

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bret and Chelsea Haas	:	
	:	
v.	:	C-2024-3051521
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Charece Z. Collins
Administrative Law Judge

INTRODUCTION

This decision dismisses the Formal Complaint of Bret and Chelsea Haas against PPL Electric Utilities Corporation because Bret and Chelsea Haas failed to appear for their hearing and prosecute their Formal Complaint.

HISTORY OF THE PROCEEDING

On October 2, 2024, Bret and Chelsea Haas (Bret and Chelsea Haas or Complainants) filed a Formal Complaint against PPL Electric Utilities Corporation (PPL or Company). The Formal Complaint was served on PPL on October 4, 2024. In their Complaint, Bret and Chelsea Haas stated that PPL was threatening to shut off or had already shut off their service; they would like a payment arrangement; and in addition to checking the box “other,” that they have been disputing a winter bill amount “every month.” Complainants did not complete the “Requested Relief,” section of their

Complaint, but in the box next to “Other,” they asked for a reasonable payment plan and that their house is checked to make sure that all electric appliances are in proper working order.

On October 24, 2024, PPL filed an answer to Bret and Chelsea Haas’ Formal Complaint. In its answer, PPL admitted it issued a termination notice to the Complainants but denied that the issuance was in violation of any public utility laws or regulations. PPL further denied that Complainants have been disputing their bill monthly, denied that Complainants’ bill reflects incorrect charges, and denied that Complainants are entitled to a new payment plan.

On October 31, 2024, the Commission issued an initial telephonic hearing notice setting a call-in telephonic hearing for this matter for December 6, 2024 at 1:00 p.m. In anticipation of that hearing, Administrative Law Judge (ALJ) Arlene Ashton issued a prehearing order on November 5, 2024, setting forth various rules that would govern the December 6, 2024 hearing.¹ On December 6, 2024, the Commission issued a telephonic hearing notice, rescheduling the December 6, 2024 hearing to February 3, 2025, at 10:00 a.m.

The initial hearing convened on February 3, 2025, as scheduled. Alice A. Wade, Esquire, appeared on behalf of PPL along with one witness. Complainants did not appear, and no one appeared on behalf of Complainants. At the hearing, Counsel for PPL made a verbal motion to dismiss the Formal Complaint with prejudice. Tr. 11.

¹ This case was initially assigned to Judge Ashton as the presiding officer. On January 22, 2025, I was added as an additional presiding officer by an Additional Judge Notice issued on this date. Judge Ashton is no longer serving as an ALJ with the Commission.

The record in this case consists of the transcript of 17 pages. The record closed on February 20, 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.

FINDINGS OF FACT

1. The Complainants in this case are Bret and Chelsea Haas.
2. The Respondent in this case is PPL Electric Utilities, Inc.
3. Bret and Chelsea Haas elected to be served by email in this proceeding. Complaint ¶ 9.
4. The October 31, 2024 and December 6, 2024, hearing notices were served by email on Complainants.
5. The hearing notices stated 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 November 5, 2024, prehearing order was served by email on Complainants.
7. The November 5, 2024, prehearing order instructed the parties how to request a continuance of the hearing 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 returned mail or electronic mail delivery failure notification was received by the Commission indicating that the documents served on Bret and Chelsea Haas did not reach them.

9. The telephonic hearing convened on February 3, 2025, as scheduled. Tr. 1-17.

10. PPL appeared at the February 3, 2025, hearing. Tr. 1-17.

11. No one appeared on behalf of Bret and Chelsea Haas at the February 3, 2025, telephonic hearing. Tr. 1-17.

12. Complainants did not file a motion for continuance or otherwise notify the Office of Administrative Law Judge that they were unavailable for the February 3, 2025, hearing.

13. Complainants did not contact the Office of Administrative Law Judge to explain why their failure to attend the February 3, 2025, hearing was unavoidable.

14. During the February 3, 2025, hearing, counsel for PPL made a verbal motion to dismiss Bret and Chelsea Haas' Formal Complaint with prejudice. Tr. 11.

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. Complainants have 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.*

Bret and Chelsea Haas affirmatively selected to receive service by email in this proceeding. Complaint ¶ 9. Consistent with their service selection, the hearing notices and prehearing order were served on Complainants by email, utilizing the email address that they provided to the Commission. No correspondence was returned to the Commission as undeliverable. Accordingly, we must presume that these documents, which were sent in the ordinary course of business, were received by the Complainants. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *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 notices 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. Bret and Chelsea Haas did not appear at the February 3, 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 Bret and Chelsea Haas did not appear. Tr. 4, 8. Counsel also outlined the ways in which they contacted Complainants to inform them of the upcoming hearing. Tr. 7-8.

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).

Bret and Chelsea Haas did not appear for the evidentiary hearing, despite receiving proper service, and there are no facts in the record to find that their failure to appear was unavoidable. By failing to appear, Complainants failed to meet their burden of proof. Consequently, PPL's motion to dismiss Bret and Chelsea Haas' Formal Complaint will be granted, and the Formal Complaint will be dismissed.

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. Complainants' due process rights have been fully protected. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

