

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ruby Colon	:	
	:	
v.	:	F-2025-3056869
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Emily A. Farren
Administrative Law Judge

INTRODUCTION

This decision dismisses the Formal Complaint with prejudice and bars Complainant from filing further informal or formal complaints regarding her electric utility account balance until her arrearages are paid in full. Complainant failed to appear for the hearing and failed to prove that the Commission should grant her a payment arrangement for her unpaid balance in excess of \$8,000. The Complainant’s conduct of filing numerous complaints, breaking payment arrangements, and other behavior constitutes an abuse of the administrative process calculated to avoid or delay termination of her utility service.

HISTORY OF THE PROCEEDING

On August 12, 2025, Ruby Colon (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL

Electric Utilities Corporation (Respondent or PPL).¹ The Complaint alleged that PPL threatened termination, and further requested a payment arrangement for arrearages. Complainant averred, “I have had chances [sic] in circumstances.” Complaint ¶ 4.

In the Complaint, the Complainant selected the option to receive all communications from the Commission via email at the email address provided by Complainant on the Complaint. Complaint ¶ 9.

On September 3, 2025, the Respondent filed an Answer in which it denied the material allegations of fact and conclusions of law in the Complaint. Specifically, the Respondent averred the Complainant’s total balance as of the date of the Answer was \$8,837.53. PPL further stated the Company executed fifteen (15) payment arrangements within the last 4 years, all of which the Complainant defaulted on. Answer ¶ 4. Respondent requested that the Complaint be dismissed.

On September 8, 2025, a Call-In Telephonic Hearing Notice was served on the parties scheduling a hearing on October 22, 2025, at 1:00 p.m. and the case was assigned to me. At the Respondent’s request made via email dated October 10, 2025, to me, and without objection from the Complainant, the October 22, 2025 hearing was continued.

On October 14, 2025, a Cancelled/Rescheduled Initial Telephonic Hearing Notice was served on the parties rescheduling an initial telephonic hearing on November 19, 2025, at 10:00 a.m. The Hearing Notice provided the parties with the Toll-Free

¹ The Complaint is a timely appeal from the determination of the Commission’s Bureau of Consumer Services (BCS), at BCS No. 4069075, which dismissed Complainant’s informal complaint. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

Bridge Number and the Passcode to call and participate in the telephonic hearing. The Hearing Notice further stated as follows:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

On October 14, 2025, a Prehearing Order was served on the parties which reminded the parties of the date and time of the hearing. The Prehearing Order also stated the potential consequences if a party failed to appear at the hearing. Additionally, the Prehearing Order informed the parties about the applicable procedural rules, and again included the procedure to follow for hearing continuances.

The Hearing Notice and Prehearing Order were electronically served to Complainant in the ordinary course of the Commission’s business to the email address Complainant provided to the Commission. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On November 19, 2025, I convened the hearing as scheduled. Hayley Wilburn, Esquire, appeared on behalf of Respondent along with one witness and was ready to proceed. The court reporter was also present. Complainant was not present at the start of the hearing. After a short recess to allow time for Complainant to appear, the

hearing proceeded in Complainant's absence. At the hearing, Respondent moved to dismiss the Complaint with prejudice for Complainant's failure to appear and prosecute the Complaint. Tr. at 7. I took this motion under advisement. Tr. at 22.

Complainant has not contacted the Commission to explain why Complainant's failure to appear at the hearing was unavoidable.

Respondent also moved to bar the Complainant from filing additional complaints against the Company until her past due balance is paid. Tr. at 10. Given that the Company averred that Respondent executed fifteen (15) payment arrangements within the last 4 years, all of which the Complainant defaulted on, I allowed the Company to present testimony to support its motion to bar further complaints. Thus, testimony was taken, and two exhibits were introduced into the record: (1) PPL Electric Supplemental Exh. No. 1 (Account Activity Statement); and (2) PPL Electric Exh. No. 3 (Payment Agreements).

On December 3, 2025, I issued a Rule to Show Cause to provide Complainant an opportunity to be heard on Respondent's oral motion to bar Complainant from filing further complaints with the Commission until her arrearages are paid in full.

Complainant did not respond to the Rule to Show Cause.

The record closed on December 24, 2025, at the end of Complainant's response time to the Rule to Show Cause issued on December 3, 2025. This decision grants the Respondent's motion to dismiss the Complaint with prejudice. This decision additionally bars Complainant from filing further complaints against the Company until her arrearages are paid in full.

FINDINGS OF FACT

1. Complainant is Ruby Colon.
2. Respondent, PPL Electric Utilities Corporation, is a jurisdictional public utility.
3. Complainant receives electric service from Respondent at 66 Vulcan Street, Wilkes Barre, Pennsylvania, 18702.
4. On August 12, 2025, Complainant filed a Formal Complaint against Respondent.
5. Complainant elected to receive email service.
6. On September 3, 2025, Respondent filed an Answer to the Complaint.
7. On October 14, 2025, a Call-In Telephone Hearing Notice was served on Complainant scheduling an initial telephonic hearing on November 19, 2025 at 10:00 a.m.
8. On November 19, 2025, a Prehearing Order for Telephone Hearing was served on Complainant providing additional information to the parties regarding the hearing.
9. Both the Hearing Notice and Prehearing Order were served on Complainant by electronic mail to the email address Complainant provided to the Commission.

10. Both the Hearing Notice and Prehearing Order provided the Complainant with the toll-free bridge telephone number and Passcode to call and participate in the hearing, and, *inter alia*, the procedure for requesting a continuance and the possible consequences of failing to appear at the hearing.

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

12. Complainant failed to appear and participate in the scheduled telephonic hearing on November 19, 2025.

13. The court reporter, Counsel for Respondent and its witness(es) were present and prepared to proceed at the November 19, 2025 hearing.

14. Complainant has not contacted the Commission to explain why Complainant's failure to appear at the hearing was unavoidable.

15. Complainant broke 15 payment agreements she entered into with the Company between February 2021 and May 2025. Tr. at 18; PPL Exh. No. 3.

16. Complainant filed three informal complaints and two formal complaints with the Commission regarding the account arrearages since July 25, 2023.

17. Complainant filed an informal complaint with the Commission's Bureau of Consumer Services (BCS), at BCS No. 3927499, and was issued a Level 1 Payment Arrangement (BCS-PAR), beginning January 2024.

18. Regarding her prior formal complaint, at Docket No. C-2024-3051803, Ms. Colon failed to appear for the February 4, 2025 hearing and the matter was

dismissed with prejudice for failure to appear and prosecute the complaint on March 31, 2025.

19. The prior formal complaint at Docket No. C-2024-3051803 was filed on October 25, 2024, due to receipt of a termination notice issued when Complainant broke the BCS-PAR.

20. The complaint at Docket No. C-2024-3051803 was an appeal of an informal complaint Ms. Colon filed, at BCS No. 4008649, was dismissed on October 25, 2024.

21. On June 6, 2025, Ms. Colon filed a third informal complaint with BCS, at BCS No. 4069075, following receipt of a termination notice.

22. BCS noted that it attempted to contact Ms. Colon via multiple phone calls and an email, but Ms. Colon failed to respond.

23. On July 24, 2025, BCS dismissed Ms. Colon's third informal complaint.

24. As of October 21, 2025, the past due balance of Ms. Colon's electric account was \$8,131.40. PPL Electric Supplemental Exh. No. 1.

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 October 14, 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 October 14, 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. Further, both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, both 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.

Both the Hearing Notice and Prehearing Order were electronically served to the email address provided by Complainant to the Commission. Neither was returned to the Commission as undeliverable. Accordingly, it must be presumed that these documents sent to Complainant were received by Complainant. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

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/her 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 with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022) (*Brown*); *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) (*Williams*); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995) (*Jefferson*); 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 Complainant's 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

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).

Dismissal of Complaint

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 with prejudice. *Brown; Williams* (citing *Jefferson*). Accordingly, the merits of the Complaint will not be addressed.

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

Complainant Barred from Filing Further Complaints

Ms. Colon filed a formal complaint seeking relief from the Commission in the form of a payment arrangement. Ms. Colon must prove that she is entitled to this relief from the Commission. Ms. Colon not only failed to appear at the hearing scheduled for her benefit, but she also failed to respond to the opportunity provided by me to participate in the resolution of her Complaint or electric account arrearage. She engaged in a course of conduct calculated to delay the conclusion of these proceedings and ultimately avoid responsibility for her unpaid balance. For the reasons discussed below, I find that Ms. Colon's actions are an abuse of the Commission's administrative process to avoid termination of her electric service and payment of the electric service she consumed. Ms. Colon is barred from filing any formal or informal complaints regarding her unpaid balance until she pays her arrearages in full.

Abuse of the Administrative Process

PPL asserts that Ms. Colon abused the Commission's administrative process and requests she be barred from filing further complaints until her entire account balance has been paid. In support of its position, PPL points to Ms. Colon's large balance, poor payment history, and breaking all 15 payment agreements made with the Company. Ms. Colon did not appear at the hearing to dispute these claims, nor did she avail herself of the opportunity to respond to the Rule to Show Cause I issued on December 3, 2025.

An order barring a customer from filing further complaints until the customer pays an account balance in full may seem like a harsh result. However, the

Commission must also consider the interests of the utility and the utility's other customers. Unpaid bills are included in the utility's uncollectible expenses. A utility's customers pay this expense as part of the utility's rates. *E.g., Bolt v. Duquesne Light Co.*, Docket No. Z-08721758 (Order entered Apr. 8, 1988).

Abuse of the Commission's administrative process can occur in various forms. The Commission has barred complaints from individuals who frequently request hearing continuances and afterward fail to appear. *Grossman v. Bell Tel. Co. of Pa.*, 67 Pa. P.U.C. 714 (1988). The Commission will also consider the number and nature of complaints filed by a customer, the number of defaulted payment arrangements, the complainant's payment history and the use of tactics to avoid payments and service terminations. *See Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar.10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.* Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order dated Oct. 3, 2002).

In sum, I agree with PPL that Complainant should be barred, given her balance has grown to over \$8,000, coupled with poor payment history, and broke fifteen (15) Company-issued payment agreements and one (1) BCS-PAR.

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 emailed to a party's registered email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

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 with prejudice. *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 Complainant's burden of proof. 66 Pa.C.S. § 332(a).

9. The Commission may preclude a complaint from filing further complaints until all account arrearages are paid in full when the Commission determines that the complaint has abused the Commission's administrative process. *Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar. 10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order dated Oct. 3, 2002).

10. The Complainant's conduct constitutes an abuse of administrative process in order to avoid or delay the termination of her utility service. *Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar. 10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order dated Oct. 3, 2002).

11. It is appropriate to preclude the complainant from filing further complaints regarding her account balance until her account balance is paid in full. *Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar. 10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order dated Oct. 3, 2002).

ORDER

THEREFORE,

IT IS ORDERED:

1. That PPL Electric Utilities Corporation's motion to dismiss the Formal Complaint of Ruby Colon, with prejudice, at Docket No. F-2025-3056869 is granted.
2. That the Formal Complaint filed by Ruby Colon in Ruby Colon v. PPL Electric Utilities Corporation, Docket No. F-2025-3056869, is hereby dismissed with prejudice.
3. That Ruby Colon is precluded from filing further informal or formal complaints with the Commission regarding the arrearages on the account for electric service rendered by PPL Electric Utilities Corporation until such time as the outstanding arrearages in the amount of \$8,131.40 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 Ruby Colon, any member of her family,

