

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lawrence Robinson	:	
	:	
v.	:	C-2025-3054744
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Marta Guhl  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants Lawrence Robinson’s Formal Complaint against Philadelphia Gas Works because Complainant has established that there were incorrect charges on his bills, specifically an outstanding balance that accrued more than four years prior to the Complainant’s request for service in his name at the Service Address.

**HISTORY OF THE PROCEEDING**

On April 23, 2025, Lawrence Robinson (Complainant or Mr. Robinson) filed a Formal Complaint (Complaint) against the Philadelphia Gas Works (PGW or Respondent or Company) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant contends that there were incorrect charges on his bills. The Complainant also indicated that the utility was threatening to shut off or had already shut off his service.

On May 14, 2025,<sup>1</sup> the Respondent filed an Answer denying the material allegations of the Complaint.

On May 19, 2025, an Initial Telephonic Hearing Notice was issued, the matter was set for an initial hearing on July 17, 2025, at 10:00 a.m., and the case was assigned to me.

On May 20, 2025, I issued a Prehearing Order which addressed procedural matters and hearing procedures.

The hearing convened as scheduled on July 17, 2025. The Complainant participated *pro se* and testified. The Respondent appeared and was represented by Tracy Tripp, Esquire, who presented the testimony of Patricia Bernard, a Customer Review Officer. The Respondent offered five exhibits, which were all entered into the record.

The record closed on August 15, 2025, when I received my copy of the hearing transcript.

#### FINDINGS OF FACT

1. The Complainant in this case is Lawrence Robinson, who resides at 1523 North 56<sup>th</sup> Street, Philadelphia, Pennsylvania 19131 (Service Address). Tr. 9.

2. The Respondent is Philadelphia Gas Works.

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<sup>1</sup> The Formal Complaint was served on the Respondent by the Secretary's Bureau on April 24, 2025.

3. The Complainant has owned the Service Address with his sister, Lorraine Lawrence, since approximately 2007 or 2008. Tr. 12.
4. The Complainant's father, Otis Robinson, resided at the Service Address until he passed away on January 19, 2011. Tr. 12, 16.
5. After the Complainant's father passed away, no one was living at the Service Address and the Complainant's sister was responsible for the property. Tr. 16.
6. Gas service at the Service Address was abandoned on November 17, 2021. Tr. 26; PGW Exh. 3.
7. The end balance of the account for Otis Robinson was \$4,427.57 when the final bill was issued on December 16, 2021. PGW Exh. 2.
8. The Complainant has lived in various locations since 2007. Tr. 13-14.
9. The Complainant moved to the Service Address in late 2024 or early 2025. Tr. 13, 15.
10. The Complainant requested that service be placed in his name at the Service Address on January 13, 2025, for a turn on date of January 20, 2025. Tr. 41; PGW Exh. 3.
11. On January 25, 2025, the Complainant made a payment to PGW in the amount of \$175.77 which included a reconnection fee of \$123.23 and a deposit of \$52.54. Tr. 30-31; PGW Exh. 1.

12. The Complainant's account balance at the time of the hearing was \$4,467.71, which includes the outstanding balance from the Complainant's father, Otis Robinson, in the amount of \$4,427.57, which accrued more than four years before the Complainant's request for service. Tr. 37; PGW Exh. 1 and 2.

### DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, 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, 602 (Pa. Cmwlth. 1990). That is, 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). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. 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. Unempl. Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied his burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

#### Dispute of Outstanding Balance

The Complainant disputes the amount that he owes to PGW. He asserts that he should not be responsible for the prior balance because it exceeds the statute of limitations in this case.

A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the public utility which accrued within the past four years for which the applicant is legally responsible and for which the applicant was billed properly. 52 Pa. Code § 56.35(a).

A public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. 52 Pa. Code § 56.35(b)(2).

The Complainant testified that he has owned the Service Address with his sister, Lorraine Lawrence, since approximately 2007 or 2008. Tr. 12. The Complainant's father resided at the Service Address until he passed away on January 19, 2011. Tr. 12, 16. After the Complainant's father's death, no one was living at the Service Address and the Complainant's sister was responsible for the property. Tr. 16. PGW and the Complainant confirmed that gas service at the Service Address was abandoned on November 17, 2021. Tr. 26; PGW Exh. 3.

Further, the Complainant testified that he has lived at various locations since 2007. Tr. 13-14. The Complainant moved to the Service Address in late 2024 or early 2025. Tr. 13, 15. The Complainant requested that service be placed in his name at the Service Address on January 13, 2025, for a turn on date of January 20, 2025. Tr. 41; PGW Exh. 3. On January 25, 2025, the Complainant made a payment to PGW in the amount of \$175.77 which included a reconnection fee of \$123.23 and a deposit of \$52.54. Tr. 30-31; PGW Exh. 1.

PGW's witness, Ms. Bernard, testified that the Complainant's account balance at the time of the hearing was \$4,467.71, which includes the outstanding balance from the Complainant's father, Otis Robinson, which accrued more than four years before the Complainant's request for service. Tr. 37; PGW Exh. 1 and 2.

Based on the Complainant's testimony and the records presented by PGW, it is clear that the balance the Company is billing the Complainant includes amounts that were incurred more than four years prior to reestablishing service. The Complainant credibly testified that his father resided at the Service Address until his death in January 2011, that no one resided at the property after that point, and that gas service at the Service Address was abandoned in November 2021. The Complainant requested service in his name on January 13, 2025. The account statements indicate that there were amounts that were incurred before January 2021, four years prior to the Complainant's

request for service at the service address. *See* PGW Exh. 1 and 2. In this matter, PGW may only go back four years in terms of the outstanding balances. As such, PGW may only go back to January 2021 in order to calculate the outstanding balance which the Complainant must pay. Therefore, the Complainant has met his burden of demonstrating that there were incorrect charges included in the outstanding balance he is said to owe in order to reestablish service at his property.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
  
2. The burden of proof in this proceeding is upon the complainant. 66 Pa.C.S. § 332(a).
  
3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.
  
4. A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the public utility which accrued within the past 4 years for which the applicant is legally responsible and for which the applicant was billed properly. 52 Pa. Code § 56.35(a).
  
5. The Complainant met his burden of proving that there were incorrect charges on his PGW bill. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Lawrence Robinson in Lawrence Robinson v. Philadelphia Gas Works at Docket No. C-2025-3054744 is granted; and

2. That the Philadelphia Gas Works shall recalculate Lawrence Robinson's outstanding balance due so that no amount from prior to January 2021 is included in the balance; and

3. That Docket No. C-2025-3054744 be marked closed.

Date: November 12, 2025

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/s/  
Marta Guhl  
Administrative Law Judge