

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joseph Delano Mason II	:	
	:	
v.	:	F-2025-3056996
	:	
Columbia Gas of Pennsylvania	:	

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 natural gas utility account balance until his outstanding balance is 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 15, 2025, Joseph Delano Mason II (“Complainant”) filed a Formal Complaint (“complaint”) with the Pennsylvania Public Utility Commission

(“Commission”) against Columbia Gas of Pennsylvania, Inc. (“Respondent” or “Columbia Gas”).¹ The complaint requested a payment arrangement. Complaint ¶ 4.

In the complaint, Complainant selected the option to receive all communications from the Commission via email at the email address provided by Complainant on the complaint.² Complaint ¶ 9.

On September 10, 2025, Respondent filed an answer in which it denied the material allegations of fact and conclusions of law in the complaint.³ Specifically, Respondent admitted to issuing a ten-day shut-off notice based on Complainant’s outstanding balance of \$8,337.96, but it denied that Complainant was entitled to another payment arrangement. Answer ¶¶ 4-5.

On September 19, 2025, an Initial Telephonic Hearing Notice was served on the parties scheduling a hearing on November 4, 2025, at 10:00 a.m. and the case was assigned to me. A Prehearing Order was also served on September 19, 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 29, 2025, Complainant requested, via an email sent to me, to continue the hearing scheduled for November 4, 2025. That same day, I forwarded

¹ The complaint is a timely appeal from the determination of the Commission’s Bureau of Consumer Services (“BCS”), at BCS No. 4082944, which dismissed Complainant’s informal complaint. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

² On the complaint, Complainant checked the option for eService. However, Complainant initialed the option for email service on the complaint. Thus, the Commission determined that Complainant elected the option for email service.

³ The Secretary’s Bureau served the complaint upon Respondent on August 22, 2025.

Complainant's email request to counsel for Respondent. Respondent confirmed that it did not object to Complainant's continuance request.

On October 29, 2025, a Cancelled/Rescheduled Initial Telephonic Hearing Notice was served on the parties advising that the hearing scheduled for November 4, 2025, was cancelled and rescheduling the hearing for January 6, 2026, 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).

On October 29, 2025, a Prehearing Order was served on the parties which reiterated the date and time of the hearing. The Prehearing Order also stated the potential consequences if a party failed to appear at the hearing. Additionally, the Prehearing Order informed the parties about the applicable procedural rules and again included the procedure to follow for hearing continuances.

The Hearing Notice and Prehearing Order were electronically served to Complainant in the ordinary course of the Commission's business to the email address he

provided to the Commission. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On October 30, 2025, Complainant requested, via an email sent to me, confirmation of the date and time of his hearing. That same day, I emailed Complainant and counsel for Respondent confirming that the hearing was scheduled for January 6, 2026 at 10:00 a.m.

On January 2, 2026, Complainant requested, via email sent to counsel for Respondent and me, to discontinue his complaint.

On January 5, 2026, I advised the parties, by email, that to withdraw the complaint, Complainant would need to file a petition to withdraw with the Commission in accordance with Section 5.94(a) of Commission regulations, 52 Pa. Code § 5.94(a). That same day, Complainant advised counsel for Respondent that he would not be attending the hearing. Counsel for Respondent subsequently forwarded Complainant's email to me.

Complainant did not file a petition to withdraw his complaint.

On January 6, 2026, I convened the hearing as scheduled. Larry Crayne, Esq., appeared on behalf of Respondent along with its 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. 16. I took the motion under advisement. *Id.*

Additionally, Respondent moved to bar Complainant from filing future complaints, either formal or informal, on his natural gas service account until his account balance is paid in full based on abuse of process. Tr. 16. Because Respondent averred in its answer that Complainant has committed an abuse of process and sought to bar Complainant from filing further complaints, I allowed Respondent to present testimony to support the motion to bar further complaints. Answer ¶¶ 4-5. Thus, testimony was taken, and the following five exhibits were admitted into the record:

- Columbia Gas Exhibit 1 – Account Statement History
- Columbia Gas Exhibit 2 – Prior Payment Arrangements
- Columbia Gas Exhibit 3 – Prior Complaints
- Columbia Gas Exhibit 4 – Prior BCS Payment Arrangement Decision
- Columbia Gas Exhibit 5 – Prior BCS Decision

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

The record closed on January 21, 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 Columbia Gas until his outstanding balance is paid in full.

FINDINGS OF FACT

1. Complainant is Joseph Delano Mason II.
2. Respondent, Columbia Gas of Pennsylvania, Inc., is a jurisdictional public utility.

3. Complainant receives natural gas service from Columbia Gas at 901 West King Street, Apt. 3, York, Pennsylvania, 17401. Complaint ¶ 1.

4. On August 15, 2025, Complainant filed a complaint against Columbia Gas.

5. On September 10, 2025, Respondent filed an answer to the complaint.

6. On September 19, 2025, an Initial Telephonic Hearing Notice was served on Complainant scheduling a hearing on November 4, 2025.

7. On September 19, 2025, a Prehearing Order for Telephone Hearing was served on Complainant providing additional information to the parties regarding the hearing.

8. The hearing scheduled for November 4, 2025 was subsequently continued at Complainant's request.

9. On October 29, 2025, a Cancelled/Rescheduled Initial Telephonic Hearing Notice was served on the parties advising that the hearing scheduled for November 4, 2025, was cancelled and rescheduled for January 6, 2026 at 10:00 a.m.

10. On October 29, 2025, a Prehearing Order was served on the parties which reiterated the date and time of the hearing.

11. The Hearing Notice and Prehearing Order were served on Complainant by email to the email address Complainant provided to and registered with the Commission.

12. The Hearing Notice and Prehearing Order 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.

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

14. On October 30, 2025, I emailed the parties to confirm the January 6, 2026 hearing date and time.

15. On January 2, 2026, Complainant sent an email advising that he wanted to discontinue his complaint.

16. On January 5, 2026, I sent an email reply advising the parties that Complainant would need to file a petition to withdraw.

17. Complainant did not file a petition to withdraw his complaint.

18. Complainant failed to appear and participate in the scheduled telephonic hearing on January 6, 2026.

19. Complainant did not contact the Commission to explain why his failure to appear at the hearing was unavoidable.

20. The court reporter, counsel for Columbia Gas, and Columbia Gas' witness – Judy Gawlowski, were present at the January 6, 2026 hearing.

21. Judy Gawlowski is a Compliance Analyst with Columbia Gas who is familiar with Columbia Gas' record keeping. Tr. 10.

22. Complainant's total balance at the time of the hearing was \$8,961.90. Tr. 12.

23. Between September 2023 and November 2025, Complainant made a total of four payments: October 16, 2023 - \$288.08; June 3, 2024 - \$136.12; July 1, 2024 - \$136.00; and August 22, 2024 - \$245.00. Tr. 12; Columbia Gas Exhibit 1.

24. Complainant filed a total of 25 informal complaints for the account at issue with BCS. Tr. 13; Columbia Gas Exhibit 3.

25. Complainant filed a total of two formal complaints for the account at issue with the Commission, which includes the current complaint. Tr. 13; Columbia Gas Exhibit 3.

26. Complainant still has an active BCS payment arrangement from BCS Case No. 3954823. Tr. 14; Columbia Gas Exhibit 4.

27. The arrears on the current BCS payment arrangement are \$5,166.88. Tr. 14.

28. Complainant made three payments since the start of the BCS payment arrangement on January 16, 2024. Tr. 14; Columbia Gas Exhibit 2.

29. The size of Complainant's outstanding balance is due, in part, to filing multiple complaints thereby stopping termination proceedings. Tr. 13-14.

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. First, on October 29, 2025, the Commission served Complainant a Cancelled/Rescheduled Initial Telephonic Hearing Notice which advised the parties of the date and time of the hearing, and how to participate. Second, on October 29, 2025, the Commission served Complainant a Prehearing Order, which reiterated 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 Complainant 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.

Both the Hearing Notice and Prehearing Order were electronically served to the email address provided by Complainant to the Commission. Neither was returned to the Commission as undeliverable. Accordingly, it must be presumed that these documents sent to Complainant were received by Complainant. *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).

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. W. 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).

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* (citing *Jefferson*). Accordingly, the merits of the complaint will not be addressed.

Respondent's motion to dismiss 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 entitled to this relief. Complainant failed to appear at the hearing thereby failing to prove his claim.

Additionally, Columbia Gas 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. 15. In support of its position, Columbia Gas points to Complainant's outstanding balance of \$8,961.90, Complainant's poor compliance with the prior six payment arrangements and Complainant's extensive history of filing 25 prior informal complaints and two formal complaints. Tr. 12-13; Columbia Gas Exhibits 1-5. 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.P.U.C. 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: five prior unsuccessful Columbia Gas payment arrangements; one current BCS payment arrangement that is \$5,166.88 in arrears with only three payments made since 2024; the filing of 25 informal complaints on his outstanding balance; the filing of two formal complaints on his outstanding balance; and an outstanding balance of \$8,961.90 as of the date of the hearing. Tr. 12-13; Columbia Gas Exhibit 1-5. Complainant's actions qualify as an abuse of the Commission's administrative process to avoid termination of his gas 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 outstanding balance 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 electronically served to a party with no notification that service failed is presumed 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. 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 outstanding account balances 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 entered 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 entered Oct. 3, 2002).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Columbia Gas of Pennsylvania, Inc.'s motion to dismiss the Formal Complaint of Joseph Delano Mason II, with prejudice, at Docket No. F-2025-3056996 is granted.

2. That the Formal Complaint filed by Joseph Delano Mason II in *Joseph Delano Mason II v. Columbia Gas of Pennsylvania, Inc.*, at Docket No. F-2025-3056996 is hereby dismissed with prejudice.

3. That Joseph Delano Mason II is precluded from filing further informal or formal complaints with the Commission regarding the outstanding balance on the account for electric service rendered by Columbia Gas of Pennsylvania, Inc., until such time as the outstanding balance in the amount of \$8,961.90 is paid in full, and that the filing of any complaint pertaining to that outstanding balance which is 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 Joseph Delano Mason II, any member of his family, or any other person in the household, pertaining to the service address of 901 West King Street, York, Pennsylvania, 17401, until the outstanding balance in the amount of \$8,961.90 is paid in full.

6. That any filing of a new informal or formal complaint by Joseph Delano Mason II against Columbia Gas of Pennsylvania, Inc., must include proof that the outstanding balance of \$8,961.90 has 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 balance having 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.

8. That the failure of Joseph Delano Mason II to pay the outstanding balance of \$8,961.90, in full, shall be grounds for Columbia Gas of Pennsylvania, Inc. to take any necessary steps and actions under the Pennsylvania Public Utility Code and Commission Regulations, including but not limited to, termination of service, to address Joseph Delano Mason II's outstanding balance.

9. That a copy of this decision/order shall be served to the Commission's Bureau of Consumer Services and the Secretary's Bureau.

