

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                            |   |                |
|----------------------------|---|----------------|
| Teyauna-Michelle Pendleton | : |                |
|                            | : |                |
| v.                         | : | F-2024-3051398 |
|                            | : |                |
| Philadelphia Gas Works     | : |                |

**INITIAL DECISION**

Before  
F. Joseph Brady  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the Formal Complaint of Teyauna-Michelle Pendleton because she failed to satisfy her burden of proving that Philadelphia Gas Works violated its tariff, the Public Utility Code, or a Commission Regulation or Order.

**HISTORY OF THE PROCEEDING**

On September 23, 2024, Teyauna-Michelle Pendleton (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW or Respondent). In the Complaint, the Complainant placed checkmarks in the boxes indicating: “The utility is threatening to shut off my service or has already shut off my service” and “Other.” Under “Other,” the Complainant stated: “[I] require lawful verified proof that [I] a woman owe lawful money. all[sic] applicable documents and firsthand evidence verified and signed under

penalty of perjury.” Complaint ¶ 4. As relief, the Complainant requested: “if pgw[sic] unable to provide lawful verified proof of debt under habeas corpus, [I] require debt discharged per hjr 192.” Complaint ¶ 5.

This matter is the timely appeal of a decision from the Bureau of Consumer Services (BCS) dated August 5, 2024, at BCS Case No. 3988533, which dismissed the informal complaint of the Complainant. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On October 16, 2024, PGW filed Preliminary Objections to the Complaint with an attached Notice to Plead. In its Preliminary Objections, PGW alleges insufficient specificity of the pleading and legal insufficiency of the pleading. PGW requested that the Complaint be dismissed.

The Complainant’s Answer to PGW’s Preliminary Objections was due within ten days of the date of service of the Preliminary Objections. 52 Pa. Code § 5.101. The Complainant did not file an Answer to PGW’s Preliminary Objections.

By Motion Judge Assignment Notice dated November 7, 2024, the parties were informed that I was assigned as the Presiding Officer in this matter and responsible for resolving any issues which may arise during the preliminary phase of this proceeding.

On December 5, 2024, I issued an Order denying PGW’s Preliminary Objections and ordering the matter to proceed to a hearing.

By Initial Telephonic Hearing Notice dated December 6, 2024, a telephonic hearing was scheduled for February 26, 2025.

A Prehearing Order was issued on January 29, 2025, reminding the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to this proceeding.

On February 26, 2025, the hearing convened as scheduled. The Complainant appeared *pro se*, testified on her own behalf, and presented the testimony of Christopher-Maurice Pendleton. The Complainant offered one exhibit that was admitted into the record. Anita J. Murray, Esquire, appeared on behalf of PGW and presented the testimony of David Kauffman, a Customer Review Officer at PGW. PGW offered five exhibits, which were admitted into the record.

Also on February 26, 2025, PGW filed an Answer to the Complaint.<sup>1</sup> In its Answer, PGW admitted in part and denied in part various material allegations of the Complaint. PGW admitted that it provides gas service to the Complainant and that it issued a 10-Day Shut Off Notice for the gas service at 969 East Godfrey Avenue, 1<sup>st</sup> Fl., Philadelphia, PA. PGW requested that the Complaint be dismissed.

The record closed on March 19, 2025, upon the filing of the transcript with the Commission.

### FINDINGS OF FACT

1. The Complainant is Teyauna-Michelle Pendleton a/k/a Teyauna Cuthbertson. Tr. 6, 14.

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<sup>1</sup> During the hearing, it came to light that PGW inadvertently failed to file an answer to the Complaint and was granted permission to file a late answer before the record closed. Tr. 38.

2. The Respondent is Philadelphia Gas Works, a Commission jurisdictional public utility, which provides gas supply service.

3. The Complainant receives gas service from PGW at 969 East Godfrey Avenue, 1<sup>st</sup> Fl, Philadelphia, PA 19124 (Service Address). Tr. 7.

4. On June 20, 2019, the Complainant established service with PGW at the Service Address by telephone call. Tr. 14, 23.

### DISCUSSION

In order to be legally sufficient, a Complaint must set forth an act or thing done or omitted to be done or about to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission. 66 Pa.C.S. § 701.

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). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (Opinion and Order entered Feb. 8, 1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 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 complainant can meet that burden if he presents evidence more convincing, by even the smallest amount, than that evidence presented by Respondent. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code (Code), a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might 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. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on the complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *see also, Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

Finally, a Commission-approved tariff is *prima facie* reasonable, has the full force of law, and is binding on the utility and the customer. 66 Pa.C.S. § 316; *PPL Elec. Utils. Corp. v. Pa. Pub. Util. Comm'n*, 912 A.2d 386, 402 (Pa. Cmwlth. 2006) (citing *Pennsylvania Electric Co. v. Pa. Pub. Util. Comm'n*, 663 A.2d 281, 284 (Pa. Cmwlth. 1995)); *see, Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981).

In this case, the Complainant did not dispute that she called PGW to set up gas service. Tr. 14. Instead, the Complainant confirmed at the hearing that she filed the Complaint because PGW failed to produce a written contract for services. Tr. 7. However, this Complaint is without merit since there is no requirement under the Code,

Regulations, or Company tariff that a request for service be made in writing. Moreover, a tariff approved by the Commission constitutes a written contract between a public utility and a customer. *See, Carlton v. PECO Energy Co.*, Docket No. C-2023-3039584, p.10 (Opinion and Order entered Sept. 26, 2024). Thus, the written contract the Complainant is seeking is PGW Gas Service Tariff – Pa P.U.C. No. 2, which has been approved by the Commission and is publicly available.<sup>2</sup>

Based on the foregoing, I find the Complainant failed to satisfy her burden of proving that PGW violated its tariff, the Public Utility Code, or a Commission Regulation or Order. Accordingly, the Complaint shall be dismissed.

### CONCLUSIONS OF LAW

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

2. The burden of proof in this proceeding is on the Complainant. 66 Pa.C.S. § 332(a).

3. A public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law, and is binding on the utility and the customer. 66 Pa.C.S. § 316; *PPL Elec. Utils. Corp. v. Pa. Pub. Util. Comm'n*, 912 A.2d 386, 402 (Pa. Cmwlth. 2006) (citing *Pennsylvania Elec. Co. v. Pa. Pub. Util. Comm'n*, 663 A.2d 281, 284 (Pa. Cmwlth. 1995)); *see, Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981).

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<sup>2</sup> A copy of the PGW Gas Service Tariff can be accessed on the Company's website at <https://www.pgworks.com/customer-care/your-business/tariffs>.

4. A tariff approved by the Commission constitutes a written contract between a public utility and a customer. *See, Carlton v. PECO Energy Co.*, Docket No. C-2023-3039584, p.10 (Opinion and Order entered Sept. 26, 2024).

5. The Complainant has failed to satisfy her burden of proving that PGW violated its tariff, the Public Utility Code, or a Commission Regulation or Order. 66 Pa.C.S. § 701.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Teyauna-Michelle Pendleton at Teyauna-Michelle Pendleton v. Philadelphia Gas Works, Docket Number F-2024-3051398, is dismissed.

2. That Docket No. F-2024-3051398 be marked closed.

Date: May 1, 2025

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/s/  
F. Joseph Brady  
Administrative Law Judge