year-old daughter and one-year-old son at 83 Candlelight Drive, Sauk Village, IL 60411. Tr. 12, 15, 22; Reese late-filed Exhibit 1.
4. Ms. Reese's grandmother holds the lease for the 83 Candlelight Drive property. Tr. 13.
5. From August 2020 to May 2023, Ms. Reese's daughter attended the Rickover Junior High School at 22151 Torrence Avenue, Sauk Village, IL 60411. Reese late-filed Exhibit 1.

6. Beginning in August of 2023, Ms. Reese's daughter attended the Bloom Trail High School located at 22331 Cottage Grove Avenue, Chicago Heights, IL, 60411. Reese late-filed Exhibit 1.

7. Ms. Reese's one-year-old son was born in a hospital in Dyre, Indiana, which is located five minutes from the Illinois border. Tr. 23.

8. For over ten years, Ms. Reese has been in a relationship with Jonathan Taylor, who is the father of Ms. Reese's one-year-old son. Tr. 22, 23.

9. Mr. Taylor resides at 101 Carriage Lane, Sauk Village, IL 60411 with his sister, Christine Beamon. Tr. 21, 23, 26.

10. Ms. Reese is a home care provider for Mr. Taylor's sister, Christine Beamon. Tr. 21, 23, 26.

11. As a home care provider, Ms. Reese is employed by the State of Illinois and has cared for Ms. Beamon for almost as long as Mr. Taylor and Ms. Reese have been in a relationship. Tr. 23, 24.

12. 101 Carriage Lane is located just around the corner from 83 Candlelight Drive. Tr. 22.

13. Due to her long-standing personal and professional relationship with Mr. Taylor and Ms. Beamon, Ms. Reese uses the 83 Candlelight Drive and the 101 Carriage Lane addresses interchangeably as her mailing address for all her important documents. Tr. 25, 61.

14. On September 10, 2021, an individual who identified herself as Nina Reese contacted PGW and requested to obtain service at 12728 Verda Drive, Philadelphia, PA (“Service Address”), using a lease dated September 10, 2021. Tr. 31; PGW Exhibit 1.

15. The applicant reported a gross monthly income of \$200 per month with one person in the household. Tr. 31; PGW Exhibit 1.

16. After running a credit check on the applicant, PGW found that no security deposit was required. Tr. 31; PGW Exhibit 1.

17. Gas service was turned on at the Service Address on September 10, 2021, under Nina Reese’s name. Tr. 31; PGW Exhibit 1.

18. On July 6, 2023, PGW issued a 10-day Shutoff Notice to Nina Reese for gas service at 12728 Verda Drive, for an outstanding balance of \$1,836.18. Tr. 32; PGW Exhibit 2.

19. On July 14, 2023, Victoria Morgan contacted PGW saying that she received notice that gas service would be turned off at the Service Address on July 18, 2023. PGW Exhibit 2.

20. During the July 14, 2023 call to PGW, Ms. Morgan identified herself as the owner of the Service Address and confirmed that Nina Reese was her tenant. PGW Exhibit 2.

21. PGW instructed Ms. Morgan to have the tenant of the Service Address contact PGW. PGW Exhibit 2.

22. On July 17, 2023, a person identifying herself as Nina Reese contacted PGW regarding the Shutoff Notice. Tr. 32; PGW Exhibit 2.

23. PGW informed her that she was eligible for enrollment in PGW's Customer Responsibility Program ("CRP") and sent her an application. Tr. 32; PGW Exhibit 2.

24. On July 31, 2023, PGW received a CRP application for Nina Reese. Tr. 33; PGW Exhibit 2.

25. The CRP application was incomplete but bore Complainant's date of birth. Tr. 33; PGW Exhibits 3, 5.

26. The CRP application indicated that the applicant's income was \$300 per month from babysitting family members. Tr. 33, PGW Exhibit 3.

27. On February 21, 2024, Ms. Reese contacted PGW stating that she had learned that a collection agency was trying to collect on an outstanding balance owed to PGW under her name. Tr. 33-34; PGW Exhibit 4.

28. During the February 21, 2024 call to PGW, Ms. Reese denied ever having lived at the Verda Drive address. Tr. 33-34; PGW Exhibit 4.

29. PGW informed Ms. Reese that the outstanding balance in her name for gas service at the Service Address was \$1,787.90, but that service was removed from her name after August 16, 2023. PGW Exhibit 4.

30. At Ms. Reese's request, PGW sent her an Identity Theft Package at 83 Candlelight Drive, Sauk Village, IL. Tr. 33-34; PGW Exhibit 4.

31. The Identity Theft Package included a form letter instructing the recipient to provide PGW with a copy of a valid police report, three documents establishing residency at another address for the time period that the theft took place, and the completed and notarized Identity Theft Form and Fact Sheet.

32. The Identity Theft Package instructed that valid proof of residence documents can be but are not limited to the following:

- Driver's License
- Utility bills
- W-2 form indicating mailing address,
- Lease
- Notarized statement from employer stating residency and employed time period
- Notarized statement from Township of proof of residency,
- Official U.S. Mail Department documentation showing mailing address.

Tr. 36; PGW Exhibit 5.

33. Ms. Reese returned the Identity Theft Package to PGW in an envelope that had 101 Carriage Lane as the sender's address and was not postmarked. Tr. 35-36; PGW Exhibit 5.

34. The Identity Theft Form and Fact Sheet completed by Ms. Reese was dated February 29, 2024, but the space reserved for the notarization of her statement held no notary stamp and was dated September 10, 2021. Tr. 37; PGW Exhibit 5.

35. Along with the Identity Theft Form and Fact Sheet, Ms. Reese submitted her IRS 1099 Form for the year 2023. The address listed under her name on the 1099 Form was 101 Carriage Lane, Sauk Village, IL 60411. Tr. 38; PGW Exhibit 5

36. Ms. Reese submitted her W-2 Form for the year 2023. The employer listed in the W-2 Form is “State of Illinois, Comptroller – Withholding Agent” and the address for Ms. Reese reads 83 Candlelight Drive, Sauk Village, IL. Tr. 44; PGW Exhibit 5.

37. Ms. Reese submitted a letter dated February 15, 2024, confirming a payment she made to Resurgent Capital Service L.P. (“Resurgent”). The letter was addressed to Nina Reese at 83 Candlelight Drive. Tr. 39; PGW Exhibit 5.

38. Ms. Reese submitted a letter dated February 21, 2024, from the Social Security Administration addressed to Nina Reese at 83 Candlelight Drive. PGW Exhibit 5.

39. Ms. Reese submitted a copy of her Driver’s License, issued in Illinois on November 2, 2020, set to expire on October 23, 2024. The address shown on her Driver’s License is 101 Carriage Lane, Sauk Village, IL 60411. Tr. 39-40; PGW Exhibit 5.

40. Ms. Reese submitted printouts of her cell phone accounts with Cricket and internet account with Xfinity. Her billing address for these accounts is 101 Carriage Lane. Tr. 45; PGW Exhibit 5.

41. Ms. Reese submitted a handwritten letter signed by Christine Beamon, dated March 2, 2024, in which she states that she has been a client of Ms. Reese from 2016 to 2024. PGW Exhibit 5.

42. Mr. Reese submitted a printout of a police report for Incident # 24-00796, filed by Nina Reese on February 12, 2024, at the Chicago Heights Police Station,

located at 1601 S. Halsted St. Chicago Height, Il 60411. In that document, Ms. Reese reports that false bank accounts have been opened in her name with Acima Digital FKA and with Chime/Stride Bank NA. She reports that she has already frozen her credit with Experian, Equifax and Transunion credit reporting agencies. PGW Exhibit 5.

43. By letter dated April 9, 2024, PGW informed Ms. Reese that the documentation she submitted in support of her identity theft claim was insufficient to establish her residency during the disputed period. PGW Exhibit 6.

44. PGW requested that Ms. Reese submit additional documentation as proof of residence during the period from September 10, 2021, through August 16, 2023. PGW Exhibit 6.

45. The April 9, 2024 letter informed Ms. Reese that the deadline for submitting the additional documentation to PGW was April 30, 2024. PGW Exhibit 6.

46. Ms. Reese contacted PGW on April 16, 17, and 24, 2024, to inquire about the additional documentation requested. PGW Exhibit 7.

47. On May 9, 2024, PGW received additional documents from Ms. Reese and reached out to Victoria Morgan, owner of the Service Address, who confirmed that Nina Reese had resided at that property. PGW Exhibit 7.

48. Among the additional documents submitted by Ms. Reese were her W-2 forms for the years 2016 and 2018, and a salary earnings statement for the period of February 15, 2023, with a scheduled pay date of March 13, 2023. PGW Exhibit 8.

49. The header of the salary earnings statement reads “Susana A. Mendoza, Comptroller – State of Illinois” and is addressed to Ms. Reese at 83 Candlelight Drive. PGW Exhibit 8.

50. Among the additional documents submitted by Ms. Reese on May 9, 2024, were Cricket billing statements for the 12-month period March 20, 2023, to March 29, 2024, addressed to Nina Reese at 101 Carriage Lane. Tr. 50; PGW Exhibit 8.

51. Among the additional documents submitted by Ms. Reese on May 9, 2024, were Ms. Reese’s time sheets from the State of Illinois, Home Care Service Program dated November dated November 5, 2023, and January 3, 2024. Tr. 52, PGW Exhibit 8.

52. After receiving all the documentation from Ms. Reese, PGW determined that she had failed to establish that she did not reside at the Service Address during the period of September 10, 2021, through August 16, 2023, and consequently held her responsible for the outstanding balance of \$1,787.90 accrued in that account. Tr. 52-53; PGW Exhibit 9.

53. By email dated October 15, 2024, Ms. Reese submitted the following documents:

- a) Proof of Receipt of Program Benefits from the State of Illinois Department of Human Services dated October 9, 2024, regarding her receipt of Supplemental Nutrition Assistance Program (“SNAP”) benefits from February 1, 2021 to February 2, 2025 (“Benefits Letter”);
- b) Letter from Dr. Kimberly Kimbrough, Principal of Rickover Junior High School, dated October 10, 2024, regarding Complainant’s Daughter’s attendance at said junior high

school from August 2020 to May 2023 (“Junior High School Letter”);

- c) Official Transcript from Bloom Trail High School dated October 9, 2024, for Complainant’s Daughter for the 2023-2024 school year (“Transcript”).

Reese late-filed Exhibit 1.

54. By email dated December 3, 2024, Ms. Reese submitted a letter from the Illinois Department of Human Services, also dated December 3, 2024 (“Letter”). The Letter explains that it is intended to provide the employment history for Nina Reese who works as an Individual Provider through the Illinois Department of Human Services (“DHS”) – Home Services Program from August 3, 2016, to the present, and that DHS is not the employer, except for collective bargaining purposes, but does act as the pay agent. Reese late-filed Exhibit 2.

DISCUSSION

In her Complaint, Ms. Reese alleges that someone placed gas service in her name at 12728 Verda Drive, Philadelphia PA. However, Ms. Reese claims that she never resided at that address. As relief, the Complainant requested that PGW remove the debt from her name, issue an apology, and restore her credit rating with Equifax, Transunion and Experian.

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a). In *Waldron v. Philadelphia Electric Co.*, 54 Pa.P.U.C. 98 (1980) (*Waldron*), the Commission explained the process for initially meeting the burden of proof. A complainant must first establish a *prima facie* case, showing that the utility breached some duty owed to the complainant, in that the utility violated the Public Utility

Code or a regulation or order of the Commission. 66 Pa.C.S. § 701. If the complainant establishes a *prima facie* case, then the burden of going forward with the evidence, but not the ultimate burden of proof, shifts to the utility to rebut the *prima facie* case with evidence which is at least co-equal. If the utility presents co-equal evidence, the burden of going forward shifts back to the complainant, to rebut the utility's case by a preponderance of the evidence. *Poorbaugh v. West Penn Power Co.*, 1994 Pa.P.U.C. LEXIS 95 (1995) (*Poorbaugh*). Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). In addition, the Commission's decision must be supported by "substantial evidence," which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. A mere "trace of evidence or a suspicion of the existence of a fact" is insufficient. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980).

Upon the presentation by the complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the complainant shifts to the respondent. If the evidence presented by the respondent is of co-equal weight, the complainant has not satisfied her burden of proof. The complainant would be required to provide additional evidence to rebut the evidence of the respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

At the October 8, 2024 hearing, Ms. Reese testified that while checking her credit report she discovered that her credit rating had decreased because a collection agency was trying to collect a debt owed to PGW. Tr. 8-9. Contacting the Respondent, Ms. Reese learned that her debt was related to gas service provided under her name to 12728 Verda Drive, Philadelphia, PA. *Id.* Ms. Reese denied having ever resided at the Verda Drive address or having ever resided or even visited Pennsylvania. Tr. 10-12.

Instead, Ms. Reese testified credibly that she has always resided in Illinois. More specifically, she testified that she resides at 83 Candlelight Drive, Sauk Village, IL 60411. Tr. 13. She explained that she resides with her grandmother who holds the lease for the 83 Candlelight Drive property. Tr. 13. She testified that she resides in Illinois with her 16-year-old daughter and one-year-old son and that her daughter has always attended school in Illinois. Tr. 12, 15.

In support of her position, Ms. Reese presented the testimony of Jonathan Taylor. Mr. Taylor explained that he has been Ms. Reese's boyfriend for over 10 years. Tr. 22. He also testified credibly that Ms. Reese has never visited or resided in Pennsylvania during the entire time that they have been in a relationship. Tr. 22-23. He is the father of Ms. Reese's son, who he testified was born in a hospital in Dyre, Indiana, which is located five minutes from the Illinois border and was more convenient for Ms. Reese's delivery. Tr.23.

Importantly, Mr. Taylor testified that he resides at 101 Carriage Lane, Sauk Village, IL 60411. Tr. 21. He explained that his residence is located just around the corner from 83 Candlelight Drive where Ms. Reese resides with her grandmother. Tr. 22. Mr. Taylor also testified that Ms. Reese is a home care provider for his sister, Christine Beamon, who resides at 101 Carriage Lane with Mr. Taylor. Tr. 23, 26. As a home care provider, Ms. Reese is employed by the state of Illinois and has cared for Ms. Beamon for almost as long as Mr. Taylor and Ms. Reese have been in a relationship. Tr. 23, 24.

In response, PGW's counsel presented the testimony of Patricia Bernard, who is a Customer Review Officer for PGW. Tr. 29. Ms. Bernard testified that on September 10, 2021, an individual who identified herself as Nina Reese contacted PGW and requested to obtain service at 12728 Verda Drive, Philadelphia, PA, using a lease dated September 10, 2021. Tr. 31; PGW Exhibit 1. The applicant reported a gross monthly income of \$200 per month with one person in the household. Tr. 31; PGW Exhibit 1. After running an Experian credit check on Ms. Reese, PGW found that no security deposit was required. Tr. 31; PGW Exhibit 1. Gas service was turned on at the Service Address on September 10, 2021. Tr. 31; PGW Exhibit 1.

On July 6, 2023, PGW issued a 10-day Shutoff Notice to Nina Reese for gas service at 12728 Verda Drive, for an outstanding balance of \$1,836.18. Tr. 32; PGW Exhibit 2. On July 14, 2023, Victoria Morgan contacted PGW saying that she received notice that gas service would be turned off at the Service Address on July 18, 2023. PGW Exhibit 2. She identified herself as the owner of the Verda Drive property and confirmed that Nina Reese was her tenant. PGW instructed Ms. Morgan to have the tenant contact PGW. PGW Exhibit 2. On July 17, 2023, a person identifying herself as Nina Reese contacted PGW regarding the Shutoff Notice. Tr. 32; PGW Exhibit 2. PGW informed her that she was eligible for enrollment in PGW's CRP and sent her an application. Tr. 32; PGW Exhibit 2. On July 31, 2023, the customer submitted the CRP application to PGW with missing documentation. Tr. 33; PGW Exhibit 2. The CRP application indicated that applicant's income was \$300 per month from babysitting family members. Tr. 33, PGW Exhibit 3. The CRP application bore Complainant's date of birth. Tr. 33; PGW Exhibits 3, 5.

Next, Ms. Bernard testified that on February 21, 2024, Ms. Reese contacted PGW stating that she had learned that a collection agency was trying to collect on an outstanding balance owed to PGW under her name. Tr. 33-34; PGW Exhibit 4. She

denied ever having lived at the Verda Drive address. Tr. 33-34; PGW Exhibit 4. PGW informed her that the outstanding balance in her name was \$1,787.90 and that the service was no longer in her name after August 16, 2023. PGW Exhibit 4.

At Ms. Reese's request, PGW sent her an Identity Theft Package at 83 Candlelight Drive, Sauk Village, IL. Tr. 33-34; PGW Exhibit 4. The Identity Theft Package included a form letter instructing the recipient to provide PGW with a copy of a valid police report, three documents establishing residency at another address for the time period that theft took place, and the completed and notarized Identity Theft Form and Fact Sheet. The Identity Theft Package further instructed that valid proof of residence documents can be, but are not limited to, the following: driver's license, utility bills, W-2 form indicating mailing address, lease, notarized statement from employer stating residency and employed time period, notarized statement from Township of proof of residency, official U.S. Mail Department documentation showing mailing address. Tr. 36; PGW Exhibit 5.

Ms. Bernard testified that Ms. Reese did return the Identity Theft Package back to PGW. However, the envelope had 101 Carriage Lane as the sender's address and bore two post stamps but was not postmarked. Tr. 35-36; PGW Exhibit 5. The Identity Theft Form and Fact Sheet was dated February 29, 2024, but the space reserved for the notarization of Ms. Reese's statement held no notary stamp and was dated September 10, 2021. Tr. 37; PGW Exhibit 5. In addition to the Identity Theft Form and Fact Sheet, Ms. Reese sent PGW her IRS 1099 Form for the year 2023. The address listed under her name on the 1099 Form was 101 Carriage Lane, Sauk Village, IL 60411. Tr. 38; PGW Exhibit 5. In addition to the 1099 Form, Ms. Reese submitted her W-2 Form for the year 2023. PGW Exhibit 5. The employer listed in the W-2 Form is "State of Illinois, Comptroller – Withholding Agent" and the address for Ms. Reese reads 83 Candlelight Drive, Sauk Village, IL. Tr. 44; PGW Exhibit 5. She also submitted a letter dated February 15, 2024, confirming a payment she made to Resurgent. The letter was

addressed to Nina Reese at 83 Candlelight Drive. Tr. 39. In addition to the letter from Resurgent, Ms. Reese also submitted a letter dated February 21, 2024, from the Social Security Administration addressed to Nina Reese at 83 Candlelight Drive. Next, Ms. Reese submitted a copy of her Driver's License, issued in Illinois on November 2, 2020, set to expire on October 23, 2024. Tr. 39; PGW Exhibit 5. The address shown on her Driver's License is 101 Carriage Lane, Sauk Village, IL 60411. Tr. 39-40; PGW Exhibit 5. Ms. Reese also submitted printouts of her cell phone accounts with Cricket and internet account with Xfinity. Her billing address for these accounts is 101 Carriage Lane. Tr. 45; PGW Exhibit 5. She submitted a handwritten letter signed by Christine Beamon, dated March 2, 2024, in which Ms. Beamon states that she has been a client of Ms. Reese from 2016 to 2024. PGW Exhibit 5. Lastly, Ms. Reese submitted a printout of a police report for Incident # 24-00796, filed by Nina Reese on February 12, 2024, at the Chicago Heights Police Station, located at 1601 S. Halsted St., Chicago Height, IL 60411. In that document, Ms. Reese reports that false bank accounts have been opened in her name with Acima Digital FKA and with Chime/Stride Bank NA. She reports that she has already frozen her credit with Experian, Equifax and Trans Union. PGW Exhibit 5.

By letter dated April 9, 2024, PGW informed Ms. Reese that the documentation she submitted in support of her identity theft claim was insufficient to establish her residency during the disputed period. PGW requested that Ms. Reese submit additional documentation as proof of residence during the period from September 10, 2021, through August 16, 2023. PGW Exhibit 6. The letter informed Ms. Reese that the deadline for submitting the additional documentation was April 30, 2024. *Id.* Ms. Reese contacted PGW on April 16, 17, and 24, 2024, to inquire about the additional documentation requested. PGW Exhibit 7.

On May 9, 2024, PGW received additional documents from Ms. Reese and reached out to Victoria Morgan, owner of the Service Address, who confirmed that Nina Reese had resided at that property. *Id.* Among the additional documents submitted by

Ms. Reese were her W-2 forms for the years 2016 and 2018, and a salary earnings statement for the period of February 15, 2023, with a scheduled pay date of March 13, 2023. PGW Exhibit 8. The statement header reads “Susana A. Mendoza, Comptroller – State of Illinois” and is addressed to Ms. Reese at 83 Candlelight Drive. *Id.* In addition, Ms. Reese submitted Cricket billing statements for the 12-month period March 20, 2023, to March 29, 2024, addressed to Nina Reese at 101 Carriage Lane. Tr. 50; PGW Exhibit 8. Lastly, Ms. Reese submitted her time sheets from the State of Illinois, Home Care Service Program dated November 5, 2023, and January 3, 2024. Tr. 52, PGW Exhibit 8.

Ms. Bernard testified that after receiving all the documentation from Ms. Reese, PGW determined that she had failed to establish that she did not reside at the Service Address during the period of September 10, 2021, through August 16, 2023, and therefore is responsible for the outstanding balance of \$1,787.90 accrued in that account. Tr. 52-53; PGW Exhibit 9. According to Ms. Bernard, only one of the documents sent by Ms. Reese to PGW was accepted as legitimately placing Ms. Reese at the 83 Candlelight Drive address in the period in question. The rest of the documents were disqualified as either showing the 101 Carriage Lane address, falling outside of the disputed time period, not having a signature, or not being notarized. Ms. Bernard also pointed out that the two envelopes that were used to submit the documents to PGW were not postmarked, and that the Cricket bills contained a billing address but not a service address. Tr. 51.

During cross-examination, Ms. Reese explained that she knew of Victoria Morgan, owner of the Service Address, only from PGW’s communications with her. Tr. 15. Next, Ms. Reese and Mr. Taylor explained that due to her long-standing work and personal relationships with Mr. Taylor and his sister, Ms. Reese uses the 83 Candlelight Drive and the 101 Carriage Lane addresses interchangeably as her mailing address for all her important documents. Tr. 25, 61.

During the hearing, I instructed the Complainant to submit, as late-filed exhibits, additional documentation supporting her claim that she did not reside at 12728 Verda Drive, Philadelphia, Pennsylvania during the period from September of 2021 through August of 2023. The deadline for submitting late-filed exhibits was set for November 12, 2024. The deadline for filing written objections to the late-filed exhibits was November 22, 2024. By email dated October 15, 2024, the Complainant submitted the following documents:

- a) Proof of Receipt of Program Benefits from the State of Illinois Department of Human Services dated October 9, 2024, regarding her receipt of SNAP benefits from February 1, 2021 to February 2, 2025 (“Benefits Letter”);
- b) Letter from Dr. Kimberly Kimbrough, Principal of Rickover Junior High School, dated October 10, 2024, regarding Complainant’s Daughter’s attendance at said junior high school from August 2020 to May 2023 (“Junior High School Letter”);
- c) Official Transcript from Bloom Trail High School dated October 9, 2024, for Complainant’s Daughter for the 2023-2024 school year (“Transcript”).

Reese late-filed Exhibit 1. In her October 15, 2024 email Ms. Reese indicated that she was still waiting to receive a verification letter from her job for the years 2021 and 2022.

On October 25, 2024, PGW filed written Objections to Ms. Reese’s late-filed Exhibit 1 challenging the relevancy and probative value of each of the submitted documents. Regarding the Benefits Letter, PGW acknowledges that the awarded benefits appear to encompass the entire time period at issue. However, PGW argues that the Benefits Letter contains an address for Complainant – 101 Carriage Lane – which differs from the address she purportedly lives at – 83 Candlelight Drive. Additionally, PGW finds nothing in this correspondence which demonstrates or establishes that Complainant constantly lived in Illinois, at either address, during the disputed time period. According to PGW, “it is possible for Complainant to have moved to Pennsylvania during the Time

Period, without informing the Department of Human Services and without transferring her benefits to Pennsylvania.” October 25, 2024 Objections by PGW.

Similarly, PGW objects to both the Junior High School Letter and Transcript because they pertain directly to a child, not the Complainant, and they only establish that the child attended school in Illinois from 2020-2024. PGW takes issue with the fact that only the Transcript lists an address for the child and that the Benefits Letter only lists Complainant and not the child, as the individual receiving benefits. In PGW’s view, the submitted documents lack any evidence of a causal connection between the child, the Complainant, and living in Illinois. “These documents do not establish that Complainant lived in Illinois during the Time Period, or that Complainant lived with the child in Illinois during the Time Period.” October 25, 2024 Objections by PGW.

By email dated December 3, 2024, Ms. Reese submitted a photo of a letter from the Illinois Department of Human Services, also dated December 3, 2024 (“Letter”). Reese late-filed Exhibit 2. On December 9, 2024, PGW filed written Objections to Ms. Reese’s late-filed Exhibit 2. First, PGW objects to the Letter as being procedurally improper and untimely as it was produced and served by email rather than by motion and was done so after the November 12, 2024 deadline. PGW claims that the Complainant also failed to aver the existence of any good cause to otherwise support re-opening the record, i.e. the date she originally requested the Letter or why she was unable to obtain this Letter prior to the closing of the record. PGW next objects to the Letter as to its relevancy and its probative value. PGW points out the Letter expressly states that the Illinois Department of Human Services is not her employer but is only the paying agent, from August 3, 2016, to the present. According to PGW, there is nothing in the Letter which establishes that the Complainant was living in Illinois during the disputed time period or that the Illinois Department of Human Services paid Complainant for specific work performed by her in Illinois during this time period.

Upon careful review of the late-filed exhibits submitted by the Complainant and the written objections submitted by PGW, I shall overrule the objections and admit Reese late-filed Exhibits 1 and 2 into the record in this matter. The Benefits Letter is dated October 9, 2024, bears the official letterhead of the State of Illinois – Department of Human Services and shows that Ms. Reese was approved for means-tested benefits on February 1, 2021, and was up for renewal on February 2, 2025. The address for Nina Reese appears as 101 Carriage Lane, Sauk Village, IL. The document appears to be a summary of benefits letter focused on showing the duration of benefits rather than listing all the various details. PGW’s objection ignores Ms. Reese’s and Mr. Taylor’s testimonies at the hearing, where they convincingly explained why Ms. Reese alternates between using the 83 Candlelight Drive and the 101 Carriage Lane as her mailing address. In addition, PGW’s objection ignores the fact that the 101 Carriage Lane address is also located in Illinois, and implies that the State of Illinois of improperly paying means-tested benefits to a Pennsylvania resident for two whole years (September 2021 – August 2023).

Next, PGW’s objection to the Junior High School Letter and Transcript ignores the fact that I had requested those documents from Ms. Reese upon hearing her testify that her 16-year-old daughter has always lived with her in Illinois and that her school records verify that. Although Ms. Reese did not mention the name of her daughter at the hearing, her age and last name match that of a student in high school who is related to Ms. Reese.

Finally, I find that PGW’s objection to the Letter submitted on December 3, 2024 (Reese late-filed Exhibit 2) is baseless. The objection ignores the fact that I instructed the parties to inform me via email if they ran into any difficulties in meeting the established deadlines. Tr. 67-68. Ms. Reese did just that when she informed me in her October 25, 2024 email that she was still waiting for one additional document to be issued by her employer. That document was issued just nine days later, and Ms. Reese

immediately sent a copy of it to me and to counsel for PGW. The Letter explains that it is intended to provide the employment history for Nina Reese who works as an Individual Provider through the Illinois DHS – Home Services Program from August 3, 2016, to the present, and that DHS is not the employer, except for collective bargaining purposes, but does act as the pay agent. PGW ignores that the exact nature of the relationship between the Illinois DHS and the Complainant (whether employee, payee or contractor) is irrelevant to the present Complaint. Only the existence of that relationship in a state other than Pennsylvania and its duration is relevant and carries probative value.

After reviewing the documents submitted by Ms. Reese to PGW (PGW Exhibits 1-10), Reese late-filed Exhibits 1 and 2, and PGW's objections to the late-filed exhibits, I doubt that Ms. Reese could submit any document that would satisfy PGW's high evidentiary standard for proving that she did not reside in Philadelphia, PA during the period from September 2021 to August 2023. Although she has submitted numerous documents bearing official letterheads from different state agencies, organizations and institutions in Illinois, PGW has doubted their authenticity. PGW was not persuaded by the fact that the documents submitted by Ms. Reese bear Illinois addresses, or that the majority of them, including the police report, share the same zip code. PGW even challenged the Cricket bills from 2023 for showing the billing address and not the service address, knowing full well that they were for cell phone service without a physical service address. PGW further pointed to the envelopes in which Ms. Reese submitted the documents and the absence of postmarks on them to imply that they were not mailed from Illinois; yet it failed to explain how these envelopes reached the Company in the first place – whether they were hand delivered to a PGW office or employee, or delivered to the P.O. Box address on the envelopes inside other special service envelopes.

Nevertheless, in a formal proceeding before the Commission Ms. Reese only needs to show, by the preponderance of the evidence, that she resided elsewhere during the period from September 2021 to August 2023 to prove that she is not

responsible for the outstanding balance accumulated at the Service Address during the same time period. Upon careful consideration, I find that the totality of the documents Ms. Reese submitted to PGW and clarified by her and Mr. Taylor's testimonies at the hearing established that she resided in Illinois during the period in dispute. This conclusion is further solidified by the late-filed exhibits that she submitted into the record. They are all from agencies or institutions in the state of Illinois and show that Ms. Reese and her family worked, studied and resided in Illinois during the period in question. Reese late-filed Exhibits 1, 2.

Consequently, I find that Ms. Reese is not responsible for the outstanding balance accumulated at the Service Address. Within 30 days from the entry of a Final Commission Order on this matter, PGW shall remove that balance from any accounts that it still holds in Ms. Reese's name and shall notify the collection agency, as well as the three credit rating agencies (Experian, Transunion and Equifax) of the same.

Lastly, while I commend PGW for its dogged dedication to the collection of unpaid bills, I suggest that it direct its investigation to the landlord for the Service Address, Victoria Morgan, who on July 14, 2023, inexplicably appears to be in possession of the 10-day Shutoff Notice addressed to Ms. Reese and who is the sole source of information to PGW regarding Ms. Reese's residence at the Service Address. *See* PGW Exhibit 2.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa. C.S. § 701.

2. The Complainant seeking affirmative relief from the Commission has the burden of proving the Complaint allegations by producing evidence which established material facts by a preponderance of the evidence. 66 Pa. C.S. § 332(a).

3. The Commission's decision must be supported by “substantial evidence,” which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. A mere “trace of evidence or a suspicion of the existence of a fact” is insufficient. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980).

4. The Complainant successfully carried her burden of proving that she did not reside at the Service Address during the period September 10, 2021, to August 16, 2023, and that PGW erroneously billed her for gas service in Philadelphia, PA.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Reese late-filed Exhibits 1 and 2 are admitted into the record in this matter.

2. That the Philadelphia Gas Works’ Objections to the admission of Reese late-filed Exhibits 1 and 2 into the record are overruled.

3. That the Formal Complaint of Nina Reese in *Nina Reese v. Philadelphia Gas Works* at Docket No. F-2024-3049697 is sustained.

