

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Vernice Morris	:	
	:	
v.	:	C-2025-3057146
	:	
Philadelphia Gas Works	:	

INTERIM ORDER ON RESPONDENT’S PRELIMINARY OBJECTIONS

On August 29, 2025, Vernice Morris (Complainant or Ms. Morris) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW, Company, or Respondent) alleging that the utility is threatening to shut off gas service or has already shut off service. In addition, the Complainant avers the following,

PGW refused to accept lawful tender via Bill(s) of Exchange for multiple service addresses including Walker Street and Hortter Street, and is threatening to shut off despite an active billing dispute. PGW ignored my private three-step tender process, failed to provide any contractual authority for rejecting lawful tender, and did not dispute procedures required under 52 Pa. Code §§ 56.97, 56.141 and 56.151.

Complaint ¶ 4.

As relief, the Complainant requests that the Commission do the following:

- (1) Order PGW to cease all shutoff activity while this dispute is pending;
- (2) Compel PGW to accept lawful tender, including Bills of Exchange, and on an on going monthly basis or provide valid contractual authority for rejecting them; and
- (3) Correct the disputed account balances based on the proper application of payment and billing protections.

Complaint ¶ 5.

Ms. Morris also request “the right to amend the Complaint to include future properties and Bills of Exchange, including McFerran Street, and any other property I may acquire.” *Id.*

On September 18, 2025, PGW filed an Answer and New Matter accompanied by a Notice to Plead. In its Answer, PGW denied all material allegations of fact and conclusions of law in the Complaint. In its New Matter, Respondent averred that the Complainant raises alleged violations of, *inter alia*, Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 56 P.S. § 392, and 15 U.S.C. § 1666. New Matter ¶ 8. PGW argues that the Commission is not the proper forum for resolving the issues raised pertaining to Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 56 P.S. § 392, or 15 U.S.C. § 1666 as the state legislature has not specifically granted the Commission with such subject matter jurisdiction. New Matter ¶ 9. Respondent requests that the Commission deny all relief requested in the Complaint, dismiss the Complaint, and grant any other relief in favor of PGW as deemed appropriate.

Also on September 18, 2025, PGW filed Preliminary Objections in which it sought to dismiss the Complaint on the grounds that: 1) the Commission lacks jurisdiction over claims based on alleged violations of Securities and Exchange Law; and 2) the Complaint contains impertinent matter as the Commission does not have the power to address the issues raised regarding Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 56 P.S. § 392, or 15 U.S.C. § 1666.

Complainant did not file an Answer to Respondent's New Matter or Preliminary Objections.

By Motion Judge Assignment Notice dated October 27, 2025, the Preliminary Objections were assigned to me for disposition.

PGW's Preliminary Objections are ready for disposition.

Commission regulations permit the filing of preliminary objections. 52 Pa.Code §§ 5.101(a)(1)-(7). Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections. *Equitable Small Transportation Intervenor v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

Commission regulations provide:

§ 5.101. Preliminary objections.

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa.Code § 5.101.

In deciding preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible. *Dep't of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa.Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa.Cmwlth. 1996). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Boyd v. Ward*, 802 A.2d 705 (Pa.Cmwlth. 2002). All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Employees' Retirement Bd.*, 690 A.2d 1312 (Pa.Cmwlth. 1997).

A preliminary objection can be granted only if recovery or relief is not possible after all of the Complainant's averments in the complaint are viewed as true for purposes of deciding the preliminary objection, using only those facts specifically admitted.

As a creature of legislation, the Commission possesses **only** the authority the State Legislature has specifically granted to it in the Public Utility Code (the Code), **66 Pa. C.S. §§ 101, et seq.** Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. *Feingold v. Bell of Pa.*, 383 A.2d 1191 (Pa. 1977); *Allegheny County Port Authority v. Pa. P.U.C.*, 237 A.2d 602 (Pa. 1967); *Behrend v. Bell of PA*, 390 A.2d 233 (Pa. Super. 1978); *Pa. Department of Highways v. Pa. P.U.C.*, 182 A.2d 267 (Pa. Super. 1962); *City of Erie v. Pa. Electric Co.*, 383 A.2d 575 (Pa.Cmwlth. 1978).

Nothing in the Public Utility Code confers jurisdiction upon the Commission to adjudicate claims arising under Pennsylvania's Unfair Trade Practices, Securities and Exchange Law and Consumer Protection Law, 56 P.S. § 392, and 15 U.S.C. § 1666.

In addition, to the extent that the Complainant intends to allege an attempt to pay for utility services by non-negotiable documents, sight drafts, 1040 Forms, Acceptance for Value, UCC Certified Tender of Payments, Promissory Notes or other UCC documents, the Complainant is instructed that this issue has already been decided in *Coppedge v. PECO*, Docket No. F-2014-2406180 (Order entered Jul. 29, 2014) (*Coppedge*), where the Commission determined that "even accepting as true the Complainant's contentions, nothing in either PECO's tariff or [Commission] Regulations requires PECO to accept all forms of payment." *Coppedge* at 9. The same holds true for PGW.

Consequently, Ms. Morris' Complaint against PGW will be dismissed to the extent it raises claims based on alleged violations of Securities and Exchange Law, Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 56 P.S. § 392, or 15 U.S.C. § 1666.

However, in *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F 00163617 (Order entered July 14, 1993), the Commission held that, in the normal course, the Commission would not dismiss a complaint of a self-represented person without first providing a hearing during which the self-represented complainant could further explain their position and the factual basis for their complaint. The Commission expressed the concern that, in general, complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issues and supporting facts. On this vein, it would be inappropriate to dismiss Ms. Morris' Complaint in its entirety without giving her a chance to orally describe her remaining issues.

Therefore, the case will be set for an evidentiary hearing on the remaining issues pertaining to termination of service. The Complainant is instructed to come to the hearing prepared to articulate her grievances within the boundaries of the Public Utility Code, 66 Pa.C.S §§ 101 *et seq.*, and Commission regulations at 52 Pa. Code §§ 1.1 *et seq.* The offense alleged must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. See, 66 Pa.C.S. § 701.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by Philadelphia Gas Works in the matter of Vernice Morris v. Philadelphia Gas Works at Docket No. C-2025-3057146 is granted, in part, and denied, in part.

2. That the portions of the Complaint raising claims under the Securities and Exchange Law, Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 56 P.S. § 392, or 15 U.S.C. § 1666, are dismissed for lack of jurisdiction

3. That matter shall be set for a hearing to address the remaining issues.

Date: November 18, 2025

_____/s/_____
Eranda Vero
Administrative Law Judge

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