

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Keonda Thompson	:	
	:	
v.	:	C-2025-3056728
	:	
Peoples Natural Gas Company LLC	:	

**INITIAL DECISION**

Before  
Ann Quimby  
Administrative Law Judge

**INTRODUCTION**

This decision dismisses without prejudice the Formal Complaint for the failure of Complainant to appear for the hearing and prosecute the Complaint.

**HISTORY OF THE PROCEEDING**

On August 4, 2025, Keonda Thompson (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Peoples Natural Gas Company LLC (Respondent or Peoples). Ms. Thompson indicated Respondent had shut off or was threatening to shut off service and she wanted a payment arrangement.

In the Complaint, 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 August 27, 2025 Respondent filed an Answer. Respondent averred Complainant had a poor payment history and had previously defaulted on three previous payment arrangements. Answer ¶ 4. Respondent requested that Complainant be directed to pay her balance in full. Answer ¶ 5.

On August 29, 2025, an Initial Telephonic Hearing Notice was served on the parties scheduling an initial telephonic hearing on October 30, 2025 at 10:00 a.m. and the case was assigned to me. The Hearing Notice provided the parties with the Toll-Free Bridge Number and the PIN 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 August 29, 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 she provided to the Commission. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On October 29, 2025, Complainant emailed my Legal Assistant, Counsel for Respondent, and several other individuals indicating, "Not sure who I need to speak to but I am not allowed to be on my phone here at work, I will not be able to participate in the hearing tomorrow. Where do I need to [sic] in this matter?" I responded via email,<sup>1</sup> and asked Complainant if she was requesting that the hearing be rescheduled. Complainant then responded, "I am not allowed on my phone at work to attend the hearing via phone. So I am not sure how I can take part in the hearing if I have no phone. That's what I am saying." I considered Complainant's email to be a continuance request and cancelled the hearing that was scheduled for the following day. I responded to Complainant via email, indicating that the parties were to discuss, *inter alia*, mutually agreeable dates to reschedule the hearing. On November 7, 2025, I received an email from Counsel for Respondent indicating the parties were available on December 12 and 19, 2025 for a rescheduled hearing. Complainant was copied on Counsel's November 7, 2025 email. On November 12, 2025, I emailed the parties indicating the hearing would be rescheduled for December 12, 2025, at 10:00 a.m.

On November 12, 2025, a new Telephonic Hearing Notice was served on the parties scheduling a telephonic hearing on December 12, 2025 at 10:00 a.m. The Hearing Notice again provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing. The November 12, 2025 Hearing Notice contained the same language as the August 29, 2025 Hearing Notice regarding failure to appear and continuances.

---

<sup>1</sup> Respondent's counsel was copied on all emails from the undersigned to Complainant.

On November 12, 2025 a new 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 November 12, 2025 Hearing Notice and Prehearing Order were electronically served to Complainant in the ordinary course of the Commission's business to the email address she provided to the Commission. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On December 12, 2025, I convened the hearing as scheduled. Jennifer Petrisek, 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. No testimony was taken, and no exhibits were introduced into the record. At the hearing, Respondent moved to dismiss the Complaint with prejudice for Complainant's failure to appear and prosecute her Complaint. Tr. 9, 10. I took this motion under advisement. Tr. 11.

On December 12, 2025 at 1:31 p.m., Complainant emailed the undersigned, stating, in part, "I guess I missed the hearing thay [*sic*] was this morning. I thought I was gonna [*sic*] receive a phone call for the hearing." Complainant has not made further contact with the Commission.

I issued an Order closing the record on January 12, 2026 after the transcript was received. This decision grants the Respondent's motion to dismiss the Complaint but without prejudice.

## FINDINGS OF FACT

1. The Complainant is Keonda Thompson.
2. The Respondent is Peoples Natural Gas Company LLC.
3. On August 4, 2025, Complainant filed a Formal Complaint against Respondent.
4. On August 27, 2025, Respondent filed an Answer to the Complaint.
5. On August 29, 2025, an Initial Telephonic Hearing Notice was served on Complainant scheduling an initial telephonic hearing on October 30, 2025 at 10:00 a.m.
6. On August 29, 2025, a Prehearing Order for Telephone Hearing was served on Complainant providing additional information to the parties regarding the hearing.
7. On October 29, 2025, Complainant effectively requested a continuance of the October 30, 2025 hearing via email, and the request was granted.
8. On November 7, 2025, Counsel for Respondent emailed the undersigned and Complainant, indicating that the parties were available for a rescheduled hearing on December 12, 2025.
9. On November 12, 2025, the undersigned emailed the parties indicating the hearing would be rescheduled to December 12, 2025 at 10:00 a.m.

10. On November 12, 2025, a new Hearing Notice was served on Complainant scheduling a new telephonic hearing on December 12, 2025 at 10:00 a.m.

11. On November 12, 2025, a new Prehearing Order was served on Complainant providing additional information to the parties regarding the hearing.

12. Both the new Hearing Notice and new Prehearing Order were served on Complainant by electronic mail to the email address Complainant provided to the Commission.

13. Both the new Hearing Notice and new Prehearing Order provided the Complainant with the toll-free bridge telephone number and PIN 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.

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

15. Complainant failed to appear and participate in the scheduled telephonic hearing at 10:00 a.m. on December 12, 2025.

16. The court reporter, Counsel for Respondent and its witness were present and prepared to proceed at the December 12, 2025 hearing.

17. Complainant contacted the undersigned via email at 1:31 p.m. on the date of the hearing, indicating “I guess I missed the hearing” and “I thought I was gonna [*sic*] receive a phone call for the hearing.”

18. Complainant has not made further contact with the undersigned or the Commission.

## 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. On August 29, 2025, the Commission served Complainant a Hearing Notice and a Prehearing Order. Both of the August 29, 2025 documents advised the parties of the date and time of the scheduled hearing and how to participate. The day prior to the hearing, the undersigned continued the hearing at Complainant's request. Subsequent to the continuance, Respondent reported via email to the undersigned and Complainant that the parties were available for a new hearing date of December 12, 2025. The undersigned then emailed the parties that the hearing would be held on that date. Complainant gave no indication that she was not agreeable to a December 12, 2025 hearing.

On November 12, 2025, the Commission served Complainant a Hearing Notice which advised the parties of the date and time of the rescheduled hearing, and how to participate. Also on November 12, 2025, the Commission served Complainant a Prehearing Order which reminded the parties of the date and time of the hearing, and how to participate. Both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Additionally, 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 November 12, 2025 Hearing Notice and the November 12, 2025 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. *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); 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. The Complainant did email the undersigned three hours and thirty-one minutes after the start time of the hearing, indicating she thought she would receive a phone call. Complainant has made no further contact with the Commission.

Complainant's explanation did not indicate her failure to appear was unavoidable. The hearing was specifically scheduled on a date that was agreeable to the parties. Complainant was informed of the date well in advance of the hearing. Complainant was sent information on how to participate in the hearing multiple times. When she did not receive a call at the scheduled time, she waited for hours before attempting to contact the Office of Administrative Law Judge. Based on the foregoing, I find Complainant's failure to appear at the December 12, 2025 hearing was avoidable.

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.

### **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 with prejudice is granted in part, such that the Complaint is dismissed, but without prejudice.

## 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 electronically served to a party with no notification that service failed is presumed received. *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).

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).

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That Peoples Natural Gas Company LLC's motion to dismiss the Formal Complaint with prejudice of Keonda Thompson, at Docket No. C-2025-3056728, is granted in part such that the Complaint is dismissed, and denied in part such that it is dismissed without prejudice.

2. That the Formal Complaint filed by Keonda Thomas in *Keonda Thomas v. Peoples Natural Gas Company LLC*, Docket No. C-2025-3056728, is hereby dismissed without prejudice.

3. That the Secretary's Bureau shall mark Docket No. C-2025-3056728 as closed.

Date: February 17, 2026

/s/  
Ann Quimby  
Administrative Law Judge