

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

William B. Kowalski, Jr.	:	
	:	
v.	:	C-2025-3056648
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Chad L. Allensworth  
Administrative Law Judge

**INTRODUCTION**

This decision dismisses the Formal Complaint with prejudice for failure of Complainant to appear for the hearing and prosecute the Formal Complaint. This decision also bars Complainant from filing further complaints regarding his electric utility account balance until his arrearages are paid in full based on Complainant’s abuse of the administrative process to avoid or delay termination of his utility service.

**HISTORY OF THE PROCEEDING**

On August 1, 2025, William B. Kowalski, Jr. (“Complainant”) filed a Formal Complaint (“complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against PPL Electric Utilities Corporation (“Respondent” or “PPL”). The complaint requested a new payment arrangement for arrearages. Complaint ¶ 4.

In the complaint, Complainant selected the option to receive all communications from the Commission via eService through an eFiling account he registered with the Commission. Complaint ¶ 9.

On August 25, 2025, Respondent filed an answer in which it denied the material allegations of fact and conclusions of law in the complaint. Respondent requested that the complaint be denied. Answer ¶ 4.

On August 28, 2025, an Initial Telephonic Hearing Notice was served on the parties scheduling a hearing on October 20, 2025, at 10:00 a.m. and the case was assigned to me. A Prehearing Order was also served on August 28, 2025 reiterating the date and time for the hearing and advising the parties about the applicable procedural rules, including the procedure to follow for continuing the hearing.

On October 3, 2025, Respondent requested, via email sent to Complainant and me, to continue the hearing scheduled for October 20, 2025. That same day, I emailed the parties and directed Complainant to advise if he opposed the continuance request by October 10, 2025. Complainant did not respond to Respondent's request to continue the hearing.

On October 14, 2025, I sent an email to the parties advising that the October 20, 2025 hearing was canceled and would be rescheduled. That same day, Complainant emailed me, which I subsequently forwarded to counsel for PPL, requesting to be advised of the rescheduled hearing date.

Also, on October 14, 2025, a Rescheduled Initial Telephonic Hearing Notice was served on the parties rescheduling the initial telephonic hearing for December 12, 2025, at 10:00 a.m. The Hearing Notice provided the parties with the Toll-

Free Bridge Number and the Passcode 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).

The Hearing Notice was eServed to Complainant in the ordinary course of the Commission’s business to the email address that was registered with the Commission by Complainant. The Hearing Notice was not returned to the Commission as undeliverable.

On December 12, 2025, I convened the hearing as scheduled. Hayley E. Wilburn, Esq., 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 scheduled start time for the hearing. After a short delay to allow time for Complainant to appear, the hearing proceeded in Complainant’s absence. At the hearing, Respondent moved to dismiss the Complaint with prejudice based on Complainant’s failure to appear and prosecute the complaint. Tr. 7-8. I took the motion under advisement. Tr. 31.

Additionally, Respondent moved to bar Complainant from filing additional complaints, either formal or informal, regarding arrearages on his electric service account

until his arrearages are paid in full based on abuse of process. Tr. 9. Because Respondent averred that Complainant has filed 27 informal complaints since 2007, has filed five formal complaints since 2023 and has defaulted on multiple payment arrangements, I allowed the Company to present testimony to support the motion to bar further complaints. Tr. 9-10. Thus, testimony was taken, and the following four exhibits were admitted into the record:

- PPL Exhibit 1 – Account Activity Statement
- PPL Exhibit 2 – Account Contact History
- PPL Exhibit 3 – Prior Payment Arrangements
- PPL Exhibit 4 – Bureau of Consumer Services Case (“BCS”) Decision

Complainant has not contacted the Commission to explain why Complainant’s failure to appear at the hearing was unavoidable.

The record closed on January 2, 2026, when the transcript was filed with the Commission. This decision grants the Respondent's motion to dismiss the complaint with prejudice and bars Complainant from filing further complaints against PPL until his arrearages are paid in full.

#### FINDINGS OF FACT

1. Complainant is William B. Kowalski, Jr.
2. Respondent, PPL Electric Utilities Corporation, is a jurisdictional public utility.
3. Complainant receives electric service from PPL at 24 Wilcox Drive, Wilkes Barre, Pennsylvania, 18705. Complaint ¶ 1; Tr. 17.

4. On August 1, 2025, Complainant filed a complaint against PPL.
5. On August 25, 2025, Respondent filed an answer to the complaint.
6. On August 28, 2025, an Initial Telephonic Hearing Notice was served on Complainant scheduling a hearing on October 20, 2025.
7. On August 28, 2025, a Prehearing Order for Telephonic Hearing was served on Complainant providing additional information to the parties regarding the hearing.
8. On October 3, 2025, PPL requested, via email, to continue the scheduled hearing.
9. Complainant was advised that he had until October 10, 2025 to respond to the continuance request.
10. On October 14, 2025, I emailed the parties advising that the hearing scheduled for October 20, 2025 was canceled and would be rescheduled.
11. On October 14, 2025, Complainant sent an email asking to be advised of the rescheduled hearing date.
12. On October 14, 2025, a Rescheduled Initial Telephonic Hearing Notice was served on Complainant rescheduling the hearing on December 12, 2025, at 10:00 a.m.

13. The Hearing Notice was served on Complainant by eService to the email address Complainant provided to and registered with the Commission.

14. The Hearing Notice provided Complainant with the toll-free bridge telephone number and Passcode 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.

15. The Hearing Notice was not returned to the Commission as undeliverable.

16. Complainant failed to appear and participate in the scheduled telephonic hearing on December 12, 2025.

17. Complainant did not contact the Commission to explain why Complainant's failure to appear at the hearing was unavoidable.

18. The court reporter, counsel for PPL and PPL's witness – Rhonda Solano, were present at the December 12, 2025 hearing.

19. Rhonda Solano has been employed by PPL for 18 years, including seven months in her current role as a Senior Customer Service Representative, and her duties include handling questions from people working in the contact center and handling escalated calls. Tr. 13-14.

20. Complainant's total balance at the time of the hearing was \$13,660.45 with \$13,439.63 being past due. Tr. 17; PPL Exhibit 1.

21. Complainant failed to consistently pay amounts due on his electric bill. Tr. 17.

22. Complainant filed a total of 27 informal complaints for the account at issue with BCS services since 2007. Tr. 18.

23. Complainant filed a total of five formal complaints for the account at issue with the Commission since 2023, which includes the complaint currently at issue. Tr. 18.

24. In 2023, Complainant filed a formal complaint that resulted in a settlement with a 42-month payment arrangement. Tr. 18.

25. In April 2024, Complainant filed a formal complaint that was settled through a payment arrangement. Tr. 18.

26. In July and August of 2024, Complainant filed two formal complaints that were consolidated and subsequently dismissed with prejudice due to Complainant failing to appear for the hearing in those matters. Tr. 18.

27. PPL issued a notice of termination to Complainant on July 21, 2025, with termination scheduled to occur on August 4, 2025. Tr. 21; PPL Exhibit 2.

28. Complainant's outstanding balance at the time the notice was issued was \$16,745.85. Tr. 21; PPL Exhibit 2.

29. Complainant's service was not terminated due to filing the complaint. Tr. 21.

30. Complainant has been offered or has entered into ten payment arrangements for the account at issue over the last four years, including a Commission issued payment arrangement initiated in February 2024. Tr. 24-26; PPL Exhibit 3.

31. Complainant has refused or defaulted on all the payment arrangements for the account at issue. Tr. 25-27; PPL Exhibit 3.

32. Complainant has not paid the underlying balance that was the subject of his payment arrangements. Tr. 27.

33. The size of Complainant's outstanding balance is due, in part, to filing multiple complaints thereby stopping termination proceedings. Tr. 17-18.

## 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 October 14, 2025, the Commission served Complainant a Rescheduled Initial Telephonic Hearing Notice which advised the parties of the date and time of the hearing, and how to participate. The Hearing Notice advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed and 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.

The Hearing Notice was eServed to Complainant at the email address he registered with the Commission. The Hearing Notice was not 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).

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 ("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); 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. To date, there has been no communication to the Office of Administrative Law Judge or me by, or on behalf of, Complainant explaining why Complainant's failure to appear at the hearing was unavoidable.

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 with prejudice.

### **Burden of Proof**

Section 332(a) of the 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).

### **Dismissal of Complaint**

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 with prejudice. *Brown; Williams*. Accordingly, the merits of the complaint will not be addressed.

Accordingly, Respondent's motion to dismiss the complaint with prejudice will be granted.

### **Barred from Filing Further Complaints**

Complainant filed a complaint seeking relief from the Commission in the form of a new payment arrangement. Complainant was required to prove that he was eligible to this relief. Complainant failed to appear at the hearing thereby failing to prove his claim.

Additionally, PPL asserts that Complainant abused the Commission's administrative process and requests he be barred from filing further complaints until his

entire account balance has been paid in full. Tr. 12. In support of its position, PPL points to Complainant's substantial outstanding balance, Complainant's poor compliance with the prior ten payment arrangements and Complainant's extensive history of filing both informal and formal complaints. Tr. 17-30. Complainant did not appear at the hearing to dispute these claims.

An order barring a customer from filing further complaints until the customer pays an account balance in full may seem like a harsh result. However, the Commission must also consider the interests of the utility and the utility's other customers. Unpaid bills are included in the utility's uncollectible expenses. A utility's customers pay this expense as part of the utility's rates. *E.g., Bolt v. Duquesne Light Co.*, Docket No. Z-08721758 (Order entered Apr. 8, 1988).

Abuse of the Commission's administrative process can occur in various forms. The Commission has barred complaints from individuals who frequently request hearing continuances and afterward fail to appear. *Grossman v. Bell Tel. Co. of Pa.*, 67 Pa. PUC 714 (1988). The Commission will also consider the number and nature of complaints filed by a customer, the number of defaulted payment arrangements, the complainant's payment history and the use of tactics to avoid payments and service terminations. *See Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar. 10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.* Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order entered Oct. 3, 2002).

Complainant's actions in this case included refusing or defaulting on ten prior payment arrangements, the filing of 27 informal complaints on his arrearages, the filing of five formal complaints on his arrearages and an outstanding balance of \$13,660.45 with \$13,439.63 in arrears. Tr. 17-30. Complainant's actions qualify as an

abuse of the Commission's administrative process to avoid termination of his electric service and payment of the electric service he consumed.

Accordingly, Complainant will be barred from filing any formal or informal complaints regarding his unpaid balance until he pays his arrearages in full.

### 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. 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 Complainant's burden of proof. 66 Pa.C.S. § 332(a).

9. The Commission may preclude a complaint from filing further complaints until all account arrearages are paid in full when the Commission determines that the complaint has abused the Commission's administrative process. *Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar. 10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order entered Oct. 3, 2002).

10. Complainant's conduct constitutes an abuse of administrative process in order to avoid or delay the termination of his utility service. *Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar. 10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order dated Oct. 3, 2002).

11. It is appropriate to preclude Complainant from filing further complaints regarding his account balance until his account balance is paid in full. *Hogan v. W. Penn Power Co.*, Docket F-2019-3012920 (Final Order entered Mar. 10, 2020); *Potora v. UGI Penn Nat. Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered Aug. 8, 2019); *DiFilippo v. PECO Energy Co.*, Docket No. C-20027116 (Final Order dated Oct. 3, 2002).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That PPL Electric Utilities Corporation's motion to dismiss the Formal Complaint of William B. Kowalski, Jr., with prejudice, at Docket No. C-2025-3056648 is granted.

2. That the Formal Complaint filed by William B. Kowalski, Jr. in *Williams B. Kowalski, Jr. v. PPL Electric Utilities Corporation* at Docket No. C-2025-3056648 is hereby dismissed with prejudice.

3. That William B. Kowalski, Jr. is precluded from filing further informal or formal complaints with the Commission regarding the arrearages on the account for electric service rendered by PPL Electric Utilities Corporation until such time as the outstanding arrearages in the amount of \$13,439.63 are paid in full, and that the filing of any complaint pertaining to those arrearages which are the subject of this proceeding shall be rejected without further proceedings.

4. That the filing of any other pleading related to this case, concerning the same subject matter be, and hereby is, deemed not to stay implementation of this Order.

5. That Commission staff (including but not limited to the Bureau of Consumer Services and the Secretary's Bureau) shall reject any formal or informal complaint that is filed with the Commission by William B. Kowalski, Jr., any member of his family, or any other person in the household, pertaining to the service address of 24 Wilcox Drive, Wilkes Barre, Pennsylvania, 18705, until the outstanding arrearages in the amount of \$13,439.63 are paid in full.

6. That any filing of a new informal or formal complaint by William B. Kowalski, Jr. against PPL Electric Utilities Corporation must include proof that the arrearages in the amount of \$13,439.63 have been paid in full (e.g. billing statement, account statement, receipt of payment, cancelled check, bank statement, proof of discharge of the arrearages in bankruptcy, or correspondence with the utility discussing payment in full).

7. That, if proof that the outstanding arrearages have been paid in full is not provided, the Secretary's Bureau and Bureau of Consumer Services are directed to reject the complaint, without a hearing before the Office of Administrative Law Judge.

