

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shasta-Patrice Brown	:	
	:	
v.	:	C-2024-3050761
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Preliminary Objections of a gas utility and dismisses the Amended Formal Complaint of a gas customer, finding that the Amended Formal Complaint both lacks sufficient factual specificity and is legally insufficient.

HISTORY OF THE PROCEEDING

On July 30, 2024, Shasta-Patrice Brown (“Ms. Brown”) filed a Formal Complaint against Philadelphia Gas Works (“PGW”) with the Pennsylvania Public Utility Commission (“Commission”). As reason for the Complaint, Ms. Brown stated the following:

There are errors and admissions contained in the application for service pertaining to the address and the endorsement. We were approached harshly and signed in

blank. We have a disability and need the provisions provided under the American Disabilities Act as our disabilities pertain to law and payments. We are unable to pay according to Public Law 73-10 and HJR 192.

Complaint ¶ 4.

For relief, Ms. Brown stated the following:

The resolution require [sic] is that the address be updated to the assignee of PECO. Our delegation needs to be updated as creditors. We desire access to the custodial account and want to surrender the account for performance and have all dividends, proceeds, and interest returned. We have NOT abandoned our interest in the account and operate under the maxims of equity as we are all created equal by Elohim God. We wish to receive a return on our interest in the contract. We know the application has declared value upon signing and wish to have that value returned. We request a setoff, and settlement, and monthly allowance for the open account and setoff, settlement, and closure of the “closed” account ending in 8000.

Complaint ¶ 5.

The Complaint was served on PGW on August 16, 2024.

On September 9, 2024, PGW filed Preliminary Objections to the Complaint, properly endorsed with a Notice to Plead. In its Preliminary Objections, PGW asserted that the Complaint lacks specificity, pursuant to 52 Pa. Code § 5.101(a)(3), arguing that the Complaint does not contain information specific enough to allow PGW to understand the allegations against it to conduct a meaningful investigation of the allegations and to prepare a coherent response or defense. PGW additionally asserted that the Complaint is legally insufficient, pursuant to 52 Pa. Code § 5.101(a)(4), arguing

that the Complaint fails to set forth any facts that could be construed as PGW's violation of a Commission regulation, statute, or order. PGW concluded its Preliminary Objections by requesting dismissal of the Complaint.

PGW did not file an Answer to the Complaint. As PGW raised a Preliminary Objection regarding insufficient specificity, it was not required to file an Answer. *See* 52 Pa. Code § 5.101(e)(1).

On September 26, 2024, Ms. Brown filed an Answer to the Preliminary Objections, alleging that PGW is guilty of fraud in factum, deceptive business practices, deprivation of rights, theft by deception, and unjust enrichment.

On October 18, 2024, the Commission issued a Motion Judge Assignment Notice, assigning me as Presiding Officer over this proceeding.

On October 31, 2024, the Commission issued my Order Granting Preliminary Objection and Directing Complainant to File an Amended Complaint wherein I granted the Preliminary Objection regarding insufficient specificity, 52 Pa. Code § 5.101(a)(3), and directed Ms. Brown to file an Amended Formal Complaint.

On November 13, 2024, Ms. Brown filed an Amended Formal Complaint. As reason for the Amended Complaint, Ms. Brown states the following:

The account contains errors and omissions as the application was endorsed in blank. The assignee needs to be updated to the assignee bank. Our interest in the note was assumed/presumed abandoned. There is not a contract between Ariana Martin/Shasta Brown with PGW. The contract is between PGW and the GSA with the contract #47PA0420D0009. The Principal parties are not citizens, human beings, slaves, residents, or employees. These are

all presumptions. The account needs to be liquidated as we have an interest in the note (account). We were approached harshly, and the application was signed in blank. We request the original receipt and acknowledgment letter from PGW that was taken to the federal reserve window and exchanged on our behalf. We required the original book entries, and the entire portfolio exchanged @ the TT&L window of the federal reserve. The general ledger should be correct to show us as creditors. As stakeholders we have the right to our interest in the original application which is a promissory note.

Amended Complaint ¶ 4.

For relief, Ms. Brown stated the following:

Prove a contract. We require the accounting including the general ledger and original portfolio exchanged on our behalf. We require a return on our interest. Correct the billing errors and note the true creditors and true parties of interest of the original note (application). We are acting in equity. Prove that we are citizens, human beings, slaves, residents, and employees. Full disclosure was not given. Leading to deceptive business practices, fraud in factum, deprivation of rights, and unjust enrichment. Order PGW to return the credits.

Amended Complaint ¶ 5.

Further, the Amended Complaint contains a number of attachments, to support the Amended Complaint.

On November 14, 2024, Ms. Brown filed a document titled “Additional Info to Amended Complaint.” This document does not contain any information additional to what was included in the Amended Complaint.

On December 6, 2024, PGW filed Preliminary Objections to the Amended Complaint, properly endorsed with a Notice to Plead. In its Preliminary Objections, PGW asserted that the Amended Complaint still lacks specificity, pursuant to 52 Pa. Code § 5.101(a)(3), and is still legally insufficient, pursuant to 52 Pa. Code § 5.101(a)(4). PGW concluded its Preliminary Objections by requesting dismissal of the Amended Complaint. PGW did not file an Answer to the Amended Complaint. *See* 52 Pa. Code § 5.101(e)(1).

On December 19, 2024, Ms. Brown filed an Answer to PGW's Preliminary Objections to the Amended Complaint.

The record in this proceeding closed on December 19, 2024, the date Ms. Brown filed an Answer to PGW's Preliminary Objections to the Amended Complaint. For the reasons discussed below, the Preliminary Objections will be granted, and the Amended Complaint will be dismissed.

FINDINGS OF FACT

1. On July 30, 2024, Ms. Brown filed a Formal Complaint against PGW with the Commission.
2. On September 9, 2024, PGW filed Preliminary Objections to the Complaint, seeking dismissal of the Complaint pursuant to 52 Pa. Code § 5.101(a)(3) and 52 Pa. Code § 5.101(a)(4).
3. On October 31, 2024, the Commission issued my Order Granting Preliminary Objection and Directing Complainant to File an Amended Formal Complaint.

4. On November 13, 2024, Ms. Brown filed an Amended Formal Complaint against PGW with the Commission.

5. On December 6, 2024, PGW filed Preliminary Objections to the Amended Complaint, seeking dismissal of the Amended Complaint pursuant to 52 Pa. Code § 5.101(a)(3) and 52 Pa. Code § 5.101(a)(4).

6. On December 19, 2024, Ms. Brown filed an Answer to PGW's Preliminary Objections to the Amended Complaint.

DISCUSSION

Preliminary Objections

In this matter, PGW filed Preliminary Objections in response to the Amended Formal Complaint of Ms. Brown. The Commission's regulations provide that preliminary objections are available to parties and may be filed in response to a pleading. 52 Pa. Code § 5.101(a). The grounds for preliminary objections are limited to those set forth as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.

(6) Pendency of a prior proceeding or agreement for alternative dispute resolution.

(7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

Commission procedure regarding the disposition of preliminary objections is similar to the procedure utilized in Pennsylvania civil practice. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Pa. State Lodge, Fraternal Order of Police v. Dept. of Conservation & Nat. Res.*, 909 A.2d 413 (Pa. Cmwlth. 2006), *aff'd*, 924 A.2d 1203 (Pa. 2007).

The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *Cnty. of Allegheny v. Commonwealth*, 490 A.2d 402 (Pa. 1985); *Commonwealth v. Bell Tel. Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the complaint in this case in the light most favorable to the Complainant and should dismiss the complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994).

The preliminary objection may be granted only if the moving party prevails as a matter of law. *Rok v. Flaherty*, 527 A.2d 211 (Pa. Cmwlth. 1987). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Dep't of Auditor Gen. v. State Emps. Ret. Sys.*, 836 A.2d 1053 (Pa. Cmwlth. 2003) (citing *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002)).

Legal insufficiency of a pleading

PGW asserted that the Amended Formal Complaint is legally insufficient, pursuant to 52 Pa. Code § 5.101(a)(4), arguing that it fails to set forth any facts that could be construed as PGW’s violation of a Commission regulation, statute, or order. To be legally sufficient, a formal complaint must set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” *See* 66 Pa.C.S. § 701.

Viewing the Amended Complaint in the light most favorable to Ms. Brown, I find that the Amended Complaint is legally insufficient. The Amended Complaint contains no allegations concerning any violation of any law that the Commission has jurisdiction to administer, or of the Pennsylvania Public Utility Code,¹ any Commission Regulation, or order, by PGW. In fact, the opposite is true, in that the Amended Complaint contains allegations concerning violations of laws by PGW that the Commission has no jurisdiction over. For example, the Amended Formal Complaint raises issues such as fraud in factum, deceptive business practices, deprivation of rights, theft by deception, and unjust enrichment, all of which are issues over which the Commission lacks jurisdiction.

Further in this regard, Ms. Brown in her Amended Complaint asserts that “the principal parties are not citizens, human beings, slaves, residents, or employees” and asks PGW to “prove that we are citizens, human beings, slaves, residents, and employees.” In an attachment to the Amended Complaint titled “Revocation of Election Affidavit,” Ms. Brown identifies herself as a “sovereign American National” and elects to not pay Federal Income Taxes. In an attachment to the Amended Complaint titled

¹ 66 Pa.C.S. § 101.1–3316.

“Affidavit of Truth,” Ms. Brown declares that she is a “living, breathing, sentient being, endowed with consciousness and free will by Elohim God” and “rejects and denies all artificial designations, including but not limited to: person, citizen, individual, resident, slave, and employee.” These types of arguments are reminiscent of those frequently raised by “sovereign citizens.”

[S]overeigns believe that when a person is born, that person's birth certificate (or Social Security card application) creates a corresponding legal fiction, or “strawman,” in that person's name. This means that every person has a kind of dual personality; there is the “flesh-and-blood” person on one hand and the fictional strawman on the other. They believe that only the strawman really operates in the modern commercial world (engaging in transactions, collecting debts, and contracting with others); accordingly, they believe the government has power over the strawman only, and completely lacks authority over the flesh-and blood person.

Joshua P. Weir, *Sovereign Citizens: A Reasoned Response to the Madness*, 19 Lewis & Clark L. Rev. 829 (2015) (footnotes omitted).

These claims of sovereign citizenship and whether Ms. Brown is subject to taxation are not within the Commission’s jurisdiction to resolve. *See Moore v Pittsburgh Water and Sewer Auth.*, Docket No. C-2019-3013315 (Opinion and Order entered Dec. 16, 2021).

As the Amended Complaint does not set forth any violation of any law which the Commission has jurisdiction to administer, or of any regulation or order of the Commission, it is legally insufficient.

Insufficient specificity of a pleading

PGW also asserted that the Amended Formal Complaint lacks specificity, pursuant to 52 Pa. Code § 5.101(a)(3), arguing that it does not contain information specific enough to allow PGW to understand the allegations against it so it can conduct a meaningful investigation into the allegations to prepare a coherent response or defense. The Commission's regulations state that a formal complaint must set forth "a clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation" as well as "a clear and concise statement of the relief sought." *See* 52 Pa. Code § 5.22(a)(5), (6).

A complaint must contain sufficient specificity and information to enable a respondent to understand the charges or allegations against it and conduct a meaningful investigation of the allegations, and to offer an appropriate response thereto. *Acosta v. PECO Energy Co.*, Docket No. F-2020-3015309 (Final Order entered Sep. 10, 2020). The Commission has held that a complaint filed with the Commission is adequate if it gives the respondent notice and an opportunity to defend; it need not be drawn with technical accuracy. *Green Cab Co. v. Hajducho*, 50 Pa.P.U.C. 745 (1977).

PGW filed a Preliminary Objection to the initial Formal Complaint raising insufficient specificity. I granted this Preliminary Objection and directed Ms. Brown to file an Amended Complaint. Ms. Brown filed an Amended Complaint; however, like the initial Formal Complaint, Ms. Brown's Amended Complaint contains a hodgepodge of allegations over which, as explained above, the Commission lacks jurisdiction. Although the Amended Complaint does make some reference to billing and account errors, it does not provide facts specific enough to explain which bills are disputed or what is allegedly wrong with her PGW account. I note that in its Preliminary Objections to the Formal Complaint, PGW indicated that it has no record of Ms. Brown being a PGW customer at the address indicated in the Complaint or the address listed in the Complaint as Ms.

Brown's mailing address. Ultimately, the Amended Complaint is not specific enough to allow PGW to investigate the allegations against it.

As the Amended Complaint fails to satisfy the requirements of 52 Pa. Code § 5.22(a)(5), (6), it lacks factual specificity.

Conclusion

Commission precedent supports allowing unrepresented complainants an opportunity to be heard orally, and not have their case dismissed on the basis of a preliminary pleading. *See, Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617, at 7 (Opinion and Order entered July 14, 1993) (*Carlock*). The Commission's decision in *Carlock*, however, was subsequently clarified to allow ALJ's the discretion to dispose of the pleadings in a proceeding provided that the action is neither arbitrary nor capricious, and that it is in accordance with the law. *Graham v. Phila. Suburban Water Co.*, Docket No. C-00957557, (Opinion and Order entered June 12, 1996). Similarly, Section 703(b) of the Pennsylvania Public Utility Code provides that "the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest." 66 Pa.C.S. § 703(b); *see also*, 52 Pa. Code § 5.21(d).

Ms. Brown's Amended Complaint is a clear example where such discretion should be exercised because a hearing is not necessary in the public interest. Dismissing Ms. Brown's Amended Complaint is neither arbitrary nor capricious but is in accordance with the law. As the Amended Complaint is both legally insufficient and lacks factual specificity it will be dismissed in the Ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission’s regulations provide that preliminary objections are available to parties and may be filed in response to a pleading. 52 Pa. Code § 5.101(a).
2. A party may file a preliminary objection raising legal insufficiency. 52 Pa. Code § 5.101(a)(4).
3. To be legally sufficient, a formal complaint must set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” *See* 66 Pa.C.S. § 701.
4. Claims of sovereign citizenship and whether a complainant is subject to taxation are not within the Commission’s jurisdiction to resolve. *See Moore v Pittsburgh Water and Sewer Auth.*, Docket No. C-2019-3013315 (Opinion and Order entered Dec. 16, 2021).
5. A party may file a preliminary objection raising insufficient specificity. 52 Pa. Code § 5.101(a)(3).
6. A formal complaint must set forth a clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation. 52 Pa. Code § 5.22(a)(5).
7. A formal complaint must set forth a clear and concise statement of the relief sought. 52 Pa. Code § 5.22(a)(6).

8. A complaint must contain sufficient specificity and information to enable a respondent to understand the charges or allegations against it and conduct a meaningful investigation of the allegations, and to offer an appropriate response thereto. *Acosta v. PECO Energy Co.*, Docket No. F-2020-3015309 (Final Order entered Sep. 10, 2020).

9. The Commission has held that a complaint filed with the Commission is adequate if it gives the respondent notice and an opportunity to defend; it need not be drawn with technical accuracy. *Green Cab Co. v. Hajducho*, 50 Pa.P.U.C. 745 (1977).

10. The Amended Complaint lacks factual specificity and is legally insufficient. 52 Pa. Code § 5.101(a)(3), (4).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Philadelphia Gas Works's Preliminary Objections to Amended Complaint filed in the matter of Shasta-Patrice Brown v. Philadelphia Gas Works, Docket No. C-2024-3050761, are granted.

2. That Shasta-Patrice Brown's Amended Complaint filed in the matter of Shasta-Patrice Brown v. Philadelphia Gas Works, Docket No. C-2024-3050761, is dismissed.

