

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jennifer Wentworth	:	
	:	
v.	:	C-2024-3050884
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
John M. Coogan
Administrative Law Judge

INTRODUCTION

This decision dismisses the Formal Complaint of Jennifer Wentworth against PPL Electric Utilities Corporation with prejudice because Ms. Wentworth failed to appear for her hearing and prosecute her Formal Complaint.

HISTORY OF THE PROCEEDING

On August 26, 2024, Jennifer Wentworth (Ms. Wentworth or Complainant) filed a Formal Complaint against PPL Electric Utilities Corporation (PPL or Company). In her Complaint, Ms. Wentworth avers that PPL is threatening to shut off her service or has already shut off her service, she would like a payment arrangement, and the payment plan is too high for her to afford. As relief, Ms. Wentworth requests a more affordable payment plan.

On September 16, 2024, PPL filed an answer to Ms. Wentworth's Complaint. PPL admits that Complainant is seeking a payment arrangement and that the Company has issued a termination notice to the Complainant. PPL states that Complainant was enrolled in Ontrack, the Company's Customer Assistance Program, on August 4, 2023, but was removed from OnTrack on April 15, 2024, and placed on OnTrack Budget Billing. PPL avers that Ms. Wentworth will be eligible to recertify for OnTrack in December 2024. PPL states that Ms. Wentworth's service has not been terminated.

On September 24, 2024, the Commission issued an initial telephonic hearing notice setting a call-in telephonic hearing for this matter for November 20, 2024 at 10:00 a.m. In anticipation of that hearing, the Commission issued my prehearing order on September 25, 2024, setting forth various rules that would govern the November 20, 2024 hearing.

On September 30, 2024, I received an e-mail from counsel for PPL, requesting that the November 20, 2024 hearing be rescheduled due a potential scheduling conflict. Counsel for PPL also stated that Ms. Wentworth did not object to rescheduling the November 20, 2024 hearing. On October 3, 2024, an order was issued granting the Company's continuance request and rescheduling the hearing to December 3, 2024 at 10:00 a.m.

The December 3, 2024 hearing was convened as scheduled. Ms. Wentworth appeared, representing herself. Counsel for PPL, Alice Wade, Esquire, appeared along with one witness. Prior to the start of the hearing, the Parties engaged in off-the-record settlement discussions. Tr. 5. Next, at the request and consent of the Parties, I participated in judge settlement discussions. Tr. 6. Although a settlement was not achieved, the Parties jointly requested a continuance so that further settlement discussions could take place between themselves, which may result in the satisfaction of

Ms. Wentworth's Complaint without the need for an evidentiary hearing. Also on December 3, 2024, I issued a continuance order which granted the Parties' request for a continuance, and directed them to send to the undersigned a status report, either separately or jointly, by January 10, 2025.

On January 10, 2025, PPL submitted a status report. Ms. Wentworth did not submit a status report by January 10, 2025. On January 15, 2025, I sent an e-mail to the Parties stating that, since I had no indication that Ms. Wentworth does not wish to pursue her Formal Complaint, I would keep the hearing process moving forward and reschedule a hearing.

On January 15, 2025, the Commission issued a further call-in telephone hearing notice, setting a call-in telephonic hearing for this matter for March 4, 2025 at 10:00 a.m. On January 16, 2025, the Commission issued my prehearing order, setting forth various rules that would govern the March 4, 2025 hearing.

The hearing convened on March 4, 2025, as scheduled. Attorney Wade appeared on behalf of PPL along with one witness. Complainant did not appear, and no one appeared on behalf of Complainant. At the hearing, Counsel for PPL made an oral motion to dismiss the Formal Complaint with prejudice which I took under advisement. Tr. 17.

The record in this case consists of the transcript of twenty pages. The record closed on March 19, 2025, upon my receipt of the hearing transcript. For the reasons discussed below, PPL's motion will be granted, and the Formal Complaint will be dismissed with prejudice.

FINDINGS OF FACT

1. The Complainant is Jennifer Wentworth.
2. The Respondent is PPL Electric Utilities Corporation.
3. Ms. Wentworth elected to be served by eService in this proceeding.
Complaint ¶ 9.
4. The January 15, 2025 hearing notice was eServed on Complainant.
5. The January 15, 2025 hearing notice states that a party may lose the case if they do not take part in the hearing and present facts on the issues raised.
6. The January 16, 2025 prehearing order was eServed on Complainant.
7. The January 16, 2025 prehearing order instructed the parties how to request a continuance of a hearing if necessary and stated that a party may lose the case if they do not take part in the hearing and present facts on the issues raised.
8. No electronic mail delivery failure notification was received by the Commission indicating that delivery of the documents served on Ms. Wentworth was not successful.
9. The telephonic hearing convened on March 4, 2025, as scheduled.
Tr. 11-20.
10. PPL appeared at the March 4, 2025, hearing. Tr. 11-20.

11. No one appeared on behalf of Ms. Wentworth at the March 4, 2025 telephonic hearing. Tr. 11-20.

12. Complainant did not file a motion for continuance or otherwise notify the Office of Administrative Law Judge that she was unavailable for the March 4, 2025 hearing.

13. Complainant did not contact the Office of Administrative Law Judge to explain why her failure to attend the March 4, 2025 hearing was unavoidable.

14. During the March 4, 2025 hearing, counsel for PPL made an oral motion to dismiss Ms. Wentworth's Formal Complaint with prejudice. Tr. 17.

DISCUSSION

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is established by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa.C.S. § 701. Complainant has the burden of proof in this proceeding as the party seeking relief.

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied when the parties are afforded notice and the opportunity to be heard. *Id.*

Ms. Wentworth affirmatively signed up to receive eService in this proceeding. The hearing notice and prehearing order were eServed on Complainant. No correspondence was returned to the Commission as undeliverable. Accordingly, I must presume that these documents, which were sent in the ordinary course of business, were received by the Complainant. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

The hearing notice and the prehearing order served on the parties to this proceeding state that, if a party fails to participate in the hearing, the hearing may proceed without that party and a decision may be entered against that party. Ms. Wentworth did not appear at the March 4, 2025 hearing. Once notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to appear and participate in the hearing. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993); 66 Pa.C.S. § 332(f). During the hearing, counsel for PPL moved to have the Formal Complaint dismissed with prejudice because Ms. Wentworth did not appear.

The party who failed to appear at the hearing has the burden of explaining why his/her failure to appear was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. West Penn Power Co.*, Docket No. C-2021-3028202 (Opinion and Order entered Sept. 15, 2022). The Commission has held that when there are no facts in the record that the party's

failure to appear was unavoidable, the complaint should be dismissed with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

In this case, Ms. Wentworth did affirmatively agree to accept eService. Ms. Wentworth did not appear for the evidentiary hearing, despite receiving proper service, and there are no facts in the record to find her failure to appear was unavoidable. Further, by failing to participate and proffer any evidence to support the Complaint, Complainant has failed to meet her burden of proof. Consequently, PPL's motion to dismiss Ms. Wentworth's Formal Complaint will be granted, and the Formal Complaint will be dismissed with prejudice.

CONCLUSIONS OF LAW

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

2. The party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

3. To establish a sufficient case and satisfy the burden of proof, the complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976).

4. The degree of proof required to satisfy the burden of proof is a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

5. A preponderance of the evidence is established by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

6. Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. This due process requirement is satisfied when the parties are afforded notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

7. Complainant was properly notified of the evidentiary hearing. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

8. By failing to participate in the hearing and proffer any evidence to support the Complaint, Ms. Wentworth has failed to carry her burden of proof in this proceeding. 66 Pa.C.S. § 332(a).

9. When there are no facts in the record that the party's failure to appear was unavoidable, the complaint should be dismissed with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*,

Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of PPL Electric Utilities Corporation to dismiss the Formal Complaint filed by Jennifer Wentworth at Docket No. C-2024-3050884 with prejudice is granted.

2. That the Formal Complaint of Jennifer Wentworth in *Jennifer Wentworth v. PPL Electric Utilities Corporation* at Docket No. C-2024-3050884 is dismissed with prejudice.

3. That Docket No. C-2024-3050884 be marked closed.

Date: April 22, 2025

_____/s/
John M. Coogan
Administrative Law Judge