

Jaycinah Simon / Pro Se

1232 W. Master St.

Philadelphia, PA. 19122

267-596-2674

Jksimon5412@gmail.com

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Complaint of

Jaycinah Simon,

Complainant

v.

Philadelphia Gas Works,

Respondent

Docket No. F-2024-3051634

MOTION TO EXCLUDE UNRELIABLE AND INADMISSIBLE EVIDENCE

NOW COMES, the Complainant, and moves the Commission or The Honorable Alphonso Arnold III, ALJ, to exclude certain documents offered by Respondent Philadelphia Gas Works (PGW) as Exhibits 1-11 on the following grounds:

- I. LACK OF FOUNDATION AND AUTHENTICATION
 1. The proffered “exhibits” consist largely of screen captures, internal background notes, and unverified printouts from PGW’s own systems.

2. Under 52 Pa. Code §5.401(a) and the Pennsylvania Rules of Evidence (incorporated by PUC practice0, a party seeking to introduce documentary evidence must establish a proper foundation and authenticate the document as what it purports to be.
3. PGW has not presented a competent witness with firsthand knowledge to testify to the accuracy, manner of preparation, or reliability of these records.
4. Without proper authentication, these exhibits are not admissible as business records under Pa.R.E. 803(6).

II. HEARSAY AND LACK OF OPPORTUNITY FOR CROSS EXAMINATION

1. The documents contain out-of-court statements offered to prove amount allegedly owed.
2. Many entries are staff “comments”, notes, or automated system logs (see e.g., Exhibit 11) for which there is no sponsoring witness available for cross-examination.
3. Such materials constitute inadmissible hearsay under Pa. R.E. 801-802 and cannot form the basis for the finding of liability.

III. ABSENCE OF ITEMIZED STATEMENTS OF ACCOUNT

1. A valid claim for a utility debt must be supported by itemized bills or statements of account reflecting actual charges for services rendered, not simply running balances or lump-sum “Please pay” notations.
2. PGW’s exhibits lack:
 - Original invoices or service agreements
 - Verified meter readings tied to actual billing periods
 - Explanation for unexplained transfers (e.g., “XFER” entries) or late-payment charges
3. In the absence of such competent, itemized proof, the claimed debt cannot be substantiated.

IV. DUE-PROCESS CONCERNS

1. Complainant cannot fairly respond to “background notes” or internal screenshots that were not made available in the ordinary course of billing.
2. Introduction of such records now, without prior disclosure to the customer, violates basic principles of fairness and due process recognized by the Commission.

V. PRAYER FOR RELIEF

For the foregoing reasons, Complainant respectfully moves the Presiding Officer to:

1. Exclude PGW Exhibits 1-11 (or any portions not properly authenticated or supported by competent testimony).
2. Strike any reference to such exhibits from evidentiary record.
3. Grant such relief as is just and proper.

Respectfully submitted,

Jaycinah Simon

Complainant/Pro Se

09/29/2025