

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Adams

v.

Philadelphia Gas Works

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C-2025-3054982

**INITIAL DECISION**

Before  
Eranda Vero  
Administrative Law Judge

**INTRODUCTION**

This Decision denies the Formal Complaint of Robert Adams because the Complainant failed to appear at the scheduled hearing and prosecute his Complaint. In addition, this decision precludes Robert Adams from filing further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages on his gas account with Philadelphia Gas Works until all such arrearages are paid in full.

**HISTORY OF THE PROCEEDING**

On May 2, 2025, Robert Adams (Complainant or Mr. Adams) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW, Respondent or Company) with the Pennsylvania Public Utility Commission (Commission) alleging that the utility has threatened to terminate his gas service and that there are incorrect charges on his bills from

PGW.<sup>1</sup> As relief, the Complainant requests that the Commission establish an affordable payment arrangement for him and that it order PGW to conduct a high bill investigation at his residence.

On May 27, 2025, the Respondent filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.<sup>2</sup>

An Initial Call-in Telephonic Hearing Notice dated May 29, 2025, notified the parties that an initial call-in telephone hearing was scheduled on July 23, 2025, at 10:00 a.m., and that the matter was assigned to me. The Hearing Notice stated, “You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised.”

On May 30, 2025, I issued a Prehearing Order. The Prehearing Order directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing and provided instructions for calling in to the hearing. In addition, the Prehearing Order warned in bold type: “**You may lose the case if you do not take part in this hearing and present evidence on the issues raised.**” (Emphasis in the original).

On July 21, 2025, the parties filed a Joint Motion requesting the continuance of the hearing scheduled for July 23, 2025. As reason for the request, they cited their need for additional time to resolve the issues raised in the Complaint.

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<sup>1</sup> The Secretary’s Bureau served the Complaint on May 6, 2025.

<sup>2</sup> The Commission was closed on Monday, May 26, 2025, in observation of Memorial Day, thus, Respondent timely filed its Answer on May 27, 2025.

By email dated July 21, 2023, I informed the parties that their joint request for a continuance was granted and that the evidentiary hearing would be rescheduled for a later date.

A Cancelled/Rescheduled Initial Telephonic Hearing Notice dated July 22, 2025, notified the parties that the initial call-in telephone hearing was rescheduled for October 2, 2025, at 10:00 a.m. The Hearing Notice stated, “You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised.”

The two Hearing Notices and Prehearing Order were served via U.S. First-Class Mail to Complainant in the ordinary course of the Commission’s business at the street address provided by him to the Commission. Neither the Hearing Notices nor the Prehearing Order were returned to the Commission as undeliverable.

On September 22, 2025, counsel for PGW, Graciela Christlieb, Esq. forwarded to me an email she had received from the Complainant on September 21, 2025, in which Mr. Adams informed her of his intention to withdraw his present Complaint. Mr. Adams provided no reason for withdrawing his Complaint against PGW. In her email to me, Ms. Christlieb indicated that PGW objected to Complainant’s request to withdraw the Complaint. Mr. Adams was copied in Ms. Christlieb’s September 22, 2025, email to me.

On September 24, 2025, Mr. Adams contacted via telephone the Commission’s Office of Administrative Law Judge (OALJ) in Harrisburg and stated he would not participate in the October 2, 2025, hearing in this matter. He added that he does not have any evidence to present in his case, and no money to pay to PGW. Mr. Adams also stated that he was currently experiencing emotional difficulties and was dissatisfied with his communication with counsel for PGW. Mr. Adams was informed by OALJ that the hearing would take place as scheduled. Tr. 5-6.

The hearing convened as scheduled on October 2, 2025. Graciela Christlieb, Esq., appeared representing the Respondent. The Complainant failed to call in to the hearing. The Complainant was given an additional 20-25 minutes to call in but failed to do so.

At the hearing, counsel for PGW was asked to explain the grounds for her objection to Mr. Adams' request to withdraw his present Complaint. Tr. 6. Ms. Christlieb explained that Mr. Adams has engaged in a systematic abuse of the Commission's informal and formal complaint process. Consequently, PGW not only objected to his request to withdraw the Complaint but also moved that the Complaint be dismissed with prejudice for lack of prosecution pursuant to Section 5.245 of the Commission's regulations, 52 Pa. Code § 5.245, and that Mr. Adams be precluded from filing more informal or formal complaints with the Commission. Tr. 5-7. She presented the testimony of Darneese Mallard, who is a Customer Review Officer with PGW. The Respondent sponsored three exhibits which were admitted into the record.

The record in this matter closed on October 27, 2025, upon receipt of the hearing transcript. To date, there has been no further contact or communication from Mr. Adams with me or anyone else at the Commission regarding his failure to appear at the October 2, 2025, hearing.

#### FINDINGS OF FACT

1. The Complainant is Robert Adams, who receives gas service from PGW at 5022 Chestnut Street, Apt. 2F, Philadelphia, Pennsylvania 19139 (Service Address). Tr. 21; PGW Exhibit 1.
2. The Respondent is Philadelphia Gas Works.

3. On August 4, 2014, Complainant filed an informal complaint with the Bureau of Consumer Service (BCS) at BCS Case No. 3271265 disputing a termination notice and seeking re-enrollment in PGW's Customer Responsibility Program (CRP). Tr. 11-12; PGW Exhibit 9, pp. 1-2.

4. On May 26, 2015, BCS dismissed Mr. Adams' informal complaint at BCS Case No. 3271265 upon finding that his income disqualified him from re-enrollment. Tr. 12; PGW Exhibit 9, pp. 3-4.

5. On June 18, 2015, Complainant filed a second informal complaint with BCS at BCS Case No. 3357138 averring that his service would be terminated on June 22, 2015, and seeking a payment arrangement. Tr. 12; PGW Exhibit 9, p. 5.

6. On July 16, 2015, BCS dismissed Mr. Adams' informal complaint at BCS Case No. 3357138 pursuant to 66 Pa.C.S. § 1405(c) upon finding that his outstanding balance consisted of CRP arrearages. Tr. 12; PGW Exhibit 9, p. 6.

7. On October 28, 2015, BCS issued a revised decision on BCS Case No. 3357138, wherein it found that Mr. Adams' CRP arrearages had been paid off and that he was a Level 1 income customer eligible for a Commission-issued payment arrangement (PAR). Tr. 12-13; PGW Exhibit 9, p. 7.

8. Mr. Adams defaulted on the Commission-issued PAR established by BCS at BCS Case No. 3357138. Tr. 13.

9. On September 3, 2015, Mr. Adams filed his first Formal Complaint at Docket No. F-2015-2503709, appealing the informal decision of BCS at BCS Case No. 3357138. Tr. 13-14; PGW Exhibit 9, pp. 8-17.

10. On January 6, 2016, the parties reached a resolution of the issues raised in the Formal Complaint at Docket No. F-2015-2503709. Tr. 13; PGW Exhibit 9, p. 18.

11. On April 4, 2018, Complainant filed a third informal complaint with BCS at BCS Case No. 3597420 averring that his gas service would be terminated on April 9, 2018, and seeking enrollment in CRP and a review of his bills. Tr. 14; PGW Exhibit 9, pp. 19-20.

12. On September 7, 2018, BCS dismissed Mr. Adams' informal complaint at BCS Case No. 3597420 because the Complainant had failed to comply with the previous Commission-issued PAR. Tr. 14; PGW Exhibit 9, pp. 21-22.

13. On November 5, 2018, Mr. Adams filed his second Formal Complaint at Docket No. F-2018-3005950, appealing the informal decision of BCS at BCS Case No. 3597420. Tr. 15; PGW Exhibit 9, pp. 8-17.

14. On March 29, 2019, the Commission entered a Final Order on Mr. Adams' Formal Complaint at Docket No. F-2018-3005950 granting PGW's motion to dismiss with prejudice Mr. Adams' Complaint due to his failure to appear at the scheduled hearing and prosecute his Complaint. Tr. 15; PGW Exhibit 9, pp. 33-40.

15. On June 18, 2019, Complainant filed a fourth informal complaint with BCS at BCS Case No. 3710906 disputing PGW's notice of termination of service and seeking a PAR. Tr. 15-16; PGW Exhibit 9, pp. 41-42.

16. On February 6, 2020, BCS verbally closed BCS Case No. 3710906 upon finding Mr. Adams ineligible for a second Commission-issued PAR. Tr.16; PGW Exhibit 9, pp. 43-44.

17. On July 14, 2022, Complainant filed a fifth informal complaint with BCS at BCS Case No. 3850505, averring that his gas service would be terminated on July 6, 2022, and seeking a PAR. Tr. 16; PGW Exhibit 9, pp. 45-46.

18. On August 19, 2022, BCS dismissed Mr. Adams' informal complaint at BCS Case No. 3850505 pursuant to 66 Pa.C.S. § 1405(d) because the Complainant had failed to comply with the previous Commission-issued PAR. Tr. 16; PGW Exhibit 9, p. 47.

19. On September 26, 2022, Mr. Adams filed his third Formal Complaint at Docket No. C-2022-3035184, disputing PGW's termination procedures and seeking a PAR. Tr. 17; PGW Exhibit 9, pp. 48-55.

20. By Initial Call-In Telephonic Hearing Notice issued on October 7, 2022, the Commission notified the parties that the Formal Complaint at Docket No. C-2022-3035184 was scheduled for hearing on December 14, 2022, at 10:00 a.m. PGW Exhibit 9, p. 57.

21. Mr. Adams failed to appear at the December 14, 2022, hearing. Tr. 17; PGW Exhibit 9, pp. 56-62.

22. By Initial Decision dated April 11, 2023, Administrative Law Judge (ALJ) Marta Guhl dismissed with prejudice Mr. Adams' Formal Complaint against PGW at Docket No. C-2022-3035184 for failure to appear at the hearing and prosecute the Complaint. Tr. 17; PGW Exhibit 9, pp. 56-62.

23. By Opinion and Order entered June 20, 2023, the Commission modified the Initial Decisions issued by ALJ Guhl to provide Mr. Adams with an

opportunity to file a written request for an evidentiary hearing within 20 days from the entry of the Opinion and Order. Tr. 17; PGW Exhibit 9, pp. 63-70.

24. Mr. Adams did not submit a written request for an evidentiary hearing. Tr. 17-18.

25. On November 22, 2023, Complainant filed his sixth informal complaint with BCS at BCS Case No. 3956772, averring that his gas service would be terminated on November 28, 2023, raising a billing dispute and seeking a PAR. Tr. 18; PGW Exhibit 9, pp. 72-73.

26. On March 12, 2024, BCS granted Mr. Adams' informal complaint at BCS Case No. 3956772 establishing a PAR for him. Tr. 18; PGW Exhibit 9, pp. 74-75.

27. On April 5, 2024, Mr. Adams appealed BCS' informal decision at BCS Case No. 3956772 by filing his fourth Formal Complaint at Docket No. F-2024-3048952. Tr. 18; PGW Exhibit 9, pp. 76-84.

28. On September 4, 2024, the parties reached a resolution of the issues raised in the Formal Complaint at Docket No. F-2024-3048952. Tr. 18-19; PGW Exhibit 9, pp. 85-87.

29. On March 31, 2025, Complainant filed his seventh informal complaint with BCS at BCS Case No. 4049940, averring that his gas service would be terminated on April 1, 2025, and raising quality of service issues. Tr. 19; PGW Exhibit 9, pp. 88-89.

30. On April 23, 2025, BCS dismissed Mr. Adams' informal complaint at BCS Case No. 4049940 referring him to PGW's CRP. Tr. 19; PGW Exhibit 9, pp. 90-91.

31. On May 2, 2025, Mr. Adams filed his fifth Formal Complaint (present Complaint) against PGW alleging that the utility has threatened to terminate his gas service and that there are incorrect charges on his bills from PGW. PGW Exhibit 11.

32. As relief, the Complainant requests that the Commission establish an affordable payment arrangement for him and that it order PGW to conduct a high bill investigation at his residence. PGW Exhibit 11.

33. On May 27, 2025, the Respondent filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

34. An Initial Call-in Telephonic Hearing Notice dated May 29, 2025, notified the parties that an initial call-in telephone hearing was scheduled for July 23, 2025, at 10:00 a.m.

35. The Hearing Notice stated, "You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised." May 29, 2025, Initial Call-In Hearing Notice, p. 1.

36. A Prehearing Order dated May 30, 2025, directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing and provided instructions for calling in to the hearing.

37. The May 30, 2025, Prehearing Order warned in bold type: “**You may lose the case if you do not take part in this hearing and present evidence on the issues raised.**” May 30, 2025, Prehearing Order ¶ 1 (emphasis in the original).

38. On July 21, 2025, the parties filed a Joint Motion requesting the continuance of the hearing scheduled for July 23, 2025.

39. A Cancelled/Rescheduled Initial Telephonic Hearing Notice dated July 22, 2025, notified the parties that the initial call-in telephone hearing was rescheduled for October 2, 2025, at 10:00 a.m.

40. The July 22, 2025, Hearing Notice stated, “You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised.” July 22, 2025, Cancelled/Rescheduled Initial Telephonic Hearing Notice, p. 1.

41. The Hearing Notices and Prehearing Order were served via U.S. First-Class Mail to Complainant in the ordinary course of the Commission’s business at the street address provided by him to the Commission.

42. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

43. By email dated September 22, 2025, counsel for PGW informed the undersigned of Mr. Adams’ intention to withdraw his present Complaint and indicated that PGW objected to Complainant’s request to withdraw the Complaint. *See* Tr. 5-6.

44. On September 24, 2025, Mr. Adams contacted via telephone the Commission’s Office of Administrative Law Judge in Harrisburg and informed the legal

assistant that he would not participate in the October 2, 2025, hearing in this matter. Tr. 5-6.

45. On September 24, 2025, Mr. Adams was informed via telephone that the hearing would take place as scheduled. Tr. 5-6.

46. The Complainant failed to appear at the October 2, 2025, hearing.

47. The Complainant did not request a continuance or notify the Commission to explain why his failure to appear at the October 2, 2025, hearing was unavoidable.

48. During the 41-month period from May 2022 to October 2025, Mr. Adams made 24 partial payments towards his outstanding balance with PGW for the total amount of \$5,647.79. Tr. 10-11; PGW Exhibit 1.

49. During the 41-month period from May 2022 to October 2025, PGW assessed late payment charges on Mr. Adams' outstanding balance on 30 separate occasions for the total of \$4,290.90. PGW Exhibit 1.

50. During the 41-month period from May 2022 to October 2025, PGW waived assessed late payment charges on five separate occasions and credited Mr. Adams the total amount of \$1,464.34, reducing the total amount of late payment charges assessed against his account to \$2,826.56. PGW Exhibit 1.

51. During the 41-month period from May 2022 to October 2025, Mr. Adams' balance with PGW grew from \$8,772.98 to \$16,032.10. Tr. 11; PGW Exhibit 1.

52. PGW can only implement termination procedures during the period from April 1<sup>st</sup> to November 30<sup>th</sup> of each year. Tr. 20.

53. All of Mr. Adams' informal and Formal Complaints were filed with the Commission between April 1<sup>st</sup> and November 30<sup>th</sup>. Tr. 20.

## DISCUSSION

### **Due Process and Notice**

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Id.*

The record shows that Complainant was provided notice and the opportunity to be heard. First, on May 29, 2025, the Commission served the Complainant a Hearing Notice which advised the parties of the date and time of the hearing, and how to participate. Second, on May 30, 2025, the Commission served the Complainant a Prehearing Order which reminded the parties of the date and time of the hearing, and how to participate. Third, on July 22, 2025, the Commission served the Complainant a Cancelled/Rescheduled Initial Telephonic Hearing Notice notifying him that the initial call-in telephone hearing was rescheduled for October 2, 2025, at 10:00 a.m. Further, all three documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, these documents advised Complainant that failure to appear may result in the dismissal of the Complaint with prejudice, which means that Complainant would be barred from filing another complaint raising the same claim(s) and issues(s) presented in the dismissed Complaint.

The two Hearing Notices and the Prehearing Order were served by U.S. First-Class Mail to the address provided on the Complaint. None of the documents were returned as being undeliverable. Accordingly, it must be presumed that this mail was received by Complainant. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).

In the present case, Mr. Adams not only was provided notice of the October 2, 2025, hearing, but the evidence shows he also acknowledged he had actual notice of it, as evidenced by his communications with PGW's counsel and the OALJ in September 2025. In particular, on September 21, 2025, Mr. Adams informed PGW's counsel of his intention to withdraw his present Complaint but provided no reason for the withdrawal. On September 22, 2025, PGW's counsel indicated that the Company objected to Complainant's request to withdraw the Complaint.

On September 24, 2025, Mr. Adams contacted the OALJ via telephone and explained that he would not participate in the October 2, 2025, hearing in this matter. He stated that he does not have any evidence to present in his case, and no money to pay to PGW. Mr. Adams also stated that he was currently experiencing emotional difficulties and was dissatisfied with his communication with counsel for PGW. In a call-back on the same day, Mr. Adams was informed that the hearing would take place as scheduled. Tr. 5-6. Mr. Adams' request to withdraw the present Complaint was not approved.<sup>3</sup> Mr. Adams failed to appear at the October 2, 2025, hearing.

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<sup>3</sup> The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94 allow withdrawal of pleadings by filing, with the Commission and service to parties, a petition for leave to withdraw the pleading setting forth the reasons for the withdrawal. The petition is granted only by permission of the presiding officer or the Commission. 52 Pa. Code § 5.94(a). The presiding officer or Commission must consider the petition, any objections thereto and the public interest in determining whether to permit withdrawal of

Complainant had notice of the hearing and an opportunity to be heard in this proceeding. Therefore, Complainant's due process rights have been fully protected. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

### **Failure to Appear, Waiver and the "Unavoidable" Standard**

Once a hearing is scheduled and the parties are duly notified by the Commission, it is the responsibility of the parties to appear and participate in the hearing. *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 28, 2002). Both the Public Utility Code and the Commission's regulations provide that, after being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a). However, these provisions in the Code and in the Commission's regulations do not apply if the presiding officer determines that the party's failure to appear at the hearing was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(b).

The party who failed to appear at the hearing has the burden of explaining why his failure to appear was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. West Penn Power Co.*, Docket No. C-2021-3028202 (Opinion and Order entered Sept. 15, 2022). When there are no facts in the record that the party's failure to appear was unavoidable, the complaint should be dismissed. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer*

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the pleading. *Id.* Even if I were to disregard the procedural defects of Mr. Adams' request to withdraw the Complaint, I could not ignore PGW's objection to it.

*Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

Complainant failed to appear for the hearing despite receiving notice and despite the undersigned allowing additional time for Complainant to appear. To date, there has been no communication to the Office of Administrative Law Judge or me by, or on behalf of, Complainant explaining why his failure to appear at the hearing was unavoidable.

Consequently, I find that Complainant waived the opportunity to participate in a hearing on the matters raised in the Complaint, Complainant's absence was not unavoidable, and the Complaint should be dismissed with prejudice.

### **Burden of Proof and Dismissal of Complaint**

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, a complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is established by presenting 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).

As the proponent of any request for relief, Complainant bears the burden of proof. By failing to participate and proffer any evidence to support the complaint, Complainant has failed to meet this burden. Thus, it is appropriate to dismiss the Complaint. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-300734 (Opinion and Order entered Mar. 14, 2019) (citing *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995)). Accordingly, the merits of the Complaint will not be addressed.

Respondent's motion to dismiss Mr. Adams' Complaint with prejudice will be granted.

**Respondent's Motion to Preclude Complainant from filing informal or formal complaints with the Commission**

At the October 2, 2025, hearing, counsel for the Company also argued that the Complainant has abused the Commission's process and should be barred from filing any more informal and formal complaints with the Commission until his outstanding balance is paid in full. Tr. 6-7. In support of this position, attorney Christlieb presented the testimony of Darneese Mallard, who is a Customer Review Officer with PGW. Ms. Mallard testified that from August 2014 to October 2025, Complainant had filed seven informal complaints and five formal complaints against PGW. PGW Exhibit 1. She explained that PGW can only implement termination procedures during the period from April 1<sup>st</sup> to November 30<sup>th</sup> of each year and noted that all of Mr. Adams' informal and Formal Complaints were filed with the Commission within that time period. Tr. 20. Ms. Mallard explained that the filing of an informal or formal complaint "places a hold on the account and stops any kind of collection activity that PGW can proceed with." Tr. 20-21. As of the date of the hearing on October 2, 2025, Complainant's outstanding balance with PGW was \$16,032.10. Tr. 11; PGW Exhibit 1.

Upon careful review of the evidence submitted in this matter, I agree with Respondent that the effect of these repetitive filings has been to prevent the lawful termination of service by the Company despite the large balance accumulated in Complainant's account. The record in this case highlights a trend in which the Complainant uses this Commission's administrative proceedings to delay or evade the Company's termination procedures. The 12 informal and formal complaints filed by Mr. Adams in the last 11 years follow a clear pattern: they are almost exclusively filed following receipt of termination notices from PGW. In addition, Mr. Adams has never prosecuted any of the five Formal Complainants that he has filed with the Commission. Two of his Formal Complainants against PGW were resolved through settlement agreements prior to the hearings, and he failed to attend the hearings on the other three. Each of the informal and Formal Complainants filed, along with the winter moratorium mandated by the Commission regulation at Section 56.100, 56 Pa. Code § 56.100(b),<sup>4</sup> halted PGW's collection's activities on Mr. Adams' account and contributed to the accumulation of a large outstanding balance in his account.

As far as Mr. Adams' payment history is concerned, during the 41-month period from May 2022 to October 2025, Mr. Adams made 24 partial payments toward his outstanding balance with PGW. Tr. 10-11; PGW Exhibit 1. The total amount paid during this time was \$5,647.79, which evidences at least some effort on Mr. Adams' part to pay for his service. PGW Exhibit 1. Yet, Mr. Adams' payments were sporadic and fell short of controlling his balance. During the 41-month period from May 2022 to October 2025, Mr. Adams' balance with PGW grew from \$8,772.98 to \$16,032.10. Tr. 11; PGW Exhibit 1. In addition, Mr. Adams has defaulted on two Commission-issued PARs.

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<sup>4</sup> Unless otherwise authorized by the Commission, during the period of December 1 through March 31, an electric distribution utility or natural gas distribution utility may not terminate service to customers with household incomes at or below 250% of the Federal poverty level. 56 Pa. Code § 56.100(b).

In appropriate circumstances, the Commission may bar a complainant from filing further complaints until the outstanding balance has been paid, where the Commission determines that the complainant is abusing the Commission's administrative process in order to avoid termination of utility service. The Commission has held that when a complainant has used a variety of means to avoid termination and unnecessarily prolong the proceedings, the Commission must reach a point where it acts to protect the interest of the other ratepayers, who will otherwise ultimately bear the burden of that Complainant's growing arrearage. *See Seidenstricker v Metro. Edison Co.*, Docket No. F-2008-2019388 (Opinion and Order entered July 28, 2009). In abuse of administrative-process cases, the Commission considers factors such as the number and the nature of complaints, the number of defaulted payments, the use of tactics to avoid payments and service terminations, and the history of payments. *See Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024) (*Hayes*); *Nestorick v. UGI Utils. Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019) (*Nestorick*); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019) (*Potora*).

In *Hayes*, the Commission found that complainant Hayes had abused the Commission's process by filing nine informal and three formal complaints with the Commission, breaking four PGW-issued PARs and one Commission-issued PAR, and by only making 18 payments on his account since his account was opened in August 2013. As of the date of the scheduled hearing in *Hayes*, complainant Hayes had a customer assistance program balance of \$3,204 and a frozen arrears balance of \$1,400.61. In *Nestorick*, the Commission found that complainant Nestorick had abused the Commission's process by filing four informal and two formal complaints with the Commission, defaulting on two Commission-issued PARs and three UGI-issued PARs, filing four bankruptcy petitions, and by filing three medical certificates. In *Potora*, the Commission found that Complainant Potora had abused the Commission's process by

filing ten complaints with the Commission, requesting multiple continuances, and by failing to appear at many of the scheduled hearings. In all of these cited cases, the Commission precluded the complainants from filing further complaints against their utility on their arrearages, whether informal or formal, until their account was paid in full.

Similar to the circumstances in the cases listed above, Mr. Adams' substantial balance, poor payment history, multiple complaint filings, and conduct in proceedings before the Commission constitutes a pattern of activity calculated to avoid or delay payment of his gas bills and termination of his utility service. PGW has the right to bill and receive payment for the utility service it has provided to Mr. Adams. 66 Pa.C.S. § 1303, *Neal v. Phila. Gas Works*, Docket No. Z-00871874 (Final Order entered Jan. 4, 2002); *Angie's Bar v. Duquesne Light Co.*, 72 Pa.P.U.C. 213 (1990). PGW's Motion to Preclude Mr. Adams from filing further complaints against PGW regarding the arrearages on his natural gas service account until his existing arrearages are paid in full will be granted in the Ordering paragraphs below.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The Commission is required to provide due process to the parties appearing before them; this due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

3. Notice mailed via U.S. First-Class Mail to a party and not returned to the Commission as undeliverable is presumed received. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras*

*v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).

4. After being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

5. If there are no facts in the record that a party's failure to appear at a hearing was unavoidable, the complaint should be dismissed. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995).

6. Complainant's due process rights have been fully protected and Complainant's failure to appear was not unavoidable. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

7. As the party seeking relief, Complainant bears the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

8. By failing to participate in the hearing and proffer any evidence to support the Complaint, Complainant has failed to meet the burden of proof. 66 Pa.C.S. § 332(a).

9. The Commission may preclude a party from filing further informal or formal complaints when the party has abused the Commission's complaint procedures in order to avoid the termination of his or her service. *Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024); *Nestorick v. UGI Utils. Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019).

10. When a complainant has used a variety of means to avoid termination and unnecessarily prolong the proceedings, the Commission must reach a point where it acts to protect the interest of the other ratepayers, who will otherwise ultimately bear the burden of that Complainant's growing arrearage. *Seidenstricker v Metro. Edison Co.*, Docket No. F-2008-2019388 (Opinion and Order entered July 28, 2009).

11. In abuse of administrative-process cases, the Commission considers factors such as the number and the nature of complaints, the number of defaulted payments, the use of tactics to avoid payments and service terminations, and the history of payments. *Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024); *Nestorick v. UGI Utilities Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019).

12. A public utility has the right to bill and receive payment for the utility service it provides to its customers. 66 Pa.C.S. § 1303, *Neal v. Phila. Gas Works*, Docket No. Z-00871874 (Final Order entered Jan. 4, 2002); *Angie's Bar v. Duquesne Light Co.*, 72 Pa.P.U.C. 213 (1990).

13. Complainant's substantial outstanding balance, poor payment history, multiple similar complaint filings, and conduct in proceedings before the Commission constitute abuse of the Commission's administrative process. *Hayes v. Phila. Gas Works*, Docket No. F-2023-3042824 (Opinion and Order entered Aug. 22, 2024); *Nestorick v. UGI Utils. Inc.*, Docket No. C-2019-3008476 (Initial Decision entered Oct. 7, 2019, Final Order entered Nov. 15, 2019); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion of Philadelphia Gas Works to dismiss with prejudice the Formal Complaint of Robert Adams filed in Docket No. C-2025-3054982 is granted.
2. That the Formal Complaint of Robert Adams in *Robert Adams v. Philadelphia Gas Works* at Docket No. C-2025-3054982 is dismissed with prejudice.
3. That Robert Adams is precluded from filing further informal or formal complaints with the Commission regarding the arrearages on the account for gas service rendered by Philadelphia Gas Works until such time as the outstanding arrearages in the amount of \$16,032.10 are paid in full, and that the filing of any complaint pertaining to those arrearages which are the subject of this proceeding shall be rejected without further proceedings.

4. That the filing of any other pleading related to this case concerning the same subject matter be, and hereby is, deemed not to stay implementation of this Order.

5. That Commission staff (including but not limited to the Bureau of Consumer Services and the Secretary's Bureau) shall reject any formal or informal complaint that is filed with the Commission by Robert Adams, any member of his family, or any other person in the household, pertaining to the service address of 5022 Chestnut Street, Apt. 2F, Philadelphia, Pennsylvania 19139, until the outstanding arrearages in the amount of \$16,032.10 are paid in full.

6. That any filing of a new informal or formal complaint by Robert Adams against Philadelphia Gas Works must include proof that the arrearages in the amount of \$16,032.10 have been paid in full (e.g. billing statement, account statement, receipt of payment, cancelled check, bank statement, proof of discharge of the arrearages in bankruptcy, or correspondence with the utility confirming payment in full).

7. That, if proof that the outstanding arrearages have been paid in full is not provided, the Secretary's Bureau and Bureau of Consumer Services are directed to reject the complaint, without a hearing before the Office of Administrative Law Judge.

8. That the failure of Robert Adams to pay the outstanding arrearages in the amount of \$16,032.10, in full, shall be grounds for the Philadelphia Gas Works to take any necessary steps and actions under the Pennsylvania Public Utility Code and Commission Regulations, including but not limited to, termination of service, to address Robert Adams' outstanding balance.

9. That a copy of this decision/order shall be served to the Commission's Bureau of Consumer Services and the Secretary's Bureau.

