

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nettie Lawrence	:	
	:	
v.	:	C-2025-3054995
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Alphonso Arnold III  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses, with prejudice, the Formal Complaint of Nettie Lawrence against Philadelphia Gas Works because she failed to appear for the scheduled hearing and prosecute her Formal Complaint. Additionally, this Decision finds that Ms. Lawrence is abusing the Commission’s administrative process in order to avoid termination of utility service. Therefore, this Decision bars Ms. Lawrence from filing any further informal or formal complaints regarding the arrearages on her account for gas service rendered by Philadelphia Gas Works until such time as the outstanding arrearages have been paid in full.

**HISTORY OF THE PROCEEDING**

On May 6, 2025, Nettie Lawrence (“Ms. Lawrence” or “Complainant”) filed a Formal Complaint (“Complaint”) against Philadelphia Gas Works (“PGW” or

“Respondent”) with the Pennsylvania Public Utility Commission (“Commission”) requesting a Commission-issued payment arrangement (“PAR”).

In her Complaint, Ms. Lawrence selected the option to receive all communications from the Commission via eService through an eFiling account she registered with the Commission. Complaint ¶ 9.

On May 27, 2025, PGW filed an Answer to the Complaint. PGW asserted that Ms. Lawrence has had multiple PGW-issued PARs and one Commission-issued PAR, all of which have not been satisfied. Further, PGW asserted that Ms. Lawrence has engaged in actions that demonstrate a pattern of abuse of the Commission’s informal and formal complaint process. Specifically, PGW asserted that Ms. Lawrence has filed numerous complaints to avoid collection activity. PGW concluded its Answer by requesting dismissal of the Complaint.

On June 5, 2025, a Call-In Telephone Hearing Notice was served on the parties scheduling an initial telephonic hearing on July 30, 2025, at 10:00 a.m. and the case was assigned to me. The Hearing Notice provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing. The Hearing Notice further stated as follows:

**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.

**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).

On June 6, 2025, a Prehearing Order was served on the parties which reminded the parties of the date and time of the hearing. The Prehearing Order again stated the failure to appear warning. Additionally, the Prehearing Order informed the parties about the applicable procedural rules and again included the procedure to follow for hearing continuances.

The Hearing Notice and Prehearing Order were eServed to Ms. Lawrence in the ordinary course of the Commission's business to the email address that she registered with the Commission. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On July 30, 2025, the evidentiary hearing was held as scheduled. Ms. Lawrence was not present to start the hearing. Graciela Christlieb, Esquire, appeared on behalf of PGW along with one witness, Jessica Antonetti, a senior customer review officer employed by PGW. Tr. 8. After a short recess to allow time for Ms. Lawrence to appear, the hearing proceeded in Complainant's absence. During the hearing, PGW moved to dismiss the Complaint with prejudice for Ms. Lawrence's failure to appear and prosecute her Complaint. Tr. 6. PGW additionally moved to preclude Ms. Lawrence from filing any more informal or formal complaints on her PGW account balance until her account arrearages are paid in full. Tr. 6. In support of this Motion, PGW presented the testimony of Ms. Antonetti, who sponsored three exhibits that were admitted into the record. I informed PGW that I would rule on PGW's Motions in my Initial Decision.

Ms. Lawrence has not contacted the Commission to explain why her failure to appear at the hearing was unavoidable.

On August 6, 2025, the Commission received the electronic transcript of the evidentiary hearing. The record was closed on this date.

This matter is ready for disposition. This Decision grants PGW's Motion to Dismiss and dismisses the Complaint with prejudice. This Decision also grants PGW's Motion to Preclude and bars Ms. Lawrence from filing any further informal or formal complaints regarding the arrearages on her account for gas service rendered by Philadelphia Gas Works until such time as the outstanding arrearages have been paid in full.

#### FINDINGS OF FACT

1. Complainant is Nettie Lawrence.
2. Respondent is Philadelphia Gas Works.

#### **Motion to Dismiss**

3. On May 6, 2025, Ms. Lawrence filed a Formal Complaint against Respondent.
4. On May 27, 2025, PGW filed an Answer to the Complaint.
5. On June 5, 2025, a Call-In Telephone Hearing Notice was served on Ms. Lawrence scheduling an initial telephonic hearing on July 30, 2025, at 10:00 a.m.

6. On June 6, 2025, a Prehearing Order for Telephone Hearing was served on Ms. Lawrence providing additional information to the parties regarding the hearing.

7. Both the Hearing Notice and Prehearing Order were served on Ms. Lawrence by eService to the email address Ms. Lawrence provided to and registered with the Commission.

8. Both the Hearing Notice and Prehearing Order provided Ms. Lawrence with the toll-free bridge telephone number and PIN to call and participate in the hearing, and, *inter alia*, the procedure for requesting a continuance and the possible consequences of failing to appear at the hearing.

9. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable to Ms. Lawrence.

10. Ms. Lawrence failed to appear and participate in the scheduled telephonic hearing on July 30, 2025.

11. Ms. Lawrence has not contacted the Commission to explain why her failure to appear at the hearing was unavoidable.

### **Motion to Preclude**

12. Ms. Lawrence established service at her service address on July 15, 2016. PGW Exhibit 7, p. 1.

13. On August 11, 2017, Ms. Lawrence filed an informal complaint with the Commission at Bureau of Consumer Services (“BCS”) No. 3552995 requesting a PAR. PGW Exhibit 6, pp. 1-2.

14. On September 8, 2017, the BCS granted Ms. Lawrence’s informal complaint at BCS No. 3552995 and issued Ms. Lawrence a PAR. PGW Exhibit 6, pp. 3-4.

15. On August 7, 2019, Ms. Lawrence filed an informal complaint with the Commission at BCS No. 3724262 requesting a PAR. PGW Exhibit 7, pp. 3-4.

16. On September 10, 2019, the BCS dismissed Ms. Lawrence’s informal complaint at BCS No. 3724262 because Ms. Lawrence did not satisfy the previous Commission-issued PAR at BCS No. 3552995. PGW Exhibit 7, p. 5.

17. On September 24, 2019, Ms. Lawrence filed a formal complaint with the Commission requesting a PAR and alleging that her bills were too high. PGW Exhibit 7, pp. 6-12.

18. Ms. Lawrence’s September 24, 2019, formal complaint was docketed at Docket No. C-2019-3013305. PGW Exhibit 7, p. 16.

19. On February 18, 2020, the Commission issued the Initial Decision of Administrative Law Judge (“ALJ”) Darlene Davis Heep at Docket No. C-2019-3013305, wherein the ALJ dismissed the formal complaint for Ms. Lawrence’s failure to appear at the scheduled evidentiary hearing to prosecute her Formal Complaint. PGW Exhibit 7, pp. 16-21.

20. ALJ Heep's February 18, 2020, Initial Decision became final as a matter of law on July 17, 2020. PGW Exhibit 7, p. 22.

21. On September 15, 2023, Ms. Lawrence filed an informal complaint with the Commission at BCS No. 3942325 requesting a PAR. PGW Exhibit 7, pp. 27-28.

22. On November 8, 2023, the BCS dismissed Ms. Lawrence's informal complaint at BCS No. 3942325 because Ms. Lawrence did not satisfy the previous Commission-issued PAR at BCS No. 3552995. PGW Exhibit 7, p. 31.

23. On November 16, 2023, Ms. Lawrence filed an informal complaint with the Commission at BCS No. 3955838 requesting a PAR and alleging that her bills were too high. PGW Exhibit 7, pp. 29-30.

24. On November 16, 2023, Ms. Lawrence filed a formal complaint with the Commission requesting a PAR and alleging that her bills were too high. PGW Exhibit 7, pp. 32-38.

25. Ms. Lawrence's November 16, 2023, formal complaint was docketed at Docket No. C-2023-3044246. PGW Exhibit 7, p. 51.

26. On November 17, 2023, the BCS dismissed Ms. Lawrence's informal complaint at BCS No. 3955838 due to her filing a formal complaint at Docket No. C-2023-3044246. PGW Exhibit 7, pp. 39-40.

27. On February 2, 2024, Ms. Lawrence was formally granted a continuance of the January 30, 2024, evidentiary hearing scheduled for the formal complaint proceeding at Docket No. C-2023-3044246. PGW Exhibit 7, pp. 42-45.

28. Ms. Lawrence requested a continuance of the April 30, 2024, rescheduled evidentiary hearing for the formal compliant proceeding at Docket no. C-2023-3044246, which was denied by the ALJ. PGW Exhibit 7, pp. 58-59.

29. On August 21, 2024, the Commission issued the Initial Decision of ALJ F. Joseph Brady at Docket No. C-2023-3044246, wherein the ALJ dismissed the formal complaint of Ms. Lawrence for her failure to appear at the scheduled evidentiary hearing to prosecute her formal complaint. PGW Exhibit 7, pp. 51-61.

30. On December 12, 2024, the Commission entered an Opinion and Order at Docket No. C-2023-3044246, wherein the Commission vacated the Initial Decision and remanded the matter back to the Office of Administrative Law Judge. PGW Exhibit 7, pp. 62-72.

31. On March 4, 2025, PGW filed with the Commission a Certificate of Satisfaction at Docket No. C-2023-3044246, resolving the formal complaint filed at that docket. PGW Exhibit 7, pp. 73-75.

32. Pursuant to the settlement agreed to between Ms. Lawrence and PGW to resolve the formal complaint at Docket No. C-2023-3044246, Ms. Lawrence was to make a down payment in the amount of \$5,500 by April 15, 2025, to be placed back on a defaulted PGW-issued PAR. Tr. 22-23; PGW Exhibit 7, p. 77.

33. On March 24, 2025, PGW issued Ms. Lawrence a 10-day shut-off notice for the amount of \$8,034.15. PGW Exhibit 7, pp. 75-76.

34. On March 28, 2025, PGW informed Ms. Lawrence by email that the March 24, 2025, shut-off notice was issued to her in error, and that the settlement agreement was still in effect. PGW Exhibit 7, p. 77.

35. On April 9, 2025, PGW informed Ms. Lawrence by voicemail that the March 24, 2025, shut-off notice was issued to her in error, and that the settlement agreement was still in effect. PGW Exhibit 7, p. 81.

36. On April 7, 2025, Ms. Lawrence filed an informal complaint with the Commission at BCS No. 4052119 concerning the March 24, 2025, shut off notice. PGW Exhibit 7, pp. 79-80.

37. On April 10, 2025, the BCS dismissed Ms. Lawrence's informal complaint at BCS No. 4052119 due to her failure to reach out to PGW prior to the filing of the informal complaint. PGW Exhibit 7, pp. 82-83.

38. Ms. Lawrence did not make the \$5,500 down payment by April 15, 2025. Tr. 26.

39. As of the date of the evidentiary hearing, Ms. Lawrence's outstanding account balance was \$8,891.91. Tr. 28.

## DISCUSSION

### **Failure to Appear**

During the evidentiary hearing in this matter, PGW moved to dismiss the Complaint with prejudice for Ms. Lawrence's failure to appear for the hearing and prosecute her Complaint.

### *Due Process and Notice*

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

The record shows that Complainant was provided notice and the opportunity to be heard. First, on June 5, 2025, Complainant was served a Hearing Notice which advised the parties of the date and time of the hearing, and how to participate. Second, on June 6, 2025, Complainant was served a Prehearing Order which reminded the parties of the date and time of the hearing, and how to participate. Further, both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, both documents advised Complainant that failure to appear may result in dismissal with prejudice, which means that Complainant would be barred from filing another complaint raising the same claim(s) and issues(s) presented in the dismissed complaint.

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. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

Complainant had notice of the hearing and an opportunity to be heard in this proceeding. Therefore, the Complainant's due process rights have been fully

protected. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

*Failure to Appear, Waiver and the “Unavoidable” Standard*

Once a hearing is scheduled and the parties are duly notified by the Commission, it is the responsibility of the parties to appear and participate in the hearing. *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 28, 2002). 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 and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a). However, these provisions in the Code and in the Commission’s regulations do not apply if the presiding officer determines that the party’s failure to appear at the hearing 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 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).

Complainant failed to appear for the hearing despite receiving notice and despite the undersigned allowing additional time for Complainant to appear. To date, there has been no communication to the Office of Administrative Law Judge or me by, or on behalf of, Complainant explaining why Complainant's failure to appear at the hearing was unavoidable.

Consequently, I find that Complainant waived the opportunity to participate in a hearing on the matters raised in the Complaint, Complainant's absence was not unavoidable, and the Complaint should be dismissed with prejudice.

#### *Burden of Proof and Dismissal of Complaint*

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is established by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

As the proponent of any request for relief, Complainant bears the burden of proof. By failing to participate and proffer any evidence to support the complaint, Complainant has failed to meet this burden. Thus, it is appropriate to dismiss the Complaint with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Williams v. PECO Energy Co.*, Docket No.

C-2018-300734 (Opinion and Order entered Mar. 14, 2019) (citing *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995)).

For the above reasons, PGW's Motion to Dismiss the Compliant with prejudice will be granted in the Ordering paragraphs below.

### **Abuse of Process**

PGW made a second Motion during the hearing to preclude Ms. Lawrence from filing further complaints against PGW regarding the arrearages on her natural gas service account until her existing arrearages are paid in full.

In appropriate circumstances, the Commission may bar a complainant from filing further complaints until the outstanding balance has been paid, where the Commission determines that the complainant is abusing the Commission's administrative process in order to avoid termination of utility service. The Commission has held that when a complainant has used a variety of means to avoid termination and unnecessarily prolong the proceedings, the Commission must reach a point where it acts to protect the interest of the other ratepayers, who will otherwise ultimately bear the burden of that Complainant's growing arrearage. *See, Seidenstricker v. Metropolitan Edison Co.*, Docket No. F-2008-2019388 (Opinion and Order entered July 28, 2009). In abuse of administrative-process cases, the Commission considers factors such as the number and the nature of complaints, the number of defaulted payments, the use of tactics to avoid payments and service terminations, and the history of payments. *See Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024) (*Hayes*); *Nestorick v. UGI Utils. Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019) (*Nestorick*); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019) (*Potora*).

The evidentiary record shows that Ms. Lawrence filed the following informal Complaints:

	Docket No.	Date filed
Informal Complaint #1	BCS No. 3552995	August 11, 2017
Informal Complaint #2	BCS No. 3724262	August 7, 2019
Informal Complaint #3	BCS No. 3942325	September 15, 2023
Informal Complaint #4	BCS No. 3955838	November 16, 2023
Informal Complaint #5	BCS No. 4052119	April 7, 2025

In each of her first four informal complaints, Ms. Lawrence sought relief from the Commission in the form of PARs. BCS granted informal complaint #1 and provided Ms. Lawrence with a Commission-issued PAR. Informal Complaints #2 and #3 were dismissed due to Ms. Lawrence failing to satisfy the Commission-issued PAR. Informal Complaint #4 was dismissed due to Ms. Lawrence filing the formal complaint docketed at C-2023-3044246.

The record also shows that Ms. Lawrence filed the following formal complaints:

	Docket No.	Date filed
Formal Complaint #1	C-2019-3013305	September 24, 2019
Formal Complaint #2	C-2023-3044246	November 16, 2023
Formal Complaint #3	C-2025-3054995	May 6, 2025

In each of her formal complaints, including the current Complaint, Ms. Lawrence sought relief from the Commission in the form of PARs and then failed to appear at the scheduled evidentiary hearings. Following a Commission remand, formal

complaint #2 was resolved through settlement, and as part of the settlement, Ms. Lawrence was to make a down payment in the amount of \$5,500 to be placed back on a defaulted PGW-issued PAR. Ms. Lawrence did not make this downpayment. Tr. 26.

The record further shows that Ms. Lawrence has defaulted on one-Commission-issued PAR and at least one-PGW issued PAR. At the time of the hearing, Ms. Lawrence accumulated a sizable outstanding account balance with PGW of \$8,891.91.

After reviewing the evidence, I find that Ms. Lawrence has engaged in abuse of the Commission's administrative process to avoid termination of her gas service.

Ms. Lawrence has filed five informal complaints and three formal complaints related to her account with PGW. The record in this case highlights a disturbing trend in which Ms. Lawrence tactically uses the Commission's administrative proceedings by filing informal and formal complaints to evade PGW's termination procedures.<sup>1</sup> Ms. Lawrence continues to file informal complaints requesting PARs despite failing to satisfy the Commission-issued PAR that she received in informal complaint #1. Ms. Lawrence continues to file Formal Complaints requesting PARs but fails to attend the hearings scheduled to address her PAR requests. Given this conduct by Ms. Lawrence, I can conclude that Ms. Lawrence files complaints to delay termination on her gas service and not to receive the relief that she seeks through the complaints.

As far as Ms. Lawrence's payment history is concerned, although the record is silent regarding how many payments Ms. Lawrence has made towards her

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<sup>1</sup> When Ms. Lawrence files an informal or formal complaint, PGW is prevented from terminating Ms. Lawrence's utility service for nonpayment of the balance disputed in the complaint pursuant to the Commission's regulations. *See* 52 Pa. Code § 56.92; 52 Pa. Code § 56.181.

account since it was opened on July 15, 2016, Ms. Lawrence had a sizable unpaid balance at the time of the hearing of \$8,891.91. Ms. Lawrence's sizable outstanding balance demonstrates a lack of a good faith effort on her part to pay her bills. Ms. Lawrence's lack of a good faith effort is also evidenced by the fact that she has defaulted on a Commission-issued PAR and at least one PGW-issued PAR, and failed to make the \$5,500 downpayment to PGW that she agreed to pay to resolve formal complaint #2 in order to be placed back on a defaulted PGW-issued PAR.

Recently, the Commission has barred individuals with high unpaid balances from filing additional complaints in similar circumstances to those presented here. In *Hayes*, the Commission found that complainant Hayes had abused the Commission's process by filing nine informal and three formal complaints with the Commission, breaking four PGW-issued PARs and one Commission-issued PAR, and by only making 18 payments on his account since his account was opened in August 2013. As of the date of the scheduled hearing in *Hayes*, complainant Hayes had a customer assistance program balance of \$3,204 and a frozen arrears balance of \$1,400.61. Similarly, in *Nestorick*, the Commission found that complainant Nestorick had abused the Commission's process by filing four informal and two formal complaints with the Commission, defaulting on two Commission-issued PARs and three UGI-issued PARs, filing four bankruptcy petitions, and by filing three medical certificates. Lastly, in *Potora*, the Commission found that complainant Potora had abused the Commission's process by filing ten complaints with the Commission, requesting multiple continuances, and by failing to appear at many of the scheduled hearings. In all of these cited cases, the Commission precluded the complainants from filing further complaints against their utility on their arrearages, whether informal or formal, until their account was paid in full.

In conclusion, Ms. Lawrence's substantial balance, poor payment history, multiple complaint filings, and conduct in proceedings before the Commission constitutes a pattern of activity calculated to avoid or delay payment of her gas bills and termination

of her utility service. PGW has the right to bill and receive payment for the utility service it has provided to Ms. Lawrence. 66 Pa.C.S. § 1303, *Neal v. Phila. Gas Works*, Docket No. Z-00871874 (Final Order entered Jan. 4, 2002); *Angie's Bar v. Duquesne Light Co.*, 72 Pa.P.U.C. 213 (1990). PGW's Motion to Preclude Ms. Lawrence from filing further complaints against PGW regarding the arrearages on her natural gas service account until her existing arrearages are paid in full will be granted in the Ordering paragraphs below.

### 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 eServed to a party's registered email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).
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 and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

5. If there are no facts in the record that a party's failure to appear at a hearing 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).

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. By failing to participate in the hearing and proffer any evidence to support the complaint, Complainant has failed to meet the burden of proof. 66 Pa.C.S. § 332(a).

9. The Commission may preclude a party from filing further informal or formal complaints when the party has abused the Commission's complaint procedures in order to avoid the termination of his or her service. *Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024); *Nestorick v. UGI Utils. Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019).

10. When a complainant has used a variety of means to avoid termination and unnecessarily prolong the proceedings, the Commission must reach a point where it acts to protect the interest of the other ratepayers, who will otherwise ultimately bear the burden of that Complainant's growing arrearage. *Seidenstricker v Metropolitan Edison Co.*, Docket No. F-2008-2019388 (Opinion and Order entered July 28, 2009).

11. In abuse of administrative-process cases, the Commission considers factors such as the number and the nature of complaints, the number of defaulted payments, the use of tactics to avoid payments and service terminations, and the history of payments. *Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024); *Nestorick v. UGI Utils. Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019).

12. A public utility has the right to bill and receive payment for the utility service it provides to its customers. 66 Pa.C.S. § 1303, *Neal v. Phila. Gas Works*, Docket No. Z-00871874 (Final Order entered Jan. 4, 2002); *Angie's Bar v. Duquesne Light Co.*, 72 Pa.P.U.C. 213 (1990).

13. Complainant's substantial outstanding balance, poor payment history, multiple similar complaint filings, and conduct in proceedings before the Commission constitutes abuse of the Commission's administrative process. *Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024); *Nestorick v. UGI Utils. Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Philadelphia Gas Works' Motion to Dismiss, with prejudice, the Formal Complaint of Nettie Lawrence at Nettie Lawrence v. Philadelphia Gas Works at Docket No. C-2025-3054995 is granted.

2. That the Formal Complaint filed by Nettie Lawrence in Nettie Lawrence v. Philadelphia Gas Works at Docket No. C-2025-3054995, is hereby dismissed with prejudice.

3. That Nettie Lawrence is precluded from filing further informal or formal complaints with the Commission regarding the arrearages on the account for gas service rendered by Philadelphia Gas Works until such time as the outstanding arrearages in the amount of \$8,891.91 are paid in full, and that the filing of any complaint pertaining to those arrearages which are the subject of this proceeding shall be rejected without further proceedings.

4. That the filing of any other pleading related to this case, concerning the same subject matter be, and hereby is, deemed not to stay implementation of this Order.

5. That Commission staff (including but not limited to the Bureau of Consumer Services and the Secretary's Bureau) shall reject any formal or informal complaint that is filed with the Commission by Nettie Lawrence, any member of her

family, or any other person in the household, pertaining to the service address of 454 East Church Lane, Philadelphia, PA 19144 until the outstanding arrearages in the amount of \$8,891.91 are paid in full.

6. That any filing of a new informal or formal complaint by Nettie Lawrence against Philadelphia Gas Works must include proof that the arrearages in the amount of \$8,891.91 have been paid in full (e.g. billing statement, account statement, receipt of payment, cancelled check, bank statement, proof of discharge of the arrearages in bankruptcy, or correspondence with the utility confirming payment in full).

7. That, if proof that the outstanding arrearages have been paid in full is not provided, the Secretary's Bureau and Bureau of Consumer Services are directed to reject the complaint, without a hearing before the Office of Administrative Law Judge.

8. That the failure of Nettie Lawrence to pay the outstanding arrearages in the amount of \$8,891.91, in full, shall be grounds for the Philadelphia Gas Works to take any necessary steps and actions under the Pennsylvania Public Utility Code and Commission Regulations, including but not limited to, termination of service, to address Nettie Lawrence's outstanding balance.

9. That a copy of this decision/order shall be served to the Commission's Bureau of Consumer Services and the Secretary's Bureau.

