

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tiana Oliver

v.

Philadelphia Gas Works

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C-2025-3055749

**INITIAL DECISION**

Before  
Michael J. Mroczka  
Special Agent

**INTRODUCTION**

This Initial Decision dismisses the Formal Complaint of a gas service customer seeking a payment arrangement because she failed to meet her burden of proving that she is eligible for a second or subsequent Commission-issued payment arrangement or reinstatement of her prior payment arrangement.

**HISTORY OF THE PROCEEDING**

On June 13, 2025, Tiana Oliver (Complainant or Ms. Oliver) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW, Company or Respondent). Ms. Oliver checked the boxes on the Complaint form stating that the utility is threatening to shut off her

service or has already shut off her service and requesting a Commission-issued payment arrangement.

On July 7, 2025, PGW filed its Answer to the Formal Complaint which admitted in part and denied in part the various material allegations of the Complaint.

By Hearing Notice dated July 16, 2025, an Initial Call-In Telephonic Hearing was scheduled for September 22, 2025, and the matter was assigned to me.

A Prehearing Order was issued and served on July 17, 2025, reminding the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to this proceeding.

On September 22, 2025, the hearing convened as scheduled. The Complainant appeared *pro se*, testified on her own behalf, and offered no exhibits for the record. Tracy Tripp, Esquire, appeared on behalf of PGW and presented the testimony of one witness, David Kauffman, a customer review officer with PGW. Mr. Kauffman sponsored four exhibits, which were admitted into the record without objection. The following exhibits were admitted:

- PGW Exhibit 1 – Statement of Account – Addison Street
- PGW Exhibit 2 – Statement of Account – Ogden Street
- PGW Exhibit 3 – Payment Agreement History
- PGW Exhibit 4 – Opening and Closing of BCS No. 3943546

The record consists of the 34-page transcript and PGW's four exhibits. The record closed on October 13, 2025, when the transcript and exhibits were filed with the Commission.

## FINDINGS OF FACT

1. Complainant is Tiana Oliver, who has gas service at 5841 Addison Street, Philadelphia, Pennsylvania 19143 (Service Address). Tr. 6.

2. Respondent is Philadelphia Gas Works, a jurisdictional public utility, which provides gas service to Complainant at the Service Address.

3. Complainant resides at the Service Address with her two children. Tr. 7.

4. Complainant's gross household monthly income is \$4,800. Tr. 8.

5. The total monthly household income and household size of three places the household between 150% and 250 % of the Federal Poverty Level.<sup>1</sup> Tr. 7, 8.

6. Complainant has had one prior Commission-issued payment arrangement (PAR) which was issued on September 29, 2023, at BCS No. 3943546 (September 2023 PAR), which was subsequently broken by Complainant. PGW Exs. 3, 4; Tr. 17-19, 21.

7. In granting the September 2023 PAR, Ms. Oliver's total household income was determined to be \$4,800 per month with a household size of three. PGW Ex. 4.

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<sup>1</sup> See Federal poverty guidelines, 90 Fed. Reg. 5917 (Jan. 17, 2025); <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>

8. Complainant's outstanding balance at the time of the hearing was \$8,940.07. PGW Exs. 1, 2; Tr. 14.

### DISCUSSION

Section 332(a) of the Public Utility Code (Code) provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (Opinion and Order entered Feb. 8, 1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 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 complainant can meet that burden if they present evidence more convincing, by even the smallest amount, than that evidence presented by Respondent. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code, a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of

going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on the complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *see also, Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

### **Payment Arrangement**

Complainant requests a Commission-issued payment arrangement. Prior to sunset, the Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401–1419 (Chapter 14), applied to complaints alleging inability to pay and requesting a Commission-issued payment arrangement. This law provided strict guidelines that the Commission had to follow when determining whether a payment arrangement could be issued and the length of the payment arrangement. Chapter 14 has sunset, effective December 31, 2024, and is not currently in effect.

However, in its Statement of Policy entered December 24, 2024, the Commission clarified that its regulations codified at 52 Pa. Code Chapter 56 shall remain in effect until amended. *See Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024) (*Statement of Policy*). With regard to the provision of payment arrangements, the Commission explained that it will maintain its application of the four-tiered process establishing the length of payment arrangements previously articulated in Chapter 14. *Id.* at 4. In particular, the Commission's *Statement of Policy* states that the principles of Section 1405 and definitions of Section 1403 will continue after the expiration of Chapter 14 on December 31, 2024. *Id.* at 5.

As Chapter 14 required, the length of time for a customer to resolve an unpaid balance that is investigated by the Commission and is entered into by a public utility and a customer shall not extend beyond:

(1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.

(2) Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.

(3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.

(4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

*Statement of Policy* at 4 (citing 66 Pa.C.S. § 1405(b)).

Ms. Oliver has a gross monthly household income of \$4,800 and a household size of three. Tr. 7, 8. Based on the household income of \$4,800 per month, and her household size of three, Complainant's household falls between 150% and 250% of the Federal poverty level.<sup>2</sup> Tr. 7, 8. Absent further restrictions, Ms. Oliver would qualify for a Level 2 payment arrangement. 66 Pa.C.S. § 1405(b)(2). However, as explained below, due to restrictions placed on the Commission by the Code as applied by the *Statement of Policy*, I cannot provide Complainant with a new Commission-issued payment arrangement.

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<sup>2</sup> See Federal poverty guidelines, 90 Fed. Reg. 5917 (Jan. 17, 2025); <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>

## **Second or Subsequent Payment Arrangement**

If the Commission has not previously ordered a payment arrangement for a complainant, the Commission has the authority to establish a payment arrangement, pursuant to 66 Pa.C.S. § 1405(a), on a complainant's arrearages within the strict guidelines set forth in 66 Pa.C.S. § 1405(b), as stated above. However, Chapter 14, as followed by the *Statement of Policy*, restricts the Commission from issuing a second or subsequent payment arrangement if a customer defaulted on a previous Commission-issued payment arrangement. The Code addresses second or subsequent payment arrangements as follows:

**(d) Number of payment arrangements.** — Absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision. A public utility may, at its discretion, enter into a second or subsequent payment arrangement with a customer.

66 Pa.C.S. § 1405(d). "Change in income" is defined by the Code as "[a] decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level." 66 Pa.C.S. § 1403.

Complainant has had a prior Commission-issued payment arrangement which was issued on September 29, 2023, at BCS No. 3867389. PGW Exs. 3, 4; Tr. 17-19. In granting the September 2023 PAR, Ms. Oliver's total household income was determined to be \$4,800 per month with a household size of three. PGW Ex. 4. Complainant defaulted on the September 2023 PAR. Tr. 21; PGW Ex. 3.

Currently, as explained above, Ms. Oliver’s household income is \$4,800 which is the same as the income determined in the September 2023 PAR.<sup>3</sup> Complainant’s current income, with three people in the household, is above 200% of the Federal poverty level. Therefore, she would need to show at least a 20% decrease in her household income to meet the “Change in income” definition under the statute to qualify for a second Commission-issued payment arrangement. Because Ms. Oliver’s household income has not decreased, the Commission is not permitted to grant a second or subsequent payment arrangement under Chapter 14 of the Code, as applied by the *Statement of Policy*. 66 Pa.C.S. §§ 1403, 1405(d).

### **Reinstatement of Prior Payment Arrangement**

Although Ms. Oliver is not eligible for a second Commission-issued payment arrangement, I must determine if she is eligible for reinstatement and extension of the September 2023 PAR. Chapter 14, as followed by the *Statement of Policy*, authorizes the Commission to reinstate and extend a Commission-issued payment arrangement on which a customer has defaulted as a result of a significant change in circumstance:

**(e) Extension of payment arrangements.** — If the customer defaults on a payment arrangement established under subsections (a) and (b) *as a result of* a significant change in circumstance, the commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period

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<sup>3</sup> I note that while Ms. Oliver did not report it in her request for the September 2023 PAR, it does seem that there was another adult in the household and a higher household income at the time. *See* Tr. 9-11. However, since this extra income was not reported in the September 2023 PAR, I will not consider loss of that income a decrease in income here.

may be extended for an additional six months for good cause shown.

66 Pa.C.S. § 1405(e) (emphasis added). A “significant change in circumstance” is defined in the Code as follows:

**“Significant change in circumstance.”** Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level:

- (1) The onset of a chronic or acute illness resulting in a significant loss in the customer's household income.
- (2) Catastrophic damage to the customer’s residence resulting in a significant net cost to the customer's household.
- (3) Loss of the customer’s residence.
- (4) Increase in the customer’s number of dependents in the household.

66 Pa.C.S. § 1403.

Ms. Oliver has not presented any evidence to meet any of the four criteria set out in the definition of significant change of circumstances. Accordingly, the Complainant’s request for a Commission-issued payment arrangement must be denied and the Complaint will be dismissed.

#### CONCLUSIONS OF LAW

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

2. The burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).

3. The Responsible Utility Customer Protection Act applies to this proceeding. 66 Pa.C.S. §§ 1401–1419; *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

4. The Commission is authorized to establish a payment arrangement between a public utility and a customer. *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024) (citing 66 Pa.C.S. § 1405(a)).

5. Absent a change in income, the Commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a Commission order or decision. *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024) (citing 66 Pa.C.S. § 1405(d)).

6. If the customer defaults on a payment arrangement established under subsections (a) and (b) as a result of a significant change in circumstance, the commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024) (citing 66 Pa.C.S. § 1405(e)).

7. The Complainant has failed to carry the burden of proving that she is eligible for a second or subsequent Commission-issued payment arrangement or an

extension of her prior Commission-issued payment arrangement. 66 Pa.C.S. §§ 332(a), 1405(c), (e).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Tiana Oliver in Tiana Oliver v. Philadelphia Gas Works at Docket No. C-2025-3055749 is dismissed.
2. That Docket No. C-2025-3055749 be marked closed.

Date: October 30, 2025

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Michael J. Mroczka  
Special Agent