

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Pierre-Jules	:	
	:	
v.	:	F-2025-3055614
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Steven K. Haas
Administrative Law Judge

INTRODUCTION

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

HISTORY OF THE PROCEEDING

On June 4, 2025, the Complainant, Michele Pierre-Jules, filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO).¹ On her Complaint form, Ms. Pierre-Jules checked the boxes indicating that (1) the utility was threatening or had already shut off

¹ This Complaint is a timely appeal of the determination of the Commission's Bureau of Consumer Services (BCS) on the Complainant's informal complaint at BCS Case No. 4044266. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

her service, (2) there were incorrect charges on her bills, and (3) other. She stated, among other things, that she should not have to pay charges that she did not accumulate.²

On her Complaint form, Ms. Pierre-Jules selected the option to receive all communications from the Commission via email at the email address provided by her on her Complaint form. Complaint ¶ 9.

On June 26, 2025, PECO timely filed an Answer in which it denied all material allegations in the Complaint. PECO requested that the Complaint be dismissed. Answer, p. 3.

By Cancelled/Rescheduled Initial Telephonic Hearing Notice (Hearing Notice 1) dated August 26, 2025, the Commission scheduled a telephonic hearing for October 27, 2025.³ On the same date, a Prehearing Order (Prehearing Order 1) was issued which addressed the procedures applicable to this proceeding, including how to request a continuance. Both Hearing Notice 1 and Prehearing Order 1 were sent to the Complainant via email in the ordinary course of the Commission's business to the email address that she provided to the Commission

On October 27, 2025, I convened the hearing as scheduled. Khadijah Scott, Esquire, appeared on behalf of PECO 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 10-minute recess to allow time for Ms. Pierre-Jules to appear, the hearing proceeded in her absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, PECO moved to dismiss the Complaint with

² The Complaint was emailed to the Respondent on June 6, 2025.

³ By agreement of the parties, the original hearing that was previously scheduled for August 29, 2025, was rescheduled to October 27, 2025.

prejudice due to the Complainant's failure to appear and prosecute her Complaint. Tr. 8.
I took this motion under advisement. Tr. 9.

Later that same day, I received an email from Ms. Pierre-Jules in which she indicated that she had not received a link to connect to the telephonic hearing and requested that the hearing be rescheduled. I agreed to reschedule the hearing and so notified the parties by email that same day.

By Cancelled/Rescheduled Initial Telephonic Hearing Notice (Hearing Notice 2) dated October 29, 2025, a telephonic hearing was rescheduled for December 9, 2025. This notice provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing. Hearing Notice 2 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).

Also on October 29, 2025, a new Prehearing Order (Prehearing Order 2) was served on the parties reminding them of the date and time of the hearing. Prehearing Order 2 also stated the potential consequences if a party failed to appear at the hearing.

Additionally, Prehearing Order 2 informed the parties about the applicable procedural rules and again included the procedure to follow for requesting a hearing continuance.

Hearing Notice 2 and Prehearing Order 2 were emailed to the Complainant in the ordinary course of the Commission's business to the email address she provided to the Commission. Neither the Hearing Notice 2 nor Prehearing Order 2 were returned to the Commission as undeliverable.

On December 9, 2025, I convened the hearing as scheduled. Khadijah Scott, Esquire, again appeared on behalf of PECO 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 10-minute recess to allow time for Ms. Pierre-Jules to appear, the hearing proceeded in her absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, PECO moved for dismissal of the Complaint with prejudice due to the Complainant's failure to appear and prosecute her Complaint. Tr. 17-18. I took this motion under advisement. Tr. 18.

Ms. Pierre-Jules has not contacted either me or the Commission to explain why her failure to appear at the December 9, 2025, hearing was unavoidable.

I closed the record on December 23, 2025, upon my receipt of the hearing transcript.

This decision grants PECO's Motion to Dismiss the Complaint with prejudice due to the Complainant's failure to appear for the hearing and prosecute her Complaint.

FINDINGS OF FACT

1. The Complainant is Michele Pierre-Jules
2. The Respondent is PECO Energy Company.
3. On June 4, 2025, the Complainant filed a Formal Complaint against Respondent.
4. On June 26, 2025, the Respondent filed an Answer to the Complaint.
5. On August 26, 2025, a Hearing Notice was served on the parties scheduling a telephonic hearing on October 27, 2025, at 10:00 a.m.
6. On August 26, 2025, a Prehearing Order was served on the parties providing additional information regarding hearing procedures.
7. Both the Hearing Notice and Prehearing Order were served on the Complainant via email to the email address the Complainant provided to the Commission.
8. Both the Hearing Notice and 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 Hearing Notice nor the Prehearing Order sent to the Complainant were returned to the Commission as undeliverable.

10. The Complainant failed to appear at and participate in the scheduled telephonic hearing on October 27, 2026.

11. Later in the day on October 27, 2025, the Complainant sent an email message to me stating that she had not received the link to connect to the hearing and requested that the hearing be rescheduled.

12. By email message later that day on October 27, 2025, I informed the parties that I would reschedule the hearing.

13. On October 29, 2025, a Rescheduled Hearing Notice was served on the parties scheduling a telephonic hearing on December 9, 2025, at 10:00 a.m.

14. On October 29, 2025, a new Prehearing Order was served on the parties providing additional information regarding hearing procedures.

15. Both the Rescheduled Hearing Notice and new Prehearing Order were served on the Complainant via email to the email address the Complainant provided to the Commission.

16. Both the Rescheduled Hearing Notice and new 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.

17. Neither the Rescheduled Hearing Notice nor the new Prehearing Order sent to the Complainant were returned to the Commission as undeliverable.

18. The Complainant failed to appear and participate in the scheduled telephonic hearing on December 9, 2025.

19. The court reporter, Counsel for Respondent and its witness were present and prepared to proceed at the December 9, 2025, hearing.

20. To date, the Complainant has not contacted either me or 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 for both the October 27, 2025, hearing and the December 9, 2025, hearing. With respect to the December 9, 2025, hearing, the Commission served the Complainant Hearing Notice 2, which advised the parties of the date and time of the hearing and how to participate. On October 29, 2025, the Commission served the parties with Prehearing Order 2, which reminded the parties of the date and time of the hearing, and how to participate. 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 Hearing Notice 2 and Prehearing Order 2 were emailed to the Complainant at the email address she provided to the Commission. Neither was returned to the Commission as undeliverable. Notice emailed to a party's email address with no notification that service failed is presumed to have been received. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *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. Pierre-Jules 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. Pierre-Jules failed to appear for the hearing despite receiving notice and despite the undersigned allowing additional time for her 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 offer any evidence to support the Complaint, Ms. Pierre-Jules has failed to meet this burden. Thus, it is appropriate to dismiss the Complaint. *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 emailed to a party's email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Skow v. Metro. Edison Co.*, Docket No. F-2023-3042228 (Final Order entered May 7, 2024); *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 offer any evidence to support the Complaint, the Complainant has failed to meet the burden of proof. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That PECO Energy Company's Motion to Dismiss the Formal Complaint of Michele Pierre-Jules with prejudice, at Docket No. F-2025-3055614, is granted.

2. That the Formal Complaint filed by Michele Pierre-Jules in Michele Pierre-Jules v. PECO Energy Company, Docket No. F-2025-3055614, is hereby dismissed with prejudice.

3. That the Secretary's Bureau shall mark Docket No. F-2025-3055614 as closed.

Date: March 16, 2026

/s/
Steven K. Haas
Administrative Law Judge