

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Angel Brown

v.

Philadelphia Gas Works

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C-2025-3057907

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

In this matter, a customer filed a Formal Complaint against her gas utility requesting a payment arrangement. This Initial Decision dismisses the Complaint, finding that the customer failed to meet her burden of proving that she is eligible for a second Commission-issued payment arrangement, or a reinstatement and extension of her initial Commission-issued payment arrangement.

HISTORY OF THE PROCEEDING

On October 10, 2025, Angel Brown (“Ms. Brown”) filed a Formal Complaint (“Complaint”) against Philadelphia Gas Works (“PGW”) with the Pennsylvania Public Utility Commission (“Commission”) requesting a payment arrangement.

On October 30, 2025, PGW filed an Answer to the Complaint, admitting or denying the allegations of the Complaint, and requesting dismissal of the Complaint.

On November 4, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling this case for an evidentiary hearing on December 22, 2025.

On November 5, 2025, the Commission issued my Prehearing Order which laid out the procedural rules that would govern the evidentiary hearing.

On December 22, 2025, the evidentiary hearing was held as scheduled. Both parties appeared at the evidentiary hearing. Ms. Brown presented testimony in support of her Complaint. PGW was represented by Tracy Tripp, Esquire, who presented the testimony of a witness who sponsored five exhibits, PGW Exhibits 1-5, that were admitted into the record.

On January 5, 2026, a 21-page electronic transcript of the December 22, 2025, evidentiary hearing was received by the Commission. The evidentiary record closed on this date.

This matter is ready for disposition. For the reasons discussed below, the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainant is Angel Brown.
2. Respondent is Philadelphia Gas Works.

3. Ms. Brown receives gas service from PGW at 5933 Kingsessing Avenue, Philadelphia, PA, 19143 (“service address”). Tr. 7.

4. Ms. Brown lives at the service address by herself. Tr. 8.

5. Ms. Brown’s gross monthly household income is \$4,200. Tr. 8.

6. On August 14, 2025, Ms. Brown filed an Informal Complaint with the Commission’s Bureau of Consumer Services (“BCS”) at BCS No. 4085028, requesting a payment arrangement. PGW Exhibit 5 at 1.

7. On August 15, 2025, the BCS provided Ms. Brown with a payment arrangement. PGW Exhibit 5 at 3.

8. The payment arrangement provided to Ms. Brown by the BCS at BCS No. 4085028 was based on a gross monthly household income of \$4,246.67 for a household size of one. PGW Exhibit 5 at 1.

9. Ms. Brown defaulted on the payment arrangement issued by the BCS at BCS No. 4085028. PGW Exhibit 1.

10. As of December 12, 2025, Ms. Brown’s account balance was \$10,547.21. PGW Exhibit 2.

DISCUSSION

Legal Standards

Burden of Proof

As a matter of law, to establish a legally sufficient claim, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). The offense must also be a violation of the Public Utility Code, a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

Section 332(a) of the Public Utility Code (“Code”) provides that a complainant, as the party seeking affirmative relief from the Commission, 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).

Additionally, this Commission’s decision must be supported by substantial evidence in the record. 2 Pa.C.S. § 704. “Substantial evidence” is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980); *Murphy v. Pa. Dep’t of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts complainant’s evidence, the burden of going forward with the evidence shifts back to complainant, who must rebut the utility’s evidence with some additional evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on a complainant. *Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff’d*, 461 A.2d 1234 (Pa. 1983).

Payment arrangements

Prior to December 31, 2024, the Commission applied the provisions of The Responsible Utility Consumer Protection Act (“Act”), 66 Pa.C.S. §§ 1401-1419, to consumer complaints alleging a consumer’s inability to pay and requesting that the Commission issue a payment arrangement. As of December 31, 2024, the Act has sunset, according to its provisions, and is not currently in effect. In light of the sunset of the Act, the Commission has clarified that its Regulations codified at 52 Pa. Code Chapter 56 shall remain in effect until amended. *See Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024) (“*Statement of Policy*”).

The Commission’s *Statement of Policy* clarifies that “the Commission will apply this statement of policy in all proceedings related to issues in Chapter 14 until further direction is provided.” *Statement of Policy* at 7. In relevant part, the *Statement of Policy* outlines that:

[W]ith regard to the provision of payment arrangements, and without prejudging any future matters that may come before

us, the Commission will maintain its application of the four-tiered process establishing the length of payment arrangements currently articulated in Chapter 14. This includes principles provided in Section 1405(b) and the relevant definitions of “change in income” and “significant change in circumstance” as provided in Section 1403 of the Code, 66 Pa.C.S. §§ 1403, 1405(b).

As Chapter 14 currently requires, the length of time for a customer to resolve an unpaid balance that is investigated by the Commission and is entered into by a public utility and a customer shall not extend beyond:

- (1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.
- (2) Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.
- (3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.
- (4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

66 Pa.C.S. § 1405(b). The principles of Section 1405 and definitions of Section 1403 will continue after the expiration of Chapter 14 on December 31, 2024.

Id. at 4-5. The *Statement of Policy*, via a footnote, clarifies that:

Consistent with Chapter 14 at present, after December 31, 2024, utility customers will be eligible for one payment arrangement on arrearages accrued while not on a customer assistance program under such terms, subject to a change in

income or a significant change in circumstance as again outlined in the existing statute. *See* 66 Pa.C.S. § 1405(c).

Id. at 5, n.3.

The language of the Act relating to the number of payment arrangements and cited by the *Statement of Policy* stated as follows:

- (d) **Number of payment arrangements.**--Absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision. A public utility may, at its discretion, enter into a second or subsequent payment arrangement with a customer.
- (e) **Extension of payment arrangements.**--If the customer defaults on a payment arrangement established under subsections (a) and (b) as a result of a significant change in circumstance, the commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown.

66 Pa.C.S. § 1405(d), (e). The Act stated that to show a “change in income” a Complainant must show a decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level. 66 Pa.C.S. § 1403. The Act also defined “significant change in circumstances,” a definition which has also been adopted by the *Statement of Policy*, stating the Commission may extend a Commission-issued payment arrangement where the following conditions are present:

“Significant change in circumstance.” Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level:

- (1) The onset of a chronic or acute illness resulting in a significant loss in the customer’s household income.
- (2) Catastrophic damage to the customer’s residence resulting in a significant net cost to the customer’s household.
- (3) Loss of the customer’s residence.
- (4) Increase in the customer's number of dependents in the household.

Id.

Analysis

Ms. Brown seeks a Commission-issued payment arrangement in this matter. Ms. Brown testified at the evidentiary hearing that she lives alone at the service address and has a gross monthly household income of \$4,200. Tr. 8.

PGW presented the testimony of David Kauffman, a customer review officer employed by PGW. Tr. 12. Admitted into the record was a copy of the BCS decision at BCS No. 4085028, whereby Ms. Brown was provided with a payment arrangement. PGW Exhibit 5. The payment arrangement provided to Ms. Brown by the BCS was based on an income of \$4,246.67 for a household size of one. PGW Exhibit 5 at 1. Ms. Brown defaulted on the payment arrangement issued at BCS No. 4085028. PGW Exhibit 1. As of December 12, 2025, Ms. Brown’s account balance was \$10,547.21. PGW Exhibit 2.

The burden of proof in this proceeding is on Ms. Brown to demonstrate that she is eligible for a Commission-issued payment arrangement. After review of the evidentiary record, I find that Ms. Brown has not met her burden of proof.

The record demonstrates that the BCS provided Ms. Brown with a payment arrangement. Ms. Brown did not request review of the decision of the BCS; therefore, the payment arrangement issued by BCS was not stayed and became a Commission-issued payment arrangement.¹ Ms. Brown defaulted upon this Commission-issued payment arrangement. Pursuant to Section 1405(d) of the Code, as applied through the *Statement of Policy*, the Commission may only establish a second payment arrangement for Ms. Brown if she experienced a change in income since her Commission-issued payment arrangement. 66 Pa.C.S. § 1405(d).

Ms. Brown experienced a decrease in household income since the issuance of the Commission-issued payment arrangement from \$4,246.67 per month to \$4,200 per month. This decrease represents a decrease in household income of approximately 1%.² As “change in income” is defined as a decrease of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level, which Mr. Brown's income does,³ Ms. Brown has not experienced a change in income since the Commission-

¹ Section 56.172 of the Commission's regulations provides that a request for review of a BCS decision shall be filed within 30 days of the BCS mailing a formal complaint form to the requesting person. 52 Pa. Code § 56.172(b), (c). If a formal complaint is filed within the 30-day period, the BCS decision is stayed. 52 Pa. Code § 56.172(d).

² $(\$4,246.67 - \$4,200 = \$46.67)$. $(\$46.67 / 4,246.67 = 0.01099)$.

³ 200% of the Federal poverty level for a household of one is \$2,608.33. *See* Federal poverty guidelines, 90 Fed. Reg. 5917 (Jan. 17, 2025); <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>. As such, Ms. Brown's household income exceeds 200% of the Federal poverty level.

issued payment arrangement. Therefore, Ms. Brown is not eligible for a second Commission-issued payment arrangement.

Finally, although Ms. Brown is not eligible for a second Commission payment arrangement, pursuant to Section 1405(e) of the Code as applied through the *Statement of Policy*, the Commission may reinstate and extend Ms. Brown's Commission-issued payment arrangement if she defaulted on the payment arrangement as a result of a significant change in circumstance. 66 Pa.C.S. § 1405(e). As there is no evidence in the record showing that Ms. Brown has experienced a significant change in circumstance as was defined by Section 1403 of Code, she is ineligible to have her Commission-issued payment arrangement reinstated and extended.

In conclusion, for the reasons discussed above, Ms. Brown failed to meet her burden of proving that she is eligible for a second Commission-issued payment arrangement, or a reinstatement and extension of her initial Commission-issued payment arrangement. Accordingly, the Complaint will be dismissed in the Ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this dispute. 66 Pa.C.S. § 701.
2. As the proponent of a rule or order, Complainant has the burden of proof in this matter. 66 Pa.C.S. § 332(a).
3. To establish a sufficient case and satisfy the burden of proof, the Complainant must show that Respondent is responsible or accountable for the problem described in the Complaint by a preponderance of the evidence. *Patterson v. Bell Tel.*

Co. of Pa., 72 Pa.P.U.C. 196 (1990); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

4. A preponderance of the evidence is 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).

5. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. 2 Pa.C.S. § 704.

6. The Commission's Statement of Policy states that the principles of Section 1405 and definitions of Section 1403 will continue after the expiration of Chapter 14 on December 31, 2024. *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

7. Absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision. A public utility may, at its discretion, enter into a second or subsequent payment arrangement with a customer. 66 Pa.C.S. § 1405(d); *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

8. To show a "change in income" a Complainant must show a decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level. 66 Pa.C.S. § 1403; *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

9. If the customer defaults on a payment arrangement as a result of a significant change in circumstance, the commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown. 66 Pa.C.S. § 1405(e); *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

10. Ms. Brown has failed to meet her burden of proving that she is eligible for a second Commission-issued payment arrangement or to reinstatement and extension of her initial Commission-issued payment arrangement. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Angel Brown in *Angel Brown v. Philadelphia Gas Works*, Docket No. C-2025-3057907, is dismissed.

2. That the Secretary's Bureau shall mark Docket No. C-2025-3057907 as closed.

Date: March 6, 2026

/s/
Alphonso Arnold III
Administrative Law Judge