

COMMONWEALTH OF PENNSYLVANIA
(Public Utility Commission)

-----*
HOWARD SMITH, :
Complainant, : Docket No.:
vs. : C-2025-3054418
PHILADELPHIA GAS WORKS, :
Respondent. :
-----*

Pages 1 through 25 TELEPHONIC HEARING
Judge's Chambers
State Office Bldg.
801 Market Street,
Philadelphia, PA 19107

Monday, June 23, 2025
Met, pursuant to notice, at 10:11 a.m.

BEFORE: THE HONORABLE F. JOSEPH BRADY
Administrative Law Judge

INDEX TO EXHIBITS
Docket No.: C-2025-3054418
Hearing Date: June 23, 2025

EXHIBITS INDEX

NUMBER		IN EVIDENCE
PHILADELPHIA GAS WORKS:		
3	(History of Formal and Informal Complaints and collection activity)	24
4	(Letter from customer about continuance)	24



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney
Legal Department
Direct Dial: 215-684-6164
FAX: 215-684-6798
E-mail: graciela.christlieb@pgworks.com

June 16, 2025

VIA ELECTRONIC MAIL

Administrative Law Judge F. Joseph Brady
Pennsylvania Public Utility Commission
801 Market Street
Suite 4063
Philadelphia, PA 19107

Re: Howard Smith v. Philadelphia Gas Works, Docket No. C-2025-3054418

Dear Judge Brady:

Enclosed, please find PGW's proposed exhibits for the hearing in the above referenced matter.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

Enclosure

cc: Cert. of Service w/enc.



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Proposed Exhibits upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA ELECTRONIC MAIL

Howard Smith

howdang@icloud.com

Date: June 16, 2025

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

Customer Contact: Service [X]

Date: 04/06/2015 Time: 2:16:00 PM Source: _____ Related Tran: _____
CC Type: SERV - Service [v] Created: 04/06/2015 at: 2:16:53 PM by: NGRIERSO
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 04/06/2019 Class: Inquiry

Comments: Noel Grierson was here on a 96 C & C Field Shut Off order with Order # 6638944 , with a result of Completed Found Gas ON , Left Gas OFF , with activities of (Field Collections - NPSO Completed) , with comments of "off at meter"

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [] Smith, Howard [v]
Premise: [] 2404 S Millick St/Phila,Pa [v]
Person: [] Smith, Howard [v]

[Change] [Cancel]

Customer Contact: Customer Review Unit [X]

Date: 04/07/2015 Time: 6:16:00 AM Source: _____ Related Tran: _____
CC Type: CRU - Customer Review Unit [v] Created: 04/07/2015 at: 6:16:44 AM by: WFADMIN
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 04/06/2020 Class: Inquiry

Comments: PUC Complaint BCS# 3330986 filed on 4/6/2015 12:00:00 AM (CRU 787-1250) regarding STRAIGHT OFF-SVC TERMINATED/SUSPENDED-NO DISPUTE- PAR NEEDED (# 82), by # of Adults in Household: 1. # and Ages of Children in Household: 0 / . Gross Income: [v]

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [] Smith, Howard [v]
Premise: [] 2404 S Millick St/Phila,Pa [v]
Person: [] Smith, Howard [v]

[Change] [Cancel]

Customer Contact: Customer Review Unit [X]

Date: 04/07/2015 Time: 2:54:00 PM Source: _____ Related Tran: _____
CC Type: CRU - Customer Review Unit [v] Created: 04/07/2015 at: 2:54:46 PM by: WFADMIN
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 04/06/2020 Class: Inquiry

Comments: BCS # 3330986 case dismissed on 4/7/2015 12:00:00 AM. Resolution:CASE CLOSED. NO DECISION. THE COMPANY HAS OFFERED REDUCED RESTORATION TERMS. THE COMPANY IS REQUESTING \$249.26 TO RESTORE THE SERVICE. THIS AMOUNT INCLUDES \$126.03 TOWARDS THE PAST DUE BALANCE AND A \$123.23 RECONNECTION FEE. AFTER THE SERVICE IS RESTORED, THE CUSTOMER WILL BE PLACED ON A COMPANY PAYMENT ARRANGEMENT TO PAY \$120.00 PER MONTH IN ADDITION TO THE MONTHLY BUDGET BILLING AMOUNT. IF THE CUSTOMER

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [REDACTED] Smith, Howard [v]
Premise: 2404 S Millick St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

Customer Contact: Customer Review Unit [X]

Date: 04/07/2015 Time: 2:54:00 PM Source: Related Tran:
CC Type: CRU - Customer Review Unit Created: 04/07/2015 at: 2:54:46 PM by: WFADMIN
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 04/06/2020 Class: Inquiry

Comments: WISHES TO RE-ENROLL IN CRP, THE COMPANY WOULD INSTEAD REQUIRE \$1,825.99 TO RESTORE SERVICE (\$1,702.76 CRP CURE AMOUNT + \$123.23 RECONNECTION FEE).

Letter

Status: Print Date: Run Number: Reprint: [v]
Template:

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [REDACTED] Smith, Howard [v]
Premise: 2404 S Millick St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

Customer Contact: Ivr Payment [X]

Date: 04/08/2015 Time: 3:08:00 PM Source: IVR Check Related Tran: _____
CC Type: PAYM - Ivr Payment [v] Created: 04/08/2015 at: 3:08:39 PM by: BCCSIVR
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 04/08/2015 Class: Credit Card Payment

Comments: Pending Pay Amount: 249.26 Authorization Code: 985452034 Checking Act Nbr: _____
*****7010

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [] Smith, Howard [v]
Premise: [] [v]
Person: [] Smith, Howard [v]

[Change] [Cancel]

Customer Contact: Service [X]

Date: 04/09/2015 Time: 1:00:00 PM Source: Related Tran:
CC Type: SERV - Service Created: 04/09/2015 at 1:00:20 PM by: DNGUYEN1
Area: 800 - Residential General Service Changed: at by:
 Surveyable Auto Delete Date: 04/09/2019 Class: Inquiry

Comments: Duc Nguyen was here on a Bill Paid Turn On order with Order # 6648800 , with a result of Completed Found Gas OFF, Left Gas ON , with activities of (Meter and Connections - Piping Test Passed ,Turn On) , with comments of "BPTD complete. PWD stated they were shutting water off for a few hours. Left AWH tstat on vacation setting and informed COR to not use hot water and when water is back on, turn it up. Made all other chks, left ok"

Letter

Status: Print Date: Run Number: Reprint: [v]
Template:

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [Redacted] Smith, Howard [v]
Premise: 2404 S Millick St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

Payment: 04/08/2015 - 249.26

Action

Payment... 55373158907 Canceled Siblings...

Account: [Redacted] Name: Smith, Howard Payment Amt: 249.26

Payment Amt: 249.26
Payment Date: 04/08/2015
Tender Type: Q - Check
Check Id: 0

Pay Distribution Code: [Dropdown]
Confirmation: [Text]
Shareholder: [Text]
Drawer/Bundle: [Text]
Payment Source: Remittance Processor
Agency/Branch: KUB / 008003
Batch Nbr/Seq Nbr: 2657 / 3828
Grant Type: [Dropdown]

Print Receipt

Status History:

Status	Date	By
Created	04/08/2015 21:36	Operator, Bccs Job
Frozen	04/08/2015 21:36	Operator, Bccs Job
Canceled	04/14/2015 20:00	Operator, Bccs Job

Totals:

Category	Amou
Distributed	249.26

Header
Distribution

Payor / Receipt
Payor... [Text]
Person Id: [Text]
Receipt Number: [Text]

Miscellaneous Adjustment: NSFCHG - 20.00

Action Launch

Adjustment... 9802776214 Frozen

Status	Date	By
Created	04/22/2015	Soto, Carmen
Frozen	04/22/2015	Soto, Carmen

Account: [Redacted] Name: Smith, Howard

SA: G1-GS, Closed Adjustment Amount: 20.00

Type

SA SA... 6719563969 G1-GS, Closed

Deposit

	Begin	+Adj	=Final	Revenue Month/Year:
Total Amt Due		20.00		4/2015
Current Amt Due		20.00		
Write Off Amt		0.00		

Check Nbr: [Empty]
Check Date: [Empty]

Adjustment Code... NSFCHG Bad Check Charge 20.00

Adjustment Amount: 20.00 Comments: [Empty]

Memo Adjustment

Appear on Next Bill Description: Bad Check Charge \$20.00

Main
Financial Details
Tax Location
GL Accounting

Customer Contact: Customer Review Unit [X]

Date: 08/06/2015 Time: 6:02:00 AM Source: _____ Related Tran: _____
CC Type: CRU - Customer Review Unit [v] Created: 08/06/2015 at: 6:02:28 AM by: WFADMIN
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 08/05/2020 Class: Inquiry

Comments: PUC Complaint BCS# 3371712 filed on 8/5/2015 12:00:00 AM (CRU 787-1250) regarding ON - PAR NEEDED (# 61), by # of Adults in Household: 1. # and Ages of Children in Household: 0 / . Gross Income: _____

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [REDACTED] Smith, Howard [v]
Premise: 2404 S Millick St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

Customer Contact: Customer Review Unit [X]

Date: 11/18/2015 Time: 10:05:00 AM Source: _____ Related Tran: _____
CC Type: CRU - Customer Review Unit [v] Created: 11/18/2015 at: 10:05:26 AM by: WFADMIN
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 11/17/2020 Class: Inquiry

Comments: BCS # 3371712 case dismissed on 11/18/2015 12:00:00 AM. Resolution:CASE DISMISSED PER 1405C. [v]

[Letter](#)

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

[Review List Tickler](#)

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [] Smith, Howard [v]
Premise: [] 2404 S Millick St/Phila,Pa [v]
Person: [] Smith, Howard [v]

[Change] [Cancel]

Customer Contact: Customer Review Unit [X]

Date: 04/08/2016 Time: 9:48:00 AM Source: Related Tran:
CC Type: CRU - Customer Review Unit [v] Created: 04/08/2016 at: 9:48:48 AM by: WFADMIN
Area: 800 - Residential General Service [v] Changed: at: by:
 Surveyable Auto Delete Date: 04/08/2021 Class: Inquiry

Comments: PUC Informal Complaint BCS# 3424842 filed on 4/8/2016 12:00:00 AM (CRU 787-1250) regarding CAP DISPUTE (#67), by

Letter

Status: Print Date: Run Number: Reprint: [v]
Template:

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [redacted] Smith, Howard [v]
Premise: 2404 S Millick St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 3424842
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial:
Customer Last Name: SMITH
Account Number: [REDACTED]
Service Address 1: 2404 S MILLICK STREET
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19142
Service Zip 4:
Decision Issue: Y
Oral Written: W
Violation: NO
Chapter:
Section Rule:
Total Balance: 3820.81
Date Closed: 2016-08-06
Resolution: DECISION. UNABLE TO ASSIST PER 1405C. DISMISSED
Balance Date: 2016-05-04
Service Restored Pay: 0.00
Service Continue Amount: 0.00
Service Continue Date:
Terms:
Special Budget Amount: 83.12
Regular Budget Amount: 85.00
Arrears Payment Plus: 0.00
FinalMonthlyPayment: 0.00
CurrentMonthlyPayment: 0.00
EndMonthlyPayment: 0.00
LetterDescription: CAP REVIEWED/NO DECISION/BALANCE
HeadDate: 2016-08-09
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount: 0.00
BCS Investigator First Name: JAMES
BCS Investigator Last Name: WHITE
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7177876641

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Howard smith

Street/P.O. Box 2404 s millick street Apt # _____

CityState Philadelphia , pa. Zip 19142

County USA

Telephone Number(s) Where We Can Contact You During the Day:

██████████ (home) (_____) _____ (mobile)

E-mail Address (optional): teamstrukk@gmail.com

Utility Account Number (from your bill) ██████████

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PGW PHILADELPHIA GAS WORKS

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC
- GAS
- WATER
- STEAM HEAT
- WASTEWATER/SEWER
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- MOTOR CARRIER (e.g. taxi, moving company, limousine)

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.

- I would like a payment agreement.they give me a payment plan then when I went To pay they said I was not on any programs anymore and need to pay the whole 4,144.05

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I want to show paperwork from payment plan that I keep and records I have to show that I talked to them in person before the notice about a payment options and get the original plan put in order.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order

a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a “Protection From Abuse” order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a “Protection From Abuse” order for your personal safety or welfare?

- YES
- NO

If your answer to the above question is “yes,” attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC’s Bureau of Consumer Services (BCS)?

- YES
- NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

- YES
- NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. Yes the reps refuse to help me at this time that's why I need a hearing to discuss issues with a judge.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature Howard smith

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. **If you do not sign the Formal Complaint, the PUC will not accept it.**

Verification:

I Howard smith _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Howard smith _____

(Signature of Complainant)
2016

(Date) sept, 29,

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

**Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120**

Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

Customer Contact: Customer Review Unit [X]

Date: 12/06/2016 Time: 10:10:00 AM Source: JetSearch Related Tran: Account Maintenance

CC Type: CRU - Customer Review Unit [v] Created: 12/06/2016 at: 10:10:07 AM by: MCHARLES

Area: 800 - Residential General Service [v] Changed: at: by:

Surveyable Auto Delete Date: 12/06/2021 Class: Inquiry

Comments: _CRU_ I attended telephonic hearing docket # C-2016-2569010 with the customer of record, Howard Smith and Laureto Farinas, Esquire. The customer requested a continuance which was granted by Special Agent Rebecca Waldemar.

[Letter](#)

Status: Print Date: Run Number: Reprint: [v]

Template:

[Review List Tickler](#)

Follow Up: [] to Review Group to User

Priority: [] Review Group... []

Account: [REDACTED] Smith, Howard [v]

Premise: 2404 S Millick St/Phila,Pa [v]

Person: Smith, Howard [v]

Customer Contact: Customer Review Unit [X]

Date: 01/17/2017 Time: 11:31:00 AM Source: JetSearch Related Tran: Account Maintenance
CC Type: CRU - Customer Review Unit Created: 01/17/2017 at: 11:31:42 AM by: JPEARSON
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 01/17/2022 Class: Inquiry

Comments: _CRU_ Appeared at telephonic hearing. The customer did not appear.

Letter

Status: Print Date: Run Number: Reprint: [v]
Template:

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [Redacted] Smith, Howard [v]
Premise: 2404 S Millick St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Howard Smith :
 :
 v. : C-2016-2569010
 :
 Philadelphia Gas Works :

INITIAL DECISION

Before
Rebecca Waldemar
Special Agent

INTRODUCTION

This Decision grants a Motion to Dismiss for Failure to Prosecute because the Complainant failed to appear for the hearing at the designated date and time despite having notice of the hearing.

HISTORY OF THE PROCEEDING

On September 30, 2016, Howard Smith (Complainant) filed with the Pennsylvania Public Utility Commission, a Formal Complaint against Philadelphia Gas Works (PGW or Respondent). In his Complaint, Mr. Smith alleged that PGW was threatening to terminate, or had already terminated, his service. He requested a payment arrangement.

On October 20, 2016, PGW filed an Answer to Mr. Smith's Complaint. In its Answer, Respondent admitted that it had terminated Mr. Smith's service and averred that the Complainant had broken two company issued payment arrangements. PGW requested that the Complaint be dismissed.

On November 15, 2016, the Commission issued a Telephone Hearing Notice scheduling an initial telephonic hearing for this matter for Tuesday, December 6, 2016 at 10:00 a.m. and assigning me as the Presiding Officer. Of note, the Hearing Notice stated, among other things: “Attention: You may lose this case if you do not take part in this hearing and present facts on the issues raised.” Additionally, a Prehearing Order dated November 17, 2016 was issued establishing the procedures pertaining to the hearing. Similar to the Hearing Notice, the Prehearing Order stated: “This case will be dismissed if you do not participate in the hearing and present evidence on the issues raised.” Both the Hearing Notice and the Prehearing Order were sent to Complainant at the address provided in his Complaint via first-class mail. Neither were returned to the Commission as undeliverable.

On December 5, 2016, Complainant’s Physician faxed a note to me stating that Mr. Smith was under his care and was using a medical apparatus which made it difficult for the Complainant to speak. The fax contained a request for a continuance. I provided a copy of the fax to PGW’s counsel.

The hearing convened on December 6, 2016, as scheduled.¹ Laureto Farinas, Esquire appeared on behalf of Respondent. Complainant appeared *pro se* and requested a continuance noting the note provided by his doctor. Respondent did not object and I continued the hearing. On December 13, 2016, the Commission issued a Telephone Hearing Notice scheduling a further telephonic hearing for this matter for Tuesday, January 17, 2017 at 10:00 a.m. Of note, this Hearing Notice also stated, among other things: “Attention: You may lose this case if you do not take part in this hearing and present facts on the issues raised.”

The hearing convened on January 17, 2017, as scheduled. I attempted to call the Complainant at the number provided in the Complaint at the scheduled time, but he did not answer. I again called the Complainant approximately 15 minutes later, who again did not answer. I left a message during the first call explaining this was the date and time scheduled for his hearing and that he could lose his case if he did not appear. I left a message during the second call informing the Complainant that since he did not answer my call, the hearing would

¹ A tape recording of the hearing was made, no court reporter being present.

proceed in his absence. Neither the Complainant nor anyone on his behalf appeared nor had the matter been withdrawn, settled, or continued. No witnesses were presented and no exhibits were introduced into the record at the hearing.

Respondent's counsel moved that the Complaint be dismissed with prejudice for lack of prosecution pursuant to 52 Pa.Code § 5.245. In accordance with Commission policy, the motion to dismiss will be granted. The record closed in this proceeding at the conclusion of the hearing.

FINDINGS OF FACT

1. The Complainant in this case is Howard Smith.
2. The Respondent in this case is Philadelphia Gas Works.
3. No one appeared at the hearing on behalf of Mr. Smith.
4. The Commission notified the Complainant of the initial hearing by hearing notice dated November 15, 2016 and sent a Prehearing Order on November 17, 2016.
5. An initial hearing was held, and the matter continued, on December 6, 2016.
6. The Commission notified Complainant of the further hearing by Hearing Notice dated November 13, 2016.
7. The Hearing Notice clearly stated the date and time for the further hearing.
8. The Hearing Notice was not returned to the Commission as undeliverable.

9. The Hearing Notice for the further hearing as well as the Hearing Notice for the initial hearing and the Prehearing Order issued in this matter explained that, if a party failed to participate in the hearing, that party may lose the case.

10. The parties did not settle prior to the hearing nor was a continuance requested or the matter withdrawn.

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). "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 364 Pa. 54, 70 A.2d 854 (1950). In this proceeding, based on a reading of his Complaint, the Complainant seeks a payment arrangement. The Complainant, therefore, has the burden of proof in this proceeding.

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 accorded notice and the opportunity to be heard. *Id.* Neither the Complainant nor anyone on his behalf appeared at the hearing despite twice receiving notice of the hearing. Commission regulations address circumstances when a party fails to appear in a proceeding. Section 5.245 provides that if a party fails to appear at a hearing after being notified, that party will be deemed to have waived the opportunity to participate in the hearing and will not be permitted to reopen the disposition of the matter. 52 Pa.Code § 5.245(a).

The Hearing Notice, the Prehearing Order, and the further Hearing Notice were sent to Complainant by regular first class mail to the address he provided in his Complaint filed with the Commission. None were returned to the Commission as undeliverable. Accordingly, it must be presumed that these documents sent to the Complainant in the ordinary course of

business were received by him. *Berkowitz v. Mayflower Securities, Inc.*, 455 Pa. 531, 317 A.2d 584 (1974); *Meierdierck v. Miller*, 394 Pa. 484, 147 A.2d 406 (1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mutual Insurance Co.*, 303 Pa. Super. Ct. 221, 444 A.2d 658 (1982). Of note, the Hearing Notice, the Prehearing Order, and the further Hearing Notice all explained that, if a party failed to participate in the hearing, the hearing may proceed without that party and the party could lose its case. I attempted to contact the Complainant twice to connect him to the hearing and was unable to reach him.

No one appeared on behalf of Mr. Smith at the time of the hearing. Nor did he request a postponement or continuance of the hearing. As such, Complainant had notice and an opportunity to be heard in this proceeding, but chose not to appear. Therefore, his due process rights have been fully protected. *Sentner v. Bell Telephone Company of Pennsylvania*, Docket No. F-00161106 (Order entered October 25, 1993); see also, 52 Pa.Code § 5.245(a).

During the hearing, counsel for PGW moved to have the Complaint dismissed with prejudice for lack of prosecution. By failing to appear and present any evidence in support of his Complaint, Mr. Smith has failed to carry his burden of proof. Thus, the Complaint is appropriately dismissed. *El-Ayazra v West Penn Power Company*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016). I will decline to dismiss the case with prejudice as the Complainant has experienced what may be serious health problems and actively participated in his case before the further hearing.

Accordingly, the merits of the Complaint will not be addressed in this Initial Decision and the Complaint will be dismissed, without prejudice, for Complainant's failure to prosecute and carry his burden of proof.

CONCLUSIONS OF LAW

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

2. 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).

3. "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 364 Pa. 54, 70 A.2d 854 (1950).

4. 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 accorded notice and the opportunity to be heard. *Id.*

5. After being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will: 1) be deemed to have waived the opportunity to participate in the conference or hearing; 2) not be permitted to reopen the disposition of a matter accomplished at the conference or hearing; and 3) not be permitted to recall witnesses who were excused for further examination. 52 Pa.Code § 5.245(a).

6. Mr. Smith's due process rights have been fully protected. *Sentner v. Bell Telephone Company of Pennsylvania*, Docket No. F-00161106 (Order entered October 25, 1993); 52 Pa.Code § 5.245(a).

7. Mr. Smith failed to carry his burden of proof in this proceeding.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion of Philadelphia Gas Works to dismiss the Formal Complaint of Howard Smith at Docket Number C-2016-2569010 for failure to prosecute is granted.
2. That the Formal Complaint filed by Howard Smith at Docket Number C-2016-2569010 is hereby dismissed for failure to appear and prosecute.
3. That this matter be marked closed.

Date: February 7, 2017

_____/s/_____
Rebecca Waldemar
Special Agent

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Howard Smith :
 :
 v. : C-2016-2569010
 :
 Philadelphia Gas Works :

FINAL ORDER

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Special Agent Rebecca Waldemar dated February 7, 2017, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the motion of Philadelphia Gas Works to dismiss the Formal Complaint of Howard Smith at Docket Number C-2016-2569010 for failure to prosecute is granted.
2. That the Formal Complaint filed by Howard Smith at Docket Number C-2016-2569010 is hereby dismissed for failure to appear and prosecute.
3. That this matter be marked closed.

BY THE COMMISSION,


Rosemary Chiavetta
Secretary

(SEAL)

ORDER ENTERED: April 14, 2017

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name HOWARD SMITH

Street/P.O. Box 2404 S MILLICK STREET _____ Apt #

City State Zip PHILADELPHIA, PA 19142

County USA _____

Telephone Number(s) Where We Can Contact You During the Day:

_____ (home) (____) _____ (mobile)

E-mail Address

(optional): 2105SERVICES@gmail.com _____

Utility Account Number (from your bill) _____

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PGW PHILADELPHIA GAS WORKS

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
- GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.

Was going to make a payment but utility agent refuse payment if it was not full payment which was higher than expected.

The first time I had a case with do I was sick in the hospital and I had documentation to justify my claim with PGW but missed the hearing would like to do a hearing with them and my counsel.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

Was going to make a payment but utility agent refuse payment if it was not full payment which was higher than expected.

The first time I had a case with do I was sick in the hospital and I had documentation to justify my claim with PGW but missed the hearing would like to do a hearing with them and my counsel.

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Was going to make a payment but utility agent refuse payment if it was not full payment which was higher than expected. I would like to resolve the past incorrect billing.

The first time I had a case with do I was sick in the hospital and I had documentation to justify my claim with PGW but missed the hearing would like to do a hearing with them and my counsel.

Note:The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a “Protection From Abuse” order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public. No

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a “Protection From Abuse” order for your personal safety or welfare?

YES

NO

If your answer to the above question is “yes,” attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC’s Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. Customer service was not to friendly with helping me.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing. Myself

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name

Street/P.O. Box _____

City State Zip

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. **If you do not sign the Formal Complaint, the PUC will not accept it.**

Verification:

I Howard Smith _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Howard Smith. _____ June , 7,
2017 _____
(Signature of Complainant) (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept** it.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

**Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120**

Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

Customer Contact: Customer Review Unit [X]

Date: 08/09/2017 Time: 11:10:00 AM Source: JetSearch Related Tran: Account Maintenance
CC Type: CRU - Customer Review Unit Created: 08/09/2017 at: 11:10:14 AM by: JMOORE
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 08/09/2022 Class: Inquiry

Comments: Attended in person hearing with Judge Jones and Senior attorney Laureto Farinas customer did not show. Company requested that the complaint be dismissed...

Letter

Status: Print Date: Run Number: Reprint: [v]
Template:

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [Redacted] Smith, Howard [v]
Premise: 2404 S Millick St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Howard Smith :
 :
 v. : C-2017-2608475
 :
 Philadelphia Gas Works :

INITIAL DECISION

Before
Angela T. Jones
Administrative Law Judge

INTRODUCTION

The undersigned through this decision dismisses the formal complaint (Complaint) filed in this matter for failure of the Complainant to appear for the hearing and prosecute the Complaint. The Respondent’s counsel requested that the Complainant be barred from filing future informal and formal complaints with the Pennsylvania Public Utility Commission (Commission) because the Complainant is alleged to have abused the Commission’s administrative process. The undersigned did not find that the Complainant abused the Commission’s administrative process, and therefore, the request to bar future complaints is denied.

HISTORY OF THE PROCEEDING

On June 8, 2017, Complainant, Howard Smith, electronically filed (efiled) a Complaint with the Pennsylvania Public Utility Commission (Commission or PUC) against Philadelphia Gas Works (PGW or Company or Respondent). The Complainant indicated that the Company is threatening to terminate gas service at 2404 S. Millick Street, Philadelphia,

Pennsylvania (service address). The Complainant indicated that he had a previous complaint against PGW, but he was hospitalized and missed the hearing. The Complainant also stated that there are incorrect charges on his bill. The Complainant contended that he attempted to pay for his gas service but the utility refused to accept anything less than the full payment due which was significantly more than the Complainant expected to pay.

The Complaint was served electronically (eService) by the Commission's Secretary on June 8, 2017, according to the audit history of the docket. The eService is pursuant to the Waiver of Section 702 program, under which the Respondent waives the service requirements in 66 Pa.C.S. § 702.

On June 28, 2017, Laureto Farinas, Esquire, counsel for the Respondent, filed an Answer to the Complaint. The Answer admitted that the Respondent issued a termination notice on a past due balance of \$5,344.75 on May 31, 2017. The notice stated that service could be shut off as early as June 12, 2017.

The Answer also provided the Complainant's history of payment arrangements citing enrollment in the Company's customer assistance program (CAP) on March 10, 2012, but service on August 7, 2013 to a different individual at the service address closed the Complainant's account as of August 12, 2013. The Complainant's account was deactivated for CAP on October 16, 2013, with an outstanding balance of over \$1,000.00, which included CAP arrears. The Complainant re-established service effective September 1, 2014 with a payment arrangement on the outstanding balance. On November 25, 2014, because timely, full payments for service rendered were not received by PGW, a broken payment arrangement resulted. On April 6, 2015, PGW terminated service for non-payment. On April 14, 2015, PGW restored service and established another payment arrangement with the Complainant for an outstanding balance more than \$2,500.00. On July 25, 2015, the payment arrangement was broken due to failure to receive timely payments made in full.

The Answer also provided some history of the Complainant with the Commission's informal complaint process with the Bureau of Consumer Services (BCS).

Specifically, the Respondent noted in its Answer that the Complainant filed an informal complaint with the PUC's Bureau of Consumer Services (BCS), at BCS Case No. 3424842. BCS Case No. 3424842 was dismissed on August 6, 2016, because the Complainant's outstanding balance included CAP arrears. The Commission is prohibited by statute at Section 1405(c) of the Pennsylvania Public Utility Code (Code) from issuing a payment arrangement on an outstanding balance that includes CAP rates. 66 Pa.C.S. § 1405(c).

The Respondent requested that the Commission find against the Complainant and dismiss the Complaint.

A Hearing Notice dated July 6, 2017, notified the parties that an initial in-person hearing was scheduled for Wednesday, August 9, 2017, at 10:00 a.m. This Notice indicated that the case was assigned to the undersigned Administrative Law Judge (ALJ) as the presiding officer.

A Prehearing Order dated July 10, 2017, provided procedural rules and guidelines for the proceeding and emphasized the following:

- (1) a request to change the scheduled hearing should be sent at least five days prior to the hearing date;
- (2) the request for a hearing change is to be in writing and sent to all parties of record; and
- (3) a caution that Complainant may lose the case if he does not take part in the hearing and present evidence on the issues raised.

The evidentiary hearing convened as scheduled. Attorney Farinas appeared representing the Respondent and accompanied by one potential witness. The undersigned recessed to allow time for the Complainant to appear or to communicate a reasonable explanation as to why he could not be present at the scheduled hearing. The undersigned reconvened at approximately 10:20 a.m. and the Complainant remained absent from the evidentiary hearing without communicating why he failed to appear.

Counsel for the Respondent moved to dismiss the Complaint with prejudice for lack of prosecution.

Counsel also requested that the Complainant be barred from filing further formal complaints on the outstanding balance until the current balance is paid in full. The Respondent stated the Complainant's outstanding balance as of August 9, 2017, was \$5,180.17 and contained CAP arrears. Counsel for the Respondent stated that the instant Complaint is the second formal complaint made to the Commission regarding the Complainant's outstanding balance at the service address. Attorney Farinas suggested that the filing of two formal complaints in the same year regarding an outstanding balance that increases is abuse of the procedural process.

The undersigned stated that the Respondent's motion and request would be considered and ruled upon in writing and adjourned. The record closed on August 9, 2017, when the evidentiary hearing adjourned.

This matter is ripe for decision.

FINDINGS OF FACT

1. The Complainant is Howard Smith, who receives gas service from the Respondent at 2404 S. Millick Street, Philadelphia, Pennsylvania (service address).
2. The Respondent is Philadelphia Gas Works, a jurisdictional public utility that provides gas distribution service in the Commonwealth of Pennsylvania.
3. On June 8, 2017, the Complainant filed a Complaint with the Commission against the Respondent.
4. The Respondent filed its Answer on June 28 2017, which admitted to threatening to terminate gas service but denied the remaining allegations in the Complaint.

5. A Hearing Notice dated July 6, 2017, was sent by regular first-class mail to the Complainant and scheduled an evidentiary hearing for Wednesday, August 9, 2017, at 10:00 a.m.

6. A Prehearing Order dated July 10, 2017, advised the Complainant of the proper procedure to obtain a continuance to reschedule the hearing date.

7. None of the documents mailed to Complainant was returned to the Commission by the United States post office as undeliverable.

8. Neither Complainant nor any counsel representing Complainant timely appeared at the scheduled hearing on August 9, 2017.

9. Complainant did not settle or withdraw the Complaint.

DISCUSSION

In this Complaint, the Complainant alleged the following:

- (1) the utility threatened to terminate his gas service;
- (2) incorrect charges on his bill; and
- (3) the utility failed to accept payment unless it was the full amount due.

These issues in this proceeding are determined by whether the Complainant sustained his burden of proof. By failing to participate in the hearing, the Complainant was unable to meet this burden.

A. Failure to Prosecute

1. Legal Standard of Review

The party seeking affirmative relief from the Commission bears 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. PUC 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976). This responsibility or accountability to the named utility must be shown by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa.Cmwlt. 1990), *alloc. denied*, 602 A.2d 863 (Pa. 1992). A preponderance of the evidence is that which is 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).

Administrative agencies, like the Public Utility Commission, are required to provide due process to the parties appearing before them. This requirement is satisfied when the parties are afforded notice and the opportunity to appear and be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa.Cmwlt. 1984). Notice mailed to a party's last known address and not returned by the post office is presumed to have been received. *Chartiers Industrial and Commercial Development Authority v. Allegheny County Board of Property Assessment Appeals and Review*, 645 A.2d 944 (Pa.Cmwlt. 1994).

2. Disposition

The Commission sent a Hearing Notice dated May 30, 2017, to the Complainant by regular first class mail to the address listed on the Complaint. This document was never returned to the sender, the scheduling staff of the Office of Administrative Law Judge (OALJ) in Harrisburg.

The undersigned issued a Prehearing Order dated June 2, 2017, which *inter alia*, instructed the parties that any request to change the scheduled hearing date should state the

agreement or opposition of the other party and be submitted in writing no later than five days prior to the hearing. The Prehearing Order, which was mailed to the Complainant at the address shown in the Complaint, was never returned by the U.S. post office as undeliverable. Accordingly, it is presumed that this mailing, which was done through the ordinary course of business, was received by the Complainant. *Berkowitz v. Mayflower Securities, Inc.*, 317 A.2d 584 (Pa. 1974); *Meirerdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa.Super. 1997); *Judge v. Celina Mutual Insurance Co.*, 444 A.2d 658 (Pa.Super. 1982).

The Complainant is deemed to have received all of these documents and had sufficient notice of the day, date and time of the scheduled hearing. The Complainant was notified of the scheduled hearing date and time, as well as how to contact the OALJ for the hearing. The Complainant made no attempt whatsoever to notify the presiding officer that he did not plan to participate in the scheduled August 9, 2017, hearing.

Under these circumstances, the Complainant had ample opportunity to appear and be heard in this proceeding, but chose not to do so. Once notice of a hearing and the opportunity to be heard has been provided to the parties, it is the responsibility of both parties to appear and participate in the hearing. The due process rights of the Complainant have been fully protected. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered October 25, 1993); 52 Pa.Code § 5.245(a).

Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of any request for relief. As the party bringing this Complaint, the Complainant bears the burden of proving by a preponderance of the evidence that he is entitled to relief. By choosing not to appear and proffer any evidence to support the Complaint, the Complainant has failed to meet this burden.

The failure of the Complainant to appear at this scheduled hearing is unexcused. By his failure to attend the hearing and present evidence on the issue raised, the Complainant failed to sustain his burden of proof.

As the Commission stated in *Mumma v. PPL Electric Utilities Corp.*, Docket No. C-00014869 (Opinion and Order entered January 24, 2002), “It is well-established law that once timely notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to be present and participate in the hearing.” See, *Schneider v. Pa. Pub. Util. Comm’n*, 479 A.2d 10 (Pa.Cmwlth. 1984); *Plummer v. Columbia Gas of Pa., Inc.*, Docket No. Z-00847836 (Opinion and Order entered September 27, 2001). The Pennsylvania Commonwealth Court has made it clear that in administrative hearings, “a party’s own negligence is not sufficient good cause as a matter of law for failing to appear at a ... hearing.” *Eat “N Park Hospitality Group, Inc. v. Unemployment Compensation Board of Review*, 970 A.2d 492, 494 (Pa.Cmwlth. 2008).

Due to the waste of the Commission’s and Respondent’s time, money and energy occasioned by the Complainant’s failure to appear at a hearing of which he had notice, this Complaint will be dismissed with prejudice in accordance with well-established Commission precedent. *Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Opinion and Order entered December 26, 1995); *Evans v. Bell Atlantic-Pennsylvania, Inc.*, Docket No. C-00957229 (Opinion and Order entered July 12, 1996); *King v. PECO Energy Co.*, Docket No. C-00967919 (Opinion and Order entered January 16, 1997); *Kenny v. PPL Electric Utilities Corp.*, Docket No. C-20042399 (Final Order entered October 13, 2004); *Jones v. The Peoples Natural Gas Co. d/b/a Dominion Peoples*, Docket No. C-20054885 (Opinion and Order entered February 14, 2006); *El-Ayazra v. West Penn Power Co.*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016).

The Complainant waived the opportunity to participate in the hearing by failing to appear. This case will be dismissed. 52 Pa.Code § 5.245(a); *Martin W. Jefferson v. UGI Utilities, Inc.*, 1995 Pa. PUC LEXIS 159.

B. Respondent’s Request to Bar Future Complaints

The Respondent requested the Commission to bar the Complainant from filing future Complaints regarding his outstanding balance until the balance is paid in full. The

Respondent suggested that the bar is consistent with precedent that the Complainant has abused the Commission's procedural process by failing to show and prosecute two formal complaints within the current calendar year. The Respondent referenced the formal complaint, *Smith v. Philadelphia Gas Works*, Docket No. C-2016-2569010, and the instant Complaint to support its allegation for abuse of the Commission's procedural process by the Complainant.

1. Legal Precedent

The Commission has on occasion precluded a party from filing further informal and formal complaints when the party has been an abuser of the system. See, *Manu, et al. v. AT&T Communications of Pennsylvania, Inc.; the Bell Telephone Co. of Pennsylvania, Inc. & Philadelphia Electric Co., Inc.*, Docket Nos. F-09029141, C-00935014, C-00934970, C-00913621, (Opinion and Order entered May 9, 1994) (Commission found as abuse a constant pattern existed, which was to file a complaint, then have the hearing notices returned unclaimed and have requests for continuances made); *Dinion v. Duquesne Light Co.*, 91 Pa. PUC 550 (1998); *Attilio DiFilippo, Jr. v. PECO Energy Co.*, Docket No. C-20027116 (Final Order entered October 3, 2002) (Commission found that the Complainant filed three previous complaints which were all dismissed with a fourth complaint filed which contained impertinent and scandalous matters as abusive conduct); *Seidenstricker v. Metropolitan Edison Co.*, Docket No. F-2008-2019388 (Final Order entered July 28, 2009) (Commission precluded filing further complaints pertaining to same account until the arrearage was paid in full finding that the Complainant abused the system by using Commission provisions to prevent termination of service while accruing an outstanding balance in excess of \$25,000.00); *Argento's Pizza v. Philadelphia Gas Works*, Docket Nos. C-2009-2138055 and C-2010-2167822 (Final Order entered October 1, 2010) (Complainant filed four complaints within 2½ years using the same allegations and filed a request for continuance to further delay the schedule for hearing; additionally, the Complainant had a poor payment history-20 bounced checks during the service account with an outstanding arrearage in excess of \$16,000.00) (*Argento*); and *Mazza v. PECO Energy Co.*, Docket No. C-2012-2318472 (Final Order entered April 23, 2014) (Complainant filed nine formal complaints, arrearage in excess of \$9,000.00, finding the Complainant used the system to avoid payment and to delay termination of service for non-payment).

In *Argento*, the following several factors resulted in a finding that the Complainant abused the administrative process of the Commission:

- (1) Constant pattern of complaint filed, and request for continuances made;
- (2) Significant number and nature of complaints the same;
- (3) Significant number of defaulted payments;
- (4) Significant number of tactics used to avoid payment and termination of service; and
- (5) Poor payment history.

Argento's Pizza v. Philadelphia Gas Works, Docket Nos. C-2009-213055 and C-2010-2167822, (Initial Decision dated August 2, 2010) at 6-7.

2. Disposition

In the instant Complaint, I do not find that the record supports an abuse of the administrative process through two filed formal complaint hearings in one calendar year where the Complainant failed to appear at both formal hearings.

The formal complaint that was previously filed on September 30, 2016, was at Docket No. C-2016-2569010. The presiding officer was Special Agent (SA) Waldemar. SA Waldemar granted a continuance for the initial telephonic hearing scheduled on December 6, 2016, because a physician sent by facsimile a note stating the patient, the Complainant, was using a medical apparatus that made it difficult to speak. The hearing convened and the Complainant and Attorney Farinas appeared. SA Waldemar granted the continuance which was unopposed.

A further telephonic hearing was scheduled and convened on January 17, 2017. The Complainant failed to appear. Attorney Farinas moved for a dismissal with prejudice for lack of prosecution. SA Waldemar declined to dismiss the case with prejudice because she had knowledge of the Complainant's serious health problems and found that the Complainant's participation in the initial telephonic hearing merited some weight in favor of the Complainant.

This decision became final by Order entered April 14, 2017, without any filing of exceptions by the Complainant.

I simply do not find it reasonable to conclude that the filing of the instant Complaint is abusive in this scenario. It is accurate that the formal complaint at Docket No. C-2016-2569010 was held this calendar year and the Complainant failed to show at the hearing for the instant Complaint. However, these actions do not rise to a pattern as one of the factors to show abuse of the Commission's administrative system. The other factors that have supported a showing of abuse of the Commission's administrative system are not present in the record evidence.

Furthermore, SA Waldemar found that the first complaint at Docket No. C-2016-2569010 was **dismissed without prejudice** which means, "Dismissal without prejudice to the right of the complainant to sue again on the same cause of action. The effect of the words, 'without prejudice' is to prevent the decree of dismissal from operating as a bar to a subsequent suit." Black's Law Dictionary 245 (Abridged 5th ed. 1983). To penalize the Complainant when he does complain again, destroys the right granted previously, which was to dismiss without prejudice.

The request by Attorney Farinas to bar the Complainant from filing future informal or formal complaints on the outstanding balance of his gas service at the service address is denied because the record evidence does not support that the Complainant abused the administrative process.

CONCLUSIONS OF LAW

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

2. Notice properly mailed to a party's last known address and not returned by the post office is presumed to have been received. *Berkowitz v. Mayflower Securities, Inc.*, 317

A.2d 584 (Pa. 1974); *Meirerdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa.Super. 1997); *Judge v. Celina Mutual Insurance Co.*, 444 A.2d 658 (Pa.Super. 1982).

3. By Hearing Notice dated May 30, 2017, the Complainant had notice of the date, location and time of the scheduled hearing. 52 Pa.Code § 5.201(a).

4. Once notice of a hearing and the opportunity to be heard has been provided, it is the responsibility of the parties to appear and participate in the hearing. *Sentner v. Bell Telephone Co. of Pennsylvania*, Docket No. F-00161106 (Order entered October 25, 1993).

5. As the party seeking affirmative relief from the Commission, the Complainant bears the burden of proof. 66 Pa.C.S. § 332(a).

6. The due process rights of the Complainant have been fully protected because the Complainant was afforded notice and the opportunity to appear and be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa.Cmwlt. 1984).

7. A formal Complaint may be dismissed if, after notice and an opportunity to be heard, a Complainant fails to appear and prosecute the Complaint. *Mumma v. PPL Electric Utilities Corp.*, Docket No. C-00014869 (Opinion and Order entered January 24, 2002).

8. The Complainant, Howard Smith, failed to sustain his burden of proof. 66 Pa.C.S. § 332(a).

9. The following factors support a finding of abuse of the Commission's administrative process:

- (1) Constant pattern of complaint filed, and request for continuances made;
- (2) Significant number and nature of complaints the same;
- (3) Significant number of defaulted payments;

- (4) Significant number of tactics used to avoid payment and termination of service; and
- (5) Poor payment history.

Manu, et al. v. AT&T Communications of Pennsylvania, Inc.; the Bell Telephone Co. of Pennsylvania, Inc. & Philadelphia Electric Co., Inc., Docket Nos. F-09029141, C-00935014, C-00934970, C-00913621, (Opinion and Order entered May 9, 1994); *Attilio DiFilippo, Jr. v. PECO Energy Co.*, Docket No. Docket No. C-20027116 (Final Order entered October 3, 2002); *Seidenstricker v. Metropolitan Edison Co.*, Docket No. F-2008-2019388 (Final Order entered July 28, 2009); *Argento's Pizza v. Philadelphia Gas Works*, Docket Nos. C-2009-2138055 and C-2010-2167822 (Final Order entered October 1, 2010); and *Mazza v. PECO Energy Co.*, Docket No. C-2012-2318472 (Final Order entered April 23, 2014).

10. The Respondent, PGW, failed to provide substantial evidence to support the allegation that the Complainant abused the administrative process.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion by Laureto Farinas, Esquire on behalf of Philadelphia Gas Works to dismiss the formal complaint of Howard Smith at Docket No. C-2017-2608475 for lack of prosecution is granted.

2. That the formal complaint filed by Howard Smith against Philadelphia Gas Works at Docket No. C-2017-2608475 is dismissed in its entirety with prejudice.

3. That the request by Laureto Farinas, Esquire on behalf of Philadelphia Gas Works to bar Howard Smith from filing a future informal or formal complaint regarding the

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Howard Smith :
 :
 v. : C-2017-2608475
 :
 Philadelphia Gas Works :

FINAL ORDER

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Angela T. Jones dated August 14, 2017, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the motion by Laureto Farinas, Esquire on behalf of Philadelphia Gas Works to dismiss the formal complaint of Howard Smith at Docket No. C-2017-2608475 for lack of prosecution is granted.
2. That the formal complaint filed by Howard Smith against Philadelphia Gas Works at Docket No. C-2017-2608475 is dismissed in its entirety with prejudice.
3. That the request by Laureto Farinas, Esquire on behalf of Philadelphia Gas Works to bar Howard Smith from filing a future informal or formal complaint regarding the outstanding balance for gas service at 2404 S. Millick Street, Philadelphia, Pennsylvania because of alleged abuse of the Commission's administrative process is denied.
4. That the Docket No. C-2017-2608475 is to be marked closed.

BY THE COMMISSION,

Rosemary Chiavetta
Secretary

(SEAL)
ORDER ENTERED: October 27, 2017

Payment: 03/30/2018 - 7,800.00

Action

Payment... 39501036791 Canceled Siblings...

Account: [REDACTED] Name: Smith, Howard Payment Amt: 7,800.00

Payment Amt: 7,800.00
 Payment Date: 03/30/2018
 Tender Type: Q - Check
 Check Id: 0

Pay Distribution Code: [REDACTED]
 Confirmation: [REDACTED]
 Shareholder: [REDACTED]
 Drawer/Bundle: [REDACTED]
 Payment Source: Remittance Processor
 Agency/Branch: KUB / 009003
 Batch Nbr/Seq Nbr: 5158 / 5561
 Grant Type: [REDACTED]

Print Receipt

Status History:

Status	Date	By
Created	03/31/2018 22:02	Operator, Bccs Job
Frozen	03/31/2018 22:02	Operator, Bccs Job
Canceled	04/04/2018 20:48	Operator, Bccs Job

Totals:

Category	Amou
Distributed	7,800.00

Payor / Receipt

Payor... [REDACTED]

Person Id: [REDACTED]
 Receipt Number: [REDACTED]

Header
Distribution

Miscellaneous Adjustment: NSFCHA - 20.00

Action Launch

Adjustment... 9802784502 Frozen

Status	Date	By
Created	04/04/2018	Operator, Bccs Job
Frozen	04/04/2018	Operator, Bccs Job

Account: [Redacted] Name: Smith, Howard

SA: G2-GS, Closed Adjustment Amount: 20.00

Type

SA SA... 2985059533 G2-GS, Closed

Deposit

	Begin	+Adj	=Final	Revenue Month/Year:
Total Amt Due		20.00		4/2018
Current Amt Due		20.00		
Write Off Amt		0.00		

Check Nbr: []
Check Date: []

Adjustment Code... NSFCHA Bad Check Charge 20.00

Adjustment Amount: 20.00 Comments: []

Memo Adjustment

Appear on Next Bill Description: Bad Check Charge \$20.00

Main
Financial Details
Tax Location
GL Accounting

Payment: 04/20/2018 - 7,300.00

Action

Payment... 36362522456 Canceled Siblings...

Account: [REDACTED] Name: Smith, Howard Payment Amt: 7,300.00

Payment Amt: 7,300.00
 Payment Date: 04/20/2018
 Tender Type: Q - Check
 Check Id: 0

Pay Distribution Code: [REDACTED]
 Confirmation: [REDACTED]
 Shareholder: [REDACTED]
 Drawer/Bundle: [REDACTED]
 Payment Source: Remittance Processor
 Agency/Branch: KUB / 009003
 Batch Nbr/Seq Nbr: 5222 / 9061
 Grant Type: [REDACTED]

Print Receipt

Status History:

Status	Date	By
Created	04/23/2018 22:53	Operator, Bccs Job
Frozen	04/23/2018 22:53	Operator, Bccs Job
Canceled	04/26/2018 19:42	Operator, Bccs Job

Totals:

Category	Amou
Distributed	7,300.00

Payor / Receipt

Payor... [REDACTED]

Person Id: [REDACTED]
 Receipt Number: [REDACTED]

Header
Distribution

Miscellaneous Adjustment: NSFCHA - 20.00

Action Launch

Adjustment... 9802737426 Frozen

Status	Date	By
Created	04/26/2018	Operator, Bccs Job
Frozen	04/26/2018	Operator, Bccs Job

Account: [Redacted] Name: Smith, Howard

SA: G2-GS, Closed Adjustment Amount: 20.00

Type

SA SA... 9311985844 G2-GS, Closed

Deposit

	Begin	+Adj	=Final	Revenue Month/Year:
Total Amt Due		20.00		4/2018
Current Amt Due		20.00		
Write Off Amt		0.00		

Check Nbr: [Empty]
Check Date: [Empty]

Adjustment Code... NSFCHA Bad Check Charge 20.00

Adjustment Amount: 20.00 Comments: [Empty]

Memo Adjustment

Appear on Next Bill Description: Bad Check Charge \$20.00

Main
Financial Details
Tax Location
GL Accounting

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Howard Smith Jr

Street/ 2404 S Millick Street _____ Apt #

City State Zip Philadelphia, Pa 19142

County Philadelphia _____

Telephone Number(s) Where We Can Contact You During the Day:

██████████ (____) _____ (mobile)

E-mail Address (optional): _____

Utilities No. PGW

Account No ██████████

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Philadelphia Gas Works – Po Box 11700 Newark No, 07101

3.Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC
- WASTEWATER/SEWER
- GAS
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- WATER
- MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM HEAT

4.Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.

X would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

XOther (explain).

Wanted to discuss recent slip up and why payments were denied or returned when money was there payment before and this caused shut off notice . Customer service was not helpful very rude .

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I would like a hearing with PHW management about issue in court .

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

The customer service operator was very rude and not helpful hang up phone on me .

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name

Street/P.O. Box _____

City State Zip

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept it.

Verification:

I Howard Smith _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Howard Smith, May, 12, 2018

(Signature of Complainant) (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

2

December 2014

Customer Contact: Customer Review Unit

Date: 08/11/2018 Time: 12:00:00 AM Source: Related Tran:
CC Type: CRU - Customer Review Unit Created: 08/11/2018 at: 12:00:07 AM by: WFADMIN
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 08/11/2023 Class: Inquiry

Comments: PUC Formal Complaint Docket # C2018-3001829 resolved through out of court settlement on 7/26/2018 9:43:38 AM.

Letter

Status: Print Date: Run Number: Reprint:
Template:

Review List Tickler

Follow Up: to Review Group to User
Priority: Review Group...

Account:
Premise:
Person:

Customer Contact: Crp Accepted Application [X]

Date: 09/24/2018 Time: 7:40:00 AM Source: _____ Related Tran: _____
CC Type: CAPA - Crp Accepted Application [v] Created: 09/24/2018 at: 7:40:36 AM by: HEVANS
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 09/24/2022 Class: System Generated Contact

Comments: PUT ON CRP [v]

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [REDACTED] Smith, Howard [v]
Premise: [v]
Person: [v]

[Change] [Cancel]

PHILADELPHIA GAS WORKS
800 W. MONTGOMERY AVENUE, PHILADELPHIA, PA 19122-0050

Notice Date: Feb 10, 2022
Account Number: [REDACTED]

10-DAY SHUT OFF NOTICE
Your Gas Service May Be Shut Off

Your bill is past due. As a result, PGW will shut off gas to 5855 PEMBERTON ST on or after 8 a.m. on Apr 01, 2022. This notice will remain effective for 60 days. To talk about your bill or this notice, call our office at 215-235-1777.

We will not shut off gas if you do ONE of the following:

- Arrange to pay your past due amount of \$225.00.
- Pay the amount you owe on your payment plan.
- Show us a payment receipt for the past due amount.
- Make a payment arrangement (you may be eligible for a special assistance program).
- Contact us to dispute the bill.

At a minimum, you may have to pay all of the following before we turn your service on:

Past Due Amount	\$225.00
Security Deposit	\$136.00
Turn On Charge	\$123.23
Total	\$484.23

(Plus \$372.00 if we must dig up the street to shut off gas).

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify by phone or in writing that such an illness exists and that it may be aggravated if your service is shut off; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS, VERIFYING THE MEDICAL CONDITION.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF

YOUR GAS SERVICE

- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.
- If you have a valid Protection From Abuse order from a court, there are additional protections available to you. Call us immediately at 215-235-1777. You will be required to provide us with a copy of the order.

- Call us if your landlord pays your utility bill. You have certain legal protections.
- If you have trouble understanding or speaking English call us for free interpretation.
- Please contact us if you are disabled and need assistance.
- All adult occupants of the premises whose names are on the mortgage, deed or lease are considered the 'customer' and are responsible for payment of the bill. If service is shut off ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- **Contact us before the shut off date** to give us household and occupant information to see if you qualify for any assistance programs.
- **If you are low income there are special rules about whether we may shut off your gas in the winter.** Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- **If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service.** We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- **If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:**
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- **If we reconnect your service during the winter months (between December 1st and March 31st) we will restore your service within 24 hours of you meeting all requirements to have service reconnected.** When street digging is required, it may take up to seven days.

Federal Poverty Guidelines (FPG) 2021

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
1	\$1,610 or less	\$1,611-\$2,683
2	\$2,178 or less	\$2,179-\$3,629
3	\$2,745 or less	\$2,746-\$4,575
4	\$3,313 or less	\$3,314-\$5,521
Each add. person add	\$568	\$569-\$946

PL_20220210172100.dat-20215-00000828

Please return this portion with your payment.
Write your account number on your check or money order made payable to Philadelphia Gas Works

Account Number: [REDACTED]
Notice Date: Feb 10, 2022
Please Pay: \$225.00

Place "X" in box for address corrections. Print corrections on reverse side.

Amount Enclosed:

010108 000000828

HOWARD SMITH
5855 PEMBERTON ST
PHILA PA 19143-2423



Philadelphia Gas Works
P.O. Box 11700
Newark, NJ 07101-4700

Customer Contact: Billing

Date: 03/31/2022 Time: 4:38:00 PM Source: JetSearch Related Tran: Account Maintenance
CC Type: BILL - Billing Created: 03/31/2022 at: 4:38:20 PM by: TMACON
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 03/31/2026 Class: Inquiry

Comments: Cor called to find out what he needed to cancel shut off notice for tomorrow. He states he will make payment today. Adv shut off amt \$225. He will call back once he has check book. cust sat

Letter

Status: Print Date: Run Number: Reprint:

Template:

Review List Tickler

Follow Up: to Review Group to User
Priority: Review Group...

Account:

Premise:

Person:

Customer Contact: Ivr Payment [X]

Date: 03/31/2022 Time: 4:52:00 PM Source: IVR Check Related Tran: _____
CC Type: PAYM - Ivr Payment [v] Created: 03/31/2022 at: 4:52:22 PM by: BCCSIVR
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 03/31/2022 Class: Credit Card Payment

Comments: Pending Pay Amount: 360.00 Authorization Code: 9060742831 Checking Act Nbr: _____
*****1080

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [redacted] Smith, Howard [v]
Premise: [] [v]
Person: Smith, Howard [v]

[Change] [Cancel]

Payment: 03/31/2022 - 360.00

Action

Payment... 63922740070 Canceled Siblings...

Account: [REDACTED] Name: Smith, Howard Payment Amt: 360.00

Payment Amt: 360.00
Payment Date: 03/31/2022
Tender Type: Q - Check
Check Id: 0

Pay Distribution Code:
Confirmation:
Shareholder:
Drawer/Bundle:
Payment Source: Remittance Processor
Agency/Branch: KUB / 011003
Batch Nbr/Seq Nbr: 349 / 12973
Grant Type:

Status History:

Status	Date	By
Created	04/02/2022 03:27	Operator, Bccs Job
Frozen	04/02/2022 03:27	Operator, Bccs Job
Canceled	04/07/2022 19:47	Operator, Bccs Job

Totals:

Category	Amou
Distributed	360.00

Payor / Receipt

Payor... [REDACTED]

Person Id:
Receipt Number:

Print Receipt

Header
Distribution

Miscellaneous Adjustment: NSFCHA - 20.00

Action Launch

Adjustment... 9802718030 Frozen

Status	Date	By
Created	04/07/2022	Operator, Bccs Job
Frozen	04/07/2022	Operator, Bccs Job

Account: [Redacted] Name: Smith, Howard

SA: G2-GS, Active Adjustment Amount: 20.00

Type

SA SA... 2857222410 G2-GS, Active

Deposit

	Begin	+Adj	=Final	Revenue Month/Year:
Total Amt Due		20.00		4/2022
Current Amt Due		20.00		
Write Off Amt		0.00		

Check Nbr: []
Check Date: []

Adjustment Code... NSFCHA Bad Check Charge 20.00

Adjustment Amount: 20.00 Comments: []

Memo Adjustment

Appear on Next Bill Description: Bad Check Charge \$20.00

Main
Financial Details
Tax Location
GL Accounting

10-DAY SHUT OFF NOTICE
Your Gas Service May Be Shut Off

PGW Exhibit 3
Page 72 of 123

Your bill is past due. As a result, PGW will shut off gas to 5855 PEMBERTON ST on or after 8 a.m. on Jun 08, 2022. This notice will remain effective for 60 days. To talk about your bill or this notice, call our office at 215-235-1777.

We will not shut off gas if you do ONE of the following:

- Arrange to pay your past due amount of \$200.00.
- Pay the amount you owe on your payment plan.
- Show us a payment receipt for the past due amount.
- Make a payment arrangement (you may be eligible for a special assistance program).
- Contact us to dispute the bill.

At a minimum, you may have to pay all of the following before we turn your service on:

Past Due Amount	\$200.00
Security Deposit	\$90.00
Turn On Charge	\$123.23
Total	\$413.23

(Plus \$372.00 if we must dig up the street to shut off gas).

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify by phone or in writing that such an illness exists and that it may be aggravated if your service is shut off; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS, VERIFYING THE MEDICAL CONDITION.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF YOUR GAS SERVICE

- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.
- If you have a valid Protection From Abuse order from a court, there are additional protections available to you. Call us immediately at 215-235-1777. You will be required to provide us with a copy of the order.

- Call us if your landlord pays your utility bill. You have certain legal protections.
- If you have trouble understanding or speaking English call us for free interpretation.
- Please contact us if you are disabled and need assistance.
- All adult occupants of the premises whose names are on the mortgage, deed or lease are considered the 'customer' and are responsible for payment of the bill. If service is shut off ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- **Contact us before the shut off date** to give us household and occupant information to see if you qualify for any assistance programs.
- **If you are low income there are special rules about whether we may shut off your gas in the winter.** Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- **If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service.** We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- **If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:**
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- **If we reconnect your service during the winter months (between December 1st and March 31st)** we will restore your service within 24 hours of you meeting all requirements to have service reconnected. When street digging is required, it may take up to seven days.

Federal Poverty Guidelines (FPG) 2022

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
1	\$1,699 or less	\$1,700-\$2,831
2	\$2,289 or less	\$2,290-\$3,815
3	\$2,879 or less	\$2,880-\$4,798
4	\$3,469 or less	\$3,470-\$5,781
Each add. person add	\$590	\$591-\$983

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Please return this portion with your payment.
Write your account number on your check or money order made payable to Philadelphia Gas Works

Account Number: [REDACTED]
Notice Date: May 27, 2022
Please Pay: \$200.00

Place "X" in box for address corrections. Print corrections on reverse side.

Amount Enclosed:

000152 000000043

HOWARD SMITH
5855 PEMBERTON ST
PHILA PA 19143-2423



|||||
Philadelphia Gas Works
P.O. Box 11700
Newark, NJ 07101-4700



Customer Contact: Collection [X]

Date: 06/07/2022 Time: 12:21:00 PM Source: JetSearch Related Tran: Account Maintenance
CC Type: COLL - Collection Created: 06/07/2022 at: 12:21:51 PM by: ACOLANGE
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 06/07/2026 Class: Inquiry

Comments: cor called regarding his account. He stated he was going to make a payment but he never received a shut off notice. Informed cor shut off notice amount is for 200.00. Shut off notice date is 06/08. cor wanted to know if he can get an extension. No extensions available and no medicals available. cor stated he is going to call PUC to inform them he never received a shut off notice. Advised cor he can call them but that is why we called him as a courtesy call. cor not sat

Letter

Status: Print Date: Run Number: Reprint: [v]
Template:

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [Redacted] Smith, Howard [v]
Premise: 5855 Pemberton St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

Payment: 06/07/2022 - 245.00

Action

Payment... 15072060021 Canceled Siblings...

Account: [REDACTED] Name: Smith, Howard Payment Amt: 245.00

Payment Amt: 245.00
 Payment Date: 06/07/2022
 Tender Type: Q - Check
 Check Id: 0

Pay Distribution Code: [REDACTED]
 Confirmation: [REDACTED]
 Shareholder: [REDACTED]
 Drawer/Bundle: [REDACTED]
 Payment Source: Remittance Processor
 Agency/Branch: KUB / 009003
 Batch Nbr/Seq Nbr: 781 / 9357
 Grant Type: [REDACTED]

Print Receipt

Status History:

Status	Date	By
Created	06/08/2022 23:36	Operator, Bccs Job
Frozen	06/08/2022 23:36	Operator, Bccs Job
Canceled	06/14/2022 23:14	Operator, Bccs Job

Totals:

Category	Amou
Distributed	245.00

Header
Distribution

Payor / Receipt
 Payor... [REDACTED]
 Person Id: [REDACTED]
 Receipt Number: [REDACTED]

Miscellaneous Adjustment: NSFCHA - 20.00

Action Launch

Adjustment... 9802791483 Frozen

Status	Date	By
Created	06/14/2022	Operator, Bccs Job
Frozen	06/14/2022	Operator, Bccs Job

Account: [Redacted] Name: Smith, Howard

SA: G2-GS, Active Adjustment Amount: 20.00

Type

SA SA... 2857222410 G2-GS, Active

Deposit

	Begin	+Adj	=Final	Revenue Month/Year:
Total Amt Due		20.00		6/2022
Current Amt Due		20.00		
Write Off Amt		0.00		

Check Nbr: []
Check Date: []

Adjustment Code... NSFCHA Bad Check Charge 20.00

Adjustment Amount: 20.00 Comments: []

Memo Adjustment

Appear on Next Bill Description: Bad Check Charge \$20.00

Main
Financial Details
Tax Location
GL Accounting

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 3843027
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial:
Customer Last Name: SMITH
Customer Account Number: [REDACTED]
Customer Home Phone w/ Area Code:
Customer Work Phone w/ Area Code:
Customer Service Class: RESIDENTIAL
Customer Mail Address 1:
Customer Mail Address 2:
Customer Mail Address City:
Customer Mail Address State:
Customer Mail Address Zip:
Customer Mail Address 4-Zip:
Customer Service Address 1: 5855 TIMBERTON STREET
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19143
Customer Service Address 4-Zip:
Customer Family Adults: 0
Customer Family Children: 0
Customer Family Age:
Gross Income

Source	Income Amount
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Date Open: 2022-06-07
Reason For Contact: BILLING DISPUTES (# 18)
Term Date: 2022-06-08
Business Name:
Case Problem: 18 – HIGH BILL DISPUTE. THE CUSTOMER IS DISPUTING THE BILL(S) FROM THE MONTH(S) OF JUNE. CUSTOMER RECEIVED A COURTESY CALL TODAY FROM THE COMPANY STATING SERVICE WILL BE TERMINATED TOMORROW. CUSTOMER DISPUTES RECEIVING A TERMINATION NOTICE. CUSTOMER RECEIVED A JUNE CRP BILL FOR \$245.00 DUE 6/17/2022 DATED 5/27/2022. NO PAST DUE AMOUNT IS LISTED ON THE JUNE CRP BILL RECEIVED. CUSTOMER IS UNABLE TO PAY FULL \$245.00 BY TOMORROW BECAUSE HIS PAYMENT IS SUPPOSED TO BE DUE 6/17/2022. CUSTOMER STATES ONLINE ACCOUNT IS SHOWING \$245.00 DUE FOR JUNE. - RELIEF SOUGHT -

CUSTOMER REQUESTING CORRECTION OF HIS BILLING AND
END OF HIS TERMINATION NOTICE. THE CELL PHONE NUMBER
[REDACTED] HAS BEEN ALLOWED TO BE SHARED. THE EMAIL
ADDRESS HOWDANG@ICLOUD.COM HAS BEEN ALLOWED TO BE
SHARED.

Company Position:

06/07/2022 COMPANY STATES THAT A TERMINATION NOTICE
WAS MAILED 5/27/2022 BECAUSE HE OWES \$200.00. COMPANY
WANTS PAYMENT OF \$200.00 BY 6/8/2022 TO MAINTAIN
SERVICE.

Related Information:**Case Misc Info:****Hot Issue:****Case Origin:**

TELEPHONE

Prior Case Number:**Universal Service:**

M

Arrearage:

0

BCS Investigator First Name:

BCS

BCS Investigator Last Name:

CASE POOL

BCS Investigator Phone w/ Area Code:

[REDACTED]

BCSIntaker First Name:

AMY

BCSIntaker Last Name:

KELLER

Number Of Time Send:

1

Number Of Time Faxed:

0

Number Of Time Faxed:

7177876641

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 3843027
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial:
Customer Last Name: SMITH
Account Number: [REDACTED]
Service Address 1: 5855 TIMBERTON STREET
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19143
Service Zip 4:
Decision Issue: Y
Oral Written: W
Violation: NO
Chapter:
Section Rule:
Total Balance: 5187.55
Date Closed: 2022-08-10
Resolution: DECISION ISSUED. CASE IS DISMISSED. ON 05/24/2022 A BILL GENERATED FOR \$245.00 DUE 06/17/2022. ON PAGE 1 OF THE BILL IT SHOWS PAST DUE CRP CHARGES \$200.00 AND CURRENT CRP CHARGES \$45.00. A 10 DAY TERMINATION NOTICE WAS ISSUED ON 05/27/2022 FOR THE PAST DUE AMOUNT OF \$200.00. PROPER NOTIFICATION REGARDING TERMINATION WAS SENT AND THE COMPANY IS ALLOWED TO ISSUE A TERMINATION NOTICE FOR NONPAYMENT OF AN UNDISPUTED DELINQUENT ACCOUNT. THE CUSTOMERS BILLING IS CORRECT AS RENDERED. CASE CLOSED.
Balance Date: 2022-07-06
Service Restored Pay: 0.00
Service Continue Amount: 0.00
Service Continue Date:
Terms:
Special Budget Amount: 45.00
Regular Budget Amount: 57.00
Arrears Payment Plus: 0.00
FinalMonthlyPayment: 0.00
CurrentMonthlyPayment: 0.00
EndMonthlyPayment: 0.00
LetterDescription:
HeadDate: 2022-08-10

Paragraph:

Bill Date:

Reconnect Amount: 0

Pay Amount: 0.00

BCS Investigator First Name: NICHOLE

BCS Investigator Last Name: BRAXTON

Number Of Time Send: 1

Number Of Time Faxed: 0

PUC Fax: 7177876641

10-DAY SHUT OFF NOTICE
Your Gas Service May Be Shut Off

PGW Exhibit 3
Page 80 of 123

Your bill is past due. As a result, PGW will shut off gas to 5855 PEMBERTON ST on or after 8 a.m. on Oct 11, 2022. This notice will remain effective for 60 days. To talk about your bill or this notice, call our office at 215-235-1777.

We will not shut off gas if you do ONE of the following:

- Arrange to pay your past due amount of \$5,261.39.
- Pay the amount you owe on your payment plan.
- Show us a payment receipt for the past due amount.
- Make a payment arrangement (you may be eligible for a special assistance program).
- Contact us to dispute the bill.

At a minimum, you may have to pay all of the following before we turn your service on:

Past Due Amount	\$5,261.39
Security Deposit	\$114.00
Turn On Charge	\$123.23
Total	\$5,498.62

(Plus \$372.00 if we must dig up the street to shut off gas).

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify by phone or in writing that such an illness exists and that it may be aggravated if your service is shut off; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS, VERIFYING THE MEDICAL CONDITION.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF YOUR GAS SERVICE

- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.
- If you have a valid Protection From Abuse order from a court, there are additional protections available to you. Call us immediately at 215-235-1777. You will be required to provide us with a copy of the order.

- Call us if your landlord pays your utility bill. You have certain legal protections.
- If you have trouble understanding or speaking English call us for free interpretation.
- Please contact us if you are disabled and need assistance.
- All adult occupants of the premises whose names are on the mortgage, deed or lease are considered the 'customer' and are responsible for payment of the bill. If service is shut off ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- **Contact us before the shut off date** to give us household and occupant information to see if you qualify for any assistance programs.
- **If you are low income there are special rules about whether we may shut off your gas in the winter.** Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- **If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service.** We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- **If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:**
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- **If we reconnect your service during the winter months (between December 1st and March 31st)** we will restore your service within 24 hours of you meeting all requirements to have service reconnected. When street digging is required, it may take up to seven days.

Federal Poverty Guidelines (FPG) 2022

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
1	\$1,699 or less	\$1,700-\$2,831
2	\$2,289 or less	\$2,290-\$3,815
3	\$2,879 or less	\$2,880-\$4,798
4	\$3,469 or less	\$3,470-\$5,781
Each add. person add	\$590	\$591-\$983

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Please return this portion with your payment.
Write your account number on your check or money order made payable to Philadelphia Gas Works

Account Number:
Notice Date:
Please Pay:

Sep 29, 2022
\$5,261.39

Place "X" in box for address corrections. Print corrections on reverse side.

Amount Enclosed:

000165 000000798

HOWARD SMITH
5855 PEMBERTON ST
PHILA PA 19143-2423



Philadelphia Gas Works
P.O. Box 11700
Newark, NJ 07101-4700



PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 3870720
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial: E
Customer Last Name: SMITH
Customer Account Number: [REDACTED]
Customer Home Phone w/ Area Code: [REDACTED]
Customer Work Phone w/ Area Code: [REDACTED]
Customer Service Class: RESIDENTIAL
Customer Mail Address 1:
Customer Mail Address 2:
Customer Mail Address City:
Customer Mail Address State:
Customer Mail Address Zip:
Customer Mail Address 4-Zip:
Customer Service Address 1: 5855 PEMBERTON ST
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19143
Customer Service Address 4-Zip:
Customer Family Adults: 1
Customer Family Children: 0
Customer Family Age: 0
Gross Income

Source	Income Amount
CustIncome	1400

Date Open: 2022-10-11
Reason For Contact: ON - PAR WITH DISPUTE (#63)
Term Date: 2022-10-11
Business Name: HOWARD SMITH
Case Problem:
Company Position: 10/10/2022 I TALKED TO SOMEONE ON FRIDAY THEY TOLD ME I CAN PAY A PAYMENT TO GET ON CRP THEN FILL OUT THE APP ONLINE. WHEN I WENT TO MAKE A PAYMENT, I WAS NOT ABLE TO PAY ONLINE SO I HAVE TO GO TO A PAYMENT CENTER TO DO THIS. I ASKED FOR A FEW DAYS TO GET TO A SERVICE CENTER, BUT THEY DECLINED. THE REP SAID SHE CAN'T DO AN EXTENSION ON A SHUT OFF NOTICE.
Related Information: I HAD A COMPLAINT WITH PGW BEFORE. I WANTED TO TAKE TALK TO A JUDGE, BUT I WAS SICK. SO RECENTLY ON 10/7/2022

I GET A CALL THAT I HAVE SHUT OFF NOTICE BUT DIDN'T GET THE LETTER UNTIL SAT. I TALKED TO SOMEONE ON FRIDAY THEY TOLD ME I CAN PAY A PAYMENT TO GET ON CRP THEN FILL OUT THE APP ONLINE. WHEN I WENT TO MAKE A PAYMENT, I WAS NOT ABLE TO PAY ONLINE SO I HAVE TO GO TO A PAYMENT CENTER TO DO THIS. I ASKED FOR A FEW DAYS TO GET TO A SERVICE CENTER, BUT THEY DECLINED. - RELIEF SOUGHT - JUST WANTED TO GET A REAL 10 DAY NOTICE AND HAVE A CHANCE TO PAY AT A SERVICE CENTER THEN HAVE IT IN MY ACCOUNT CASH ONLY . THE EMAIL ADDRESS HOWDANG@ICLOUD.COM HAS BEEN ALLOWED TO BE SHARED.

Case Misc Info:**Hot Issue:****Case Origin:** PUC WEBSITE**Prior Case Number:****Universal Service:** M**Arrearage:** 358**BCS Investigator First Name:** BCS**BCS Investigator Last Name:** CASE POOL**BCS Investigator Phone w/ Area Code:** [REDACTED]**BCSIntaker First Name:** MARVIN**BCSIntaker Last Name:** KINGCADE**Number Of Time Send:** 1**Number Of Time Faxed:** 0**Number Of Time Faxed:** 7177876641

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 3870720
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial: E
Customer Last Name: SMITH
Account Number: ██████████
Service Address 1: 5855 PEMBERTON ST
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19143
Service Zip 4:
Decision Issue: N
Oral Written: O
Violation: NO
Chapter:
Section Rule:
Total Balance: 5378.28
Date Closed: 2022-12-02
Resolution: VERBAL CLOSE: SPOKE TO HOWARD SMITH. INFORMED THE CUSTOMER THAT THE NOTICES WERE ISSUED TO THE ADDRESS LISTED AND DELAYS REGARDING POSTAL DELIVERY WOULD HAVE TO BE ADDRESSED WITH THE LOCAL POST OFFICE. EXPLAINED THAT THE ACCOUNT WAS LISTED AS A CASH-ONLY ACCOUNT AND THAT RESTRICTION HAS BEEN REMOVED AS OF 11/17/2022. INFORMED THE CUSTOMER THAT THE COMPANY REPORTED CRP ARREARS OF \$355.00 IN THE BALANCE AND THEREFORE THE CUSTOMER WOULD BE INELIGIBLE FOR A PUC PAR AT THIS TIME. CUSTOMER STATED HE UNDERSTOOD AND THAT HE HAS SUBMITTED AN APPLICATION TO CRP. CUSTOMER STATED HE UNDERSTOOD AND WAS SATISFIED. CUSTOMER GAVE AUTHORIZATION TO CLOSE THIS INFORMAL COMPLAINT. CASE CLOSED.
Balance Date: 2022-11-09
Service Restored Pay:
Service Continue Amount:
Service Continue Date:
Terms:
Special Budget Amount:
Regular Budget Amount:
Arrears Payment Plus:
FinalMonthlyPayment:
CurrentMonthlyPayment:

EndMonthlyPayment:

LetterDescription:

HeadDate:

Paragraph:

Bill Date:

Reconnect Amount: 0

Pay Amount:

BCS Investigator First Name: ALISON

BCS Investigator Last Name: HARING

Number Of Time Send: 1

Number Of Time Faxed: 0

PUC Fax: 7177876641

10-DAY SHUT OFF NOTICE
Your Gas Service May Be Shut Off

PGW Exhibit 3
Page 85 of 123

Your bill is past due. As a result, PGW will shut off gas to 5855 PEMBERTON ST on or after 8 a.m. on Apr 04, 2023. This notice will remain effective for 60 days. To talk about your bill or this notice, call our office at 215-235-1777.

We will not shut off gas if you do ONE of the following:

- Pay your past due amount of \$5,683.20.
- Pay the amount you owe on your most recent payment plan.
- Make a payment arrangement (you may be eligible for a special assistance program).
- Contact us to dispute the bill.

At a minimum, you may have to pay all of the following before we turn your service on:

Past Due Amount	\$5,683.20
Security Deposit	\$94.00
Turn On Charge	\$123.23
Total	\$5,900.43

Plus \$372.00 if we must dig up the street.

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify in writing that such an illness exists and that it may be aggravated if your service is stopped; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS, VERIFYING THE MEDICAL CONDITION.

If you are a victim of abuse and have an order issued by the courts, special medical emergency procedures and protections may be available. **Call us immediately at 215-235-1000 to inform us so these special procedures and protection can be provided.** You will be required to provide us with a copy of the court order.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF YOUR GAS SERVICE

- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

- Call us if your landlord pays your utility bill. You have certain legal protections.
- If you have trouble understanding or speaking English call us for free interpretation.
- Please contact us if you are disabled and need assistance.
- All adult occupants of the premises whose names are on the mortgage, deed or lease are considered the 'customer' and are responsible for payment of the bill.
- If service is shut off, ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.
- If you have a valid **Protection From Abuse** order or an order issued by a court of competent jurisdiction in this Commonwealth that provides clear evidence that you are a victim of domestic violence, there are additional protections available to you. **Call us immediately at 215-235-1000.** You will be required to provide us with a copy of the order.

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- **Contact us before the shut off date** to give us household and occupant information to see if you qualify for any assistance programs.
- **If you are low income there are special rules about whether we may shut off your gas in the winter.** Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- **If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service.** We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- **If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:**
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- **If we reconnect your service during the winter months (between December 1st and March 31st)** we will restore your service within 24 hours of you meeting all requirements to have service reconnected. When street digging is required, it may take up to seven days.

Federal Poverty Guidelines (FPG) 2023

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
1	\$1,823 or less	\$1,824-\$3,038
2	\$2,465 or less	\$2,466-\$4,108
3	\$3,108 or less	\$3,109-\$5,179
4	\$3,750 or less	\$3,751-\$6,250
Each add. person add	\$643	\$644-\$1,071

PL_20230323180001.dat-7917-000001094

Please return this portion with your payment.
Write your account number on your check or money order made payable to Philadelphia Gas Works

Account Number:
Notice Date:
Please Pay:

Mar 23, 2023
\$5,683.20

Place "X" in box for address corrections. Print corrections on reverse side.

Amount Enclosed:

003959 000001094

HOWARD SMITH
5855 PEMBERTON ST
PHILA PA 19143-2423



Philadelphia Gas Works
P.O. Box 11700
Newark, NJ 07101-4700



Customer Contact: Billing [X]

Date: 03/31/2023 Time: 3:14:00 PM Source: JetSearch Related Tran: Account Maintenance
CC Type: BILL - Billing [v] Created: 03/31/2023 at: 3:14:10 PM by: EEVANS
Area: 800 - Residential General Service [v] Changed: at: by:
 Surveyable Auto Delete Date: 03/31/2027 Class: Inquiry

Comments: COR called in to verify CRP app sent by mail and hold placed on acct//CSR verified via notes of 15 day hold and app via mail//CS

Letter

Status: Print Date: Run Number: Reprint: [v]
Template:

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [REDACTED] Smith, Howard [v]
Premise: 5855 Pemberton St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]

Payment: 04/11/2023 - 2,500.00

Action

Payment... 97800837630 Canceled Siblings...

Account: [Redacted] Name: Smith, Howard Payment Amt: 2,500.00

Payment Amt: 2,500.00
Payment Date: 04/11/2023
Tender Type: Q - Check
Check Id: 0

Pay Distribution Code: [Dropdown]
Confirmation: [Text]
Shareholder: [Text]
Drawer/Bundle: [Text]
Payment Source: Remittance Processor
Agency/Branch: KUB / 009003
Batch Nbr/Seq Nbr: 844 / 11416
Grant Type: [Dropdown]

Print Receipt

Status History:

Status	Date	By
Created	04/13/2023 05:18	Operator, Bccs Job
Frozen	04/13/2023 05:18	Operator, Bccs Job
Canceled	04/18/2023 03:38	Operator, Bccs Job

Totals:

Category	Amou
Distributed	2,500.00

Header
Distribution

Payor / Receipt
Payor... [Text]
Person Id: [Text]
Receipt Number: [Text]

Miscellaneous Adjustment: NSFCHA - 20.00

Action Launch

Adjustment... 9802720640 Frozen

Status	Date	By
Created	04/18/2023	Operator, Bccs Job
Frozen	04/18/2023	Operator, Bccs Job

Account: [Redacted] Name: Smith, Howard

SA: NR-RE, Active Adjustment Amount: 20.00

Type

SA SA... 9250351301 NR-RE, Active

Deposit

	Begin	+Adj	=Final	Revenue Month/Year:
Total Amt Due		20.00		4/2023
Current Amt Due		20.00		
Write Off Amt		0.00		

Check Nbr: [Empty]
Check Date: [Empty]

Adjustment Code... NSFCHA Bad Check Charge 20.00

Adjustment Amount: 20.00 Comments: [Empty]

Memo Adjustment

Appear on Next Bill Description: Bad Check Charge \$20.00

Main
Financial Details
Tax Location
GL Accounting

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

***Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.***

To complete this form, please type or print legibly in ink.

1. **Customer (Complainant) Information**

Provide your name, mailing address, county, telephone number(s), email address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Howard E Smith _____

Street/P.O. Box _____ 5855 pemberton street _____ Apt # _____

City philadelphia _____ State pa _____ Zip 19143 _____

County _____ usa _____

Telephone Number(s) Where We Can Contact You During the Day (required):

_____ (home) (_____) _____ (mobile)

Email Address (required):

_____ Howdang@icloud.com _____

Utility Account Number (from your bill) _____ _____

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. **Methods of Communication by the Commission**

You have three options on how you would like to receive all communication from the Commission about your Complaint. By selecting one of the following three options, you are agreeing to receive all hearing notices, orders, and related documents about your Complaint in the manner selected.

Select one of the following options for receiving all communications from the Commission:

- a. **eFiling:** You agree to open and use an eFiling account – free of charge through the Commission’s website. By selecting this method you will be eServed. (This is the best way to receive, file, and submit documents).

Initial here if you are selecting eFiling: _____

(And create an eFiling account at <http://www.puc.pa.gov/efiling/default.aspx>)

- b. **Email:** You agree to receive all documents by email (using the email you provided on page 1). Please note that you will only be able to receive documents from the Commission by email and will not be able to file documents by Email or Fax. To submit documents to the Commission you must create an eFiling account accessed at <http://www.puc.pa.gov/efiling/default.aspx> or mail your submissions.

Initial here if you are selecting Email service: _____

- c. **First Class Mail:** You agree to be served only by First Class Mail (at the address on page 1 of this form).

Initial here if you are selecting First Class Mail service: _____

***If you do not select one of the three options above, the Commission will serve all documents to you by First Class Mail at the address listed on page 1 of this form.**

3. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Philadelphia gas works
P.O BOX 11700
NEWARK , NJ 07101

4. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- Electric # Gas Water Wastewater/Sewer Storm Water
 Steam Heat Motor Carrier (taxi, moving co., limo)
 Telephone/Telecommunications (local, long distance)

5. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

The utility is threatening to shut off my service or has already shut off my service.

- I would like a payment agreement.
 Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

- Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

If your answer to the above question is “yes,” attach a copy of the current Protection From Abuse order to this Formal Complaint form.

8. Prior Utility Contact

a. Is this an appeal from a decision of the PUC’s Bureau of Consumer Services (BCS)?

YES NO #

Note: If you answered yes, move to Section 9. No further contact with the utility or company is required. If you answered no, answer the question in Section 8 b. and answer the question in Section 8 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES NO #

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

_____The agent was rude and didn’t really want to help. _____

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. Tried to resolve but it did not work out.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

9. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer’s name, address, telephone number, and email address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer’s Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address

Howdang@icloud.com

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

10. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. **If you do not sign the Formal Complaint, the PUC will not accept it.**

Verification:

I Howard Smtih, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

HOWARDE SMITH

4/11/2023

(Signature of Complainant)

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

11. How to File Your Formal Complaint

Electronically. You must create an account on the PUC’s eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

If you are appealing a BCS decision: follow the directions in the cover letter you received from the Secretary’s Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be efiled or mailed.**

If you have any questions about filling out this form, please contact the Secretary’s Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records. Please know that your complaint form and the utility's answer will not be published to the PUC's website. Once your complaint case moves to the Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.

Customer Contact: Customer Review Unit [X]

Date: 02/12/2024 Time: 10:40:00 AM Source: JetSearch Related Tran: Account Maintenance

CC Type: CRU - Customer Review Unit [v] Created: 02/12/2024 at: 10:40:17 AM by: PBERNARD

Area: 800 - Residential General Service [v] Changed: at: by:

Surveyable Auto Delete Date: 02/12/2029 Class: Inquiry

Comments: __CRU__ DOCKET #C-2023-3039819. I attended a Formal Telephonic Hearing with G. Christlieb and ALJ D. Heep. Howard Smith did not attend the hearing. G Christlieb requested that this case be closed with prejudice. Awaiting the initial decision.

Letter

Status: Print Date: Run Number: Reprint: [v]

Template:

Review List Tickler

Follow Up: [] to Review Group to User

Priority: [] Review Group... []

Account: [redacted] Smith, Howard [v]

Premise: 5855 Pemberton St/Phila,Pa [v]

Person: Smith, Howard [v]

[Change] [Cancel]

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Howard Smith :
 :
 v. : C-2023-3039819
 :
 Philadelphia Gas Works :

INITIAL DECISION

Before
Darlene Davis Heep
Administrative Law Judge

INTRODUCTION

This decision grants the Respondent’s Motion to Dismiss the Complaint for failure to prosecute because the Complainant failed to appear for the hearing.

HISTORY OF THE PROCEEDING

On April 11, 2023, Howard Smith (Mr. Smith or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission against Philadelphia Gas Works (PGW or Respondent). On the Complaint Form, Mr. Smith checked the boxes that state: 1) The utility is threatening to shut off my service or has already shut off my service and 2) I am having a reliability, safety or quality problem with my utility service. Under Requested Relief, Mr. Smith stated that he would like to bring in his paperwork and go over things to resolve the matter.

On May 5, 2023, Respondent PGW filed its Answer. In the Answer, PGW admitted that a ten-day termination notice was issued for a past due amount and averred that the Complainant did not have a reliability, safety or quality issue with his service.

On May 15, 2023, an Initial Telephonic Hearing Notice was issued to all parties, setting an Initial Telephonic Hearing for June 29, 2023.

On May 23, 2023, a Prehearing Order was issued. The Prehearing Order advised the Complainant of the procedures and stated the date and time of the hearing. It also ordered the Complainant to, by June 2, 2023, provide more information and details about his Complaint. No additional information was provided by the Complainant.

On July 5, 2023, the Complainant emailed the Legal Assistant assigned to the case to request a continuance of the hearing for medical reasons. PGW did not object.

On June 20, 2023, an order was issued granting the continuance, sending the matter for rescheduling and directing the Complainant to submit a written statement further explaining his claim that he has a reliability, safety, or quality problem with his service at least 21 days before the rescheduled hearing date.

On June 23, 2023, a Rescheduled Initial Telephonic Hearing Notice was issued, setting a hearing for August 9, 2023. Subsequently a relative of the Complainant contacted my office and stated that a further continuance was needed for medical reasons. The matter was sent to scheduling for a new hearing date.

On August 1, 2023, a Rescheduled Initial Telephonic Hearing Notice was issued to all parties, setting a hearing for September 26, 2023. A prehearing Order was issued on August 2, 2023.

The Prehearing Order advised the Complainant of the procedures to be followed for the hearing and the date and time of the hearing. This order also stated:

No later than August 31, 2023, provide additional information regarding your complaint. As stated in the Complainant form, “Explain the problem, including dates, times or places and any other relevant details that may be important.”

August 1, 2023 Prehearing Order at 2. No additional information was provided by August 15, 2023.

On August 28, 2023, the Complainant emailed the Commission to request a continuance, again due to medical reasons. The matter was sent to Scheduling for a new hearing date.

On September 21, 2023, Mr. Howard submitted a letter from a physician stating that he required additional time for rehabilitation and the matter was sent to scheduling for a new hearing date. Also on September 21, 2023, a Rescheduled Initial Hearing Notice was issued to all parties, setting an Initial Telephonic Hearing for November 28, 2023.

On September 21, 2023, a Rescheduled Initial Telephonic Hearing Notice was issued to all parties, setting a hearing for November 27, 2023.

On or about November 21, 2023, a relative of the Complainant called the Philadelphia Office of the Commission and stated that the Complainant had not yet fully recovered and requested continuation of the hearing set for November 28, 2023. The parties were notified that the hearing would be rescheduled.

On December 16, 2023, an Order was issued that continued the hearing and advised the Complainant that no further continuances would be granted, and that required Mr. Smith to provide additional information regarding his Complaint no later than January 5, 2024.

On January 2, 2024, an Initial Call-In Telephonic Hearing Notice was issued, setting a hearing for February 12, 2023, beginning at 10:00 a.m. A Prehearing Order was issued

on January 3, 2024, which also stated the date and time of the hearing and provided dial in instructions.

All Hearing Notices and Prehearing Orders were eServed to the Complainant in the ordinary course of the Commission's business to the email address that was registered with the Commission by Complainant. No documents were returned to the Commission as undeliverable.

The hearing began as scheduled on February 12, 2024. PGW was represented by Attorney Graciela Christlieb. The Complainant did not call into the hearing. A short recess was taken to allow the Complainant time to call in.

When the hearing resumed, the Complainant had not called into the hearing. A motion by Attorney Christlieb to dismiss the matter for failure to prosecute was taken under advisement.

FINDINGS OF FACT

1. The Complainant is Howard Smith, a PGW customer on Pemberton Street in Philadelphia, Pennsylvania.
2. Philadelphia Gas Works is the Respondent.
3. On April 11, 2023, the Complainant filed this action.
4. The Respondent filed an Answer on May 5, 2023.
5. On May 23, 2023, a Prehearing Order was issued that advised the Complainant of the procedures and stated the date and time of the hearing.

6. This matter was rescheduled five times at the request of the Complainant due to medical reasons.

7. On January 2, 2024, an Initial Call-In Telephonic Hearing Notice was issued, setting a hearing for February 12, 2023.

8. A Prehearing Order was issued on January 3, 2024.

9. All Hearing Notices issued advised all parties:

[y]ou may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be, barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

10. All Prehearing Orders issued advised the Complainant of the procedures and the date and time of the hearing and also stated:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

11. The hearing began as scheduled on February 12, 2024 at 10:00 a.m.

12. Counsel for PGW dialed in for the February 12, 2024 hearing at 10:00 a.m.

13. The Complainant was not present when the telephonic hearing began as scheduled on February 12, 2024.

14. A recess was taken to allow the Complainant time to call in to the hearing.

15. The hearing resumed at 10:15 a.m. and the Complainant had not called in to the hearing.

16. Counsel for PGW made a motion to dismiss the Complaint for failure to prosecute, which was taken under advisement.

17. The Complainant had not called into the hearing when the hearing adjourned at 10:22 a.m.

18. The Hearing Notices and Prehearing Orders were eSserved on the Complainant to the email address provided by the Complainant and registered with the Commission.

19. None of the documents sent to the Complainant were returned as undeliverable to the Office of Administrative Law Judge (OALJ).

20. Complainant has not contacted the OALJ to request a sixth continuance or to explain why his failure to appear at the hearing was unavoidable.

DISCUSSION

As the party seeking affirmative relief from the Commission, the burden of proof rests on the Complainant. 66 Pa.C.S. § 332(a).

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). The essential elements of due process in an administrative proceeding are notice and an opportunity to be heard. *J.P. v. Dep't of Human Servs.*, 150 A.3d 173 (Pa. Cmwlth. 2016). Further, electronic service which is not indicated undeliverable is considered presumed to be received by the parties. *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) (*Morella*).

Several Hearing Notices and Prehearing Orders were sent to the Complainant. None of the Hearing Notices or Prehearing Orders were returned as undeliverable.

A Hearing Notice was sent to the Complainant on January 2, 2024 for a hearing to be held on February 12, 2024. It also advised the Complainant that he may lose the case if he did not take part in this hearing and present evidence on the issues raised. Although the Complainant or a representative had contacted the Commission previously by email and telephone to request a continuance, the Complainant did not request a continuance for the February 12, 2024 scheduled hearing date.

The Prehearing Order and the Hearing Notice for the February 12, 2024 hearing contained information regarding the date, time and call-in information for the hearing. These documents were served upon the Complainant and none of these documents were returned as undeliverable. It is therefore deemed that the Complainant received these documents and had notice of the date and time of the scheduled hearing. *Morella*.

As the Commission noted in *Strydio v. PPL Electric Utilities Corp.*, Docket No. C-2017-2633043, p. 6 (Opinion and Order entered July 18, 2018), "[o]nce notice of a hearing and the opportunity to be heard have been provided by the Commission, it is the responsibility of the parties to appear and participate in the hearing," (*citing, Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 24, 2002)); *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993). The Complainant was notified of the scheduled hearing and did not appear. To date, the Complainant has not contacted the Commission or the undersigned regarding this hearing to explain why his failure to appear was unavoidable.¹ The Complainant has waived the opportunity to participate in the hearing by

¹ 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).

failing to appear. 52 Pa. Code § 5.245(a); *Jefferson v. UGI Utils., Inc.*, 1995 Pa. PUC LEXIS 159 (Opinion and Order entered December 26, 1995).

Finally, Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of any request for relief. As the party bringing this Complaint, the Complainant bears the burden of proving by a preponderance of the evidence that he is entitled to relief. The Complainant did not appear for the hearing or offer evidence to support the Complaint. Therefore, the Complainant has not met the burden of proof and the Complaint will be dismissed. *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); *El-Ayazra v. W. Penn Power Co.*, Docket No. F 2015-2509292 (Opinion and Order entered June 30, 2016); 52 Pa. Code § 5.245.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.
2. 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).
3. "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).
4. 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 accorded notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).
5. After being notified, a party who fails to be represented at a hearing in a proceeding will: 1) be deemed to have waived the opportunity to participate in the hearing; 2) not

be permitted thereafter to reopen the disposition of a matter accomplished at the hearing; and 3) not be permitted to recall witnesses who were excused for further examination. 52 Pa. Code § 5.245(a).

6. The Complainant's due process rights have been fully protected. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

7. The Complainant did not to appear and did not to carry his burden of proof in this proceeding. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of Philadelphia Gas Works to dismiss the formal Complaint of Howard Smith at Docket No. C-2023-3039819 is granted.

2. That the Formal Complaint filed by Howard Smith in Howard Smith v. Philadelphia Gas Works at Docket No. C-2023-3039819 is dismissed.

3. That the Secretary's Bureau should mark this matter closed.

Date: May 15, 2024

_____/s/
Darlene Heep
Administrative Law Judge

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Howard Smith :
 :
 v. : C-2023-3039819
 :
 Philadelphia Gas Works :

FINAL ORDER

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Darlene Heep dated May 15, 2024, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the Motion of Philadelphia Gas Works to dismiss the formal Complaint of Howard Smith at Docket No. C-2023-3039819 is granted.
2. That the Formal Complaint filed by Howard Smith in Howard Smith v. Philadelphia Gas Works at Docket No. C-2023-3039819 is dismissed.
3. That the Secretary’s Bureau should mark this matter closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ENTERED: June 17, 2024

10-DAY SHUT OFF NOTICE
Your Gas Service May Be Shut Off

Your bill is past due. As a result, PGW will shut off gas to 5855 PEMBERTON ST on or after 8 a.m. on Aug 13, 2024. This notice will remain effective for 60 days. To talk about your bill or this notice, call our office at 215-235-1777.

We will not shut off gas if you do ONE of the following:

- Pay your past due amount of \$6,658.89.
- Pay the amount you owe on your most recent payment plan.
- Make a payment arrangement (you may be eligible for a special assistance program).
- Contact us to dispute the bill.

At a minimum, you may have to pay all of the following before we turn your service on:

Past Due Amount	\$6,658.89
Security Deposit	\$114.00
Turn On Charge	\$123.23
Total	\$6,896.12

Plus \$372.00 if we must dig up the street.

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify in writing that such an illness exists and that it may be aggravated if your service is stopped; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS, VERIFYING THE MEDICAL CONDITION.

If you are a victim of abuse and have an order issued by the courts, special medical emergency procedures and protections may be available. **Call us immediately at 215-235-1000 to inform us so these special procedures and protection can be provided.** You will be required to provide us with a copy of the court order.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF YOUR GAS SERVICE

- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

- Call us if your landlord pays your utility bill. You have certain legal protections.
- If you have trouble understanding or speaking English call us for free interpretation.
- Please contact us if you are disabled and need assistance.
- All adult occupants of the premises whose names are on the mortgage, deed or lease are considered the 'customer' and are responsible for payment of the bill.
- If service is shut off, ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.
- If you have a valid **Protection From Abuse** order or an order issued by a court of competent jurisdiction in this Commonwealth that provides clear evidence that you are a victim of domestic violence, there are additional protections available to you. **Call us immediately at 215-235-1000.** You will be required to provide us with a copy of the order.

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- **Contact us before the shut off date** to give us household and occupant information to see if you qualify for any assistance programs.
- **If you are low income there are special rules about whether we may shut off your gas in the winter.** Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- **If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service.** We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- **If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:**
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- **If we reconnect your service during the winter months (between December 1st and March 31st)** we will restore your service within 24 hours of you meeting all requirements to have service reconnected. When street digging is required, it may take up to seven days.

Federal Poverty Guidelines (FPG) 2024

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
	1	\$1,883 or less
2	\$2,555 or less	\$2,556-\$4,258
3	\$3,228 or less	\$3,229-\$5,379
4	\$3,900 or less	\$3,901-\$6,500
Each add. person add	\$673	\$674-\$1,121

PL_20240801180001.dat-15277-000000387

Please return this portion with your payment.
Write your account number on your check or money order made payable to Philadelphia Gas Works

Account Number:
Notice Date:
Please Pay:

[REDACTED]
A
\$6,658.89

Place "X" in box for address corrections. Print corrections on reverse side.

Amount Enclosed:

HOWARD SMITH
5855 PEMBERTON ST
PHILA PA 19143-2423

Philadelphia Gas Works
P.O. Box 11700
Newark, NJ 07101-4700

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 4008681
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial: E
Customer Last Name: SMITH
Customer Account Number: [REDACTED]
Customer Home Phone w/ Area Code: [REDACTED]
Customer Work Phone w/ Area Code:
Customer Service Class: RESIDENTIAL
Customer Mail Address 1:
Customer Mail Address 2:
Customer Mail Address City:
Customer Mail Address State:
Customer Mail Address Zip:
Customer Mail Address 4-Zip:
Customer Service Address 1: 5855 PEMBERTON ST
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19143
Customer Service Address 4-Zip:
Customer Family Adults: 1
Customer Family Children: 0
Customer Family Age: 0
Gross Income

Source	Income Amount
CustIncome	0

Date Open: 2024-08-08
Reason For Contact: ON - PAR NEEDED (# 61)
Term Date: 2024-08-13
Business Name:
Case Problem:
Company Position: 08/05/2024 COMPANY WANTS THE FULL BALANCE TO KEEP SERVICE ON.
Related Information: SERVICE ON. 61- PAYMENT ARRANGEMENT REQUEST. - RELIEF SOUGHT - PAR THE EMAIL ADDRESS PRODUCERHOWDANG@GMAIL.COM HAS BEEN ALLOWED TO BE SHARED.
Case Misc Info:
Hot Issue:

Case Origin: PUC WEBSITE
Prior Case Number: 3870720
Universal Service: M
Arrearage: 6000
BCS Investigator First Name: BCS
BCS Investigator Last Name: CASE POOL
BCS Investigator Phone w/ Area Code: [REDACTED]
BCSIntaker First Name: MERIKKA
BCSIntaker Last Name: SHIRK
Number Of Time Send: 1
Number Of Time Faxed: 0
Number Of Time Faxed: 7172658273

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 4008681
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial: E
Customer Last Name: SMITH
Account Number: [REDACTED]
Service Address 1: 5855 PEMBERTON ST
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19143
Service Zip 4:
Decision Issue: N
Oral Written: W
Violation: NO
Chapter:
Section Rule:
Total Balance: 6795.64
Date Closed: 2024-09-10
Resolution: DISMISSAL LETTER ISSUED CASE DISMISSED PER 1405 (C). THE CUSTOMER HAS CRP ARREARS AND IS INELIGIBLE FOR A PUC PAR.
Balance Date: 2024-09-06
Service Restored Pay: 0.00
Service Continue Amount: 6795.64
Service Continue Date:
Terms:
Special Budget Amount: 0.00
Regular Budget Amount: 0.00
Arrears Payment Plus: 0.00
FinalMonthlyPayment: 0.00
CurrentMonthlyPayment: 0.00
EndMonthlyPayment: 0.00
LetterDescription:
HeadDate: 2024-09-11
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount: 0.00
BCS Investigator First Name: CHRISTOPHER
BCS Investigator Last Name: SAWICKI
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7172658273



FORMAL COMPLAINT - PRINTABLE FORM

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.



Please legibly complete this form in ink.

1. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Name Howard Smith

Street/P.O. Box 5855 pembeeton street Apt# _____

City Philadelphia State Pa Zip 19143

County Philadelphia

Telephone Number(s) Where We Can Contact You During the Day:
Home: () Mobile: () _____

Email Address howdang@icloud.com

Utility Account Number (from your bill)

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____ Apt# _____

City _____ State _____ Zip _____

2. NAME OF UTILITY OR COMPANY (RESPONDENT)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PGW

3. TYPE OF UTILITY SERVICE

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- Electric
- Gas
- Water
- Wastewater/Sewer
- Storm Water
- Steam Heat
- Motor Carrier (taxi, moving company, limo)
- Telephone/Telecommunications (local, long distance)

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

4. REASON FOR COMPLAINT

What kind of problem are you having with the utility or company?

Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain) Want to talk about bill and changes

5. REQUESTED RELIEF

How do you want your complaint to be resolved?

Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

To have my legal counselor work out a fair resolution for a arrangement.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. PROTECTION FROM ABUSE (PFA)/DOMESTIC VIOLENCE

Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Has a court granted a PFA order or any other order for your personal safety or welfare?

Yes If your answer is “yes,” attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*

No

Note: You **MUST** answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

7. PRIOR UTILITY CONTACT

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

Yes

No

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

Yes

No

Note: You **MUST** contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility **AND** (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Yes I spoke to the rude CSR plenty of times and the management.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

OPTION 1

Electronically by eFile

One option is to create an account on the PUC’s eFiling system, or, use your existing eFiling account. **This is the quickest and easiest way to receive, file and submit documents.**

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC’s website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

OPTION 2

Mail

Mail the completed form with your original signature and any attachments to this address and retain the tracking information as proof of submission:

**Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120**

If you select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

9. THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE

It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:

OPTION 1

eFILING: This is the **quickest and easiest way to receive all documents**. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

OPTION 2

FIRST CLASS MAIL: You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here _____ if you are selecting **FIRST CLASS MAIL** service.

OPTION 3

EMAIL: You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to **receive documents** by email from the PUC. You will not be able to email documents to the Commission.

To **file documents**, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here _____ if you are selecting **EMAIL** service.

Please Note: It is important to select **ONE** of the three options above.
IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.

10. LEGAL REPRESENTATION

If you are filing a **Formal Complaint as an individual on your own behalf**, you are **NOT** required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's contact information, which is required. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____
Street/P.O. Box _____ Apt# _____
City _____ State _____ Zip _____
Area Code/Phone Number _____
Email Address _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are **required** to have a lawyer represent them at a hearing **and** to file any motions, answers, briefs or other legal pleadings.

11. VERIFICATION AND SIGNATURE

You **MUST** sign and date your complaint. If you file by mail, you must sign your name in ink on the line provided below. Date the form. If you do not sign with your original signature and date, **the PUC will not accept your complaint.**

Verification:

I Howard Smith, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



(Signature of Complainant)

9/11/2024

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC will not accept it.

APPEALING A BCS DECISION?

If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC Secretary's Bureau with the formal complaint form. **ONLY** formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be eFiled or mailed.**

QUESTIONS?

If you have any questions about filling out this form, please contact the **Secretary's Bureau at 717-772-7777.**

REMINDERS

- **Keep a copy of your Formal Complaint for your records.**
- **If you are electronically filing your Formal Complaint through eFiling, you will need to scan the document and save it as a PDF.**
- **You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.**
- **To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.**
- **Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.**
<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>
- **Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked **confidential** if you do not want them published to the website.**

Customer Contact: Customer Review Unit [X]

Date: 01/03/2025 Time: 12:00:00 AM Source: Related Tran:

CC Type: CRU - Customer Review Unit [v] Created: 01/03/2025 at: 12:00:11 AM by: WFADMIN

Area: 800 - Residential General Service [v] Changed: at: by:

Surveyable Auto Delete Date: 01/03/2030 Class: Inquiry

Comments: PUC Formal Complaint Docket # C2024-3051117 resolved through out of court settlement on 12/18/2024 2:52:09 PM.

Letter

Status: Print Date: Run Number: Reprint: [v]

Template:

Review List Tickler

Follow Up: [] to Review Group to User

Priority: [] Review Group... []

Account: [redacted] Smith, Howard [v]

Premise: 5855 Pemberton St/Phila,Pa [v]

Person: Smith, Howard [v]

[Change] [Cancel]

10-DAY SHUT OFF NOTICE
Your Gas Service May Be Shut Off

Your bill is past due. As a result, PGW will shut off gas to 5855 PEMBERTON ST on or after 8 a.m. on Apr 01, 2025. This notice will remain effective for 60 days. To talk about your bill or this notice, call our office at 215-235-1777.

We will not shut off gas if you do ONE of the following:

- Pay your past due amount of \$7,175.68.
- Pay the amount you owe on your most recent payment plan.
- Make a payment arrangement (you may be eligible for a special assistance program).
- Contact us to dispute the bill.

At a minimum, you may have to pay all of the following before we turn your service on:

Past Due Amount	\$7,175.68
Security Deposit	\$130.00
Turn On Charge	\$123.23
Total	\$7,428.91

Plus \$372.00 if we must dig up the street.

You are also responsible for all gas service provided to you that is now or has become past due. If shut off, you may be required to pay more than the amount on this notice to have gas turned on.

MEDICAL EMERGENCY NOTICE

LET US KNOW IF SOMEONE LIVING IN YOUR HOME IS SERIOUSLY ILL OR HAS A MEDICAL CONDITION. WE WILL NOT SHUT OFF YOUR SERVICE during such illness, provided you:

1. Have your licensed physician, physician's assistant or nurse practitioner certify in writing that such an illness exists and that it may be aggravated if your service is stopped; and
2. Make arrangements to pay your current bills.
3. Contact us by calling 215-235-1777.
4. HAVE A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER SEND PGW A LETTER WITHIN 3 DAYS, VERIFYING THE MEDICAL CONDITION.

If you are a victim of abuse and have an order issued by the courts, special medical emergency procedures and protections may be available. **Call us immediately at 215-235-1000 to inform us so these special procedures and protection can be provided.** You will be required to provide us with a copy of the court order.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF YOUR GAS SERVICE

- You may be eligible for a payment agreement or special assistance program. Enrollment into this program may be a way of avoiding shut off. Contact us immediately at 215-235-1777 to find out if you're eligible, and how to enroll. Documentation of your income may be required.
- If you have questions or need more information, please call us today at 215-235-1777 or write us at P.O. Box 3500, Philadelphia, PA 19122. After you talk with PGW, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call 1 (800) 692-7380 or write to: Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

- Call us if your landlord pays your utility bill. You have certain legal protections.
- If you have trouble understanding or speaking English call us for free interpretation.
- Please contact us if you are disabled and need assistance.
- All adult occupants of the premises whose names are on the mortgage, deed or lease are considered the 'customer' and are responsible for payment of the bill.
- If service is shut off, ANY adult occupant who has been living at the premises may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned on and to arrange access to your premises. It may take up to seven days to have your service restored.
- If you have a valid **Protection From Abuse** order or an order issued by a court of competent jurisdiction in this Commonwealth that provides clear evidence that you are a victim of domestic violence, there are additional protections available to you. **Call us immediately at 215-235-1000.** You will be required to provide us with a copy of the order.

WINTER SHUT OFF PROVISIONS Dec. 1-March 31

- **Contact us before the shut off date** to give us household and occupant information to see if you qualify for any assistance programs.
- **If you are low income there are special rules about whether we may shut off your gas in the winter.** Add together the monthly income in your household. Look at the chart below to determine your group. You may need to provide us with proof of income.
- **If your income is 150% of the federal poverty guidelines or below, we must first ask the PUC for permission to shut off your service.** We will notify you prior to shutting off service if we ask the PUC for permission to terminate your gas service.
- **If your income is above 150% but does not exceed 250% of the federal poverty guidelines, we will not shut off your service if one of these conditions applies to you:**
 - o Someone in your household is 12 or younger or 65 or older; or
 - o You have paid at least one-half of your last two monthly gas bills; or
 - o If over the last two months you have paid at least 15% of your household income toward the gas bills.
- **If we reconnect your service during the winter months (between December 1st and March 31st)** we will restore your service within 24 hours of you meeting all requirements to have service reconnected. When street digging is required, it may take up to seven days.

Federal Poverty Guidelines (FPG) 2025

Household Size	Your income is 150% of the FPG or below if your monthly gross is:	Your income is between 151% - 250% of the FPG if your monthly gross is:
	1	\$1,956 or less
2	\$2,644 or less	\$2,645-\$4,406
3	\$3,331 or less	\$3,332-\$5,552
4	\$4,019 or less	\$4,020-\$6,698
Each add. person add	\$688	\$689-\$1,146

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Please return this portion with your payment.
Write your account number on your check or money order made payable to Philadelphia Gas Works

Account Number:
Notice Date:
Please Pay:

[REDACTED]
M [REDACTED]
\$7,175.68

Place "X" in box for address corrections. Print corrections on reverse side.

Amount Enclosed:

HOWARD SMITH
5855 PEMBERTON ST
PHILA PA 19143-2423

Philadelphia Gas Works
P.O. Box 11700
Newark, NJ 07101-4700

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 4048784
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial: E
Customer Last Name: SMITH
Customer Account Number: [REDACTED]
Customer Home Phone w/ Area Code: [REDACTED]
Customer Work Phone w/ Area Code:
Customer Service Class: RESIDENTIAL
Customer Mail Address 1:
Customer Mail Address 2:
Customer Mail Address City:
Customer Mail Address State:
Customer Mail Address Zip:
Customer Mail Address 4-Zip:
Customer Service Address 1: 5855 PEMBERTON ST
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19143
Customer Service Address 4-Zip:
Customer Family Adults: 1
Customer Family Children: 0
Customer Family Age: 0
Gross Income

Source	Income Amount
CustIncome	200

Date Open: 2025-03-28
Reason For Contact: ON - PAR WITH DISPUTE (#63)
Term Date: 2025-04-01
Business Name:
Case Problem:
Company Position: 03/19/2025 THEY TOLD ME IT IS WHAT IS THEY CAN'T HELP ME PAY 7,000 OR IF I DON'T LIKE IT CALL PUC.
Related Information: 63- PAR WITH DISPUTE- STATED THAT THE BILL IS NOT ACCURATE - RELIEF SOUGHT - WOULD LIKE TO GET A CHEAPER BE FAIR PAYMENT ARRANGEMENT TO TRY TO PAY MY PASS DUE DOWN TO GET ON A PROGRAM. THE EMAIL ADDRESS HOWDANG@ICLOUD.COM HAS BEEN ALLOWED TO BE SHARED.

Case Misc Info:

Hot Issue:

Case Origin: PUC WEBSITE

Prior Case Number: 4008681

Universal Service: M

Arrearage: 7312

BCS Investigator First Name: BCS

BCS Investigator Last Name: CASE POOL

BCS Investigator Phone w/ Area Code: [REDACTED]

BCSIntaker First Name: CATHERINE

BCSIntaker Last Name: STRAUSBAUGH

Number Of Time Send: 1

Number Of Time Faxed: 0

Number Of Time Faxed: 7172658273

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 4048784
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: HOWARD
Customer Middle Initial: E
Customer Last Name: SMITH
Account Number: [REDACTED]
Service Address 1: 5855 PEMBERTON ST
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19143
Service Zip 4:
Decision Issue: N
Oral Written: O
Violation: NO
Chapter:
Section Rule:
Total Balance: 7455.47
Date Closed: 2025-04-03
Resolution: VERBAL CLOSE - EXPLAINED TO CUSTOMER 5.166 AND THAT NEEDS TO CONTACT COMPANY TO FILE BILL DISPUTE PRIOR TO PUC.
Balance Date: 2025-04-03
Service Restored Pay:
Service Continue Amount:
Service Continue Date:
Terms:
Special Budget Amount:
Regular Budget Amount:
Arrears Payment Plus:
FinalMonthlyPayment:
CurrentMonthlyPayment:
EndMonthlyPayment:
LetterDescription:
HeadDate:
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount:
BCS Investigator First Name: KELLY
BCS Investigator Last Name: ALLWEIN
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7172658273

Customer Contact: Customer Review Unit [X]

Date: 04/04/2025 Time: 11:42:00 AM Source: _____ Related Tran: _____
CC Type: CRU - Customer Review Unit [v] Created: 04/04/2025 at: 11:42:22 AM by: WFADMIN
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 04/04/2030 Class: Inquiry

Comments: PUC Formal Complaint Docket # C2025-3054418 filed on 4/4/2025 12:00:00 AM.

Letter

Status: _____ Print Date: _____ Run Number: _____ Reprint: [v]
Template: _____

Review List Tickler

Follow Up: [] to Review Group to User
Priority: [] Review Group... []

Account: [REDACTED] Smith, Howard [v]
Premise: 5855 Pemberton St/Phila,Pa [v]
Person: Smith, Howard [v]

[Change] [Cancel]



Dr. Kenneth Lau

Jefferson Health

33 S 9th St, Philadelphia, PA 19107

[215-827-2768]

Date: [Insert today's date]

To Whom It May Concern,

This letter is to confirm that **Howard Smith** is scheduled to undergo throat surgery on **June 22, 2025** at **Penn Medicine** under my care.

Following the procedure, Mr. Smith will require a recovery period at home from **June 22 through June 25, 2025**. During this time, he is advised to rest and refrain from participating in any events, work-related obligations, or strenuous activities. We kindly ask that any scheduled commitments for Mr. Smith during this timeframe be rescheduled to allow for proper healing and rehabilitation.

Should you require further information, please feel free to contact my office directly.

Sincerely,

Dr. Kenneth Lau

Penn Medicine