

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                                  |   |                |
|----------------------------------|---|----------------|
| Harry Bolton                     | : |                |
|                                  | : |                |
| v.                               | : | C-2025-3056283 |
|                                  | : |                |
| Peoples Natural Gas Company, LLC | : |                |

**INITIAL DECISION**

Before  
Emily I. DeVoe  
Administrative Law Judge

**INTRODUCTION**

This decision dismisses the Formal Complaint due to Complainant failing to meet the burden of proof that the Company violated its tariff, a law which the Commission has the authority to administer, or any regulation or order of the Commission.

**HISTORY OF THE PROCEEDING**

On July 10, 2025, Harry Bolton (Complainant or Mr. Bolton) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Peoples Natural Gas Company, LLC (Respondent, Company, or Peoples). On the Complaint, Mr. Bolton checked the box indicating he wanted a payment arrangement (PAR), as well as the “other” box averring that “the price of gas has gone up by \$38.00” for no reason, and the Company is improperly charging

customers due to the Company's alleged "mishandling." Complaint ¶ 4. As relief, Mr. Bolton requests his monthly bill be set at \$131.65. Complaint ¶ 5. Regarding service by the Commission, Complainant selected the option to receive all communications from the Commission via First-Class Mail, checking the box next to this option. Complaint ¶ 9.

On August 6, 2025, Respondent filed the Answer in which it admitted Complainant's monthly budget amount recently increased from \$169.65 to \$180.65 and explained that the increase was due to the Company's quarterly review of Complainant's usage. Peoples averred the monthly budget increase was due to increased usage from Mr. Bolton as well as increased costs of natural gas purchased by Peoples.

On August 19, 2025, the Commission issued an Initial Telephonic Hearing Notice assigning this matter to me and scheduling an initial telephonic hearing on October 9, 2025. The Hearing Notice provided the parties with the Toll-Free Bridge Number and the PIN to call and explained how to participate in the telephonic hearing.

On August 21, 2025, I issued a Prehearing Order which reminded the parties of the date and time of the hearing, and informed the parties about the applicable procedural rules, including the procedure to follow for hearing continuances.

On October 9, 2025, the hearing convened as scheduled. Administrative Law Judge Jeffrey Watson presided due to my unavailability on the date of the hearing. Complainant appeared *pro se*, and Respondent appeared represented by Jennifer Petrisek, Esquire. Complainant testified on his own behalf and offered no exhibits. Attorney Petrisek presented the testimony of one witness, Yvonne Zentz, Customer Relations Compliance Specialist, and sponsored one exhibit, which was marked as Peoples Exhibit A, and admitted into evidence.

The record closed at the conclusion of the hearing. 52 Pa. Code § 5.431(a).

The transcript was filed on October 30, 2025, and consists of 53 pages.

This matter is now ripe for adjudication.

### FINDINGS OF FACT

1. Complainant, Harry Bolton, resides at 318 Johnston Avenue, Pittsburgh, PA (service location). Tr. 15.
2. Respondent, Peoples Natural Gas Company, LLC, is a jurisdictional public utility and provides gas service to the service location. Tr. 18.
3. Complainant has been enrolled in the Company's budget billing program since at least July 2023. Tr. 44-45; Peoples Ex. 1.
4. Budget billing is an option customers can choose to make it easier to pay their bills so they do not face high bills in the winter and low bills in the summer. Tr. 45.
5. A customer's monthly budget amount is calculated quarterly and reflects an average of the last 12 months of usage and the current cost of gas, plus the current delivery charge. Tr. 45.
6. Complainant's monthly budget amount has fluctuated over time due to changes in usage and changes to the commodity and delivery rates. Tr. 45-46.
7. The fluctuations in Complainant's monthly budget amount are consistent with Peoples' other customers who are enrolled in budget billing. Tr. 45-46.

8. As of January 24, 2025, Complainant's monthly budget amount was \$131.65. Tr. 19; Peoples Ex. 1.

9. On April 23, 2025, Complainant's monthly budget amount increased to \$169.65. Tr. 20; Peoples Ex. 1.

10. On August 15, 2025, Complainant's monthly budget increased to \$180.65. Tr. 20; Peoples Ex. 1.

11. Complainant generally pays his gas bill by writing a check and mailing it in to Peoples. Tr. 25.

12. Complainant pays his gas bill on time and in full by the due date and has never had a late payment on his account. Tr. 42.

13. On or about July 2025, Complainant mailed a check to Peoples to pay his gas bill, and when he called Peoples to confirm receipt, he was told it had not been received as of the time of his call. Tr. 16, 23.

14. The payment Complainant called about was posted to his account by the due date. Tr. 23, 42.

## DISCUSSION

### Legal Standards

Section 701 of the Public Utility Code (Code) provides that any person may complain, in writing, about any act or thing done or not done by a public utility which

violates any laws which the Commission has the authority to administer, or any regulation or order of the Commission. 66 Pa.C.S. § 701. A person who wants the Commission to do something to resolve their complaint has the burden of proof. 66 Pa.C.S. § 332(a).

As the party seeking affirmative relief from the Commission, a complainant 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). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint to prevail and that the offense is a violation of the Public Utility Code, the Commission's regulations, or order. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. P.U.C. 196 (1990); 66 Pa.C.S. § 701.

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 customer shifts to the company. If the evidence presented by the company is of co-equal value or "weight," the burden of proof has not been satisfied. The complainant now must provide some additional evidence to rebut that of the company. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982). While the burden of going forward with the evidence 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).

Additionally, any decision of the Commission must be supported by substantial evidence in the record; more is required than a mere trace of evidence or a

suspicion of the existence of a fact sought to be established. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980).

A utility's Commission-approved tariff is *prima facie* reasonable, but a complainant may later challenge the tariff by establishing that the facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981) (*Brockway*).

Pursuant to Section 1501 of the Code, all public utilities have a duty to maintain "adequate, efficient, safe, and reasonable service and facilities" and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501 (Section 1501). Section 1501 provides, in pertinent part, as follows:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S. § 1501.

### Discussion

As an initial matter, I note that while Mr. Bolton checked the box on the Complaint form indicating he was seeking a payment arrangement, he presented no evidence on this claim. Therefore, this claim is dismissed.

His other claims, as clarified at the hearing, are essentially: (1) his monthly budget bill increased and (2) Peoples told him that it had not received a check when he called to confirm receipt on or about July 2025. Peoples does not dispute these two claims. Mr. Bolton bears the burden, however, to show that these actions constitute a violation of Peoples' tariff, a law which the Commission has the authority to administer, or any regulation or order of the Commission. 66 Pa.C.S. § 701.

Regarding the claim that his monthly budget bill increased, Mr. Bolton testified that his monthly budget amount increased from about \$130.00 to \$169.00 and then increased again to \$180.00. Tr. 20. He did not present any testimony or other evidence to show that these amounts were not accurately calculated. Rather, he questioned whether the increases would "be a permanent deal." Tr. 20.

In response to Mr. Bolton's testimony, Ms. Zentz testified that Peoples recalculates the monthly budget amount for customers enrolled in budget billing every quarter. Tr. 45. She testified that the increases in Mr. Bolton's monthly budget were correctly calculated and reflected increases in his usage as well as Commission-approved rates. Tr. 46.

Mr. Bolton did not meet his burden of proof regarding this claim. He presented no evidence to show that Peoples incorrectly calculated his monthly budget amount. The fact that his monthly budget increased does not necessarily mean that it was increased *incorrectly*. Ms. Zentz testified that the budget amount was calculated based on Mr. Bolton's actual usage, which had increased, as well as increases in Peoples' Commission-approved rates; Mr. Bolton did not present any evidence to dispute this testimony. Commission-approved tariffs are *prima facie* reasonable and Mr. Bolton provided no evidence to suggest that circumstances had changed such that the application of Peoples' tariff is no longer reasonable.

Regarding his claim that Peoples told him it has not yet received his check when he called to confirm receipt, Mr. Bolton testified that the post office has lost checks he mailed in the past, so he calls to confirm if his checks have been received. Tr. 16, 27. He testified that when he called to confirm receipt of the check for his gas bill, he was told that Peoples had not yet received it. Tr. 16. He also admitted that Peoples posted the payment by the due date. Tr. 23.

In response, Ms. Zentz testified that Mr. Bolton pays his bill on time and in full and has never had a late payment on his account. Tr. 42. She explained that customer checks sent to Peoples are sent to a banking payment processing center where the checks are cleared and payments are posted to customer accounts. Tr. 43. She testified that Peoples' employees do not actually process the checks. *Id.* She explained that when Mr. Bolton initially called to confirm receipt of the check, it had not yet been received, but it was subsequently processed and the payment was posted to his account by the due date. *Id.*

Mr. Bolton did not meet his burden of proof regarding this claim. While the Code requires utilities to provide reasonable service to its customers, there is no evidence that Peoples acted unreasonably by telling Mr. Bolton it had not received his check when it *in fact* had not received it, or by processing his check and posting his payment to his account by the due date. While Mr. Bolton may be frustrated with the United States Postal Service for allegedly losing checks he sends through the mail, this cannot reasonably be blamed on Peoples.

Peoples is entitled to receive payment for the gas service it provides to Mr. Bolton. *Kea v. Peoples Nat. Gas Co.*, 60 Pa.P.U.C. 215 (1985); *Mill*. As such, Peoples is correct to bill Mr. Bolton consistent with its tariffed rates and budget bill recalculation procedures and to require him to pay for the gas service supplied to his residence. *Neal v.*

*Phila. Gas Works*, Docket No. Z-00871874 (Final Order entered Jan. 4, 2002); *Angie's Bar v. Duq. Light Co.*, 72 Pa.P.U.C. 213 (1990).

In conclusion, Complainant has failed to meet his burden of proof and the Complaint must be dismissed.

As a final matter, I note that based on Mr. Bolton's representations of his income level at the hearing, Ms. Zentz believes he may be eligible for grant money from the Dollar Energy Fund beginning in March 2026. Tr. 46-47. I encourage Mr. Bolton to contact either the Company or the Dollar Energy Fund to determine whether he is eligible for any low-income programs to assist with payment of his gas bill.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.
2. Any person may complain, in writing, about any act or thing done or not done by a public utility which violates any laws which the Commission has the authority to administer, or any regulation or order of the Commission. 66 Pa.C.S. § 701.
3. As the party seeking affirmative relief from the Commission, a complainant 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).
4. A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Selling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

5. As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint to prevail and that the offense is a violation of the Public Utility Code, the Commission's regulations, or a Commission order. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. P.U.C. 196 (1990); 66 Pa.C.S. § 701.

6. 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 customer shifts to the company. If the evidence presented by the company is of co-equal value or "weight," the burden of proof has not been satisfied. The complainant now must provide some additional evidence to rebut that of the company. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

7. While the burden of going forward with the evidence 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).

8. Any decision of the Commission must be supported by substantial evidence in the record; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980).

9. A utility's Commission-approved tariff is *prima facie* reasonable, but a complainant may later challenge the tariff by establishing that the facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981) (*Brockway*).

