

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|------------------------|---|----------------|
| Nathaniel Euclid | : | |
| | : | |
| v. | : | C-2025-3053882 |
| | : | |
| Philadelphia Gas Works | : | |

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint filed by a customer against his gas utility due to the customer’s failure to meet his burden of proving that his utility overbilled him, or that his utility billed him twice in the months of April and July 2025.

HISTORY OF THE PROCEEDING

On March 11, 2025, Nathaniel Euclid (“Mr. Euclid” or “Complainant”) filed a Formal Complaint (“Complaint”) against Philadelphia Gas Works (“PGW” or “Respondent”) with the Pennsylvania Public Utility Commission (“Commission”). Mr. Euclid alleged that there were incorrect charges on his December 5, 2024, January 8, 2025, February 6, 2025, and March 7, 2025, PGW gas bills which he attached to his Complaint. For relief, Mr. Euclid requested a reduction in his account balance.

On April 1, 2025, PGW filed an Answer to the Complaint wherein it admitted or denied the allegations in the Complaint. Specifically, PGW asserted that Mr. Euclid's bills are based on actual meter reads and that Mr. Euclid refused to let PGW remove his meter for testing. PGW requested that the Commission deny the relief requested in the Complaint.

On April 4, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice to the parties scheduling an evidentiary hearing on June 3, 2025, and assigning the matter to me as Presiding Officer.

On April 4, 2025, the Commission issued a Prehearing Order that provided the procedural rules that would govern the hearing.

On June 3, 2025, the evidentiary hearing in this matter was held as scheduled. Attorney Graciela Christlieb appeared representing PGW, along with two witnesses. Mr. Euclid did not appear for the hearing. PGW made a Motion to Dismiss the Complaint with prejudice for the failure of Mr. Euclid to appear for the hearing. I took the Motion under advisement. The record was not closed at the conclusion of the evidentiary hearing.

On June 3, 2025, following the conclusion of the hearing, I received two emails from Mr. Euclid wherein he stated that he believed that I was to call him to connect him to the hearing and requested a further evidentiary hearing. These emails were forwarded to PGW for its position on the further hearing request. PGW agreed to the further hearing request on the condition that Mr. Euclid permit PGW to exchange the gas meter servicing his property for testing.

On June 6, 2025, the Commission issued my Order Conditionally Granting Request for Further Hearing. In my Order, I indicated that a further evidentiary hearing

would be scheduled, but that the hearing would be cancelled if Mr. Euclid failed to give PGW access to his meter to be exchanged for a meter test. The Order directed the parties to submit a Status Report by June 27, 2025, addressing their efforts to have Mr. Euclid's meter tested.

On June 9, 2025, the Commission issued a Further Telephonic Hearing Notice to the parties scheduling a further evidentiary hearing on August 6, 2025.

On June 11, 2025, the Commission issued a Prehearing Order that provided the procedural rules that would govern the further hearing.

On June 27, 2025, PGW submitted a Status Report that indicated that PGW was able to successfully remove Mr. Euclid's gas meter for testing.

On August 6, 2025, the further evidentiary hearing was held as scheduled. Mr. Euclid presented testimony in support of his Complaint and sponsored one exhibit, Complainant Exhibit 1, which was admitted into the evidentiary record. Attorney Christlieb appeared on behalf of PGW and presented the testimony of two witnesses who sponsored six exhibits that were admitted into the evidentiary record as PGW Exhibits 1-6. PGW agreed to submit a late-filed exhibit of Mr. Euclid's updated statement of account following the hearing. Tr. 22. The evidentiary hearing record was not closed at the conclusion of the further evidentiary hearing.

On August 28, 2025, PGW submitted the agreed upon late-filed exhibit. Mr. Euclid did not object to the admission of Updated PGW Exhibit 4, p. 3, into the evidentiary record.

On September 10, 2025, the Commission issued my Order Closing the Record. In this Order I admitted Updated PGW Exhibit 4, p. 3 into the evidentiary record and closed the record in this proceeding.

This matter is ready for disposition. For the reasons discussed below, the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainant is Nathaniel Euclid.
2. Respondent is Philadelphia Gas Works.
3. Mr. Euclid receives gas service from PGW at 4014 Howland Street, Philadelphia, PA 19124 (“service address”). PGW Exhibit 4, p. 2.
4. Mr. Euclid had service placed in his name at the service address on January 23, 2024. Tr. 26.
5. The service address is a townhome, where Mr. Euclid lives by himself. Tr. 16, 19-20.
6. On February 13, 2025, Mr. Euclid filed a high bill dispute with PGW and as a result PGW performed a high bill dispute investigation of the gas usage of Mr. Euclid’s home. Tr. 28-29; PGW Exhibit 2, p. 1.
7. PGW’s high bill dispute investigation of the gas usage of Mr. Euclid’s home concluded that the balance being disputed by Mr. Euclid was based on

actual meter readings and that his usage pattern was consistent with his prior historical consumption. Tr. 28-29; PGW Exhibit 2, p. 1.

8. On March 27, 2025, PGW performed a usage discrepancy investigation at the service address where it took inventory of the gas appliances at the address and how much gas each appliance could use. Tr. 47; PGW Exhibit 5.

9. Pursuant to the usage discrepancy investigation performed at the service address, the gas appliances at the service address were a 60,000 BTU heater, a 56,000 BTU range, and a 118,000 BTU water heater. PGW Exhibit 5, p. 2.

10. The usage discrepancy investigation found that all three gas appliances at the service address were operational without any defects. Tr. 49, 51.

11. There were no leaks or signs of theft or tampering at the service address discovered during the usage discrepancy investigation that would contribute to the usage at the address. Tr. 50; PGW Exhibit 5, pp. 3-4.

12. Mr. Euclid's January 8, March 7, April 6, June 6, and July 8, 2025, gas bills are as follows:

| Billing date | Due Date | CCF Usage | Past due charges | Current charges | Total Billing amount |
|-----------------|------------------|-----------|------------------|-----------------|----------------------|
| January 8, 2025 | February 4, 2025 | 83 | \$55.36 | \$135.53 | \$190.89 |
| March 7, 2025 | April 1, 2025 | 28 | \$82.31 | \$58.62 | \$140.93 |
| April 6, 2025 | April 30, 2025 | 18 | \$140.93 | \$50.70 | \$191.63 |
| June 6, 2025 | July 1, 2025 | 14 | \$40.68 | \$40.36 | \$81.04 |
| July 8, 2025 | July 31, 2025 | 6 | \$81.04 | \$27.48 | \$108.52 |

Complainant Exhibit 1; Updated PGW Exhibit 4, p. 3.

13. Mr. Euclid’s March 6, April 5, June 5, and July 4, 2024, gas bills are as follows:

| Billing date | Due Date | CCF Usage | Past due charges | Current charges | Total Billing amount |
|---------------|----------------|-----------|------------------|-----------------|----------------------|
| March 6, 2024 | April 1, 2024 | 8 | \$432.27 | \$28.92 | \$461.19 |
| April 5, 2024 | April 30, 2024 | 7 | \$265.01 | \$27.49 | \$292.50 |
| June 5, 2024 | June 28, 2024 | 5 | \$0 | \$24.60 | \$24.60 |
| July 4, 2024 | July 29, 2024 | 4 | \$0 | \$22.96 | \$22.96 |

PGW Exhibit 4, p. 2.

14. On June 16, 2025, Mr. Euclid’s meter was removed for testing. Tr. 27-28; PGW Exhibit 6, p. 1.

15. After testing, Mr. Euclid’s meter was found to be running 0.9% fast. PGW Exhibit 6, p. 2.

DISCUSSION

Legal Standards

As a matter of law, to establish a legally sufficient claim, 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 (1990). The offense must also 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.

Section 332(a) of the Public Utility Code (“Code”) provides that a complainant, as the party seeking affirmative relief from the Commission, has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

Additionally, this Commission's decision must be supported by substantial evidence in the record. 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); *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 complainant's evidence, the burden of going forward with the evidence shifts back to complainant, who must rebut the utility's evidence with some additional 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 a complainant. *Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983). As the party seeking relief from the Commission, Mr. Euclid bears the burden of proof in this case.

Where a complainant alleges overbilling by their utility provider, the Commission utilizes the Waldron rule. *See Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98

(1980) (*Waldron*). *Waldron* and its progeny hold that to establish a *prima facie* case of overbilling, complainant must prove, by a preponderance of the evidence that: (1) the number of occupants in the household has not changed; (2) the potential for energy utilization was low; and (3) the complainant's billing history shows no prior abnormalities. *Waldron; Replogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980).

The Commonwealth Court of Pennsylvania clarified the *Waldron* rule in *Milkie*, holding:

While the rule is often explained by stating that the ratepayer must establish certain specific elements in order to make out a *prima facie* case of overbilling by a utility company, we believe this view is too restrictive. Rather, the controlling principle is that even where the utility can present evidence that it has tested the customer's meter and found it to be accurate, the customer may, nonetheless, prove his case by circumstantial evidence which would support a finding that the metered usage exceeded the actual usage. Thus, as our Supreme Court has explained, the rule operates as a device by which the complainant is protected from dismissal because of his inability to marshal direct proof that his meter had malfunctioned.

Milkie, 768 A.2d at 1219-20 (citing *Burleson*, 461 A.2d at 1235). (Emphasis in original). In *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011) (*Thomas*), the Commission contemplated the types of evidence that might establish a *prima facie* case pursuant to *Waldron*:

[C]onsistent with our holding in *Charisse Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Order entered October 13, 2010), the *Waldron* Rule allows a complainant to establish a *prima facie* case in a "high bill" Complaint by showing that the disputed bill is abnormally high when compared to prior usage patterns and his or her pattern of usage has not changed or by providing other relevant evidence

showing that the disputed bill is unreasonably high. In evaluating a “high bill” Complaint, the Commission may consider such evidence as “the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), and any other relevant facts or circumstances that come to light during the proceeding.”

Thomas at 5 (citing *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 at 6 (Opinion and Order entered Oct. 13, 2010)).

Regarding the accuracy of a customer’s meter, the “tolerance standard” established by the Commission's Regulations at 52 Pa. Code § 59.22(a) states, in relevant part, that:

§ 59.22. Adjustment of bills for meter error.

(a) *Fast meters.* If, upon test of a meter, it is found to have an average error of more than 2.0% fast, the public utility shall refund to or credit the customer for the overcharge, based upon what the meter would have registered had it not been fast or slow for a period equal to 1/2 the time elapsed since the last previous test, but not to exceed 12 months or 1/2 the period of occupancy of the premises by the customer, whichever is less. If the period of registration error may be definitely fixed, the overcharge shall be computed for the period. If the meter has not been tested under § 59.21 (relating to meter tests), the period for which it has been in service beyond the regular test period shall be included in computing the refund.

52 Pa. Code § 59.22(a).

Additionally, public utilities are required to render a bill to its customers every billing period. Section 56.11 of the Commission’s regulations provides:

§ 56.11. Billing frequency.

(a) A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

52 Pa. Code § 56.11(a).

Analysis

Overbilling

In this matter, Mr. Euclid alleged that his January 8, March 7, April 6, June 6, and July 8, 2025, bills were too high. Tr. 19. Mr. Euclid testified that he lives by himself in a townhome with a gas stove, a water heater, and a house heater. Tr. 16-17, 19-20. Mr. Euclid testified that only half of his stove works, that his water heater is tankless, and that he does not use the gas house heater to heat his home. *Id.* Mr. Euclid sponsored one exhibit that was admitted into the record as Complainant Exhibit 1, which is a collection of the bills at issue in this matter.

PGW presented the testimony of Jessica Antonetti, a senior customer review officer employed by PGW. Tr. 23. Ms. Antonetti sponsored several exhibits that were admitted into the record, including Mr. Euclid’s statement of account as PGW Exhibit 4 and Updated PGW Exhibit 4, p. 3. The five bills at issue in this matter are reproduced in the table below:

| Billing date | Due Date | CCF Usage | Past due charges | Current charges | Total Billing amount |
|-----------------|------------------|-----------|------------------|-----------------|----------------------|
| January 8, 2025 | February 4, 2025 | 83 | \$55.36 | \$135.53 | \$190.89 |
| March 7, 2025 | April 1, 2025 | 28 | \$82.31 | \$58.62 | \$140.93 |

| | | | | | |
|---------------|----------------|----|----------|---------|----------|
| April 6, 2025 | April 30, 2025 | 18 | \$140.93 | \$50.70 | \$191.63 |
| June 6, 2025 | July 1, 2025 | 14 | \$40.68 | \$40.36 | \$81.04 |
| July 8, 2025 | July 31, 2025 | 6 | \$81.04 | \$27.48 | \$108.52 |

Complainant Exhibit 1; Updated PGW Exhibit 4, p. 3.

Mr. Euclid's bills from the same time period in 2024 are reproduced in the table below:

| Billing date | Due Date | CCF Usage | Past due charges | Current charges | Total Billing amount |
|---------------|----------------|-----------|------------------|-----------------|----------------------|
| March 6, 2024 | April 1, 2024 | 8 | \$432.27 | \$28.92 | \$461.19 |
| April 5, 2024 | April 30, 2024 | 7 | \$265.01 | \$27.49 | \$292.50 |
| June 5, 2024 | June 28, 2024 | 5 | \$0 | \$24.60 | \$24.60 |
| July 4, 2024 | July 29, 2024 | 4 | \$0 | \$22.96 | \$22.96 |

PGW Exhibit 4, p. 2.¹

Ms. Antonetti testified that Mr. Euclid filed a high bill dispute with PGW on February 13, 2025, and as a result, PGW performed an analysis of the gas usage of Mr. Euclid's home. Tr. 28-29; PGW Exhibit 2, p. 1. PGW's investigation concluded that the balance being disputed by Mr. Euclid was based on actual meter readings and that his usage pattern is consistent with his prior historical consumption. *Id.* Ms. Antonetti also testified that Mr. Euclid's meter was removed for testing on June 16, 2025, and that the meter was found to be running 0.9% fast. Tr. 27-28; PGW Exhibit 6.

¹ Mr. Euclid did not establish gas service in his name until January 23, 2024. Tr. 26.

PGW additionally presented the testimony of Jason Holder, a field service worker employed by PGW. Tr. 45. Mr. Holder testified that on March 27, 2025, he performed a usage discrepancy investigation at the service address where he took inventory of the gas appliances at the address and how much gas each appliance could use. Tr. 47; PGW Exhibit 5. The gas appliances at the service address were a 60,000 BTU heater, a 56,000 BTU range, and a 118,000 BTU water heater. PGW Exhibit 5, p. 2. Mr. Holder testified that all three gas appliances were operational and did not notice any defects with the heater. Tr. 49, 51. Furthermore, Mr. Holder testified that there were no leaks or signs of theft or tampering at the service address that would contribute to the usage at the address. Tr. 50; PGW Exhibit 5, pp. 3-4.

After reviewing the evidence presented in this matter, I find that Mr. Euclid failed to meet his burden of proof that he has been overbilled by PGW. Certainly, gas usage increased at the service address in 2025, as compared to the same months in 2024, as can be seen in the tables below.

| Billing date | Due Date | CCF Usage |
|---------------|----------------|-----------|
| March 7, 2025 | April 1, 2025 | 28 |
| April 6, 2025 | April 30, 2025 | 18 |
| June 6, 2025 | July 1, 2025 | 14 |
| July 8, 2025 | July 31, 2025 | 6 |

| Billing date | Due Date | CCF Usage |
|---------------|----------------|-----------|
| March 6, 2024 | April 1, 2024 | 8 |
| April 5, 2024 | April 30, 2024 | 7 |
| June 5, 2024 | June 28, 2024 | 5 |
| July 4, 2024 | July 29, 2024 | 4 |

Mr. Euclid argued that the potential for gas utilization at the service address was low, given the defects in his stove and water heater, and that he does not use his gas house heater. However, this evidence was rebutted by the evidence presented by PGW through its witness Mr. Holder who performed a usage discrepancy investigation at the service address and found that there were no defects in the gas appliances at the service address. Mr. Euclid did not provide evidence sufficient to support a finding that the gas appliances at the service address were not capable of using the metered usage.

Further, PGW presented evidence that demonstrates that Mr. Euclid's gas meter was tested and accurate. Specifically, Mr. Euclid's meter tested 0.9% fast, which is within the 2% tolerance threshold set forth in the Commissions regulations at 52 Pa. Code § 59.22(a). The fact that Mr. Euclid's meter was tested and found to be accurate within the Commission's regulations, and the fact that Mr. Euclid's bills were based on actual meter readings, supports a finding that Mr. Euclid was not overbilled by PGW.

Additionally, I note that Mr. Euclid does not always pay his gas bills in full and on time. The bills that Mr. Euclid has challenged in this proceeding all have a past due balance, which contributes to the size of the total billing amount of the bills in question.

Ultimately, Mr. Euclid failed to provide circumstantial evidence that would support a finding that the metered usage exceeded the actual usage. Therefore, I find that Mr. Euclid failed to meet his burden of proof regarding this issue.

Billing frequency

Lastly, Mr. Euclid also complained of being billed twice in the months of April and July 2025. Tr. 14-15. Review of the evidence shows that Mr. Euclid received

bills on March 7, 2025, and April 6, 2025, with due dates of April 1, 2025, and April 30, 2025, respectively. Complainant Exhibit 1; Updated PGW Exhibit 4, p. 3. Mr. Euclid also received bills on June 6, 2025, and July 8, 2025, with due dates of July 1, 2025, and July 30, 2025, respectively. *Id.* As PGW rendered Mr. Euclid one bill in April 2025 and one bill in July 2025, Mr. Euclid failed to show that PGW violated the Commission's regulations at 52 Pa. Code § 56.11(a), which requires PGW to render a bill once every billing period. Therefore, I find that Mr. Euclid failed to meet his burden of proof regarding this issue.

Conclusion

In conclusion, Mr. Euclid failed to meet his burden of proving PGW overbilled him, or that it billed him twice in the months of April and July 2025. Accordingly, the Complaint will be dismissed in the Ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.
2. As the proponent of a rule or order, Complainant has the burden of proof in this matter. 66 Pa.C.S. § 332(a).
3. To establish a sufficient case and satisfy the burden of proof, the Complainant must show that Respondent is responsible or accountable for the problem described in the Complaint by a preponderance of the evidence. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

4. A preponderance of the evidence is 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).

5. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. 2 Pa.C.S. § 704.

6. Where a complainant alleges overbilling by their utility provider, the Commission utilizes the Waldron rule which holds that to establish a *prima facie* case of overbilling, complainant must prove, by a preponderance of the evidence that: (1) the number of occupants in the household has not changed; (2) the potential for energy utilization was low; and (3) the complainant's billing history shows no prior abnormalities. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980).

7. In evaluating a "high bill" Complaint, the Commission may consider such evidence as "the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), and any other relevant facts or circumstances that come to light during the proceeding." *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011).

8. If, upon test of a meter, it is found to have an average error of more than 2.0% fast, the public utility shall refund to or credit the customer for the overcharge, based upon what the meter would have registered had it not been fast or slow for a period equal to 1/2 the time elapsed since the last previous test, but not to exceed 12 months or 1/2 the period of occupancy of the premises by the customer, whichever is less. If the period of registration error may be definitely fixed, the overcharge shall be computed for the period. If the meter has not been tested under § 59.21 (relating to meter tests), the

period for which it has been in service beyond the regular test period shall be included in computing the refund. 52 Pa. Code § 59.22(a).

9. A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules. 52 Pa. Code § 56.11(a).

10. Complainant has not met his burden of proving that he has been overbilled by PGW, or that he was billed twice in the months of April and July 2025. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Nathaniel Euclid in the matter of Nathaniel Euclid v. Philadelphia Gas Works, Docket No. C-2025-3053882, is dismissed.

2. That the Secretary's Bureau shall mark Docket No. C-2025-3053882 as closed.

Date: December 4, 2025

/s/
Alphonso Arnold III
Administrative Law Judge