



PHILADELPHIA GAS WORKS

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March 5, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility
Commission P.O. Box 3265
Harrisburg, PA 17105-3265

Re: DaJuan Ruff-Kelly v. Philadelphia Gas Works; Docket Nos. F-2025-3055087

Dear Secretary Homsher:

Enclosed for electronic filing is Philadelphia Gas Works' Answer to the Complainant's Petition for Reconsideration in the above-referenced proceeding. Copies will be served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

Enclosure

cc: Cert. of Service [w/enc.]

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the following Philadelphia Gas Works' Answer to the Petition for Reconsideration upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA ELECTRONIC MAIL

DaJuan Ruff-Kelly

dajuanrk@gmail.com

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

Date: March 5, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DaJuan Ruff-Kelly,	:	
Petitioner,	:	
v.	:	Docket No. F-2026-3059893
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**ANSWER OF RESPONDENT PHILADELPHIA GAS WORKS
TO PETITION FOR RECONSIDERATION**

I. INTRODUCTION

In accordance with 52 Pa. Code § 5.572 and the Secretary’s letter issued on February 24, 2026, the Philadelphia Gas Works (PGW or Respondent) hereby respectfully submits this Answer to the Petition for Reconsideration (“Petition”) filed by DaJuan Ruff-Kelly (Petitioner or Mr. Ruff-Kelly) on February 23, 2026. In his Petition, Mr. Ruff-Kelly seeks reconsideration of the Opinion and Order of the Pennsylvania Public Utility Commission (Commission) entered in the above-captioned proceeding on December 23, 2025 (Order).

As explained below, the Complainant’s Petition should be denied because it was not timely filed and also fails to meet the well-established standard for granting reconsideration set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982). For these reasons, and as more fully explained below, PGW respectfully requests that the Commission deny the Complainant’s’s Petition for Reconsideration.

II. BACKGROUND

On May 5, 2025, the Complainant filed a Formal Complaint (Complaint) with the Commission against PGW, wherein he raised a dispute regarding billing. On the Complaint form, the Petitioner indicated that the Complaint concerned utility service provided to Know Finish LLC. The Petitioner neither stated that he was an attorney on the Complaint form, nor did he list an attorney at Paragraph No. 10 of the Complaint form, titled “Legal Representation.”

On June 3, 2025, PGW filed its Answer to the Complaint wherein it admitted, in part, and denied, in part, the material allegations of the Complaint and asserted that gas service at the service address was established under Know Finish LLC.

On June 5, 2025, a Hearing Notice was issued to the Parties, scheduling this matter for an evidentiary hearing on July 18, 2025 before Administrative Law Judge Alphonso Arnold III (ALJ). Subsequently, on June 6, 2025, the ALJ's Prehearing Order was issued, which explained the procedural rules that would govern the evidentiary hearing. Both the Hearing Notice and the Prehearing Order explained, inter alia, that a limited liability company must be represented by an attorney licensed to practice law in Pennsylvania, or admitted pro hac vice. Also, on June 6, 2025, the ALJ issued Interim Order #1, which directed the Petitioner to have an attorney enter an appearance on behalf of Know Finish LLC on or before July 8, 2025.

On July 9, 2025, the evidentiary hearing scheduled for July 18, 2025, was cancelled, and the evidentiary record in this proceeding was closed. Following the closing of the record, the Petitioner submitted a small business request for mediation form to the Commission's Mediation Unit, to which PGW did not object.

The evidentiary record was reopened on July 23, 2025, and this matter was referred to the Commission's Mediation Unit for mediation review.

Mediation of this matter was unsuccessful, and the matter was returned to the ALJ on September 18, 2025.

On September 24, 2025, the evidentiary record in this proceeding was again closed.

On October 10, 2025, the ALJ issued an Initial Decision wherein he dismissed the Complaint due to the Petitioner's failure to comply with Interim Order #1 directing him to have an attorney enter an appearance on behalf of Know Finish LLC. No Exceptions to the Initial Decision were filed.

On October 16, 2025, the Petitioner filed a letter with the Commission asking to withdraw his Complaint and seeking to have his information treated as confidential and removed from public access.

On December 23, 2025, the Commission entered its Order in this matter. In the Order, the Commission deemed the October 16, 2025 letter a Petition to Withdraw and denied it as moot as the Initial Decision denied the Complaint without prejudice and the Commission's procedures protect a complainant's personally identifiable information from public access. The Order further stated that the Initial Decision would become final without further Commission action.

On February 23, 2026 the Complainant filed the instant Petition, but failed to serve PGW. By Secretarial Letter dated February 24, 2026, the Commission served PGW with the instant Petition.

III. LEGAL STANDARDS

The Commission's standard for granting reconsideration following final orders is set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982) (emphasis added):

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein it was said that “[p]arties ..., cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them...” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.

Consequently, for a petition to warrant reconsideration by the Commission, it must demonstrate new and novel arguments or considerations not previously addressed by the Commission. The Commission has cautioned that the last portion of the operative language of the *Duick* standard (*i.e.*, “by the Commission”) focuses on the deliberations of the Commission, not the arguments of the parties. *See Pa. PUC v. PPL Elec. Utils. Corp.*, Docket No. R-2012-2290597, p. 3 (Order entered May 22, 2014). Therefore, a petition for reconsideration cannot be used to raise new arguments or issues that should have been, but were not, previously raised.

While a petition seeking relief under the *Duick* standard may properly raise matter designed to convince the Commission that it should exercise its discretion to rescind or amend a prior order in whole or part, the *Duick* standard does not permit a petitioner to raise issues and arguments considered and decided below such that the petitioner obtains a second opportunity to argue properly resolved matters. *Id.* Further, as explained by the Pennsylvania Supreme Court, petitions for reconsideration of a final agency order may only be granted judiciously and under appropriate circumstances because such action results in the disturbance of final agency orders. *City of Pittsburgh v. Pa. Dep't of Transp.*, 490 Pa. 264, 416 A.2d 461 (1980).

IV. ARGUMENT

A. The Request for Reconsideration Should be Denied Because it was not Timely Filed.

52 Pa. Code § 5.572 states, in pertinent part, “(c) Petitions for reconsideration, rehearing, reargument, clarification, supersedeas or others shall be filed within 15 days after the Commission order involved is entered or otherwise becomes final.”

In this case, the Order adopted by the Commission was entered on December 23, 2025. The instant Petition to Reconsider was not filed until February 23, 2026, far beyond the deadline laid out in § 5.572. Thus, the Petition and should be denied in its entirety.

B. The Request for Reconsideration Should be Denied Because it Fails to Satisfy the *Duick* Standard.

In his Petition, Mr. Ruff-Kelly appears to raise the issue of removing his information from public access, citing confidentiality concerns.

The confidentiality of Petitioner’s information is not a novel consideration; it was addressed thoroughly by the Commission in its Order. The Commission noted that it does not publish pro se complaints in order to protect the customer account information of complainants. It also noted that the Commission protects personally identifiable information pursuant to the Breach of Personal Information Notification Act, 73 P.S. §§ 2301-2330 (BPINA). The Commission further stated that it had reviewed the instant docket and that no personal identifiable information as defined by BPINA has been published on the Commission’s website.

The Petition fails to raise a novel argument or a consideration not previously addressed by the Commission. Thus, the Petition and should be denied in its entirety.

V. CONCLUSION

WHEREFORE, for all the foregoing reasons, Philadelphia Gas Works respectfully requests that the Commission deny the Complainant's Petition for Reconsideration.

Respectfully submitted,

/s/ Graciela Christlieb

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Date: March 5, 2026

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