

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Public Meeting held December 18, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Kathryn L. Zerfuss  
John F. Coleman, Jr.  
Ralph V. Yanora

DaJuan Ruff-Kelly

F-2025-3055087

v.

Philadelphia Gas Works

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a letter filed with the Commission by DaJuan Ruff-Kelly on October 16, 2025, seeking: (1) the withdrawal of a Formal Complaint (Complaint) originally filed on May 5, 2025, against Philadelphia Gas Works (PGW),<sup>1</sup> and (2) the confidential treatment and removal from public access of Mr. Ruff-Kelly's information.<sup>2</sup>

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<sup>1</sup> The Complaint was filed by Mr. Ruff-Kelly on behalf of Know Finish LLC.

<sup>2</sup> Pursuant to 52 Pa. Code § 1.2, we shall deem this letter to be a Petition to Withdraw (Petition).

The Initial Decision (I.D.) of Administrative Law Judge Alphonso Arnold III (ALJ) was issued on October 10, 2025, in the above-captioned matter, dismissing the Complaint for Mr. Ruff-Kelly's failure to comply with an Interim Order of the ALJ to have an attorney enter an appearance on behalf of Know Finish LLC. No Exceptions were filed. Therefore, the ALJ's Initial Decision shall become final by operation of law without further Commission action,<sup>3</sup> and the Complaint will be dismissed without prejudice, consistent with this Opinion and Order. In addition, we shall deny the Petition as moot.

### **I. History of Proceeding**

On May 5, 2025, Mr. Ruff-Kelly filed the Complaint,<sup>4</sup> alleging that PGW overcharged for extra gas usage and improperly removed a payment from his account. As relief, Mr. Ruff-Kelly requested that PGW stop charging for extra usage. On the Complaint form, Mr. Ruff-Kelly indicated that the Complaint concerned utility service provided to Know Finish LLC. Mr. Ruff-Kelly neither stated that he was an attorney on the Complaint form, nor did he list an attorney at Paragraph No. 10 of the Complaint form, titled "Legal Representation." Complaint at 1-3, 7.

PGW filed an Answer to the Complaint on June 3, 2025, in which it admitted, in part, and denied, in part, the material allegations of the Complaint. PGW denied that it was charging for extra gas usage at the service address. PGW further asserted that gas service at the service address was established under Know Finish LLC. Answer at 1.

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<sup>3</sup> See Section 332(h) of the Public Utility Code (Code), 66 Pa. C.S. § 332(h), *infra*.

<sup>4</sup> The Complaint is a timely appeal from the informal decision of the Commission's Bureau of Consumer Services (BCS), issued on May 2, 2025, at BCS No. 4049066. Appeal of a BCS informal decision is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On June 5, 2025, a Hearing Notice was issued to the Parties, scheduling this matter for an evidentiary hearing on July 18, 2025. Subsequently, on June 6, 2025, the ALJ's Prehearing Order was issued, which explained the procedural rules that would govern the evidentiary hearing. Both the Hearing Notice and the Prehearing Order explained, *inter alia*, that a limited liability company must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. See June 5, 2025, Initial Call-In Telephonic Hearing Notice; June 6, 2025, Prehearing Order. Also, on June 6, 2025, the ALJ's Interim Order #1 was issued, which directed Mr. Ruff-Kelly to have an attorney enter an appearance on behalf of Know Finish LLC on or before July 8, 2025. See June 6, 2025, Interim Order #1.

On July 9, 2025, the evidentiary hearing scheduled for July 18, 2025, was cancelled, and the evidentiary record in this proceeding was closed. I.D. at 3.

Following the closing of the record, Mr. Ruff-Kelly submitted a small business request for mediation form to the Commission's Mediation Unit, to which PGW did not object. I.D. at 3.

The evidentiary record was reopened on July 23, 2025, and this matter was referred to the Commission's Mediation Unit for mediation review. Mediation of this matter was unsuccessful, and the matter was returned to the ALJ on September 18, 2025. I.D. at 3-4.

On September 24, 2025, the evidentiary record in this proceeding was again closed. I.D. at 4.

As noted, *supra*, in the Initial Decision issued on October 10, 2025, the ALJ dismissed the Complaint due to Mr. Ruff-Kelly's failure to comply with the ALJ's

Interim Order to have an attorney enter an appearance on behalf of Know Finish LLC. I.D. at 1, 11. No Exceptions to the Initial Decision were filed.

As further noted, *supra*, Mr. Ruff-Kelly submitted the Petition, seeking the withdrawal of the Complaint and the confidential treatment and removal from public access of Mr. Ruff-Kelly's information. Petition at 1.<sup>5</sup>

On November 19, 2025, PGW filed a letter stating that it had no objection to the Petition. PGW Answer to Petition at 1.

## **II. Discussion**

### **A. Legal Standards**

#### **1. Burden of Proof**

As the proponent of a rule or order, a complainant bears the burden of proof to establish that he or she is entitled to the relief being sought pursuant to Section 332(a) of the Code, 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, a complainant must show that the respondent is responsible or accountable for the problem described in the complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 602 A.2d 863 (Pa. 1992). That is, a complainant's evidence must be more convincing, by even the smallest amount, than that presented by the respondent. *Se-Ling*

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<sup>5</sup> Due to Mr. Ruff-Kelly's failure to provide service on all the Parties of record to the case, the Commission's Secretary issued a Secretarial Letter on November 19, 2025, serving the Parties with the Petition and providing ten days for PGW to file an Answer to the Petition.

*Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, this Commission’s decision 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. *Norfolk & Western Ry. Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980).

**B. Initial Decision**

The ALJ made seventeen (17) Findings of Fact and reached ten (10) Conclusions of Law. I.D. at 4-6; 9-11. The Findings of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

In the Initial Decision, the ALJ dismissed the Complaint due to Mr. Ruff-Kelly’s failure to comply with the ALJ’s Interim Order to have an attorney enter an appearance on behalf of Know Finish LLC. The ALJ explained that Mr. Ruff-Kelly filed the Complaint, which raised overcharging allegations regarding gas service provided to Know Finish LLC. Further, the ALJ stated that, once the Answer was filed, this proceeding became an “adversarial proceeding” pursuant to 52 Pa. Code § 1.8. The ALJ concluded that, inasmuch as Know Finish LLC is a limited liability company, it must be represented by an attorney in this proceeding. The ALJ determined that Know Finish LLC is unrepresented in this adversarial proceeding because Mr. Ruff-Kelly neither indicated in the Complaint that he was an attorney licensed to practice law in Pennsylvania, nor did he identify an attorney at Paragraph No. 10 of the Complaint form. Also, the ALJ highlighted that no attorney has entered their appearance in this proceeding on behalf of Know Finish LLC. I.D. at 8-9.

The ALJ informed Mr. Ruff-Kelly of the Commission’s attorney representation requirements in the Hearing Notice issued on June 5, 2025, and in the Prehearing Order issued on June 6, 2025, for which service of each of these documents

was presumed to be received because they were not returned to the Commission as undeliverable. I.D. at 9 (citations omitted). Also, on June 6, 2025, the ALJ separately issued an Interim Order ordering Mr. Ruff-Kelly to have an attorney enter an appearance on behalf of Know Finish LLC in this proceeding. The ALJ explained that Mr. Ruff-Kelly failed to comply with this Interim Order, as no attorney entered an appearance in this proceeding on behalf of Know Finish LLC by the deadline of July 8, 2025. As the failure to comply with an order of a presiding officer warrants dismissal of a complaint, the ALJ dismissed the Complaint filed in this matter. I.D. at 9.<sup>6</sup>

### C. Mr. Ruff-Kelly's Petition and PGW's Answer

As discussed, *supra*, Mr. Ruff-Kelly submitted a letter seeking the withdrawal of the Complaint and confidential treatment and removal from public access of his information.<sup>7</sup> Mr. Ruff-Kelly's letter, in its entirety, specifically stated:

This is my petition to withdrawal[sic] and [sic] would like my information to be confidential. I want it to be removed from public access.

Petition at 1.

PGW does not object to the Petition. PGW Answer to Petition at 1.

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<sup>6</sup> As noted, *supra*, no Exceptions were filed in this matter.

<sup>7</sup> The Commission commonly grants petitions to withdraw filed by non-attorneys on behalf of LLCs. *See, generally, Fink Florist c/o Lori Sabatini v. Hudson Energy Services LLC*, Docket No. F-2025-3054011 (Final Order entered September 18, 2025); *Bobby Malafee v. Philadelphia Gas Works*, Docket No. C-2022-3037213 (Final Order entered July 27, 2023); *Chad Warhold v. Peoples Natural Gas Company LLC*, Docket No. C-2022-3035193 (Final Order entered December 19, 2022).

## E. Disposition

We advise the Parties that any issue or argument that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consl. Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, Univ. of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).<sup>8</sup>

Upon review, we shall deny the Petition as moot as the Initial Decision denied the Formal Complaint without prejudice and the Commission's procedures protect a complainant's personally identifiable information from public access. The ALJ's Initial Decision dismissed the Complaint and, as noted, *supra*, no Exceptions to the Initial Decision were filed. Section 332(h) of the Code states, in relevant part:

**Exceptions and appeal procedure.**--Any party to a proceeding referred to an administrative law judge under section 331(b) may file exceptions to the decision of the administrative law judge with the commission, in a form and manner and within the time to be prescribed by the commission. The commission shall rule upon such exceptions within 90 days after filing. *If no exceptions are filed, the decision shall become final, without further commission action, unless two or more commissioners within 15 days after the decision request that the commission review*

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<sup>8</sup> *See also Metropolitan Edison Co. v. Pa. PUC*, 22 A.3d 353 (Pa. Cmwlth. 2011), *appeal denied*, 22 A.3d 353 (Pa. 2012), citing *Wheeling & Lake Erie Railway Company v. Pa. PUC*, 778 A.2d 785, 794 (Pa. Cmwlth. 2001) for the proposition that the Commission is not required to expressly consider all of the arguments set forth by the parties in its Order.

*the decision and make such other order, within 90 days of such request, as it shall determine.*

66 Pa.C.S. § 332(h) (emphasis added). Neither have any Exceptions to the Initial Decision been filed, nor have two or more Commissioners sought review of the Initial Decision. Therefore, in accordance with the provisions of 66 Pa.C.S. § 332(h), the ALJ's Initial Decision shall become final, without further Commission action. The dismissal, which is not on the merits of the Formal Complaint, will be without prejudice so that the appropriate party may refile if desired.

With respect to Mr. Ruff-Kelly's concerns regarding confidential treatment of his information, we note that the Commission does not publish pro se complaints, such as and including the instant Formal Complaint, to its website in order to protect a complainant's utility customer account information. In addition, the Commission is required to protect personally identifiable information, pursuant to the Breach of Personal Information Notification Act, 73 P.S. §§ 2301-2330 (BPINA). A review of the instant docket indicates that any personal identifiable information, as defined by the BPINA, was not published to the Commission's website. Although a name and contact information may have appeared on certificates of service, the name and contact information did not appear in combination with and linked to any one or more of the data elements set forth in the BPINA. Finally, our review of the record failed to indicate any requests made with the ALJ to put any protections in place. As a result, those certificates of service are published to the Commission's website, as filed, and the Commission cannot alter or modify public documents filed on the record before the Commission.

### **III. Conclusion**

For the foregoing reasons, the Initial Decision of Administrative Law Judge Alphonso Arnold III, issued on October 10, 2025, dismissing Mr. Ruff-Kelly's

Formal Complaint, shall become final without further Commission action, in accordance with 66 Pa.C.S. § 332(h), consistent with this Opinion and Order. In addition, we shall deny as moot Mr. Ruff-Kelly's letter requesting the withdrawal of the Formal Complaint originally filed on May 5, 2025, against Philadelphia Gas Works, and the confidential treatment and removal from public access of Mr. Ruff-Kelly's information, deemed to be a Petition to Withdraw pursuant to 52 Pa. Code § 1.2, consistent with this Opinion and Order; **THEREFORE:**

**IT IS ORDERED:**

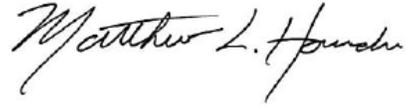
1. That the letter filed by DaJuan Ruff-Kelly on October 16, 2025, seeking the withdrawal of the Formal Complaint originally filed on May 5, 2025, against Philadelphia Gas Works, and the confidential treatment and removal from public access of Mr. Ruff-Kelly's information, deemed to be a Petition to Withdraw pursuant to 52 Pa. Code § 1.2, is denied as moot, consistent with this Opinion and Order.

2. That the Initial Decision of Administrative Law Judge Alphonso Arnold III, issued on October 10, 2025, at Docket No. F-2025-3055087, shall become final, without further Commission action, consistent with this Opinion and Order.

3. That the Formal Complaint filed in this matter by DaJuan Ruff-Kelly on May 5, 2025, against Philadelphia Gas Works, at Docket No. F-2025-3055087, is dismissed, without prejudice.

4. That this proceeding shall be marked closed.

**BY THE COMMISSION**

A handwritten signature in black ink, reading "Matthew L. Homsher". The signature is written in a cursive style with a large, stylized initial 'M'.

Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: December 18, 2025

ORDER ENTERED: December 23, 2025