

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jaycinah Simon	:	
	:	
v.	:	F-2024-3051634
	:	
Philadelphia Gas Works	:	

PREHEARING CONFERENCE ORDER

In accordance with Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and Sections 5.221-5.224 of the Commission’s regulations, 52 Pa.Code §§ 5.221-5.224, this prehearing conference order is being issued.

On October 7, 2024, Jaycinah Simon (“Ms. Simon” or “Complainant”) filed a Formal Complaint (“Formal Complaint”) against Philadelphia Gas Works (“PGW” or “Respondent”) with the Pennsylvania Public Utility Commission (“Commission”), alleging that PGW was threatening to or has already shut off her service, that she would like a payment arrangement, and that there were incorrect charges on her bill. On November 7, 2024, PGW filed an Answer with New Matter to the Complaint. On March 10, 2025, a Hearing Notice was issued scheduling this matter for an evidentiary hearing on April 16, 2025.

On April 8, 2025, PGW filed a Motion to Continue Hearing, wherein PGW represented that its lead counsel was unavailable on the hearing date and that Ms. Simon filed a Chapter 13 bankruptcy petition with the United States Bankruptcy Court. PGW attached true and correct copies of the bankruptcy docket and PGW’s proof of claim to the Motion. Pursuant to the attachment, Ms. Simon filed the Chapter 13 bankruptcy petition on January 31, 2025.

On April 9, 2025, the Commission issued my Order Granting Motion to Continue Hearing. On that same date, a Cancellation Notice was issued cancelling the April 16, 2025, hearing.

On April 23, 2025, the Commission issued a Telephonic Prehearing Conference scheduling a prehearing conference for June 11, 2025.

The scheduled prehearing conference will be used to discuss (1) the status of Ms. Simon's bankruptcy proceeding and (2) the impact that the bankruptcy proceeding has on this Formal Complaint proceeding. I note that the Commission does not have subject matter jurisdiction to issue a payment plan for a customer with an active Chapter 13 bankruptcy. This lack of jurisdiction is because a Chapter 13 bankruptcy allows a debtor to repay debts under the management of the bankruptcy trustee, who controls the debtor's estate and makes distributions until the bankruptcy petition is discharged or dismissed. *See Jane Danjou v. West Penn Power Company*, Docket No. F-2018-3006430 (Opinion and Order entered July 22, 2019); *Jonathan DiBello v. PECO Energy Company*, Docket No. C-2023-3041825 (Opinion and Order entered Dec. 7, 2023). However, I also note that when a Complainant files for bankruptcy protection, even under Chapter 13, the Commission retains jurisdiction over issues concerning billing accuracy. *See William J. Borlak v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2008-2064344 (Opinion and Order entered July 6, 2009); *Misty Kuhns v. PPL Electric Utilities Corporation*, Docket No. F-2013-2366279 (Opinion and Order entered Jan. 28, 2014).

ORDER

THEREFORE,

IT IS ORDERED:

1. That a prehearing conference will be held on **June 11, 2025, beginning at 10:00 a.m. The parties are directed to dial 1-888-395-6703, pin 88097140 at 10:00 a.m. to be connected to the conference.**

2. Failure of a party to attend the prehearing conference, without good cause shown, shall constitute a waiver of all objections to any motions or arguments raised and to any order or ruling with respect thereto.

3. A request for a change of the scheduled prehearing conference date shall state the agreement or opposition of other parties and shall be submitted via email no later than five (5) days prior to the prehearing conference. 52 Pa. Code § 1.15(b). My email address is alphonarno@pa.gov.

4. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa. Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

5. You must serve the presiding officer directly with a copy of any document that you file in this proceeding. If you send the undersigned any correspondence or document, you must send a copy to all other parties.

6. That the parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are urged to explore this possibility, if possible.

Date: June 3, 2025

/s/
Alphonso Arnold III
Administrative Law Judge

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Revised: March 10, 2025

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Accepts eService June 3, 2025

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Accepts eService June 3, 2025

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