

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Hayden	:	
	:	
v.	:	C-2025-3055770
	:	
Columbia Gas of Pennsylvania, Inc.	:	

INITIAL DECISION

Before
Emily I. DeVoe
Administrative Law Judge

INTRODUCTION

This decision dismisses a Formal Complaint, finding that Complainant failed to present substantial evidence that Columbia Gas of Pennsylvania, Inc.’s Weather Normalization Adjustment program in its Commission-approved tariff was no longer reasonable or that the application of the existing Weather Normalization Adjustment program was applied unreasonably.

HISTORY OF THE PROCEEDINGS

On June 12, 2025, John Hayden (Complainant or Mr. Hayden) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Columbia Gas of Pennsylvania, Inc. (Columbia, Respondent, or Company), averring the Weather Normalization Adjustment (WNA) was not working as the

Commission intended; it was not having a “leveling effect” on his bill because he was seeing “only charges, never credits.” Complaint ¶ 4. As relief, Complainant requested that Columbia be required to justify its WNA program and prove that “the debits and credits even out as the PUC was told.” *Id.*

Respondent filed an Answer on July 8, 2025, denying there are incorrect charges on Mr. Hayden’s bill and averring that the WNA charges on his bill were billed in accordance with its Commission-approved tariff. Answer ¶¶ 4, 5.

On July 16, 2025, the Commission issued an Initial Telephonic Hearing Notice, assigning this matter to me and scheduling a hearing for September 10, 2025.

On July 18, 2025, I issued a Prehearing Order which provided the procedural rules for the hearing.

The hearing convened on September 10, 2025. Complainant appeared *pro se* and testified on his own behalf. The Company was represented by Larry Crayne, Esquire, and presented the testimony of Ribeka Danhires, Manager of Rates and Regulatory Service. Additionally, Columbia Exhibits 1-3, 4, 4.1, and 5 were admitted into the record. Further, I took judicial notice of the Initial Decision (I.D.) in the matter of *Skvarla v. Columbia Gas of Pennsylvania, Inc.* at Docket No. C-2023-3039555 (I.D. dated Nov. 3, 2023; Final Order entered Dec. 8, 2023). Tr. 28. Finally, Columbia’s Exhibit 2 included excerpts of: (1) a Joint Petition for Partial Settlement; (2) a Recommended Decision; and (3) a Commission Order and Opinion, at Docket No. R-2018-2647577, a recent Columbia rate proceeding. I took judicial notice of the entirety of those three documents without objection from either party. Tr. 35-36. Complainant did not make a closing statement, but Columbia did.

On September 30, 2025, the 53-page transcript was filed.

On October 14, 2025, I issued an Interim Order staying the instant matter. I explained:

In the instant Complaint, Complainant alleges the WNA is not functioning as originally intended and is unreasonable as applied to him. There is no dispute that since April 2017, Mr. Hayden was charged a WNA for 35 months, totaling \$189.72, and received a credit nine months, totaling \$45.30. Columbia Ex. 4.1.

On March 20, 2025, Columbia filed proposed Supplement No. 392 to Tariff Gas Pa. P.U.C. No. 9 (2025 Rate Case) with the Commission. *See* R-2025-3053499 et al. Columbia proposed, *inter alia*, convert its pilot WNA into a permanent program. On October 3, 2025, Administrative Law Judges Jeffrey A. Watson and Chad L. Allensworth issued a Recommended Decision in the 2025 Rate Case recommending, *inter alia*, that the WNA pilot program not be permitted to continue. *See* Recommended Decision at 489-497. The Commission is scheduled to issue a Final Order and Opinion on the Recommended Decision by December 19, 2025.

The Final Order and Opinion issued in the Columbia Rate proceeding may be dispositive of the instant matter or may at least provide guidance on possible outcomes or remedies if I were to sustain Mr. Hayden's Complaint. The Commission's rules provide that presiding officers have the authority to, *inter alia*, regulate the course of the proceeding. 52 Pa. Code § 1005.184(a). In this case, it is necessary to stay the instant matter pending a Final Order and Opinion in the 2025 Rate Case at R-2025-3053499 *et al.* The stay is necessary to avoid rendering a decision in the instant matter that may be contradicted or rendered moot by the Commission's Final Order and Opinion. The record in the instant matter closed on September 10, 2025, and an Initial Decision is due to be served within 90 days of the close of the record, or December 9, 2025. Staying

the matter until December 19, 2025, to allow for the issuance of a Final Order and Opinion in the 2025 Rate Case does not substantially delay the issuance of an Initial Decision in the instant matter.

Interim Order Staying Proceeding, Oct. 14, 2025, at 2-3.

In the October 14, 2025, Interim Order, I directed the parties to file a status report within 15 days of the entry of a Final Order and Opinion at Docket No. R-2025-3053499.

On December 17, 2025, Columbia filed a status report as directed. It argued the Commission's Final Order and Opinion in R-2025-3053499 dated December 9, 2025, did not affect the instant matter. It averred the Commission's Final Order and Opinion did not retroactively affect the WNA and allowed for the continuation of Columbia's WNA program, with slight modifications. Specifically, Columbia explained:

Beginning effective January 1, 2026, in conjunction with the implementation of new base rates, Columbia's WNA will be modified as follows: (1) the deadband will be adjusted to 5% (rather than 3%); (2) the shoulder month of May will be removed from the calculation; and (3) the time period used to calculate the Normal Heating Degree Days will be shortened to 10 years (rather than 20 years).

Columbia's December 17, 2025, Status Report.

On February 10, 2026, I issued an Interim Order lifting the stay and closing the record. The record consists of the Transcript as well as Columbia Exhibits 1-4, 4.1, and 5, as well as the documents of which I took judicial notice.

This matter is now ripe for adjudication.

FINDINGS OF FACT

1. Complainant is John Hayden.
2. Respondent is Columbia Gas of Pennsylvania Company, Inc, a jurisdictional public utility.
3. The Company provides gas service to Complainant. Tr. 30-31.
4. In 2012, Columbia first received authorization from the Commission to implement a WNA mechanism as part of a base rate proceeding. Tr. 31.
5. In 2018, Columbia filed another base rate proceeding and the Commission authorized Columbia to continue its WNA mechanism. Tr. 32; Columbia Ex. 2.
6. Columbia's tariff in effect at the time of the hearing sets out the rules and regulations under which the WNA mechanism was to be implemented during that time period. Tr. 33; Columbia Ex. 3.
7. In relevant part, Columbia's tariff regarding the WNA provides as follows:

RIDER WNA – WEATHER NORMALIZATION ADJUSTMENT

A Weather Normalization Adjustment (WNA) shall be applied to bills of Residential customers under Rate

Schedules RSS, RDS, and CAP, for the heating season November through May. The WNA shall continue until a final Order is entered in the Company's first rate case filed after December 14, 2024.

Columbia Exhibit 3.

9. On June 12, 2025, Complainant filed a Complaint arguing the WNA was not achieving a "leveling effect" on his bills as he believed the Commission intended, because under the WNA, Complainant only saw charges, never credits. Complaint ¶ 4.

10. Between April 5, 2017, and July 7, 2025, Complainant has been charged a WNA 35 times, for a total of \$189.63, and received a WNA credit 9 times, for a total of \$45.30. Tr. 16-17; Columbia Ex. 4.1.

DISCUSSION

Legal Standards

Burden of Proof

As the party seeking affirmative relief from the Commission, a complainant has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint to prevail and that the offense is a violation of the Public Utility Code, the Commission's

regulations, or order. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. P.U.C. 196 (1990); 66 Pa.C.S. § 701.

Upon the presentation by the complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the customer shifts to the company. If the evidence presented by the company is of co-equal value or “weight,” the burden of proof has not been satisfied. The complainant now must provide some additional evidence to rebut that of the company. *Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982) (*Burleson*). While the burden of going forward with the evidence may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (*Milkie*).

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

Rates — Just and Reasonable

Section 1301 of the Code requires that a public utility’s rates be just and reasonable. Section 1301 of the Code states as follows: “Every rate made, demanded or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations or orders of the commission.” 66 Pa.C.S. § 1301.

Tariffs

A public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law, and is binding on the utility and the customer. 66 Pa.C.S. § 316; *Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlth. 1997) (*Kossman*); *Stiteler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlth. 1977) (*Stiteler*). Where a complaint involves an existing, Commission-approved tariff, the burden falls upon the customer to prove that the charge or rule is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981) (*Brockway*). A complainant seeking to evade the effect of an existing tariff provision must prove that facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable. *Shenango Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm'n*, 686 A.2d 910, 914 (Pa. Cmwlth. 1996) (noting that the burden to contest an existing tariff is a heavy one) (*Shenango*).

Analysis

As an initial matter, I note that Complainant does not dispute that Columbia has billed him consistent with its tariff. Rather, the Complaint centers on Complainant's position that the WNA, as a whole, was no longer reasonable at the time of the evidentiary hearing on September 10, 2025. Tr. 11. He explained, "I believe that the WNA is not doing what it was intended to do by the PUC, and I'm not knocking the program, but it's not working for anybody in my demographics, and maybe it's a legislative issue, maybe it's a PUC issue, but I had to start somewhere." Tr. 7-8.

He testified that it was his belief that the WNA was intended to be "revenue neutral," but it has "become more of a money-maker" for Columbia. Tr. 14. He testified

that the WNA has not had a leveling effect on his bill because he has received a WNA charge 35 times and received a WNA credit only 9 times. Tr. 16-17.

Ms. Danhires explained that the WNA is designed to adjust customer bills and normalize Columbia's revenue based on weather normalization. Tr. 42, 45. She explained that under the WNA, when customers experience colder than normal temperatures and use more gas, they get a credit on their bills to offset the higher cost due to higher usage. Tr. 42-43. Alternatively, when temperatures are warmer than normal, and use less gas, they get an additional charge. *Id.* She explained that Mr. Hayden has seen more charges than credits because the weather the last 24 months has been warmer than normal. Tr. 43.

In this case, Mr. Hayden does not dispute that he was billed consistent with Columbia's Commission-approved tariff. His argument is that the WNA program is supposed to have a "leveling effect" on customer bills, and it is not achieving this goal and should be revised.

There is no dispute that Mr. Hayden has experienced more WNA charges than credits, but he has been charged consistent with the Company's Commission-approved tariff. A public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law, and is binding on the utility and the customer. 66 Pa.C.S. § 316; *Kossmann; Stiteler*. Where a complaint involves an existing, Commission-approved tariff, the burden falls upon the customer to prove that the charge or rule is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. *Brockway*.

Mr. Hayden did not provide substantial evidence to show that the WNA is no longer reasonable. Rather, he testified as to his opinions about what the goals of the WNA are and should be. Assertions, personal opinions, or perceptions do not constitute evidence. *Pa. Bureau of Corr. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987). Further, the

fact he has had more charges than credits the past 24 months does not necessarily mean that the WNA is being applied unreasonably to him. Notably, the Commission evaluated the WNA program during the Company's most recent rate case in 2025 and authorized its continuation.

The WNA is just a *part* of Columbia's rate structure. Theoretically, if the WNA were to be removed or modified, Columbia's other rates may increase. The Commission has approved Columbia's tariffed rates, including the WNA, and Mr. Hayden has failed to present sufficient evidence to rebut the presumption of reasonableness.

In conclusion, I find that Columbia has correctly billed Mr. Hayden's account consistent with its Commission-approved tariff. Mr. Hayden failed to meet his burden to prove that the tariff is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. As such, the Complaint must be dismissed.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 66 Pa.C.S. § 701.
2. The party filing the complaint bears the burden of proving that he is entitled to relief from the Commission. 66 Pa.C.S. § 332(a).
3. Complainant must show that the respondent/utility company is responsible or accountable for the problem described in the Complaint. Such a showing must be by a preponderance of the evidence. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

4. A public utility's tariff provisions that have been properly submitted to and approved by the Commission are *prima facie* reasonable. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981).

5. Where a complaint involves an existing, Commission-approved tariff, the burden falls upon the customer to prove that the charge or rule is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981).

6. A complainant seeking to evade the effect of an existing tariff provision must prove that facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable, and the burden to contest an existing tariff is a heavy one. *Shenango Township Board of Supervisors v. Pa. Pub. Util. Comm'n*, 686 A.2d 910 (Pa. Cmwlth. 1996).

7. Assertions, personal opinions, or perceptions do not constitute evidence. *Pa. Bureau of Corr. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987).

8. Complainant has not met his burden of proving by a preponderance of the evidence that the named public utility is responsible or accountable for the problem described in his Complaint. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of John Hayden against Columbia Gas of Pennsylvania Company, Inc. at Docket No. C-2025-3055770, is dismissed for Complainant's failure to carry his burden of proof.
2. That the Secretary's Bureau shall mark Docket No. C-2025-3055770 closed.

Date: March 2, 2026

/s/
Emily I. DeVoe
Administrative Law Judge