

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Steve FREMPONG'

Complainant

v.

RCVD PUC SEC BUR
OCT 24 2025 AM 10:36

PHILADELPHIA GAS WORKS

Respondent

DOCKET NO.:	C-2025-3052754
DATE OF INITIAL DECISION:	September 19, 2025

EXCEPTIONS TO THE INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE ERANDA VERO

Complainant, Steve Frempong', *Pro Se*, residing at 920 East Price Street, Philadelphia, PA 19138, hereby files these Exceptions to the Initial Decision of Administrative Law Judge Eranda Vero (ALJ), issued on September 19, 2025 (I.D.), which denied the Complaint and found that Complainant failed to carry the burden of proof regarding abnormally high gas billing.

I. STATEMENT OF THE CASE

This case involves a formal complaint alleging abnormally high billing for natural gas service. The service at the Complainant's residence is limited solely to **cooking gas**, a fact acknowledged by the ALJ. The Complaint challenged the usage recorded between **November 2024 and April 2025**, which showed a dramatic and inexplicable increase in consumption (CCF) compared to the preceding stable period (May to October 2024). These Exceptions contend that the ALJ committed an **error of law** by failing to correctly apply the evidentiary standard of the *Waldron Rule*, thereby incorrectly concluding that the *prima facie* case had not been established and that the burden of going forward never shifted to the Respondent.

II. SPECIFIC EXCEPTIONS

Exception No. 1: The ALJ Committed an Error of Law by Failing to Find a Prima Facie Case of Overbilling Under the Waldron Rule.

1. **Nature of the Error:** The ALJ erred in failing to conclude that the Complainant presented a *prima facie* case of overbilling by circumstantial evidence of an abnormal consumption spike, as required by the Commission's precedent in *Waldron v. Philadelphia Electric Co.*, 54 Pa. PUC 98 (1980).
2. **Supporting Argument:** The *Waldron* rule allows a Complainant to establish a *prima facie* case by demonstrating: (1) no change in the number of occupants (incorporated from I.D. findings); (2) **low potential for energy utilization**; and (3) no prior billing abnormalities.
 - o The Complainant satisfies the **low potential for energy utilization** test, as the ALJ's Findings of Fact confirm the service is "**basically for cooking gas, no heating or hot water.**" (I.D. at Page 4, Paragraph 8; Page 5, Paragraph 13).
 - o The usage data establishes an **abnormality** sufficient to shift the burden: consumption was stable at \$approx 8-10\$ CCF per month during May through October 2024, but subsequently spiked to **56 CCF over 63 days** (Jan-Feb 2025), a rate that is approximately three times higher than the normal, cooking-only usage.
3. **Conclusion on the Exception:** An unexplained increase of this magnitude for gas service limited only to cooking constitutes **circumstantial evidence** strong enough to support a finding that the **metered usage exceeded the actual usage**. The ALJ's failure to recognize this evidence as satisfying the *prima facie* threshold is an error of law.

Exception No. 2: The ALJ Erred by Unduly Emphasizing the Complainant's Burden of Proof and Preventing the Burden of Going Forward from Shifting to PGW.

1. **Nature of the Error:** The ALJ improperly required the Complainant to meet the ultimate burden of persuasion regarding the cause of the overbilling before the **burden of going forward** had shifted to PGW to provide a technical explanation for the abnormal consumption.
2. **Supporting Argument:** Once the *prima facie* case was established (Exception No. 1), the burden of going forward shifted to PGW. PGW was required to rebut the circumstantial evidence with a compelling, non-speculative explanation for the usage spike. The *Waldron* doctrine explicitly holds that "**the mere proof by the utility that its power measuring devices were accurate is no longer the sole determinant**" in overbilling complaints.¹
3. **Conclusion on the Exception:** The evidence of record, showing physically implausible consumption for a cooking-only unit, demonstrates that the Complainant met the burden to establish a *prima facie* case. The ALJ erred by sustaining the Respondent's position

when the Respondent failed to meet its subsequent burden of providing co-equal or stronger evidence that factually explained the 200%-300% consumption spike.

III. REQUESTED RELIEF

WHEREFORE, Complainant Steve Frempong' respectfully requests that the Pennsylvania Public Utility Commission enter an Opinion and Order:

1. **SUSTAINING** these Exceptions to the Initial Decision of the Administrative Law Judge.
2. **REVERSING** the Initial Decision of the Administrative Law Judge.
3. **FINDING** that the Complainant established a *prima facie* case of overbilling under *Waldron v. Philadelphia Electric Co.*
4. **ORDERING** the Respondent, Philadelphia Gas Works, to adjust the Complainant's bills for the disputed period (November 2024 through April 2025) to reflect the average CCF usage of the undisputed, stable period (May through October 2024), taking into account the number of days in the respective billing cycles.
5. **GRANTING** such other and further relief as the Commission deems just and proper.

Respectfully submitted,



Steve Frempong'

920 East Price Street

Philadelphia, PA 19138

[Complainant's Phone Number]

[Complainant's Email Address]

[Date of Filing]

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Exceptions upon the party of record in this proceeding in accordance with the requirements of 62 Pa. Code § 1.54 (relating to service by a party).

Service was made upon:

RCVD PUC SEC BUR
OCT 24 2025 AM 10:36

Anita J. Murray, Esquire

Legal Department

Philadelphia Gas Works

800 W. Montgomery Avenue

Philadelphia, Pennsylvania 19122

SF
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BILL DATE DATE OF SERVICE CCF USAGE/DAY

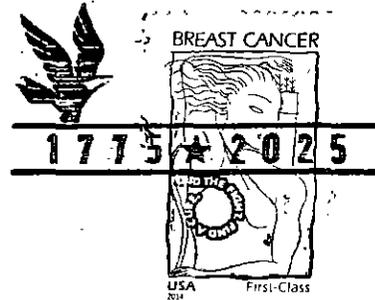
1.	3/20/2024	12	9	•750
2.	4/19/2024	30	14	•467
3.	5/18/2024	29	8	•276
4.	6/19/2024	32	9	•281
5.	7/19/2024	30	8	•267
6.	8/17/2024	29	8	•276
7.	9/19/2024	33	10	•273
8.	10/18/2024	29	10	•345
9.	11/20/2024	33	16	•485
10.	12/19/2024	29	19	•655
11.	1/23/2025	35	48	•445
12.	2/20/2025	28	8	
13.	3/21/2025	29	19	•655
14.	4/22/2025	29	15	•517

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