

COMMONWEALTH OF PENNSYLVANIA
(Public Utility Commission)

-----*
NIKISHA LEACH, :
Complainant, : Docket No.:
vs. : C-2025-3054293
PHILADELPHIA GAS WORKS, :
Respondent. :
-----*

Pages 37 through 55

FURTHER TELEPHONIC HEARING
Judge's Chambers
State Office Bldg.
801 Market Street,
Philadelphia, PA 19107

Wednesday, September 24, 2025
Met, pursuant to notice, at 1:16 p.m.

BEFORE: THE HONORABLE MARTA GUHL
Administrative Law Judge

INDEX TO EXHIBITS
Docket No.: C-2025-3054293
Hearing Date: September 24, 2025

EXHIBITS INDEX

NUMBER		IN EVIDENCE
PHILADELPHIA GAS WORKS:		
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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 11, 2025

VIA ELECTRONIC MAIL

Administrative Law Judge Marta Guhl
Pennsylvania Public Utility Commission
801 Market Street
Suite 4063
Philadelphia, PA 19107

Re: Nikisha Leach v. Philadelphia Gas Works, Docket No. C-2025-3054293

Dear Judge Guhl:

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

Nikisha Leach

nikisha.leach41@gmail.com

Date: June 11, 2025

/s/ Graciela Christlieb

Graciela Christlieb, Esquire



Specific Service Agreement Statement of Account SA- [REDACTED]

Customer Name	From Date	To Date		
NIKISHA LEACH	6/6/2022	6/6/2025		
Service Address	Account Number	S A Number	Meter	Rate/Class
6644 CHEW AVE PHIL, PA 191192003	[REDACTED]	[REDACTED]	2346483	GS

STATEMENT

Transaction Date	Transaction Type	Read Reading	Read Code	# of Days	CCF Usage	Average CCF/Day	Heating DDDs	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
6/23/2022	PAY							Credit Card		(\$190.89)	\$766.75	\$766.75
6/25/2022	BILL	4314	R	30	18	0.6	1		7/20/2022	\$165.47	\$932.22	\$932.22
7/21/2022	WNA2&5									(\$5.15)	\$927.07	\$927.07
7/21/2022	CRPDIS									\$5.15	\$932.22	\$932.22
7/27/2022	BILL	4330	R	32	16	0.5	0		8/19/2022	\$165.47	\$1,097.69	\$1,097.69
8/24/2022	BILL	4344	R	29	14	0.48	0		9/20/2022	\$165.47	\$1,263.16	\$1,263.16
9/1/2022	PAY							Credit Card		(\$200.00)	\$1,063.16	\$1,063.16
9/23/2022	BILL	4360	R	30	16	0.53	0		10/18/2022	\$165.47	\$1,228.63	\$1,228.63
10/25/2022	BILL	4434	R	29	74	2.55	180		11/18/2022	\$165.47	\$1,394.10	\$1,394.10
11/7/2022	PAY							Check		(\$1,229.00)	\$165.10	\$165.10
11/16/2022	CANP									\$1,229.00	\$1,394.10	\$1,394.10
11/16/2022	PAYCAN									\$0.00	\$1,394.10	\$1,394.10
11/16/2022	NSFCHA									\$20.00	\$1,414.10	\$1,414.10
11/23/2022	BILL	4561	R	31	127	4.1	344		12/19/2022	\$165.47	\$1,579.57	\$1,579.57
12/5/2022	PAY							Credit Card		(\$165.00)	\$1,414.57	\$1,414.57
12/22/2022	BILL	4765	R	29	204	7.03	654		1/20/2023	\$165.47	\$1,580.04	\$1,580.04
1/25/2023	BILL	5024	R	34	259	7.62	833		2/17/2023	\$165.47	\$1,745.51	\$1,745.51
2/22/2023	BILL	5223	R	28	199	7.11	618		3/17/2023	\$165.47	\$1,910.98	\$1,910.98
3/2/2023	PAY							Credit Card		(\$300.00)	\$1,610.98	\$1,610.98
3/2/2023	PAY							Check		(\$30.00)	\$1,580.98	\$1,580.98
3/16/2023	PAY							Credit Card		(\$150.00)	\$1,430.98	\$1,430.98
3/16/2023	PAY							Check		(\$15.00)	\$1,415.98	\$1,415.98
3/24/2023	BILL	5428	R	30	205	6.83	640		4/19/2023	\$165.47	\$1,581.45	\$1,581.45
4/25/2023	BILL	5540	R	30	112	3.73	278		5/18/2023	\$165.47	\$1,746.92	\$1,746.92
5/24/2023	BILL	5625	R	31	85	2.74	183		6/20/2023	\$165.47	\$1,912.39	\$1,912.39
6/23/2023	BILL	5642	R	30	17	0.57	9		7/19/2023	\$165.47	\$2,077.86	\$2,077.86
7/25/2023	BILL	5656	R	30	14	0.47	1		8/17/2023	\$165.47	\$2,243.33	\$2,243.33

Transaction Date	Transaction Type	Reading	Read Code	# of Days	CCF Usage	Average CCF/Day	Heating DDDs	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
8/23/2023	BILL	5670	R	31	14	0.45	0		9/18/2023	\$165.47	\$2,408.80	\$2,408.80
9/23/2023	BILL	5683	R	31	13	0.42	0		10/17/2023	\$165.47	\$2,574.27	\$2,574.27
10/24/2023	BILL	5728	R	29	45	1.55	110		11/17/2023	\$165.47	\$2,739.74	\$2,739.74
11/23/2023	BILL	5858	R	32	130	4.06	392		12/18/2023	\$165.47	\$2,905.21	\$2,905.21
12/22/2023	BILL	6047	R	29	189	6.52	637		1/19/2024	\$165.47	\$3,070.68	\$3,070.68
1/25/2024	BILL	6306	R	34	259	7.62	924		2/20/2024	\$165.47	\$3,236.15	\$3,236.15
2/22/2024	BILL	6499	R	28	193	6.89	682		3/18/2024	\$165.47	\$3,401.62	\$3,401.62
3/22/2024	BILL	6656	R	29	157	5.41	496		4/17/2024	\$165.47	\$3,567.09	\$3,567.09
4/23/2024	BILL	6795	R	30	139	4.63	408		5/16/2024	\$165.47	\$3,732.56	\$3,732.56
5/22/2024	BILL	6868	R	31	73	2.35	160		6/17/2024	\$165.47	\$3,898.03	\$3,898.03
6/21/2024	BILL	6883	R	30	15	0.5	0		7/17/2024	\$165.47	\$4,063.50	\$4,063.50
7/23/2024	BILL	6895	R	30	12	0.4	0		8/15/2024	\$159.00	\$4,222.50	\$4,222.50
8/9/2024	CRPFRZ									\$2,511.47	\$6,733.97	\$6,733.97
8/9/2024	ADJLPC									\$218.36	\$6,952.33	\$6,952.33
8/13/2024	PAY							Credit Card		(\$160.00)	\$6,792.33	\$6,792.33
8/21/2024	LPC									\$60.93	\$6,853.26	\$6,853.26
8/21/2024	BILL	6905	R	31	10	0.32	0		9/16/2024	\$31.22	\$6,884.48	\$6,884.48
9/19/2024	PAY							Check		(\$160.00)	\$6,724.48	\$6,724.48
9/21/2024	LPC									\$96.67	\$6,821.15	\$6,821.15
9/21/2024	BILL	6917	R	31	12	0.39	1		10/15/2024	\$33.95	\$6,855.10	\$6,855.10
9/24/2024	PAY							Credit Card		(\$100.00)	\$6,755.10	\$6,755.10
9/26/2024	CANP									\$160.00	\$6,915.10	\$6,915.10
9/26/2024	PAYCAN									\$0.00	\$6,915.10	\$6,915.10
9/26/2024	NSFCHA									\$20.00	\$6,935.10	\$6,935.10
10/22/2024	LPC									\$98.08	\$7,033.18	\$7,033.18
10/22/2024	BILL	6952	R	29	35	1.21	71		11/15/2024	\$66.86	\$7,100.04	\$7,100.04
11/18/2024	PAY							Check		(\$67.00)	\$7,033.04	\$7,033.04
11/22/2024	LPC									\$98.38	\$7,131.42	\$7,131.42
11/22/2024	BILL	7061	R	33	109	3.3	262		12/18/2024	\$213.84	\$7,345.26	\$7,345.26
11/26/2024	CANP									\$67.00	\$7,412.26	\$7,412.26
11/26/2024	PAYCAN									\$0.00	\$7,412.26	\$7,412.26
11/26/2024	NSFCHA									\$20.00	\$7,432.26	\$7,432.26
12/21/2024	LPC									\$102.59	\$7,534.85	\$7,534.85
12/21/2024	BILL	7263	R	29	202	6.97	683		1/17/2025	\$302.56	\$7,837.41	\$7,837.41
1/25/2025	LPC									\$107.43	\$7,944.84	\$7,944.84

Transaction Date	Transaction Type	Read Reading	Read Code	# of Days	CCF Usage	Average CCF/Day	Heating DDDs	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
1/25/2025	BILL	7576	R	35	313	8.94	1156		2/19/2025	\$437.51	\$8,382.35	\$8,382.35
2/22/2025	LPC									\$113.99	\$8,496.34	\$8,496.34
2/22/2025	BILL	7808	R	28	232	8.29	859		3/18/2025	\$349.48	\$8,845.82	\$8,845.82
3/25/2025	LPC									\$119.24	\$8,965.06	\$8,965.06
3/25/2025	BILL	7972	R	29	164	5.66	538		4/17/2025	\$301.78	\$9,266.84	\$9,266.84
4/24/2025	PAY							Banking Institutions		(\$305.00)	\$8,961.84	\$8,961.84
4/24/2025	BILL	45	R	32	137	4.28	379		5/19/2025	\$250.52	\$9,212.36	\$9,212.36
5/23/2025	BILL	69	R	29	24	0.83	37		6/18/2025	\$64.69	\$9,277.05	\$9,277.05

Heat & Domestic

GAS USAGE ANALYSIS OF ACCOUNT									
Nikisha Leach 6644 Chew Avenue Phila., PA 19119					NON-HEATING DAILY USAGE				
					0.32	CCF PER DAY	(non heating usage / number of days in period)		
					ACCOUNT #	[REDACTED]			
DATES		METER READINGS		NUMBER OF	USAGE IN	DOMESTIC	HEAT	NUMBER	C.F.D.D.***
FROM	TO	FROM	TO	DAYS	CCF*	USAGE CCF *	USAGE	DEG.DAYS**	
3/24/2020	3/25/2021	928	2720	366	1792	117	1675	4330	38.7
3/25/2021	3/25/2022	2720	4081	365	1361	117	1244	3785	32.9
3/25/2022	3/22/2023	4081	5428	362	1347	116	1231	3788	32.5
3/22/2023	3/20/2024	5428	6656	364	1228	116	1112	3712	29.9
3/20/2024	3/21/2025	6656	7972	366	1316	117	1199	4138	29.0
* CCF = hundred Cubic feet									
** DEGREE DAYS AN INDEX OF ENERGY CONSUMPTION FOR HEATING .									
IT INDICATES THE NUMBER OF DEGREES THE AVERAGE TEMPERATURE DROPS BELOW 65' F.									
***CFDD EQUALS CUBIC FEET OF GAS USED PER DEGREE DAY									
****Number of days times daily non heat usage = Domestic usage in CCF then usage in CCF minus Domestic Usage = Heat usage divided by Deg Days = CFDD****									

Field Information

Order Num 15456304 Order Type Meter Test Exchange Customer Name LEACH NIKISHA D

Field Activity Sequence

Sequence	Work Date	Employee	Status Code	Comp Type	Dispatch Type	Window	Time	Gas Found	Gas Left
▶ 15270639	04-10-25	David Reber	CMP	Completed By FSD	Primary	800-1200	4/10/2025 12:31 PM	ON	ON

Field Activity Details

Gas Status | Appliance Data | Hazard Data | Non-Part Charges | Safety Survey | Meter Order | Parts Summary | Activities | Completion Time | Survey Check | Acct. Codes | Comment

Action	Current Meter Number	New Meter Number	Current ERT	New ERT	Current Index	New Index	Loc Desc	Reason
▶ Meter Exchange	1860344	2346483	41422473	78452379	8064	0	Front Basement	PGW Special Test

Others Order Data

Customer Req Flag	Order Type Desc	Special Instructions	Created By
▶ Y	Meter Test Exchange	MTR TEST FROM 8 AM TO 12 PM. PLEASE CALL BEFORE ARRIVAL AT PH# [REDACTED]	gtowler

[Close](#)

Field Information

Order Num 15456304 Order Type Meter Test Exchange Customer Name LEACH NIKISHA D

Field Activity Sequence

Sequence	Work Date	Employee	Status Code	Comp Type	Dispatch Type	Window	Time	Gas Found	Gas Left
▶ 15270639	04-10-25	David Reber	CMP	Completed By FSD	Primary	800-1200	4/10/2025 12:31 PM	ON	ON

Field Activity Details

Gas Status Appliance Data Hazard Data Non-Part Charges Safety Survey Meter Order Parts Summary Activities Completion Time Survey Check Acct. Codes Comment

Appliance	BTU	Unit Number	Operational
▶ Heaters	79000	1	Y
Ranges	65000	1	Y
Water Heaters	36000	1	Y

Others Order Data

Customer Req Flag	Order Type Desc	Special Instructions	Created By
▶ Y	Meter Test Exchange	MTR TEST FROM 8 AM TO 12 PM. PLEASE CALL BEFORE ARRIVAL AT [REDACTED]	gfwler

Close

Customer Requested Meter Test

Date: 5-12-25

The Philadelphia Gas Works tested the meter removed from the premise of:

CUSTOMER: Nikisha D Leach

ADDRESS: 6644 Chew Ave

ON APPLICATION NO.:

GIVES THE FOLLOWING RESULTS:

METER NO. 1860344		PROOF [X]			ACCURACY []	
SIZE A250	INDEX 8064	Meter Test Results			Percentage	
		Temperature	Open 100%	Check 20%	Fast	Slow
Meter Receive 4-10-25		70	99.5	99.9		
		70	99.6	100.0		
Meter Tested 5-12-25		70	99.5	100.2		
		Average of Results	99.6	100.0	0	

Von Morgan

PGW REPRESENTATIVE

Search For Negotiated Payment Arrangement [X]

Search Criteria

Account... [REDACTED] Leach, Nikisha D

From Date: 06/04/2025

Apply Criteria

OK

Cancel

Date	Seq	Status	Comments
10/02/2018	1	Broken	
04/17/2018	1	Broken	ENTERED PUC PAR
08/11/2017	1	Broken	

3 record(s) found.

Customer Contact: Service [X]

Date: 04/07/2017 Time: 2:53:00 PM Source: _____ Related Tran: _____
CC Type: SERV - Service [v] Created: 04/07/2017 at: 2:53:11 PM by: PDOMINIK
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 04/07/2021 Class: Inquiry

Comments: Paul Dominik was here on a Turn On order with Order # 8634719 , with a result of Completed Found Gas OFF , Left Gas ON , with activities of (Meter and Connections - Turn On) , with comments of "turn on completed, made safety checks left safe."

Letter

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

Review List Tickler

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

Account: [REDACTED] Leach, Nikisha D [v]
Premise: 6644 Chew Ave/Phila,Pa [v]
Person: Leach, Nikisha D [v]

[Change] [Cancel]

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 3601032
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: MIKISHA
Customer Middle Initial:
Customer Last Name: LEACH
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: 6644 CHEW AVE
Customer Service Address 2:
Customer Service Address City: PHILADLEPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19119
Customer Service Address 4-Zip:
Customer Family Adults: 1
Customer Family Children: 2
Customer Family Age: 17,4
Gross Income

Source	Income Amount
WAGES	3500

Date Open: 2018-04-11
Reason For Contact: ON - PAR NEEDED (# 61)
Term Date: 2018-04-16
Business Name:
Case Problem:
Company Position: WHOLE PAST DUE, REFERRED TO PUC
Related Information: NEEDS PAYMENT ARRANGEMENT
Case Misc Info:
Hot Issue:
Case Origin: TELEPHONE
Prior Case Number:
Universal Service: N

Arrearage: 619.07
BCS Investigator First Name: BCS
BCS Investigator Last Name: CASE POOL
BCS Investigator Phone w/ Area Code: [REDACTED]
BCSIntaker First Name: STEVE
BCSIntaker Last Name: ROBERTSON
Number Of Time Send: 1
Number Of Time Faxed: 0
Number Of Time Faxed: 7177876641

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 3601032
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: MIKISHA
Customer Middle Initial:
Customer Last Name: LEACH
Account Number: ██████████
Service Address 1: 6644 CHEW AVE
Service Address 2:
Service City: PHILADLEPHIA
Service State: PA
Service Zip 5: 19119
Service Zip 4:
Decision Issue: Y
Oral Written: W
Violation: NO
Chapter:
Section Rule:
Total Balance: 1289.78
Date Closed: 2018-04-12
Resolution: LEVEL 2, BB 171.00 + 36.00 = 207.00 BEGINNING MAY 2018.
Balance Date: 2018-04-11
Service Restored Pay:
Service Continue Amount:
Service Continue Date:
Terms: MAY 2018 BILL DUE DATE
Special Budget Amount: 207.00
Regular Budget Amount: 171.00
Arrears Payment Plus: 36.00
FinalMonthlyPayment:
CurrentMonthlyPayment:
EndMonthlyPayment:
LetterDescription:
HeadDate: 2018-04-16
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount:
BCS Investigator First Name: BUREAU OF
BCS Investigator Last Name: CONSUMER SERVICE
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7177876641

3. Type of Utility Service

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

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> 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. My gas bill is too high. I have had my home weatherized and it does not help. I am not home from 6:15 AM until 6:00 in the evening. My heat is turned off when I leave. My bill averages from \$300-\$400 a month. I asked them to come and check my meter and it never happened.

I would like a payment agreement. I have a child in college along with my other bills. I cannot afford more than \$150.00 a month

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. Give me an affordable agreement because this gas bill is almost as much as my mortgage.

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 **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 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 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.
I was told that I did not qualify for an agreement.

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 Nikisha Leach, 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).

Nikisha Leach

05/23/2019

(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.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nikisha Leach :
 :
 v. : C-2019-3010115
 :
 Philadelphia Gas Works :

INTERIM ORDER
GRANTING CONTINUANCE

On May 23, 2019, Nikisha Leach (Ms. Leach) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW) at docket number C-2019-3010115 seeking a payment arrangement and stating that her bills were too high. On June 12, 2019, PGW filed an Answer, admitting and denying the averments of fact in the Complaint and asking that the Commission dismiss the Complaint.

By Hearing Notice served on the parties on June 17, 2019, this case was assigned to the undersigned and scheduled for an initial telephonic hearing on July 19, 2019. A Prehearing Order, dated June 26, 2019, set forth various procedural rules that would govern the hearing, including the method by which one could obtain a continuance of the scheduled hearing date if needed.

On July 12, 2019, I was forwarded an email by the Commission's Secretary Bureau from Ms. Leach, asking that the July 19, 2019 hearing be continued due to her unavailability due to work commitments. I caused the email to be forwarded to Laureto Farinas, esquire, attorney for PGW. Attorney Farinas indicated that PGW did not object to the continuance request.

Requests for continuances are governed by Section 1.15 of the Commission's regulations, which states, in relevant part:

§ 1.15. Extensions of time and continuances.

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

52 Pa. Code § 1.15(b).

Additionally, the Prehearing Order issued in this matter states the following:

2. A request for a change of the scheduled hearing date must state the agreement or opposition of the other parties and must be submitted in writing no later than five days prior to the hearing. (Emphasis in the original).

June 26, 2019 Prehearing Order.

The continuance request made by Ms. Leach did not completely conform to requirements of the Commission's Regulations and the Prehearing Order, in that it was not timely, nor was it filed with the Commission in writing. Section 1.2 of the Commission's regulations allow for a presiding officer to disregard errors or defects of procedure which do not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a). Therefore, I will treat Ms. Leach's continuance request as a properly filed Motion for Continuance because doing so does not negatively affect the substantive rights of PGW as they received notice of the request and made no objection to the request.

Ms. Leach's Motion for Continuance will be granted. Granting the continuance due to the unavailability of the Complainant is a good cause to continue the hearing. Additionally, PGW did not object to the Motion for Continuance. The hearing in this matter scheduled for July

19, 2019 will be rescheduled to July 22, 2019, at 1 p.m., the date and time by which both parties indicated that they would be available.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Nikisha Leach's Motion for Continuance in the matter of Nikisha Leach v. Philadelphia Gas Works, Docket No. C-2019-3010115, is granted.
2. That the July 19, 2019 hearing in this matter is rescheduled to July 22, 2019 at 1 p.m.

Date: July 16, 2019

/s/
Alphonso Arnold III
Special Agent

C-2019-3010115 - NIKISHA LEACH v. PHILADELPHIA GAS WORKS

NIKISHA LEACH
6644 CHEW AVENUE
PHILADELPHIA PA 19119
215.683.8709
ACCEPTS E-SERVICE

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
4TH FLOOR
800 W MONTGOMERY AVENUE
PHILADELPHIA PA 19122
215.684.6982
ACCEPTS E-SERVICE

Customer Contact: Customer Review Unit [X]

Date: 07/22/2019 Time: 2:01:00 PM Source: JetSearch Related Tran: Account Maintenance
CC Type: CRU - Customer Review Unit Created: 07/22/2019 at: 2:01:15 PM by: PBERNARD
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 07/22/2024 Class: Inquiry

Comments: I attended a FORMAL telephonic Hearing with Special Agent Arnold, and Laureto Farinas Esq.. PGW asked for a dismissal with prejudice for lack of prosecution. Ms. Leach was not present. 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] Leach, Nikisha D [v]
Premise: 6644 Chew Ave/Phila,Pa [v]
Person: Leach, Nikisha D [v]

[Change] [Cancel]

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nikisha Leach :
 :
 v. : C-2019-3010115
 :
 Philadelphia Gas Works :

ORDER
GRANTING REQUEST FOR FURTHER EXAMINATION

On May 23, 2019, Nikisha Leach (Ms. Leach) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW) at docket number C-2019-3010115 seeking a payment arrangement and stating that her bills were too high. On June 12, 2019, PGW filed an Answer, admitting and denying the averments of fact in the Complaint and asking that the Commission dismiss the Complaint.

Through a Hearing Notice served on the parties, this matter was initially scheduled for a hearing to take place on July 19, 2019 at 10:00 a.m. The Complainant sought a continuance of the hearing date, and by Hearing Notice served on the parties on July 16, 2019, this case was rescheduled for an initial telephonic hearing on July 22, 2019 at 1 p.m., a date and time agreed upon by the parties.

The hearing was held on July 22, 2019 as scheduled. The attorney for PGW, Laureto Farinas, Esquire, was available for the scheduled hearing with a witness and was ready to proceed. The Complainant was not available for the hearing. The hearing was held without the Complainant and PGW moved for the Complaint to be dismissed for failure to prosecute the Complaint. PGW was informed that the Motion would be taken under advisement, and the record was closed at the conclusion of the hearing.

On July 23, 2019, the Complainant contacted the Commission through email, stating that she was unable to participate in the hearing due to having to care for her son who had a medical incident. The Complainant in her email reiterated her desire to be issued a payment arrangement. I will treat this email communication as a request for further examination as the record has been closed.

I forwarded the request to PGW. PGW objected to the request, stating that the Complainant provided no information confirming her need to be absent from the hearing.

A party to a proceeding has the right to request a continuance of the hearing, which may be granted by the presiding officer for “good cause.” 52 Pa.Code § 1.15(b). If a party fails to attend a scheduled hearing, such failure to appear will be deemed a waiver of the party's opportunity to participate in a hearing, unless the presiding officer determines that such failure was “unavoidable” and that the interests of the other parties and of the public would not be “prejudiced” by permitting such reopening or further examination. 66 Pa.C.S. § 332(f); 52 Pa.Code § 5.245(a)-(b).

To meet the “unavoidable” standard, the Commission will require a Complainant to show, with supporting information, that the failure to appear was due to exigent circumstances. El-Ayazra v. West Penn Power Company, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016).

Moreover, the Commission will exercise its discretion and excuse a complainant's failure to appear at a hearing if the complainant demonstrates that he/she made a good faith attempt to attend the hearing. Yomari Then v. Philadelphia Gas Works, Docket No. F-2012-2318264 (Order entered June 13, 2013). If a complainant's failure to appear was unavoidable or if the complainant made a good faith attempt to appear, the Commission has acknowledged that the public interest is better served when all litigants, particularly pro se litigants, are afforded a meaningful opportunity to be heard. Page v. PECO Energy Company, Docket No. F-2016-2571178 (Order entered July 12, 2018).

However, if a complainant's failure to appear was not unavoidable, or if the complainant did not make a good faith attempt to attend the duly scheduled hearing, the Commission has recognized that any further procedural activity in the docket would prejudice the public interest due to the wasteful use of the agency's and the respondent's time and resources in addressing the complaint. Jefferson v. UGI Utilities, Inc., Docket No. Z-00269892 (Order entered December 26, 1995)

Noting PGW's objection, I will grant Ms. Leach's request for further examination. I believe that Ms. Leach's absence from the hearing was unavoidable, as her absence from the hearing was due to having to care for the medical condition of her son, a circumstance which I deem exigent in nature. As Ms. Leach's absence was due to exigent circumstances, the public interest is best served affording Ms. Leach a meaningful opportunity to be heard. It is noted that Ms. Leach did not provide documentation evidencing her son's medical condition, however, I have no reason to question the credibility of Ms. Leach.

With respect to the interests of the Commission and PGW, certainly the Commission and PGW has expended resources holding a hearing whereupon the Complainant did not appear. PGW has expended time and resources preparing for the case and having a witness ready on the day of the hearing to testify. PGW will have to spend time and resources again to have its Attorney and witness available on a rescheduled hearing date. However, resources would also be spent by PGW and the Commission on handling this case through any appeal process the Complainant might undertake if she is not given another opportunity to prosecute her Complaint. Furthermore, it would be beneficial to PGW to provide the Complainant another opportunity to prosecute her Complaint, given that she is seeking a payment arrangement. The Complainant has an unpaid balance with PGW, so the possibility of awarding the Complainant a payment arrangement increases the possibility that PGW will receive from the Complainant the money that it is owed. The utilities must spend resources taking actions against delinquent paying customers when customers do not pay their balances.

Ms. Leach's request for further examination will be granted, and a hearing will be scheduled for a further date.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the record in the matter of Nikisha Leach v. Philadelphia Gas Works at docket number C-2019-3010115 is reopened;
2. That Nikisha Leach's request for further examination in the matter of Nikisha Leach v. Philadelphia Gas Works at docket number C-2019-3010115 is granted;
3. That a hearing in the matter of Nikisha Leach v. Philadelphia Gas Works at docket number C-2019-3010115 will be scheduled for a further date.

Date: August 9, 2019

_____/s/
Alphonso Arnold III
Special Agent

C-2019-3010115 - NIKISHA LEACH v. PHILADELPHIA GAS WORKS

NIKISHA LEACH
6644 CHEW AVENUE
PHILADELPHIA PA 19119
215.683.8709
ACCEPTS E-SERVICE

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
4TH FLOOR
800 W MONTGOMERY AVENUE
PHILADELPHIA PA 19122
215.684.6982
ACCEPTS E-SERVICE

Customer Contact: Customer Review Unit [X]

Date: 09/04/2019 Time: 8:28:00 AM Source: JetSearch Related Tran: Account Maintenance
CC Type: CRU - Customer Review Unit Created: 09/04/2019 at: 8:28:23 AM by: ACRAWF01
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 09/04/2024 Class: Inquiry

Comments: *CRU* attended telephonic hearing with cor, I farinas and special agent Arnold III. Settlement reached: hh gmi is \$3,362.34/month with 4 in hh. downpayment of \$1,132.75 due by 9/23/19 and thereafter budget \$235 plus \$71. explained fluctuation. cor agreed to terms. cor satisfied. letter of settlement to be sent to legal and BCS special agent.

Letter

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

Review List Tickler

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

Account: [REDACTED] Leach, Nikisha D [v]
Premise: 6644 Chew Ave/Phila,Pa [v]
Person: Leach, Nikisha D [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 6644 CHEW AVE on or after 8 a.m. on May 16, 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 \$626.70.
• 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:

Table with 2 columns: Item, Amount. Rows include Past Due Amount (\$626.70), Security Deposit (\$438.00), Turn On Charge (\$123.23), Total (\$1,187.93).

(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

Table with 3 columns: 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. Rows include 1, 2, 3, 4, Each add. person add.

PL_20220502180001.dat-207-000000463

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 02, 2022
Please Pay: \$626.70

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

Amount Enclosed:

000104 000000463
NIKISHA LEACH
6644 CHEW AVE
PHILA PA 19119-2003



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



Customer Contact: Collection [X]

Date: 05/15/2022 Time: 9:29:00 AM Source: JetSearch Related Tran: Account Maintenance
CC Type: COLL - Collection Created: 05/15/2022 at: 9:29:03 AM by: KVALENTI
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 05/15/2026 Class: Inquiry

Comments: GAS IS ON --MEDICAL -1- HOLD FROM 05/15/22- TO -06/14/22--- BALANCE OF THE BILL IS \$4006.35--- RECEIVED 05/15/22---

Letter

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

Review List Tickler

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

Account: [REDACTED] Leach, Nikisha D [v]
Premise: 6644 Chew Ave/Phila,Pa [v]
Person: Leach, Nikisha D [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 6644 CHEW AVE on or after 8 a.m. on Jul 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 \$766.75.
- 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	\$766.75
Security Deposit	\$522.00
Turn On Charge	\$123.23
Total	\$1,411.98

(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

PL_20220629180001.dat-45-000000286

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: Jun 29, 2022
Please Pay: \$766.75

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

Amount Enclosed:

000023 000000286

NIKISHA LEACH
6644 CHEW AVE
PHILA PA 19119-2003



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



Customer Contact: Collection [X]

Date: 07/16/2022 Time: 10:04:00 AM Source: JetSearch Related Tran: Account Maintenance
CC Type: COLL - Collection Created: 07/16/2022 at: 10:04:10 AM by: GJACKSO2
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 07/16/2026 Class: Inquiry

Comments: MEDICAL (2) HOLD FROM 07/16/2022 TO 8/15/2022 . BALANCE OF THE BILL IS \$3984.95 RECEIVED GAS IS ON 7/16/2022 MEDICAL (1) 05/15/2022 TO 6/15/2022

Letter

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

Review List Tickler

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

Account: [REDACTED] Leach, Nikisha D [v]
Premise: 6644 Chew Ave/Phila,Pa [v]
Person: Leach, Nikisha D [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 6644 CHEW AVE on or after 8 a.m. on Sep 12, 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 \$1,097.69.
- 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	\$1,097.69
Security Deposit	\$522.00
Turn On Charge	\$123.23
Total	\$1,742.92

(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

PL_20220829180001.dat-47-000000202

**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: Aug 29, 2022
Please Pay: \$1,097.69


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

Amount Enclosed:

000024 000000202

NIKISHA LEACH
6644 CHEW AVE
PHILA PA 19119-2003




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



PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 3863222
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: NIKISHA
Customer Middle Initial: D
Customer Last Name: LEACH
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: 6644 CHEW AVE
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19119
Customer Service Address 4-Zip:
Customer Family Adults: 2
Customer Family Children: 1
Customer Family Age: 9
Gross Income
Source **Income Amount**
CustIncome 2400
Date Open: 2022-09-08
Reason For Contact: SCIC PAR (SIG. CHANGE IN CIRCUMSTANCE) (# 66)
Term Date: 2022-09-12
Business Name:
Case Problem:
Company Position: 08/08/2022 I ASKED IF I COULD GET AN ARRANGEMENT ON THE BACK BALANCE AND WAS TOLD NO.
Related Information: I HAD SURGERY AND WAS OUT OF WORK. I INFORMED THEM THAT I MAY NOT BE PAID THE ENTIRE TIME I WAS ON LEAVE FOR SURGERY. I ASKED IF I COULD GET AN ARRANGEMENT ON THE BACK BALANCE AND WAS TOLD NO. - RELIEF SOUGHT - CII/SCIC PAR THE CELL PHONE NUMBER [REDACTED] HAS BEEN ALLOWED TO BE SHARED. THE EMAIL ADDRESS NIKISHA.LEACH41@GMAIL.COM HAS BEEN ALLOWED TO BE

SHARED.

Case Misc Info:**Hot Issue:****Case Origin:** PUC WEBSITE**Prior Case Number:** 3601032**Universal Service:** M**Arrearage:** 800**BCS Investigator First Name:** BCS**BCS Investigator Last Name:** CASE POOL**BCS Investigator Phone w/ Area Code:** [REDACTED]**BCSIntaker First Name:** MARIE**BCSIntaker Last Name:** KENNEDY**Number Of Time Send:** 1**Number Of Time Faxed:** 0**Number Of Time Faxed:** 7177876641

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 3863222
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: NIKISHA
Customer Middle Initial: D
Customer Last Name: LEACH
Account Number: [REDACTED]
Service Address 1: 6644 CHEW AVE
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19119
Service Zip 4:
Decision Issue: N
Oral Written: W
Violation: NO
Chapter:
Section Rule:
Total Balance: 4119.91
Date Closed: 2022-10-14
Resolution: CASE DISMISSED: THE CUSTOMER IS CURRENTLY ENROLLED IN CRP, DISMISSED PER 1405(C).
Balance Date: 2022-10-07
Service Restored Pay: 0.00
Service Continue Amount: 0.00
Service Continue Date:
Terms:
Special Budget Amount: 165.47
Regular Budget Amount: 261.00
Arrears Payment Plus: 0.00
FinalMonthlyPayment: 0.00
CurrentMonthlyPayment: 0.00
EndMonthlyPayment: 0.00
LetterDescription:
HeadDate: 2022-10-14
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount: 0.00
BCS Investigator First Name: KELLY
BCS Investigator Last Name: ALLWEIN
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

Your bill is past due. As a result, PGW will shut off gas to 6644 CHEW AVE on or after 8 a.m. on Nov 07, 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 \$1,228.63.
- 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	\$1,228.63
Security Deposit	\$516.00
Turn On Charge	\$123.23
Total	\$1,867.86

(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.
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- **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: Oct 26, 2022
Please Pay: \$1,228.63

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

Amount Enclosed:

000031 000000194

NIKISHA LEACH
6644 CHEW AVE
PHILA PA 19119-2003



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



Payment: 11/07/2022 - 1,229.00

Action

Payment... 2055182040 Canceled Siblings...

Account: [REDACTED] Name: Leach, Nikisha D Payment Amt: 1,229.00

Payment Amt: 1,229.00
 Payment Date: 11/07/2022
 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: 340 / 8363
 Grant Type: [REDACTED]

Print Receipt

Status History:

Status	Date	By
Created	11/08/2022 22:49	Operator, Bccs Job
Frozen	11/08/2022 22:49	Operator, Bccs Job
Canceled	11/16/2022 01:05	Operator, Bccs Job

Totals:

Category	Amou
Distributed	1,229.00

Payor / Receipt

Payor... [REDACTED]

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

Header
Distribution

Miscellaneous Adjustment: NSFCHA - 20.00

Action Launch

Adjustment... 2674401831 Frozen

Status	Date	By
Created	11/16/2022	Operator, Bccs Job
Frozen	11/16/2022	Operator, Bccs Job

Account: [Redacted] Name: Leach, Nikisha D

SA: G2-GS, Active Adjustment Amount: 20.00

Type

SA SA... 4587748155 G2-GS, Active

Deposit

	Begin	+Adj	=Final	Revenue Month/Year:
Total Amt Due		20.00		11/2022
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 NIKISHA LEACH

Street/P.O. Box 66044 Pleasant Ave Apt #

City Phila State PA Zip 19119

County Phila

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

(267) 864-6551 (home) () (mobile)

E-mail Address (required): nikisha.leach41@gmail.com

Utility Account Number (from your bill) [REDACTED]

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

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 STORM WATER
- GAS WASTEWATER/SEWER
- WATER TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- STEAM HEAT 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.
- 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 at of work due to surgery. Requested a payment agreement for back bill & was fold no. I can pay current charges now.*

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 just want an agreement

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 "Protection From Abuse" 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.

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 or any other 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.

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 Nikola Leach, 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] 11/28/22
(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. 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

Date: 03/02/2023 Time: 10:34:00 AM Source: JetSearch Related Tran: Account Maintenance

CC Type: CRU - Customer Review Unit Created: 03/02/2023 at: 10:34:27 AM by: DKAUFFMA

Area: 800 - Residential General Service Changed: 03/02/2023 at: 10:34:44 AM by: DKAUFFMA

Surveyable Auto Delete Date: 03/02/2028 Class: Inquiry

Comments: >>> CRU Formal Complaint Docket # C2022-3036868 (TELEPHONIC) HEARING HELD TODAY. ATTENDEES: Judge Ashton, PGW Attorney Murray, and myself. Ms. Leach did not call in. PGW requested that the case be dismissed with prejudice for the lack of prosecution. 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] Leach, Nikisha D [v]

Premise: 6644 Chew Ave/Phila,Pa [v]

Person: Leach, Nikisha D [v]

[Change] [Cancel]

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nikisha Leach :
 :
 v. : C-2022-3036868
 :
 Philadelphia Gas Works :

INITIAL DECISION

Before
Arlene Ashton
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint of Nikisha Leach against Philadelphia Gas Works because she failed to appear for the scheduled hearing and prosecute her Complaint.

HISTORY OF THE PROCEEDING

On November 18, 2022, Nikisha Leach (the Complainant or Ms. Leach) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or the Respondent) with the Pennsylvania Public Utility Commission (Commission). On the Complaint form, the Complainant checked boxes indicating that the utility is threatening to shut off her service or had already done so and that she would like a payment agreement.

On December 7, 2022, the Respondent filed an Answer admitting that it had issued a shut off notice for gas service to 664 Chew Avenue, Philadelphia, PA, the address specified by the Complainant as her home address in the Complaint. PGW further averred that the Complainant's

service bills, and the balance owed are correct. PGW also averred that the Complainant has defaulted on at least two PGW-issued payment agreements and one PUC-issued payment agreement. Additionally, PGW requested that the Complaint be dismissed.

By Hearing Notice dated December 13, 2022, a call-in telephonic hearing was scheduled for March 2, 2023, at 10:00 a.m., and the matter was assigned to me. The Hearing Notice advised the parties of the date and time of the scheduled hearing and how to call in. In addition, the Hearing Notice provided instructions on how to request a continuance of the hearing.

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

The Hearing Notice warned of the following:

FAILURE TO APPEAR: You 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.

I issued a Prehearing Order on December 14, 2022. The Prehearing Order also advised the parties of the date and time of the scheduled hearing as well as how to call in for the hearing. Additionally, the Prehearing Order directed the parties to comply with various procedural requirements, including the following instructions to a request to change the scheduled hearing:

You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request (or if you do not know).

You must submit the motion to me through my legal assistant at:

Pamela McNeal
pmcneal@pa.gov

You must submit the motion to the other party(s) at their email address.

The Prehearing Order warned both parties of potentially serious consequences if they failed to obtain a continuance and failed to attend the hearing. It also explained that the Complainant bears the burden of proof to establish that the Respondent violated its tariff, the Public Utility Code,¹ or a Commission Order or regulation, and that she is entitled to the relief requested in the Complaint.

The Hearing Notice and Prehearing Order 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. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

The hearing convened as scheduled on March 2, 2023, at 10:0 a.m. and began with a rollcall of participants and a brief off-the-record discussion. The record for the hearing began at 10:07 a.m. Anita Murray, Esquire, counsel for PGW was present with a witness and was prepared to proceed. Ms. Leach was not present.

¹ Public Utility Code (Code), 66 Pa. C.S. §§ 101–3316.

Ms. Murray stated that on March 1, 2023, at 9:51 p.m., the evening prior to the hearing, she received an e-mail from the Complainant. In the e-mail, the Complainant explained that due to her work schedule, she could not attend the scheduled hearing on March 2, 2023, at 10:00 a.m., and requested that the hearing be delayed until noon the same day or the following day, Friday, March 3, 2023. TR. 3-4. Counsel also indicated that she had responded to the Complainant's e-mail request on the morning of the hearing at 8:00 a.m., informing the Complainant that any continuance request must be directed to the Commission and OALJ, and must conform to the requirements set out in the Prehearing Order issued in this matter. Tr. 4. I confirmed that my office had not received any communication from the Complainant and that a Motion for Continuance had not been filed with the Commission.

No witnesses were presented, and no exhibits were introduced into the record. At the hearing, Respondent's counsel moved that the Complaint be dismissed for lack of prosecution pursuant to 52 Pa. Code § 5.245.

Since the date of the hearing, the Complainant has not contacted my office, nor has she made any filing with the Commission concerning her failure to appear at the hearing. In accordance with Commission policy, I am granting the Motion. The record closed on March 24, 2023, the date the transcript was filed with the Commission.

FINDINGS OF FACT

1. The Complainant is Nikisha Leach.
2. The Respondent is Philadelphia Gas Works.
3. On November 18, 2022, Ms. Leach filed a Complaint with the Commission against Philadelphia Gas Works.
4. On December 7, 2022, the Respondent timely filed an Answer to the Complaint.

5. By Initial Telephonic Hearing Notice dated December 13, 2022, a call-in telephonic hearing was scheduled for March 2, 2023, at 10:00 a.m.

6. On December 14, 2022, I issued a Prehearing Order that also advised the parties of the date and time of the scheduled hearing.

7. Both the Hearing Notice and the Prehearing Order were eServed on the Complainant to the email address provided and registered by Complainant with the Commission.

8. Neither the Hearing Notice nor the Prehearing Order served on the Complainant were returned to the Commission as undeliverable.

9. On March 2, 2023, counsel for PGW and a witness appeared and were prepared to proceed with the scheduled hearing in this matter.

10. The Complainant did not call in to the hearing at the designated date and time, as instructed on the Hearing Notice and the Prehearing Order.

11. Neither Ms. Leach nor a representative called into the hearing by the time the hearing adjourned at 10:13 a.m.

12. The Complainant has not contacted the Commission to explain why her failure to appear at the hearing was unavoidable.

DISCUSSION

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). However, this due process requirement is satisfied when the parties are provided notice and the opportunity to appear and be heard. *Id.* The Complainant had adequate

notice of the time and date of the hearing, yet she failed to appear or explain why she could not attend the hearing at the scheduled time. Therefore, it is appropriate to dismiss the Complaint.

The Commission served notice of the March 2, 2023, hearing in this case to the Complainant on December 13, 2022, via eService, to the email address she provided to and registered with the Commission. The notice informed the parties of the date and time of the hearing, as well as how to call in for the hearing. The notice was not returned as undeliverable.

In addition, I issued a Prehearing Order dated December 14, 2022, which, *inter alia*, warned both parties of potentially serious consequences if they failed to obtain a continuance and failed to appear and participate in the hearing. The Prehearing Order, which was also served on the Complainant via eService, was never returned as undeliverable. Both the Hearing Notice and Prehearing Order were eServed to the Complainant at the email address she registered with the Commission. Neither was returned to the Commission as undeliverable. Notice eServed to a party's registered email address with no notification that service failed is presumed to have been received. *See Hu v. PGW 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 Jan. 27, 2017); *Morella v. PGW Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Nov. 16, 2016).

A customer who files a complaint before the Commission has an affirmative duty to make himself or herself available to participate in hearings on the complaint. *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 28, 2002); *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993). The Complainant did not call in for the scheduled hearing on October 20, 2022.

Here, the Complainant failed to appear for the hearing after being duly notified that it had been scheduled and the consequences of failing to appear for the hearing. As noted above, the Notice of Hearing and the Prehearing Order were both served via eService, which she voluntarily chose as her preferred method of service. The Notice of Hearing informed the Complainant that a continuance must be made in writing

and at least five days before the hearing. The Prehearing Order reiterated these requirements and provided detailed instructions regarding submission of continuance requests, indicating that they must be sent to me via email to my legal assistant. The Complainant failed to comply with the instructions provided in the Notice of Hearing and the Prehearing Order. Furthermore, the Complainant has the burden of proving why she was unable to appear at the hearing. Although Ms. Murray relayed information submitted to her by the Complainant, Ms. Murray's statements are not testimony; thus, they cannot be used to satisfy the Complainant's burden of proof as to why she was unable to appear for the hearing.

Commission regulations address circumstances when a party fails to appear in a proceeding. Section 5.245 provides:

§ 5.245. Failure to appear, proceed or maintain order in proceedings.

(a) 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 thereafter to reopen the disposition of a matter accomplished at the conference or hearing.
- (3) Not be permitted to recall witnesses who were excused for further examination.

52 Pa. Code § 5.245(a). In this case, the Complainant had ample opportunity to appear and be heard in this proceeding, but voluntarily chose not to do so. Therefore, 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 Oct. 25, 1993).

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 she is entitled to her requested relief. The Complainant did not appear for the hearing scheduled for October 20, 2022. Thus, by her failure to appear, the Complainant did not meet her burden of proof.

The party who failed to appear at the hearing has the burden of explaining why 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). In a recent case, the Commission ruled that when there are no facts in the record that the party's failure to appear was unavoidable, the complaint should be dismissed with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

Consequently, it is appropriate to grant PGW's motion to dismiss the Complaint and dismiss Ms. Leach's Complaint, with prejudice. As the Commission has explained, where the complainant fails to appear for a scheduled hearing without good cause, the public interest is prejudiced by the wasteful use of the agency's and the respondent's time and resources. *See, e.g., Elliott v. Pa. Elec. Co.*, F-618-3003502 (Opinion and Order entered Feb. 6, 2020).

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter of the dispute. 66 Pa.C.S. § 701.
2. The party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

3. "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. The Commission is required to provide due process to the parties appearing before it. This due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

5. 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 Oct. 25, 1993); *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

6. After being notified, a party who fails to appear at a scheduled conference or hearing shall be deemed to have waived the opportunity to participate in the hearing, not be permitted thereafter to reopen the disposition of the matter accomplished at the hearing, and not be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

7. By failing to appear for the hearing and proffer any evidence to support the Complaint, the Complainant has failed to meet her burden of proving that she is entitled to the relief that she seeks from the Commission. 66 Pa.C.S. § 332(a).

8. When there are no facts in the record that the party's failure to appear was unavoidable, the complaint should be dismissed with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of Philadelphia Gas Works to dismiss with prejudice the Complaint of Nikisha Leach at Docket No. C-2022-3036868 for lack of prosecution is granted.
2. That the Complaint of Nikisha Leach at Nikisha Leach v. PGW at Docket C-2022-3036868, is dismissed with prejudice.
3. That the Secretary mark the proceeding at Docket No. C-2022-3036868 closed.

Date: June 16, 2023

_____/s/
Arlene Ashton
Administrative Law Judge

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held October 19, 2023

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora, Dissenting
Kathryn L. Zerfuss
John F. Coleman, Jr., Statement, Dissenting

Nikisha Leach

C-2022-3036868

v.

Philadelphia Gas Works

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Arlene Ashton, issued on June 16, 2023, in the above-captioned proceeding. No Exceptions have been filed. However, we have exercised our right to review the Initial Decision pursuant to Section 332(h) of the Public Utility Code (Code), 66 Pa. C.S. § 332(h). For the reasons stated below, we shall reverse the Initial Decision and remand the matter to the Office of Administrative Law Judge (OALJ), consistent with this Opinion and Order.

History of the Proceeding

On November 8, 2022, Nikisha Leach (Complainant or Ms. Leach) filed a Formal Complaint (Complaint) with the Commission against Philadelphia Gas Works (PGW or Company) alleging that PGW is threatening to shut off her service or has already done so and is requesting a payment arrangement. Complaint at 2-3.

On December 7, 2022, PGW filed an Answer (Answer) to the Complaint. In its Answer, the Company, *inter alia*, admitted that it: established gas service at the Service Address as of April 7, 2017; issued a shut off notice for the gas service at the Service Address; that the Service Address is listed as receiving residential gas heat and other domestic usage; and that the Complainant has had at least two broken Company issued payment agreements and one broken Commission issued payment agreement. Answer at 1.

On December 13, 2022, the Commission issued and served by email an Initial Call-In Telephonic Hearing Notice (Hearing Notice) setting a formal call-in telephonic hearing for this matter to be held on March 2, 2023. The Hearing Notice, *inter alia*, named the ALJ as the assigned presiding officer, provided a toll-free call-in number to the Parties as well as instructions on how to request a continuance and included language concerning the effects on the case if a party failed to appear.

Also on December 14, 2022, the Commission issued and served by email a Prehearing Order, advising the Parties, *inter alia*, of the toll-free call-in number to participate in the hearing, directed the Parties to comply with various procedural requirements including the procedure to request a change to the scheduled hearing and included language concerning the effects on the case if a party failed to appear. Both the Hearing Notice and the Prehearing Order were sent to Ms. Leach at the email address she

listed on her Complaint¹ and, according to the ALJ, were not returned to the Commission as undeliverable. I.D. at 3.

On March 2, 2023, the hearing convened as scheduled. I.D. at 3. Anita Murray, Esquire, appeared with one witness on behalf of PGW, prepared to present PGW's case. *Id.*; Tr. at 3. The Complainant did not call in to participate in the hearing at the scheduled time. I.D. at 3. The presiding officer allowed additional time for Ms. Leach to call in to the hearing conference number. *Id.*; Tr. at 6-7. Attorney Murray stated that on the evening of March 1, 2023 she received an email from Ms. Leach explaining that due to her work schedule, she could not attend the scheduled hearing on March 2 and requested that it be delayed until either noon of March 2 or to March 3. I.D. at 4; Tr. 3-4. Attorney Murray stated that she responded to the email early on the morning of March 2 informing Ms. Leach that any request for continuance must be directed to the Commission as well as the OALJ and must comply with the requirements set forth in the Prehearing Order issued in this matter. *Id.* at 4; Tr. 4. Neither the presiding officer nor the Commission received any contacts or any request for a continuance from the Complainant prior to the hearing. Accordingly, the hearing proceeded in her absence. I.D. at 4. PGW's counsel moved to dismiss the Complaint due to the Complainant's failure to appear at the hearing and prosecute her case. *Id.* The Complainant did not contact the ALJ or file anything with the Commission regarding her failure to appear for the hearing. *Id.*

The record closed on March 24, 2023. I.D. at 4.

On June 16, 2023, the Commission issued the Initial Decision of ALJ Ashton, in which she granted PGW's motion and dismissed the Complaint, with prejudice, for failure of the Complainant to appear and prosecute her case despite being given notice and an opportunity to appear and be heard. I.D. at 1 and 6-8.

¹ *See, supra* note 2.

Discussion

As an administrative agency of the Commonwealth, the Commission is required to provide due process to the parties appearing before it. *Schneider v. Pa. PUC*, 479 A.2d 10, 15 (Pa. Cmwlth. 1984). Due process is satisfied when the parties are afforded notice and the opportunity to appear and be heard. *Schneider*, 479 A.2d at 15 (Pa. Cmwlth. 1984). The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner. *Montefiore Hospital Ass'n of Western Pennsylvania v. Pa. PUC*, 421 A.2d 481, 484 (Pa. Cmwlth. 1980).

The Commission is required to fix the time and place of a hearing in a complaint proceeding and to serve notice thereof upon the parties in interest. *See*, 66 Pa. C.S. § 703(a)-(b). Service on interested persons is sufficient to provide notice. 52 Pa. Code § 5.201(a).²

Recently the Commission found that “[t]he practice of dismissing complaints by *pro se* complainants, with prejudice, when there is no record of the complainant agreeing to service by email and the complainant fails to appear at the hearing is inconsistent with due process.” *Robert Hoyt v. Columbia Gas of PA, Inc.*, Docket No. F-2022-3032680 (Opinion and Order entered May 30, 2023) (*Hoyt*) at 7. Furthermore, the Commission stated that “[t]here is no need to close the door to this venue to *pro se* complainants unless record evidence shows that they are abusing the Commission’s administrative process to avoid paying their utility bills.” *Id.* at 7.

² We note as well, and as discussed in the Initial Decision, as with most cases in which a party fails to appear, once a hearing is scheduled and duly noticed by the Commission, it is the responsibility of the parties to appear and participate in the hearing. *Mumma v. PPL*, Docket No. C-00014869 (Opinion and Order entered January 24, 2002); *See also*, 66 Pa. C.S. § 332(f) and 52 Pa. Code § 5.245(a)-(b) (if a party fails to appear at a scheduled and duly noticed hearing, the party will be deemed to have waived the opportunity to participate in the hearing).

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Code, 66 Pa. C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant must show that the Company is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 529 Pa. 654, 602 A.2d 863 (1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by the Company. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, this Commission's decision must be supported by substantial evidence in the record. *Mill v. Pa. PUC*, 447 A.2d 1100 (Pa. Cmwlth. 1982). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980).

ALJ's Initial Decision

ALJ Ashton made twelve (12) Findings of Fact and reached eight (8) Conclusions of Law. I.D. at 4-5, 7-8. We shall adopt and incorporate herein by reference the ALJ's Findings of Fact and Conclusions of Law except as reversed or modified by this Opinion and Order, either expressly or by necessary implication.

The ALJ stated that as the party seeking relief from the Commission, the Complainant bears the burden of proof in this matter. According to the ALJ, the Complainant failed to appear at the date and time set for the hearing in her case, despite notice of the hearing having been served upon her by the Commission. I.D. at 3-4.

The ALJ noted that the Hearing Notice and the Prehearing Order were served electronically upon Ms. Leach at the email address she provided in the Complaint form and there was no notification that service of the documents failed. Accordingly, the ALJ presumed that the documents sent to the Complainant were received by her. I.D. at 4, citing *Hu v. PECO Energy Company*, Docket No. C-2019-3012075 (Opinion and Order entered December 19, 2019) (*Hu*); *Zirkel v. Philadelphia Gas Works*, Docket No. C-2016-2561176 (Opinion and Order entered January 27, 2017) (*Zirkel*); *Morella v. PECO Energy Company*, Docket No. C-2016-2553416 (Opinion and Order entered November 16, 2016) (*Morella*).

The ALJ further noted that the Complainant did not contact the presiding officer or the Commission's Office of Administrative Law Judge to explain the reason for her absence, why she was unavailable or to request a continuance. According to the ALJ, Ms. Leach failed to take advantage of the opportunity to appear and prosecute the Complaint. Thus, the ALJ found that Ms. Leach failed to carry her burden of proof. Accordingly, the ALJ granted PGW's motion and dismissed the Complaint, with prejudice, for failure to prosecute. I.D. at 5, citing *Brown v. PECO Energy Company*, Docket No. C-2019-3009486 (Opinion and Order entered April 22, 2022); *Little v Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered February 7, 2022); *Williams v PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered March 14, 2019); *Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Opinion and Order entered December 26, 1995); *El-Ayazra v. West Penn Power Company*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016).

Disposition

As a preliminary matter, any argument that we do not specifically delineate shall be deemed to have been duly considered and denied without further discussion. We

are not required to consider expressly or at length each contention or argument raised by parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). On exercise of our independent review of the record in this matter and the applicable law, we shall reverse the Initial Decision, and remand the matter to OALJ, consistent with the following discussion.

In *Hoyt*, the Commission explained:

As an administrative agency of the Commonwealth, the Commission is required to provide due process to the parties appearing before it. Due process is satisfied when the parties are afforded notice and the opportunity to appear and be heard. The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner. The Commission is required to fix the time and place of a hearing in a complaint proceeding and to serve notice thereof upon the parties in interest.

Id. at 4-5 (internal citations omitted).

First, the ALJ's December 14, 2022, Prehearing Order warned of the consequences of not appearing at the hearing and advised the Parties that any continuances should be sent at least five days in advance of the evidentiary hearing. However, work conflicts are sometimes unavoidable, and we note the Complainant's request was to move the scheduled hearing to a later time on the same day or to the following day.

Second, we have concerns regarding the Commission's practice of routinely dismissing pro se complaints, with prejudice, as being inconsistent with due process. In cases where there is no reason to suspect that the Commission's administrative process is being abused, dismissing without prejudice protects the

Complainant's right to due process while respecting the Commission's administrative process. In *Hoyt*, the Commission determined that "[t]he practice of dismissing complaints by *pro se* complainants, with prejudice, when there is no record of the complainant agreeing to service by email and the complainant fails to appear at the hearing is inconsistent with due process." *Id.* at 7. The Commission found that "[t]here is no need to close the door to this venue to *pro se* complainants unless record evidence shows that they are abusing the Commission's administrative process to avoid paying their utility bills." *Id.* The same reasoning applies here in this case because this Complainant does not appear to be abusing the Commission's process. For that reason, we submit that it is not appropriate to dismiss this Complaint with prejudice. Therefore, we shall remand the matter to the OALJ and the matter be set for hearing as soon as possible consistent with this Opinion and Order.

Conclusion

Based on the foregoing, we shall reverse the Initial Decision of ALJ Ashton and remand the matter to the OALJ to have the matter set for hearing as soon as practicable, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Initial Decision of Administrative Law Judge Arlene Ashton, issued on June 16, 2023, is reversed, consistent with this Opinion and Order.
2. That the proceeding shall be remanded to the Office of Administrative Law Judge for further proceedings, as warranted, and for the issuance of an Initial Decision on Remand, consistent with this Opinion and Order.

3. That the proceeding be set for hearing as soon as practicable consistent with this Opinion and Order.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: October 19, 2023

ORDER ENTERED: November 13, 2023

Customer Contact: Customer Review Unit

Date: 05/14/2024 Time: 10:38:00 AM Source: JetSearch Related Tran: Account Maintenance
CC Type: CRU - Customer Review Unit Created: 05/14/2024 at: 10:38:25 AM by: DKAUFFMA
Area: 800 - Residential General Service Changed: 07/31/2024 at: 10:01:45 AM by: DKAUFFMA
 Surveyable Auto Delete Date: 05/14/2029 Class: Inquiry

Comments: __CRU__ David Kauffman attended a telephonic hearing for Docket # C-2022-3036868 with ALJ Ashton and senior attorney Anita Murray. The customer did not show. Waiting for 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] Leach, Nikisha D [v]
Premise: 6644 Chew Ave/Phila,Pa [v]
Person: Leach, Nikisha D [v]

[Change] [Cancel]

Customer Contact: Service

Date: 08/05/2024 Time: 2:38:00 PM Source: Related Tran:
CC Type: SERV - Service Created: 08/05/2024 at: 2:38:22 PM by: DREBER
Area: 800 - Residential General Service Changed: at: by:
 Surveyable Auto Delete Date: 08/05/2028 Class: Inquiry

Comments: David Reber was here on a 96 C & C Field Shut Off order with Order # 14854879 , with a result of Completed Found Gas ON , Left Gas OFF , with activities of (Field Collections - NPSO Completed) , with comments of "off at cb. not clear"

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

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

Account:
Premise:
Person:

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 4007883
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: NIKISHA
Customer Middle Initial: D
Customer Last Name: LEACH
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: 6644 CHEW AVE
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19119
Customer Service Address 4-Zip: 2003
Customer Family Adults: 2
Customer Family Children: 2
Customer Family Age: 3 MOS, 11
Gross Income

Source	Income Amount
AD1 WAGES	4090.67

Date Open: 2024-08-05
Reason For Contact: STRAIGHT OFF- SVC TERMINATED/SUSPENDED-NO DISPUTE- PAR NEEDED (# 82)
Term Date: 2024-08-05
Business Name:
Case Problem:
Company Position:
Related Information: CUSTOMER NEEDS TO PAY FULL PAST DUE AMOUNT TO RESTORE SERVICE. 82 – SERVICE IS OFF. NO DISPUTE. SERVICE TERMINATED/SUSPENDED. PAYMENT ARRANGEMENT NEEDED. CUSTOMER CONTACTED THE COMPANY ON THURSDAY ABOUT THE MEDICAL CERTIFICATE. CUSTOMER STATES THE DOCTOR SENT THE INFORMATION OVER AND THEIR SERVICE WAS STILL TERMINATED. - RELIEF SOUGHT - RESTORATION OF SERVICE AND PAR THE CELL PHONE NUMBER [REDACTED] HAS BEEN ALLOWED TO BE SHARED. THE EMAIL ADDRESS NIKISHA.LEACH41@GMAIL.COM HAS BEEN ALLOWED TO BE SHARED.
Case Misc Info:
Hot Issue:
Case Origin: TELEPHONE
Prior Case Number:
Universal Service: Y
Arrearage: 4222.50
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: FREEBURN
Number Of Time Send: 1
Number Of Time Faxed: 0
Number Of Time Faxed: 7172658273

Customer Contact: Medical Turn On [X]

Date: 08/07/2024 Time: 11:30:00 AM Source: JetSearch Related Tran: Account Maintenance

CC Type: MTO - Medical Turn On [v] Created: 08/07/2024 at: 11:30:55 AM by: GJACKSO2

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

Surveyable Auto Delete Date: 08/07/2028 Class: Inquiry

Comments: GAS IS OFF MEDICAL (3) HOLD FROM 08/7/2024 TO 9/6/2024 . BALANCE OF THE BILL IS \$6952.33 RECEIVED 08/7/2024 . MEDICAL (1) 05/15/2022 TO 6/14/2024 . MEDICAL (2) HOLD FROM 7/16/2022 TO 8/15/2022 . TOTAL AMOUNT INCLUDES \$123.23 TURN ON CHARGE

Letter

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

Template:

Review List Tickler

Follow Up: [] to Review Group to User

Priority: [] Review Group... []

Account: [REDACTED] Leach, Nikisha D [v]

Premise: 6644 Chew Ave/Phila,Pa [v]

Person: Leach, Nikisha D [v]

[Change] [Cancel]

Customer Contact: Service

Date: 08/07/2024 Time: 3:41:00 PM Source: JetSearch Related Tran: _____
CC Type: SERV - Service Created: 08/07/2024 at: 3:41:43 PM by: ERASCOE
Area: 800 - Residential General Service Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 08/07/2028 Class: Inquiry

Comments: Eric Rascoe was here on a Medical B.P.T.O. order with Order # 14865471 , with a result of Completed Found Gas OFF, Left Gas ON , with activities of (Meter and Connections - Turn On) , with comments of "turned on at cb made checks cor cbwas leaking. call dispatch fpr leak. continued turn on left ok"

Letter

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

Review List Tickler

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

Account: [REDACTED] Leach, Nikisha D
Premise: 6644 Chew Ave/Phila,Pa
Person: Leach, Nikisha D

Change Cancel

Customer Contact: Service [X]

Date: 08/07/2024 Time: 5:45:00 PM Source: _____ Related Tran: _____
CC Type: SERV - Service [v] Created: 08/07/2024 at: 5:45:34 PM by: ERASCOE
Area: 800 - Residential General Service [v] Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 08/07/2028 Class: Inquiry

Comments: Eric Rascoe was here on a Gas Leak Outside order with Order # 14866123 , with a result of Completed Found Gas ON , Left Gas ON , with activities of (General - No Leak/No Odor) , with comments of "did turn on for 6644. found readings in cb. called to make it safe, another tech and sup hanif bulger came to site. made ffw checks for propeerty 6646 and 6642 both clear. removed dirt from cb let vent. no readings. waited 15 min checked again cb clear no readings 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] Leach, Nikisha D [v]
Premise: 6644 Chew Ave/Phila,Pa [v]
Person: Leach, Nikisha D [v]

[Change] [Cancel]

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nikisha Leach :
 :
 v. : C-2022-3036868
 :
 Philadelphia Gas Works :

INITIAL DECISION ON REMAND

Before
Arlene Ashton
Administrative Law Judge

INTRODUCTION

The Public Utility Commission reversed an Initial Decision issued in this matter on June 16, 2023, and remanded this matter to the Office of Administrative Law Judge for the purpose of conducting a hearing on the issues presented in this case. This Decision dismisses the Formal Complaint of Nakisha Leach for the failure to appear for the scheduled remand hearing and prosecute her Complaint despite having notice and an opportunity to be heard.

HISTORY OF THE PROCEEDING

On November 18, 2022, Nikisha Leach (Complainant or Ms. Leach) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or the Respondent) with the Pennsylvania Public Utility Commission (Commission). On the Complaint form, the Complainant checked boxes indicating that the utility is threatening to shut off her service or had already done so and that she would like a payment agreement.

On December 7, 2022, the Respondent filed an Answer admitting that it had issued a shut off notice for gas service to 664 Chew Avenue, Philadelphia, PA, the address

specified by the Complainant as her home address in the Complaint.¹ PGW further averred that the Complainant's service bills, and the balance owed are correct. PGW also averred that the Complainant has defaulted on at least two PGW-issued payment agreements and one PUC-issued payment agreement. Additionally, PGW requested that the Complaint be dismissed.

By Hearing Notice dated December 13, 2022, a call-in telephonic hearing was scheduled for March 2, 2023, at 10:00 a.m., and the matter was assigned to me. The Hearing Notice advised the parties of the date and time of the scheduled hearing and how to call in. In addition, the Hearing Notice provided instructions on how to request a continuance of the hearing.

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a "motion") at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

The Hearing Notice warned of the following:

FAILURE TO APPEAR: You 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.

I issued a Prehearing Order on December 14, 2022. The Prehearing Order also advised the parties of the date and time of the scheduled hearing as well as how to call in for the hearing. Additionally, the Prehearing Order directed the parties to comply with various procedural requirements, including the following instructions to a request to change the scheduled hearing:

¹ The Complaint was served on PGW on November 18, 2022.

You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request (or if you do not know).

You must submit the motion to me through my legal assistant at:

Pamela McNeal
pmcneal@pa.gov

You must submit the motion to the other party(s) at their email address.

The Prehearing Order warned both parties of potentially serious consequences if they failed to obtain a continuance and failed to attend the hearing.² It also explained that the Complainant bears the burden of proof to establish that the Respondent violated its tariff, the Public Utility Code,³ or a Commission Order or regulation, and that she is entitled to the relief requested in the Complaint.

The Hearing Notice and Prehearing Order 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.⁴ Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

² Specifically, the first page of Prehearing Order warned the Complainant that, “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.”

³ Public Utility Code (Code), 66 Pa.C.S. §§ 101–3316.

⁴ When Complainant registered for an eFiling account she agreed to the following terms and conditions:

I agree that I will accept electronic service in the Commission proceeding in which I am a party of record. By creating this account, notification of filings via electronic mail shall constitute valid service of Commission documents.

The hearing convened as scheduled on March 2, 2023, at 10:00 a.m. and began with a rollcall of participants and a brief off-the-record discussion. The record for the hearing began at 10:07 a.m. Anita Murray, Esquire, counsel for PGW, was present with a witness and was prepared to proceed. Ms. Leach was not present.

Ms. Murray stated that on March 1, 2023, at 9:51 p.m., the evening prior to the hearing, she received an e-mail from the Complainant. In the e-mail, the Complainant explained that due to her work schedule, she could not attend the scheduled hearing on March 2, 2023, at 10:00 a.m., and requested that the hearing be delayed until noon the same day or the following day, Friday, March 3, 2023. TR. 3-4. Counsel also indicated that she had responded to the Complainant's e-mail request on the morning of the hearing at 8:00 a.m., informing the Complainant that any continuance request must be directed to the Commission and OALJ, and must conform to the requirements set out in the Prehearing Order issued in this matter. Tr. 4. I confirmed that my office had not received any communication from the Complainant and that a Motion for Continuance had not been filed with the Commission.

No witnesses were presented, and no exhibits were introduced into the record. At the hearing, Respondent's counsel moved that the Complaint be dismissed for lack of prosecution pursuant to 52 Pa. Code § 5.245.

The Complainant did not contact my office, nor did she make any filing with the Commission concerning her failure to appear at the hearing. The record closed on March 24, 2023, the date the transcript was filed with the Commission. In accordance with Commission policy, I will grant the Motion.

I understand that such electronic service of any and all documents will be substituted for service by mail. I agree to be served via email with all subsequent filings. I agree that email notices will be sent on the same day the document is posted.

By clicking on the 'Create Account' button below, [I am] agreeing to all the Terms and Agreements listed above.

eFiling Registration Page, <https://efiling.puc.pa.gov/Accounts/Create?accountType=I> (last visited May 14, 2024).

On June 16, 2023, an Initial Decision was issued in this matter granting Respondent's motion and dismissing, with prejudice, the Complaint filed by the Complainant in this matter for lack of prosecution (Initial Decision).

On October 19, 2023, the Commission entered an Opinion and Order (Opinion and Order), reversing the Initial Decision and remanding the matter to the Office of Administrative Law Judge (OALJ) for a hearing, consistent with the Remand Opinion and Order.

By Hearing Notice dated March 8, 2024, a Telephonic Hearing on Remand was scheduled for May 14, 2024.

The Hearing on Remand Notice was 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. The Hearing Notice was not returned to the Commission as undeliverable.

On May 14, 2024, the hearing on remand convened as scheduled. Counsel for the Respondent, Anita Murray, called in with a witness available to testify. The Complainant failed to call in to the hearing. A recess was taken from 10:04 a.m. until 10:15 a.m. to allow the Complainant additional time to call and participate in the hearing; however, she failed to do so. Tr. 10-11.

No witnesses were presented, and no exhibits were introduced into the record. At the hearing, counsel for PGW moved that the Complaint be dismissed with prejudice for lack of prosecution pursuant to 52 Pa. Code § 5.245. PGW Counsel observed that PGW representative David Kauffman had spoken to the Complainant on May 6, 2024, in an effort to resolve the matter but was unable to do so. Tr. 12. In addition, Ms. Murray indicated that on May 7, 2024, she had sent proposed exhibits to be introduced at the remand hearing to the Complainant via email and had received a response from the Complainant confirming that the Complainant wished to obtain a payment plan. Further, counsel stated that in the e-mail exchange, the

Complainant did not indicate that she would not appear at the hearing or request any type of continuance or rescheduling of the hearing. Tr. 13.

As of the date of this remand decision, the Complainant has not contacted OALJ to explain the reason for her failure to appear at the remand hearing.

The record closed on June 4, 2024, upon the filing of the transcript for the remand hearing with the Commission.

FINDINGS OF FACT

1. The Complainant is Nikisha Leach.
2. The Respondent is Philadelphia Gas Works.
3. Respondent provided gas service to Complainant.
4. On November 8, 2022, Ms. Leach filed a Formal Complaint against Respondent.
5. On December 7, 2022, Respondent timely filed an Answer to the Complaint.
6. On March 2, 2023, an initial telephonic hearing was held.
7. At the March 2, 2023, initial telephonic hearing, counsel for the Respondent appeared with one witness, prepared to present PGW's case; however, the Complainant did not call in to participate in the hearing at the scheduled time. Tr. 4.
8. On June 16, 2023, the Commission issued my Initial Decision in this matter, granting PGW's motion and dismissed the Complaint, with prejudice, for failure of the

Complainant to appear and prosecute her case despite being given notice and an opportunity to appear and be heard. I.D. at 1 and 6-8.

9. On October 19, 2023, the Commission adopted an Opinion and Order in this matter in which it expressed “concerns regarding the Commission’s practice of routinely dismissing pro se complaints, with prejudice, as being inconsistent with due process.” Opinion and Order at 7.

10. The Opinion and Order reversed the Initial Decision and ordering further proceedings and the issuance of an Initial Decision on Remand in this matter.

11. On March 8, 2024, an Initial Call-In Telephonic Hearing on Remand Notice (Remand Hearing Notice) was eServed on the Complainant and the Company scheduling an initial telephonic hearing on May 14, 2024, at 10:00 a.m.

12. The Remand Hearing Notice provided certain hearing information and rules that govern the proceeding including how to request a continuance, if necessary, and warned of the consequences of failing to appear at the hearing and present evidence, including the dismissal of the Complaint.

13. The Remand Hearing Notice was not returned to the Commission as undeliverable.

14. On May 14, 2024, the Complainant failed to appear and participate in the scheduled remand hearing.

15. To date, the Complainant has not contacted the undersigned or the Office of Administrative Law Judge to explain why her failure to appear at the remand hearing was unavoidable.

DISCUSSION

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) (*Schneider*). This due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Id.* As the proponent of any request for relief, the complainant bears the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, the Commission’s decision must be supported by substantial evidence. 2 Pa.C.S. § 704.

The Commission is required to fix the time and place of a hearing in a complaint proceeding and serve notice thereof upon the parties in interest. 66 Pa.C.S. § 703(a)-(b). Service on interested persons is sufficient to provide notice. 52 Pa. Code § 5.61(a). As the Commission explained, “[i]t 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.” *Mumma v. UGI Elec. Utils. Corp.*, No. C-00014869 at 3 (Opinion and Order entered Jan. 28, 2002) (citing *Schneider*).

In the instant case, the March 8, 2024 Remand Hearing Notice scheduled a hearing on May 14, 2024, and included the telephone number to call, and the passcode to enter, for the parties to participate in the hearing.

The Remand Hearing Notice was eServed on the Complainant. The Remand Hearing Notice was not returned to the Commission as undeliverable. Accordingly, it must be presumed that this email was received by Complainant. *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).

Both the Public Utility Code and the Commission’s regulations provide that, after being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing, not be permitted thereafter to reopen the disposition

of the matter accomplished at the hearing, and not be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f), 52 Pa. Code § 5.245(a). However, neither of these provisions apply if the presiding officer determines that the failure to appear was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination. 66 Pa.C.S. § 332(f), 52 Pa. Code § 5.245(b).

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). When there are no facts in the record that the party's failure to appear was unavoidable, the complaint should be dismissed with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

To date, no communication has been received by the undersigned or OALJ regarding Complainant's absence. Therefore, I find that Complainant has waived the opportunity to participate in a hearing on the matters raised in the Complaint and Complainant's absence was not unavoidable. Thus, by her failure to appear, Complainant did not meet her burden of proof.

Consequently, it is appropriate to dismiss Ms. Leach's Complaint. As the Commission has explained, when a complainant fails to appear for a scheduled hearing without good cause, the public interest is prejudiced by the wasteful use of the agency's and the respondent's time and resources. *See, e.g., Elliott v. Pa. Elec. Co.*, No. F-2018-3003502 (Opinion and Order entered Feb. 6, 2020) and the cases cited therein.

Accordingly, Respondent's Motion to dismiss the Complaint will be granted.⁵

CONCLUSIONS OF LAW

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

2. The Commission is required to provide due process to the parties appearing before them; this due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

3. Notice served via electronic transmission to a party and not returned to the Commission as undeliverable is presumed received. *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);

4. After being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing, not be permitted thereafter to reopen the disposition of the matter accomplished at the hearing, and not be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

5. If the presiding officer determines that the failure to be represented was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination, the presiding officer may find that a party

⁵ In light of the ruling on the Motion, I have omitted any discussion of whether the Formal Complaint could be dismissed on other grounds such as the wasteful use of the Commission and the Respondent's time and resources in addressing the Formal Complaint. See *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995) (*Jefferson*), see also, e.g., *Nichols III v. Bell-Atlantic-Pa.*, Docket No. C-00956667 (Opinion and Order entered Aug. 4, 1995). The Commission has, on many occasions, dismissed complaints filed by *pro se* complainants with prejudice for failure to appear at a hearing. See e.g., *Williams v. PECO Energy Co.*, Docket No. C-2028-3000734 (Opinion and Order entered Mar. 14, 2019); *Smith v. PECO Energy Co.*, Docket No. F-2014-2446204 (Opinion and Order entered Sept. 3, 2015); *Day v. PECO Energy Co.*, Docket No. C-2010-2181515 (Opinion and Order entered June 10, 2011); *Geary v. Verizon Pa., Inc.*, Docket No. C-2009-2118625 (Opinion and Order entered Sept. 16, 2010).

did not waive the opportunity to participate in the hearing. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(b).

6. Complainant's due process rights have been fully protected and Complainant's failure to appear was not unavoidable. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

7. As the party seeking relief, Complainant bears the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a), *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

8. The Complainant has failed to meet her 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 Nikisha Leach at Docket No. C-2022-3036868 is granted.

2. That the Formal Complaint of Nikisha Leach in *Nikisha Leach v. Philadelphia Gas Works* at Docket No. C-2022-3036868 is dismissed.

3. That the docket Formal Complaint at Docket No. C-2022-3036868 be marked closed.

Date: August 28, 2024

_____/s/_____
Arlene Ashton
Administrative Law Judge

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Nikisha Leach :
 :
 v. : C-2022-3036868
 :
 Philadelphia Gas Works :

FINAL ORDER

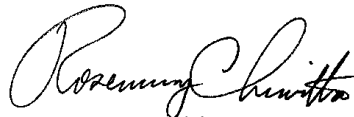
In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Arlene Ashton dated August 28, 2024, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the Motion of Philadelphia Gas Works to dismiss the Formal Complaint of Nikisha Leach at Docket No. C-2022-3036868 is granted.
2. That the Formal Complaint of Nikisha Leach in *Nikisha Leach v. Philadelphia Gas Works* at Docket No. C-2022-3036868 is dismissed.
3. That the docket Formal Complaint at Docket No. C-2022-3036868 be marked closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ENTERED: September 30, 2024

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 4028012
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: NIKISHA
Customer Middle Initial: D
Customer Last Name: LEACH
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: 6644 CHEW AVE
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19119
Customer Service Address 4-Zip: 2003
Customer Family Adults: 0
Customer Family Children: 0
Customer Family Age:
Gross Income
Source **Income Amount**
Date Open: 2024-10-25
Reason For Contact: SAFETY CONCERN (# 16)
Term Date:
Business Name: SM
Case Problem: CUSTOEMR INDICATED GAS LEAK AT CURB BOX. - RELIEF SOUGHT - CUSTOMER SEEKS GAS LEAK INSPECTED AND REPAIRED. THE CELL PHONE NUMBER [REDACTED] HAS BEEN ALLOWED TO BE SHARED. THE EMAIL ADDRESS NIKISHA.LEACH41@GMAIL.COM HAS BEEN ALLOWED TO BE SHARED.
Company Position: 09/26/2024 COMPANY REPORTED GAS LEAK. COMPANY INDICATED THAT THEY WOULD GET TO THE LEAK WHEN THEY GET TO IT.
Related Information:
Case Misc Info:

Hot Issue:
Case Origin: TELEPHONE
Prior Case Number: 4007883
Universal Service: M
Arrearage: 0
BCS Investigator First Name: LISA
BCS Investigator Last Name: COLEY
BCS Investigator Phone w/ Area Code: [REDACTED]
BCSIntaker First Name: JONATHAN
BCSIntaker Last Name: ZIMMERMAN
Number Of Time Send: 1
Number Of Time Faxed: 0
Number Of Time Faxed: 7172658273

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 4007883
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: NIKISHA
Customer Middle Initial: D
Customer Last Name: LEACH
Account Number: [REDACTED]
Service Address 1: 6644 CHEW AVE
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19119
Service Zip 4: 2003
Decision Issue: Y
Oral Written: W
Violation: NO
Chapter:
Section Rule:
Total Balance: 7100.04
Date Closed: 2024-10-28
Resolution: DECISION ISSUED: ALL USAGE AND BILLINGS ARE BASED ON ACTUAL METER READINGS. PGW PROVIDED PROPER NOTICES AND ACTED WITHIN RIGHT TO TERMINATE SERVICE. CUSTOMER RESTORED SERVICE BY UTILITIZING A MEDICAL CERTIFICATE ON 08/07/2024. CUSTOMER EXHAUSTED MEDICAL CERTIFICATES AS FOLLOWS: M1: 05/15/2022 - 06/14/2022, M2: 07/16/2022 - 08/15/2022, M3: 08/07/2024 - 09/06/2024. PGW DOES NOT HAVE TO PROVIDE ANOTHER MEDICAL CERTIFICATE UNTIL PREVIOUS BALANCES ARE PAID OFF. CUSTOMER HAS \$3962.50 IN CRP ARREARS INCLUDED IN TOTAL ACCOUNT BALANCE. CUSTOMER RESPONSIBLE FOR TOTAL ACCOUNT BALANCE: \$7100.04 AS OF 10/25/2024. CUSTOMER ADVISED TO CONTACT PGW REGARDING THE AMOUNT TO MAINTAIN SERVICE. 1405C DISMISSAL.
Balance Date: 2024-10-25
Service Restored Pay: 0.00
Service Continue Amount: 0.00
Service Continue Date:
Terms:
Special Budget Amount: 159.00
Regular Budget Amount: 159.00
Arrears Payment Plus: 0.00
FinalMonthlyPayment: 0.00
CurrentMonthlyPayment: 0.00

EndMonthlyPayment: 0.00
LetterDescription:
HeadDate: 2024-10-28
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount: 0.00
BCS Investigator First Name: JONATHAN
BCS Investigator Last Name: ZIMMERMAN
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7172658273

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 4028012
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: NIKISHA
Customer Middle Initial: D
Customer Last Name: LEACH
Account Number: ██████████
Service Address 1: 6644 CHEW AVE
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19119
Service Zip 4: 2003
Decision Issue: N
Oral Written: O
Violation: NO
Chapter:
Section Rule:
Total Balance: 7033.04
Date Closed: 2024-11-26
Resolution: VERBAL CLOSE - SPOKE WITH CUSTOMER. INFORMED HER OF FINDINGS: THE GAS LEAK THAT WAS FOUND ON THE CURB VALVE OF 6644 CHEW AVENUE ON 8/7/2024 WAS CORRECTED AND LEFT SAFE. ADDITIONALLY, PGW CONTACTED HER REGARDING HER REPORT TO PUC ON 10/25/2024 OF A POSSIBLE GAS LEAK AT 6644 CHEW AVE. A COMPANY REPRESENTATIVE CONFIRMED WITH HER THAT SHE DID NOT SMELL AND ODOR OF GAS AT HER ADDRESS. THE REPRESENTATIVE INFORMED HER THAT THE OUTSIDE LEAK AT HER CURB BOX WAS CORRECT ON 8/7/2024. CUSTOMER STATED THAT SHE FILED THIS COMPLAINT BECAUSE SHE WAS NOT AWARE THAT THEY HAD CORRECTED THE ISSUE UNTIL THEY INFORMED HER AFTER COMPLAINT WAS FILED. SHE IS SATISFIED NOW THAT SHE IS AWARE THAT THE ISSUE IS FIXED. CUSTOMER GAVE PERMISSION TO CLOSE THE CASE.
Balance Date: 2024-11-21
Service Restored Pay: 0.00
Service Continue Amount: 0.00
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: NO LETTER REQUIRED
HeadDate:
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount: 0.00
BCS Investigator First Name: LISA
BCS Investigator Last Name: COLEY
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7172658273

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 6644 CHEW AVE 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 \$8,382.35.
- 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	\$8,382.35
Security Deposit	\$356.00
Turn On Charge	\$123.23
Total	\$8,861.58

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]
\$8,382.35

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

Amount Enclosed:

|||||
NIKISHA LEACH
6644 CHEW AVE
PHILA PA 19119-2003

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

Customer Contact: Customer Review Unit

Date: 03/31/2025 Time: 9:33:00 AM Source: _____ Related Tran: _____
CC Type: CRU - Customer Review Unit Created: 03/31/2025 at: 9:33:59 AM by: WFADMIN
Area: 800 - Residential General Service Changed: _____ at: _____ by: _____
 Surveyable Auto Delete Date: 03/31/2030 Class: Inquiry

Comments: PUC Formal Complaint Docket # C2025-3054293 filed on 3/31/2025 12:00:00 AM.

Letter

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

Review List Tickler

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

Account: [REDACTED] Leach, Nikisha D
Premise: 6644 Chew Ave/Phila,Pa
Person: Leach, Nikisha D

Change Cancel