



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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December 4, 2025

**VIA ELECTRONIC FILING**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Steve Frempong v. Philadelphia Gas Works; Docket No. C-2025-3052754

Dear Secretary Homsher:

Enclosed for electronic filing please find Philadelphia Gas Works' Reply Exceptions in the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*/s/ Tracy Tripp*

Tracy Tripp, Esquire

Enclosure

cc: Cert. of Service [w/enc.]



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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Reply Exceptions upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**VIA FIRST CLASS MAIL**

Steve Frempong  
920 E. Price Street  
Philadelphia, PA 19138

Date: December 4, 2025

*/s/ Tracy Tripp*

Tracy Tripp, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                         |   |                           |
|-------------------------|---|---------------------------|
| Steve Frempong,         | : |                           |
| Complainant,            | : |                           |
| v.                      | : | Docket No. C-2025-3052754 |
|                         | : |                           |
| Philadelphia Gas Works, | : |                           |
| Respondent.             | : |                           |

**PHILADELPHIA GAS WORKS’  
REPLY TO COMPLAINANT’S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535 the Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits the following Reply to the Exceptions filed by Steve Frempong (“Complainant”) to the Initial Decision in this matter issued on September 19, 2025 (“Initial Decision”).

**I. INTRODUCTION**

On December 30, 2024, Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) against PGW wherein he alleged incorrect charges on his bill and a defective meter. (“Complaint”).

On January 22, 2025, PGW filed an Answer wherein it denied there were incorrect charges on Complainant’s bill and averred the meter, which was tested, functioned properly. PGW asked that the Complaint be dismissed.

An Initial Call-In Telephonic Hearing was scheduled for March 28, 2025 before Administrative Law Judge Eranda Vero, but was continued until May 21, 2025 at the Complainant’s request.

On May 21, 2025, the hearing convened as scheduled. Both parties were in attendance and presented evidence. The record closed on June 18, 2025.

On September 19, 2025, Judge Vero issued the Initial Decision wherein she dismissed the Complaint.

On October 8, 2025, Complainant filed a request for an extension of time to file Exceptions to the Initial Decision.

On October 9, 2025, that request was granted via Secretarial Letter, and Complainant was given until October 19, 2025 to file exceptions.

On October 24, 2025 well after the extended deadline, Complainant filed Exceptions. The filing included a spurious Certificate of Service indicating first-class service to PGW Senior Attorney Anita Murray. Neither Ms. Murray nor counsel of record for PGW received any service

in any capacity, but were alerted by the Secretary's Bureau that Complainant had filed Exceptions and that they would accept them. PGW's reply follows.

## **II. COMPLAINANT'S EXCEPTIONS AND PGW'S REPLY**

### **Exception**

Complainant's exception argues that the ALJ should have found a *prima facie* case of overbilling under the *Waldron* rule.

### **Reply**

Complainant's exception fails to demonstrate that the Initial Decision is unsupported by substantial evidence or contains any error of law. The ALJ's discussion of Complainant's high bill dispute meticulously cites and applies *Waldron*. *See* ID at pp. 9-11. It also directly addresses the limited historical usage by Complainant at this Service Address to determine if there were bill abnormalities year-over-year. *See* ID at p.14.

Tellingly, Complainant avers in his exception that May through October of 2024 were "stable" and cites January to February 2025 as "spiked". Exception No. 1 at n.2. However, he filed the Complaint in December of 2024, questioning the bills he now describes as stable. He also ignores the fact that, without a full year's historical usage at this property, it is impossible to know what usage during the winter truly looks like for his family unit. Common sense suggests more hot meals and beverages are prepared in November through January than during warmer months, even without factoring in any holiday celebrations.

The ALJ's decision does take the two overlapping months available – March and April – and engages in a year-over-year comparison, arriving at the justified conclusion that there are no manifest usage discrepancies. *See* ID at p.14. There is no evidence to sustain Complainant's allegations or exception.

### **Exception**

Complaint's Exception No. 2 argues that the ALJ erred in not shifting the burden of production to PGW to explain Complainant's gas usage.

### **Reply**

Complainant's exception fails to demonstrate that the Initial Decision is unsupported by substantial evidence or contains any error of law. This exception is predicated upon Complaint's own assertion that there was a *prima facie* case established under the *Waldron* rule of unusual usage. As explained above, the ALJ correctly held that the Complainant does not prevail under

*Waldron.*

It is clear from the Discussion in the Initial Decision that the ALJ did not err in her application of the burden-shifting framework, either as applied generally in PUC complaints, or specifically in high-bill disputes. The Complainant misstates the burden shifting framework by alleging that he was “required to meet the ultimate burden of persuasion... before the **burden of going forward** had shifted to PGW to provide a technical explanation for the abnormal consumption.” Exception No. 2 at n.1. (emphasis in original).

While the burden of production may shift to the utility *if* a legally sufficient case is initially presented by a complainant, this Exception operates under the Complainant's contention that there was “abnormal consumption” in the first place. Regardless, there is no case law or regulation requiring that utility to specifically produce a “technical explanation” to rebut complainant’s case. Once any co-equal evidence has been presented, the “burden of going forward” again shifts to the Complainant. And the ultimate burden of persuasion never leaves the Complainant. *See Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa. Cmwlth. 2001). The ALJ’s decision outlines this clearly and correctly. ID at p. 8-9.

Far from never shifting the burden of production, the ALJ specifically required PGW to submit additional exhibits regarding meter calibration in response to both Complainant’s cross-examination and her own inquiries. By reviewing PGW’s compliance with new-meter calibration regulations, the ALJ took meaningful steps to *not* base her decision regarding meter accuracy solely on the meter test provided, and correctly pointed out similarities in Complainant’s recorded usage on two separate meters. The evidence provided by PGW is more than sufficient to balance what sparse testimonial evidence regarding usage was provided by the Complainant and ultimately tip the balance of persuasion towards Respondent.

### III. CONCLUSION

WHEREFORE, PGW respectfully requests that this Commission deny Complainant's exceptions and adopt the Initial Decision.

Respectfully submitted,

*/s/ Tracy Tripp*

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Date: December 4, 2025

Counsel for PGW