

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tracy Baltimore	:	
	:	
v.	:	C-2025-3057022
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Erin L. Gannon
Administrative Law Judge

INTRODUCTION

This decision dismisses the Formal Complaint with prejudice for the failure of the Complainant to appear for the hearing and prosecute the Complaint.

HISTORY OF THE PROCEEDING

On August 25, 2025, Tracy Baltimore (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL or Respondent). The Complainant alleged PPL was threatening to shut off her electric service and that she was having a reliability, safety or quality problem with her utility service. Ms. Baltimore stated that PPL has been (1) illegally shutting off her service at various times of the day when her bill was not due or delinquent; (2) discriminating against and harassing her for many months and; (3) working with Tri County Community Action to pad her bill, commit

fraudulent entries on her statements and tamper with her assistance programs. For relief, the Complainant stated:

I seek a \$250,000 dollar settlement amount in damages, intentional infliction of emotional harm and distress, compensation for ongoing harrassment [sic] and stalking, damage to my home and electrical system, reputation and family life.

Complaint ¶ 5.

In her Complaint, Ms. Baltimore selected the option to receive all communications from the Commission via eService through an eFiling account she registered with the Commission. Complaint ¶ 9.

On September 2, 2025, the Complainant filed a document titled “Additional Information to Complaint,” to which she attached documents concerning her claims.

On September 15, 2025, PPL timely filed an answer, in which it generally denied the Complainant’s allegations. PPL admitted that it sent a termination notice to the Complainant on July 1, 2025 but averred that service had not been terminated since the notice was sent, and denied that the Company has been illegally shutting off her electric service. At the time of filing the answer, PPL stated that the Complainant’s account balance was \$1,490.27, of which \$1,237.19 was in arrears. The Respondent asked the Commission to dismiss the complaint in its entirety and with prejudice.

On September 19, 2025, the Office of Administrative Law Judge issued a Call-In Telephonic Hearing Notice scheduling an Initial Telephonic Hearing for Tuesday, November 4, 2025 at 10:00 a.m., and assigning me as the presiding officer. On the same date, a Prehearing Order was issued which addressed the procedures applicable to this proceeding, including how to request a continuance.

On Tuesday, November 4, 2025, the hearing was convened as scheduled. Ms. Baltimore appeared and represented herself. PPL was represented by Hayley E. Wilburn, Esquire, and appeared at the hearing, along with a witness.

The Complainant requested a 90-day continuance of the hearing on the basis that she wanted to contact an attorney for guidance and/or representation, conduct discovery and prepare additional exhibits. Tr. 5-9.

PPL objected to the request for continuance. Tr. 6. Attorney Wilburn asserted that the Complainant did not comply with the requirements for requesting a continuance prior to the hearing, had seventy days before the hearing to engage in discovery or identify any witness(es), and demonstrated no exigent circumstances. Tr. at 6-7. Additionally, PPL's witness was present and the Respondent was prepared to proceed with the hearing. Tr. at 7.

I granted the Complainant's oral request for continuance. In finding good cause, I gave weight to the fact that the Complainant is self-represented. Tr. 12. I also considered that discovery may serve to focus the proceedings, to the benefit of both parties. Tr. at 9-12.

On November 25, 2025, I issued an interim order which directed the scheduling of a hearing and established procedural deadlines for the parties to identify proposed witnesses, submit proposed exhibits in advance of the hearing and, if applicable, file notice of appearance by counsel for the Complainant prior to the rescheduled hearing.

Also on November 25, 2025, a Further Telephonic Evidentiary Hearing Notice (Further Hearing Notice) was served on the parties scheduling a telephonic

hearing on February 10, 2026 at 10:00 a.m. The Further Hearing Notice provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing. The Further 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. If you are unable to attend the hearing for any reason, you must request a continuance using the procedure described below.

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 January 28, 2026, a Second Prehearing Order was served on the parties which reminded the parties of the date and time of the hearing. The Second Prehearing Order also stated the potential consequences if a party failed to appear at the hearing. Additionally, the Second Prehearing Order informed the parties about the applicable procedural rules, and again included the procedure to follow for hearing continuances.

The Further Hearing Notice and Second Prehearing Order were eServed to the Complainant in the ordinary course of the Commission’s business to the email address that was registered with the Commission by Ms. Baltimore. Neither the Further Hearing Notice nor the Second Prehearing Order were returned to the Commission as undeliverable.

On February 10, 2026, I convened the hearing as scheduled. Attorney Wilburn again appeared on behalf of the Respondent along with one witness and was ready to proceed. The court reporter was also present. The Complainant was not present at the start of the hearing. After a 15-minute recess to allow time for Ms. Baltimore to appear, the hearing proceeded in the Complainant's absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, the Respondent moved to dismiss the Complaint with prejudice for the Complainant's failure to appear and prosecute her Complaint. Tr. 21-22. I took this motion under advisement. Tr. 23.

Ms. Baltimore has not contacted the Commission to explain why her failure to appear at the hearing was unavoidable.

The record closed on February 20, 2026, which was 10 days after the hearing. Tr. 23.

This decision grants the Respondent's motion to dismiss the Complaint with prejudice for the failure of the Complainant to appear for the hearing and prosecute the Complaint.

FINDINGS OF FACT

1. The Complainant is Tracy Baltimore.
2. The Respondent is PPL Electric Utilities Corporation.
3. On August 25, 2025, the Complainant filed a Formal Complaint against Respondent.

4. On September 15, 2025, the Respondent filed an answer to the Complaint.
5. On November 25, 2025, a Further Telephonic Evidentiary Hearing Notice was served on the Complainant scheduling a further telephonic hearing on February 10, 2026 at 10:00 a.m.
6. On January 28, 2026, a Second Prehearing Order for Telephone Hearing was served on the Complainant providing additional information to the parties regarding the hearing.
7. Both the Further Telephonic Evidentiary Hearing Notice and Second Prehearing Order were served on the Complainant by eService to the email address the Complainant provided to and registered with the Commission.
8. Both the Further Telephonic Evidentiary Hearing Notice and Second 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.
9. Neither the Further Telephonic Evidentiary Hearing Notice nor the Second Prehearing Order were returned to the Commission as undeliverable.
10. The Complainant failed to appear and participate in the scheduled telephonic hearing on February 10, 2026.
11. The court reporter, Counsel for Respondent and its witness were present and prepared to proceed at the February 10, 2026 hearing.

12. The Complainant has not contacted the Commission to explain why her failure to appear at the hearing was unavoidable.

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 the Complainant was provided notice and the opportunity to be heard. First, on November 25, 2025, the Commission served the Complainant a Further Telephonic Evidentiary Hearing Notice which advised the parties of the date and time of the hearing, and how to participate. Second, on January 28, 2026, the Commission served the Complainant a Second 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 the Complainant that failure to appear may result in the dismissal of the Complaint with prejudice, which means that the Complainant would be barred from filing another complaint raising the same claims and issues presented in the dismissed complaint.

Both the Further Hearing Notice and Second Prehearing Order were eServed to the Complainant at the email address she registered with the Commission. Neither was returned to the Commission as undeliverable. Notice eServed to a party's registered email address with no notification that service failed 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).

Ms. Baltimore 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 their 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).

Ms. Baltimore failed to appear for the hearing despite receiving notice and despite the undersigned allowing additional time for the Complainant to appear. To date, there has been no communication to the Office of Administrative Law Judge or me by, or on behalf of, the Complainant explaining why the Complainant's failure to appear at the hearing was unavoidable.

Consequently, I find that the Complainant waived the opportunity to participate in a hearing on the matters raised in the Complaint, the 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, the Complainant bears the burden of proof. By failing to participate and proffer any evidence to support the complaint, Ms. Baltimore has failed to meet this burden. Thus, it is appropriate to dismiss the Complaint with prejudice. *Brown; Williams; Jefferson*. Accordingly, the merits of the Complaint will not be addressed.

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

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 eServed 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. The 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, the 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, the Complainant has failed to meet the burden of proof. 66 Pa.C.S. § 332(a).

