

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jaycinah Simon

v.

Philadelphia Gas Works

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F-2024-3051634

**INITIAL DECISION**

Before  
Alphonso Arnold III  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants Jaycinah Simon’s unopposed oral Petition to Withdraw her Petition for Interim Emergency Order, because granting the Petition to Withdraw is in the public interest.

**HISTORY OF THE PROCEEDING**

On October 7, 2024, Jaycinah Simon (“Ms. Simon” or “Complainant”) filed a Formal Complaint (“Formal Complaint”) against Philadelphia Gas Works (“PGW” or “Respondent”) with the Pennsylvania Public Utility Commission (“Commission”), alleging: that PGW was threatening to, or has already shut off, her service; that she would like a payment arrangement: and that there were incorrect charges on her bill.

In her Complaint, Ms. Simon stated that her gas service was terminated on September 11, 2024, without notice for an outstanding balance of \$29,444.72. Ms. Simon alleged that a portion of this outstanding balance (\$12,900.27) was discharged pursuant to her Chapter 13 bankruptcy proceeding, filed in May 2019. Thus, she claimed that PGW is attempting to collect amounts previously discharged in her bankruptcy case. Ms. Simon further alleged violations of extortion laws, consumer protection laws, title 11 of the United States Code (bankruptcy), the Emergency Banking Act of 1933, and HJR 192, all as it relates to PGW attempts to collect payment for the services it provided to Ms. Simon and to PGW's termination of her service.

For relief, Ms. Simon requested restoration of her gas service, a full accounting of her gas charges in accordance with GAAP<sup>1</sup> and the statute of limitations, proof under GAAP that her outstanding PGW balance has not been written off, and removal of any unlawfully reinstated charges that were dismissed in her Chapter 13 bankruptcy proceeding. Ms. Simon further sought a payment arrangement on her lawful charges.

On November 7, 2024, PGW filed an Answer with New Matter to the Complaint, properly endorsed with a Notice to Plead. In its Answer, PGW admitted that it terminated service to Ms. Simon on September 11, 2024, but denied that it did so without notice. PGW denied that there are incorrect charges on Ms. Simon's bill. In its New Matter, PGW claimed that Ms. Simon raised multiple issues in her Complaint that the Commission lacked jurisdiction over. PGW concluded its Answer with New Matter by requesting dismissal of the Complaint.

Also on November 7, 2024, PGW filed Preliminary Objections to the Complaint, properly endorsed with a Notice to Plead. In its Preliminary Objections,

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<sup>1</sup> "GAAP" stands for Generally Accepted Accounting Principles.

PGW argued that Ms. Simon raised issues in the Complaint of which the Commission lacked jurisdiction over. PGW thus sought dismissal of the Complaint pursuant to 52 Pa. Code § 5.101(a)(1). PGW also sought dismissal of the Complaint pursuant to 52 Pa. Code § 5.101(a)(2), arguing that the Commission does not have the power to address any of the issues raised in the Complaint, and as such, none of the issues raised are legally recoverable through this action.

Ms. Simon did not file a Reply to PGW's New Matter or an Answer to PGW's Preliminary Objections.

On December 10, 2024, the Commission issued a Motion Judge Assignment Notice assigning me as Presiding Officer over this proceeding.

On December 18, 2024, the Commission issued my Order Granting in Part, and Denying in Part, Preliminary Objections.

On December 23, 2024, an Initial Telephonic Hearing Notice was issued, scheduling an evidentiary hearing in this matter for March 19, 2025.

Due to a conflict in my schedule, a Rescheduled Initial Telephonic Hearing Notice was issued on March 10, 2025, cancelling the March 19, 2025, hearing and rescheduling the hearing for April 16, 2025.

On March 10, 2025, the Commission issued a Prehearing Order providing the procedural rules that would govern the April 16, 2025, evidentiary hearing.

On April 7, 2025, PGW filed a Motion to Continue Hearing, seeking a continuance of the April 16, 2025, hearing. In its Motion, PGW sought a continuance of the April 16, 2025, hearing due to the unavailability of its lead counsel on the hearing

date and because PGW became aware that Ms. Simon filed a Chapter 13 bankruptcy petition with the United States Bankruptcy Court.

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

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

On June 3, 2025, the Commission issued my Prehearing Conference Order. The Order explained that the scheduled prehearing conference would be used to discuss (1) the status of Ms. Simon's bankruptcy proceeding, and (2) the impact that the bankruptcy proceeding has on this Formal Complaint proceeding.

Also on June 3, 2025, following the issuance of my Prehearing Conference Order, Ms. Simon by email requested a continuance of the June 11, 2025, prehearing conference. PGW did not object to Ms. Simon's request. Therefore, the continuance request was granted informally by email and a Rescheduled Telephonic Prehearing Conference Notice was issued on this date rescheduling the June 11, 2025, prehearing conference to July 24, 2025.

On July 24, 2025, the prehearing conference was held as scheduled. Ms. Simon did not appear at the prehearing conference. Anita Murray, Esquire, appeared on behalf of PGW. The matters raised in my Prehearing Conference Order were discussed at the prehearing conference.

Also on July 24, 2025, after the conclusion of the prehearing conference, a Rescheduled Initial Telephonic Hearing Notice was issued scheduling an evidentiary hearing for October 2, 2025.

On July 25, 2025, the Commission issued my Prehearing Order which provided the procedural rules that would govern the October 2, 2025, evidentiary hearing.

On August 21, 2025, Ms. Simon filed a Petition for Interim Emergency Order, pursuant to Section 3.6 of the Commission's regulations, 52 Pa. Code § 3.6. In her Petition, Ms. Simon alleged that PGW issued her a termination notice, seeking to terminate her service based in part upon charges that were being disputed through this Complaint proceeding, i.e., the charges that Ms. Simon alleged were dismissed in a prior bankruptcy proceeding. Ms. Simon requested that the Commission issue an Order preventing PGW from terminating her service based upon nonpayment of disputed charges.

On August 25, 2025, an Emergency Telephonic Hearing Notice was issued scheduling an emergency hearing to address the Petition for Interim Emergency Order on August 28, 2025.

On August 28, 2025, the emergency hearing was held as scheduled. Both parties appeared for the hearing. Ms. Simon testified in support of the Petition for Interim Emergency Order. Attorney Murray appeared for the hearing and presented the testimony of Jessica Antonetti, a senior customer review officer, who sponsored one exhibit that was admitted into the record. During the hearing, Ms. Simon made an oral request to withdraw the Petition for Interim Emergency Order. PGW did not oppose the oral Petition to Withdraw.

For the reasons stated below, Ms. Simon's Petition to Withdraw will be granted.

### FINDINGS OF FACT

1. Petitioner is Jaycinah Simon.
2. Respondent is Philadelphia Gas Works.
3. On August 21, 2025, Ms. Simon filed a Petition for Interim Emergency Order with the Commission, seeking an Emergency Order from the Commission enjoining PGW from terminating her service based upon nonpayment of disputed charges.
4. On August 28, 2025, an emergency hearing was held to address Ms. Simon's Petition for Interim Emergency Order.
5. Due to the filing of bankruptcy, Ms. Simon's gas service was restored on or around February 3, 2025. PGW Exhibit 4, p. 1.
6. Collection activity on Ms. Simon's account has been cancelled, and her gas service is not in danger of being terminated for nonpayment. Tr. 22; PGW Exhibit 4.
7. During the August 28, 2025, emergency hearing, Ms. Simon made an oral request to withdraw her Petition for Interim Emergency Order. Tr. 29.
8. PGW did not object to Ms. Simon's oral request to withdraw her Petition for Interim Emergency Order. Tr. 31-32.

## DISCUSSION

Commission regulations address the withdrawal of pleadings in a contested proceeding as follows:

### **§ 5.94. Withdrawal of pleadings in a contested proceeding.**

- (a) Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 10 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

52 Pa. Code § 5.94(a).

A “pleading” is defined as “An application, complaint, *petition*, answer, motion, preliminary objection, protest, reply, order to show cause, new matter and reply to new matter or other similar document filed in a formal proceeding.” 52 Pa. Code § 1.8 (emphasis added). Given that the regulations state that the allegations in a petition for interim emergency order shall be deemed to have been denied by the opposing parties (*see* 52 Pa. Code § 3.6(c)), this matter became contested upon the filing of the Petition for Interim Emergency Order.

In her Petition for Interim Emergency Order, Ms. Simon sought an Emergency Order from the Commission enjoining PGW from terminating her service based upon nonpayment of disputed charges. At the August 28, 2025, emergency hearing, PGW presented the testimony of Ms. Antonetti who testified that collection activity on Ms. Simon’s account has been cancelled and her gas service is not in danger

of being terminated for nonpayment. Tr. 22; PGW Exhibit 4. Ms. Simon acknowledged that she had received the relief that she was seeking through her Petition for Interim Emergency Order and requested to withdraw her Petition for Interim Emergency Order. Tr. 29.

Pursuant to the Commission's regulations, I must consider any objection to the Petition to Withdraw and the public interest when determining whether the Petition to Withdraw will be granted. PGW did not oppose the oral Petition to Withdraw. Tr. 31-32. As it relates to the public interest, it would not be in the public interest to have additional time and resources committed to addressing Ms. Simon's Petition for Interim Emergency Order when Ms. Simon indicated that she has received the relief that she was seeking through her Petition for Interim Emergency Order and requested that it be withdrawn. Tr. 29.

For the above reasons, the Petition to Withdraw will be granted in the Ordering paragraphs below. The Formal Complaint filed by Ms. Simon against PGW at this docket will proceed before the Commission.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.
2. A party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon other parties. 52 Pa. Code § 5.94(a).

3. A petition to withdraw a pleading in a contested proceeding must set forth the reasons for the withdrawal and that a party may object to the petition within 10 days. 52 Pa. Code § 5.94(a).

4. After considering a petition to withdraw a pleading in a contested proceeding, any objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted. 52 Pa. Code § 5.94(a).

5. It is in the public interest to allow Ms. Simon to withdraw her Petition for Interim Emergency Order. 52 Pa. Code § 5.94.

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That the oral Petition to Withdraw the Petition for Interim Emergency Order, filed on August 21, 2025, in the matter of Jaycinah Simon v. Philadelphia Gas Works, Docket No. F-2024-3051634, is granted.

2. That the Petition for Interim Emergency Order filed in the matter of Jaycinah Simon v. Philadelphia Gas Works, at Docket No. F-2024-3051634, is withdrawn.

