

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Patrice Jenkins	:	
	:	
v.	:	C-2025-3057322
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Formal Complaint filed by Patrice Jenkins against Philadelphia Gas Works because she failed to carry her burden of proving, by a preponderance of the evidence, that Philadelphia Gas Works improperly denied her application for enrollment in its Customer Responsibility Program upon erroneously concluding that she had submitted fraudulent documentation. This Decision also establishes a payment arrangement for Ms. Jenkins.

HISTORY OF THE PROCEEDING

On September 9, 2025, Patrice Jenkins (Ms. Jenkins or Complainant) filed with the Pennsylvania Public Utility Commission (Commission) a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) averring that PGW improperly denied her application for enrollment in its Customer Responsibility Program

(CRP) upon erroneously concluding that she had submitted fraudulent documentation. Ms. Jenkins also alleged that PGW has terminated her gas service and that she is unable to pay her outstanding balance in order to reconnect service. As relief, she requests that the Commission establish a payment arrangement for her.

On September 29, 2025, PGW filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

An Initial Call-in Telephonic Hearing Notice dated October 6, 2025, notified the parties that an initial call-in telephone hearing was scheduled for December 11, 2025, at 10:00 a.m., and that the matter was assigned to me.

On October 6, 2025, I issued a Prehearing Order directing the parties to comply with various procedural requirements, reminding them of the time and date of the hearing and providing instructions for calling in to the hearing.

The hearing was convened as scheduled on December 11, 2025. Ms. Jenkins appeared *pro se* and testified in support of her Complaint. She sponsored four exhibits which were admitted into the record. Graciela Christlieb, Esq., appeared on behalf of the Respondent and presented the testimony of Wendy Vacca, who is a Senior Customer Review Officer with PGW. The Respondent sponsored seven exhibits which were admitted into the record.

At the hearing, I instructed Ms. Jenkins to submit as late-filed exhibits unredacted copies of the most recent paystubs for her and her two adult daughters. The deadline for submitting the documents was December 24, 2025. The deadline for filing written objections to the late-filed exhibits was January 5, 2026.

Ms. Jenkins timely submitted the late-filed exhibits. They were marked for identification as Complainant late-filed Exhibits 5-7.

PGW did not file any objections to the admission of Complainant late-filed Exhibits 5-7. Complainant late-filed Exhibits 5-7 are admitted into the record pursuant to the ordering paragraphs below.

The record closed on January 5, 2026, which was the deadline for filing written objections to Complainant's late-filed Exhibits.

FINDINGS OF FACT

1. Complainant is Patrice Jenkins, who resides at 2346 North Lambert Street, Philadelphia, PA 19132 (Service Address). Tr. 8.

2. Respondent is Philadelphia Gas Works.

3. Ms. Jenkins resides at the Service Address with her two adult daughters, Deja Jenkins-Polite and Taylor Jenkins-Alston, and her two-year-old granddaughter. Tr. 18; PGW Exhibits 2, 3.

4. In November 2024, Ms. Jenkins submitted her first application for enrollment in PGW's CRP. Tr. 34; PGW Exhibit 2.

5. In support of her first CRP application, Ms. Jenkins submitted copies of the Social Security cards for herself and her granddaughter, copies of the Identification Cards for Deja Jenkins-Polite and Taylor Jenkins-Alston, as well as a copy of Ms. Jenkin's Driver License. PGW Exhibit 2.

6. Along with her first CRP application, Ms. Jenkins submitted paystubs for herself and for her daughter Deja Jenkins-Polite. PGW Exhibit 2.

7. In support of her first CRP application, Ms. Jenkins submitted paystubs demonstrating her employment with Robert Half, Inc., covering the period September 17, 2024, to November 1, 2024. PGW Exhibit 2.

8. The paystubs from Robert Half, Inc. were heavily redacted but showed Ms. Jenkins' gross and net income for each pay period. PGW Exhibit 2.

9. The gross income reflected in four consecutive paystubs for Ms. Jenkins was as follows:

- \$1,152.75 for the seven-day pay period ending on October 11, 2024
- \$877.25 for the seven-day pay period ending on October 18, 2024
- \$551.00 for the seven-day pay period ending on October 25, 2024
- \$1,279.63 for the seven-day pay period ending on November 1, 2024.

PGW Exhibit 2.

10. In support of her first CRP application, Ms. Jenkins submitted paystubs demonstrating Deja Jenkins-Polite's employment with Oral & Maxillofacial Surgical. PGW Exhibit 2.

11. The paystubs from Oral & Maxillofacial Surgical were heavily redacted but showed Deja Jenkins-Polite's gross and net income for each 14-day pay period. PGW Exhibit 2.

12. The gross income reflected in two consecutive paystubs for Deja Jenkins-Polite was as follows:

- \$1,058.40 on pay date October 30, 2024
- \$1,193.40 on pay date November 13, 2024

PGW Exhibit 2.

13. By letter dated November 15, 2024, PGW confirmed receipt of Complainant's CRP application. PGW Exhibit 2.

14. By letter date November 18, 2024, PGW informed Ms. Jenkins of two issues it had identified in her CRP application: 1) the paystubs she submitted were not current; and 2) the submitted paystubs had "missing or inconsistent information (e.g., year to date amount is not current, pay dates do not reflect consistent time periods, deductions do not match tax rates)." Tr. 35; PGW Exhibit 2.

15. The letter dated November 18, 2024, instructed the Complainant to submit the missing information to PGW within 14 days. Tr. 35; PGW Exhibit 2.

16. Ms. Jenkins did not correct the issues identified in the CRP application within the set time period. Tr. 36, 47.

17. In March of 2025, Ms. Jenkins submitted her second application for enrollment in PGW's CRP. Tr. 34; PGW Exhibit 3.

18. Along with her second CRP application, Ms. Jenkins submitted five paystubs demonstrating her employment with West Philadelphia Achievement Charter

Elementary during the period from January 19, 2025, to March 15, 2025. PGW Exhibit 3.

19. The five paystubs from West Philadelphia Achievement Charter Elementary were heavily redacted and showed only Ms. Jenkins' net income for each pay period. PGW Exhibit 3.

20. By letter dated March 31, 2025, PGW confirmed receipt of her second CRP application and informed Ms. Jenkins that the Company was unable to complete her application because it contained fraudulent information. PGW Exhibit 3.

21. By letter dated March 31, 2025, PGW informed Ms. Jenkins that, due to the fraudulent information submitted: 1) her application could not be processed; 2) any unpaid bills were now due in full; and 3) PGW had cancelled her CRP application, and she had to wait at least 12 months before applying again. PGW Exhibit 3.

22. PGW's CRP application informs the applicant that, if through investigation, the applicant is found to be providing false information, "You [the applicant] will be removed from CRP and may be required to repay the discounts and forgiveness received during the period in which you [the applicant] were ineligible for the program." Tr. 49-50.

23. PGW's CRP application states as follows: "You may also be subject to criminal prosecution or fraud. By signing below, you acknowledge that you have provided complete and correct information, have read and understood this notice, and agree to the customer responsibilities above." Tr. 50.

24. On April 7, 2025, PGW shut off gas service at the Service Address due to nonpayment of an outstanding balance. PGW Exhibits 4, 5.

25. On April 8, 2025, Ms. Jenkins filed an informal Complaint with the Commission's Bureau of Customer Services (BCS), at BCS Case No. 4052923, in which she requested a payment arrangement. Tr. 39; PGW Exhibit 7.

26. In her informal complaint at BCS Case No. 405293, Ms. Jenkins reported that three adults and two children resided at the Service Address at the time. Tr. 39; PGW Exhibit 7.

27. In her informal complaint at BCS Case No. 405293, Ms. Jenkins reported monthly income from two adults: \$3,466.67 and \$4,116.67 per month, respectively. Tr. 39; PGW Exhibit 7.

28. Ms. Jenkins works full-time for West Philadelphia Achievement Charter Elementary, at a payrate of \$33.65 per hour. Complainant late-filed Exhibit 5.

29. Deja Jenkins-Polite works part-time at Oral & Maxillofacial Surgical at a payrate of \$20.00 per hour, for an average of 48 hour every two weeks. Tr. 21; Complainant late-filed Exhibit 6.

30. Approximately three months prior to the hearing, Ms. Jenkins' youngest daughter, Taylor Jenkins-Alston, began working part-time at Morningside Elite Management. Tr. 38; Complainant late-filed Exhibit 7.

31. Taylor Jenkins-Alston' payrate is \$20.00 per hour, for an average of 43.66 hours every two weeks. Tr. 28; Complainant late-filed Exhibit 7.

32. Ms. Jenkins has entered into and defaulted on four Company-issued payment arrangements. Tr. 38-39, 54; PGW Exhibit 6.

33. Ms. Jenkins has not received a Commission-issued payment arrangement. Tr. 38-39, 54; PGW Exhibit 6.

34. As of the date of the hearing, Ms. Jenkins' outstanding balance with PGW was \$7,269.03. Tr. 33; PGW Exhibit 1.

DISCUSSION

Burden of Proof

As the party seeking affirmative relief from the Commission, a complainant 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). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail, and that the offense is a violation of the Public Utility Code (Code), the Commission's regulations, or order. 66 Pa.C.S. § 701; *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). The burden of proof is comprised of two distinct burdens: (1) the burden of production; and (2) the burden of persuasion. *Hurley v. Hurley*, 754 A.2d 1283 (Pa. Super. 2000). The burden of production, also called the burden of going forward with the evidence, determines which party must come forward with evidence to support a particular claim or defense. *Moore v. Nat'l Fuel Gas Distrib.*, Docket. No. C 2014-2458555 (Final Order entered Aug. 25, 2015) (*Moore*). The burden of production goes to the legal sufficiency of a party's claim or affirmative defense. *Id.* The burden of production may shift between the parties during a hearing. A complainant may establish a *prima facie* case with circumstantial evidence. *See Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (*Milkie*). If a complainant introduces

sufficient evidence to establish legal sufficiency of the claim, also called a *prima facie* case, the burden of production shifts to the utility to rebut the complainant's evidence. *See Moore*.

If the utility introduces evidence sufficient to balance the evidence introduced by the complainant, that is, evidence of co-equal value or weight, the complainant's burden of proof has not been satisfied and the burden of going forward with the evidence shifts back to the complainant, who must provide some additional evidence favorable to the complainant's claim. *See Milkie* at 1220; *see also, Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983) (*Burleson*).

Having produced sufficient evidence to establish legal sufficiency of a claim, the party with the burden of proof must also carry the burden of persuasion to be entitled to a favorable ruling. *See Moore*. While the burden of production may shift back and forth during a proceeding, the burden of persuasion never shifts; it always remains on a complainant as the party seeking affirmative relief from the Commission. *See Milkie* at 1220; *see also, Riedel v. Cnty. of Allegheny*, 633 A.2d 1325 (Pa. Cmwlth. 1993); *Burleson* at 1375. It is entirely possible for a party to carry the burden of production but not be entitled to a favorable ruling because the party did not carry the burden of persuasion. *See, Moore*. In determining whether a complainant has met the burden of persuasion, the fact-finder may engage in determinations of credibility, may accept or reject testimony of any witness in whole or in part, and may accept or reject inferences from the evidence. *See Moore* (citing *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678 (Pa. Cmwlth. 2005)).

Additionally, any decision of the Commission must be supported by substantial evidence in the record; more is required than a mere trace of evidence or a

suspicion of the existence of a fact sought to be established. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980).

Enrollment in PGW's CRP

In the present case, the following is undisputed. In November 2024, Ms. Jenkins submitted her first application for enrollment in PGW's CRP. Tr. 34; PGW Exhibit 2. In support of her first CRP application, Ms. Jenkins submitted copies of the Social Security cards for herself and her granddaughter, copies of the Identification Cards for Deja Jenkins-Polite and Taylor Jenkins-Alston, as well as a copy of Ms. Jenkin's Driver License. PGW Exhibit 3. Additionally, the Complainant submitted paystubs for herself and for her daughter Deja Jenkins-Polite. PGW Exhibit 2. In particular, Ms. Jenkins submitted five paystubs demonstrating her employment with Robert Half, Inc., covering the period September 17, 2024, to November 1, 2024. PGW Exhibit 2. The five paystubs from Robert Half, Inc. were heavily redacted but showed Ms. Jenkins' gross and net income for each pay period. PGW Exhibit 2. The gross income reflected in four consecutive paystubs¹ for Ms. Jenkins was as follows:

- \$1,152.75 for the seven-day pay period ending on October 11, 2024
- \$877.25 for the seven-day pay period ending on October 18, 2024
- \$551.00 for the seven-day pay period ending on October 25, 2024
- \$1,279.63 for the seven-day pay period ending on November 1, 2024.

PGW Exhibit 2. The total monthly gross income for Ms. Jenkins was \$3,860.63.²

¹ The fifth paystub with pay period ending on September 27, 2024, was not consecutive. PGW Exhibit 2.

² $\$1,152.75 + \$877.25 + \$551.00 + \$1,279.63 = \$3,860.63.$

In addition, Ms. Jenkins submitted three paystubs, issued October 2, 2024, October 30, 2024, and November 13, 2024, respectively, demonstrating Deja Jenkins-Polite's employment with Oral & Maxillofacial Surgical. PGW Exhibit 2. The three paystubs from Oral & Maxillofacial Surgical were heavily redacted but showed Deja Jenkins-Polite's gross and net income for each 14-day pay period. PGW Exhibit 2. The gross income reflected in two consecutive paystubs³ for Deja Jenkins-Polite was as follows:

- \$1,058.40 on pay date October 30, 2024
- \$1,193.40 on pay date November 13, 2024

PGW Exhibit 2. The total monthly gross income for Deja Jenkins-Polite was \$2,751.80.⁴

By letter dated November 15, 2024, PGW confirmed receipt of Ms. Jenkins' first CRP application. PGW Exhibit 2. By letter date November 18, 2024, PGW informed Ms. Jenkins of two issues it had identified in her CRP application: 1) the paystubs she submitted were not current; and 2) the submitted paystubs had "missing or inconsistent information (e.g., year to date amount is not current, pay dates do not reflect consistent time periods, deductions do not match tax rates)." Tr. 35; PGW Exhibit 2. Complainant was instructed to submit the missing information to PGW within 14 days. Tr. 35; PGW Exhibit 2. Ms. Jenkins did not correct the issues identified in her first CRP application within the set period of time. Tr. 36, 47.

In March of 2025, Ms. Jenkins submitted a second application for enrollment in PGW's CRP. Tr. 34; PGW Exhibit 3. Along with her second CRP application, Ms. Jenkins submitted copies of the Social Security cards for herself and her

³ Deja Jenkins-Polite's paystub with the October 2, 2024, pay date was not consecutive and had the gross income redacted. PGW Exhibit 2.

⁴ \$1,058.40 + \$1,193.40 = \$2,751.80.

granddaughter, as well as a copy of the Identification Card for Taylor Jenkins-Alston. PGW Exhibit 3. In addition, Ms. Jenkins submitted five paystubs demonstrating her employment with West Philadelphia Achievement Charter Elementary during the period from January 19, 2025, to March 15, 2025. PGW Exhibit 3. The five paystubs from West Philadelphia Achievement Charter Elementary were heavily redacted and showed only Ms. Jenkins' net income for each pay period. PGW Exhibit 3. No information was submitted with regard to Deja Jenkins-Polite.

By letter dated March 31, 2025, PGW confirmed receipt of her second CRP application and informed Ms. Jenkins that the Company was unable to complete her application because it contained fraudulent information. PGW Exhibit 3. In addition, PGW informed Ms. Jenkins that, due to the fraudulent information submitted: 1) her application could not be processed; 2) any unpaid bills were now due in full; 3) PGW had cancelled her CRP application; and 4) she had to wait at least 12 months before applying again. PGW Exhibit 3.

On April 8, 2025, Ms. Jenkins filed an informal Complaint with the Commission's BCS, at BCS Case No. 4052923, in which she requested a payment arrangement. Tr. 39; PGW Exhibit 7. In her informal complaint at BCS Case No. 405293, Ms. Jenkins reported that three adults and two children resided at the Service Address at the time. Tr. 39; PGW Exhibit 7. In her informal complaint at BCS Case No. 405293, Ms. Jenkins reported monthly income from two adults: \$3,466.67 and \$4,116.67 per month, respectively. Tr. 39; PGW Exhibit 7.

At the hearing, Ms. Jenkins admitted to having redacted information in the documents submitted in support of her first and second CRP application. Tr. 13. However, she questioned the reason why PGW did not provide her with another opportunity to provide the complete and correct information for the second CRP

application as it did for the first and, instead, prevented her from re-applying for 12 months. Tr. 10-11.

In response, PGW witness Wendy Vacca explained that the letter dated November 18, 2024, which provided Ms. Jenkins with an additional opportunity to submit missing information was issued in error. The PGW employee responsible for it failed to notice that information was whited out in the paystubs. Tr. 48. That employee was re-trained by PGW. *Id.*

Ms. Vacca testified that PGW's CRP application informs the applicant that, if through investigation they are found to be providing false information, "You will be removed from CRP and may be required to repay the discounts and forgiveness received during the period in which you were ineligible for the program." Tr. 49-50. PGW's CRP application states as follows: "You may also be subject to criminal prosecution or fraud. By signing below, you acknowledge that you have provided complete and correct information, have read and understood this notice, and agree to the customer responsibilities above." Tr. 50 (emphasis added).

PGW's CRP follows the provisions of PGW's current *Universal Service and Energy Conservation Plan, 2023-2027* (USECP) which was reviewed and approved by the Commission in its Order entered January 12, 2023, at Docket No. M-2021-3029323. While fraud is not defined in the PGW's USECP, it clearly provides that – "PGW will not allow re-enrollment of a customer into CRP (for a one-year period unless specifically identified otherwise below), if the customer: ...(iv) Submits fraudulent enrollment or re-certification information/documentation."⁵ USECP at 6-7. Appendix H of USECP contains a detailed list of acceptable proof of income. USECP at 53. With regard to income from employment the acceptable proof of income consists only of "Pay

⁵ [pgw-further-revised-2023-2027-usecp-clean.pdf](#)

Stubs - Last 30 days of Gross Income including YTD⁶ amounts, net income, and deductions. Employer Verification Letter on Company Letterhead for new hires who cannot produce paystubs.” *Id.*

Ms. Jenkins’ heavy handed white outs of the paystubs she submitted to support her second CRP application disqualify those documents as proof of income and hide the gross income that PGW would need to evaluate Ms. Jenkins’ qualification for enrollment in CRP. In fact, the only information visible in the paystubs provided is the name and address of Ms. Jenkins’ employer, Ms. Jenkins’ own name and address, and the net income for the pay period. Her hourly rate, number of hours worked, gross income or year-to-date income were all redacted.

What is even more concerning in Ms. Jenkins’ second CRP application is the absence of information for Deja Jenkins-Polite. While Ms. Jenkins’ income information is provided in her first CRP application filed in November 2024, and in Ms. Jenkins’ informal complaint at BCS Case No. 4052923, filed on April 8, 2025, Deja Jenkins-Polite’s income is not included in Ms. Jenkins’ second CRP application, filed in March of 2025. Although Ms. Jenkins testified at length at the hearing about her family makeup and situation, there was no mention of Deja Jenkins-Polite residing somewhere other than the Service Address in the four months from November 2024 to March 2025, or of her no longer being employed. There is also no evidence on the record regarding Deja Jenkins-Polite’s losing her employment and source of income during the same time period. More likely than not, Deja Jenkins-Polite’s income was left out of the second CRP application in order to meet the income qualifying criteria for enrollment in PGW’s CRP. I note that, although Ms. Jenkins’ first CRP application was rejected due to missing or incomplete information, the combined gross monthly income reported for Ms.

⁶ Year-to-date (YTD).

Jenkins and Deja Jenkins-Polite was \$6,612.43⁷ and exceeded 150% of the Federal Poverty level for a household of four or \$3,588.00 per month, which was the threshold for enrollment in PGW's CRP in 2024.⁸

In view of the above, I find that Ms. Jenkins has failed to prove by a preponderance of the evidence that PGW improperly denied her application for enrollment in its CRP upon erroneously concluding that she had submitted fraudulent documentation.

Payment arrangement

At the hearing, Ms. Vacca testified that Ms. Jenkins had entered into and defaulted on four Company-issued payment arrangements but had not received a Commission-issued payment arrangement. Ms. Vacca added that Complainant's payment history is poor and that her outstanding balance with PGW is \$7,269.03. Tr. 33, 38-39, 54; PGW Exhibit 1.

For her part, Ms. Jenkins testified that during this period she held only a temporary position with Robert Half, Inc. and was facing a critical situation with her youngest daughter. Tr. 10-11, 25-26. She explained that since then she has obtained a full-time position with a charter school and her youngest daughter had recently obtained a part-time job. Tr. 20, 25-26, 38. In view of the above, I find that Ms. Jenkins is in a better financial position to tackle her outstanding debt to PGW and that her payment history is not indicative of her lack of good faith effort to pay her gas bills.

⁷ \$2,751.80 (Deja Jenkin-Polite' gross monthly income) + \$3,860.63 (Ms. Jenkins' gross monthly income) = \$6,612.43 (Ms. Jenkins' gross monthly household income as reported in her first CRP application).

⁸ See Federal poverty guidelines, 89 Fed. Reg. 2961 (Jan. 17, 2024); <https://aspe.hhs.gov/sites/default/files/documents/7240229f28375f54435c5b83a3764cd1/detailed-guidelines-2024.pdf>

The Responsible Utility Customer Protection Act (Act or Chapter 14), 66 Pa.C.S. §§ 1401-1419, applied to complaints alleging inability to pay and requesting a Commission-issued payment arrangement. This Act provided strict guidelines that the Commission must follow when determining whether a payment arrangement can be issued and the length of the payment arrangement. I note that Chapter 14 has subsequently sunset, effective December 31, 2024, and is not currently in effect.

However, in its Statement of Policy entered December 24, 2024, the Commission 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). In particular, the Commission's Statement of Policy states that the principles of Chapter 14 and specifically Section 1405 and the definitions of Section 1403 will continue after the expiration of Chapter 14 on December 31, 2024. *Id.* at 5.

Section 1405 of the Public Utility Code regarding payment arrangements read in pertinent part:

(a) *General rule.* --

The commission is authorized to investigate complaints regarding payment disputes between a public utility, applicants and customers. the commission is authorized to establish payment arrangements between a public utility, customers and applicants within the limits established by this chapter.

(b) *Length of payment arrangements.* --

The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment arrangement 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(a)-(b). In addition, "Household income" is defined in section 1403 as "[t]he combined gross income of all adults in a residential household who benefit from the public service." 66 Pa.C.S. § 1403 (Definition of "Household income").

Ms. Jenkins resides at the Service Address with her two adult daughters, Deja Jenkins-Polite and Taylor Jenkins-Alston, and her two-year-old granddaughter. Tr. 18; PGW Exhibits 2, 3. She works full time for West Philadelphia Achievement Charter Elementary, at a payrate of \$33.65 per hour. Complainant late-filed Exhibit 5. Her gross monthly income is \$5,832.66⁹. Ms. Jenkins' daughter, Deja Jenkins-Polite works part-time at Oral & Maxillofacial Surgical at a payrate of \$20.00 per hour, for an average of 48 hour every two weeks¹⁰. Tr. 21; Complainant late-filed Exhibit 6. Ms. Jenkins-

⁹ $(\$33.65/\text{hr} \times 40 \text{ hrs/week} \times 52 \text{ weeks/yr}) \div 12 \text{ months/yr} = \$5,832.66/\text{month}$.

¹⁰ The average number of hours is calculated based on the number of hours reflected on Ms. Jenkins-Polite's paystubs submitted as Complainant late-filed Exhibit 6.

Polite's gross monthly income is \$2,080.00 per month.¹¹ Ms. Jenkins' youngest daughter, Taylor Jenkins-Alston, recently obtained part-time employment at Morningside Elite Management at a payrate of \$20.00 per hour, for an average of 43.66 hours every two weeks.¹² Tr. 28; Complainant late-filed Exhibit 7. Ms. Jenkins-Alston's gross monthly income is \$1,891.93 per month.¹³ The gross monthly income of all the adults living in Ms. Jenkins' household is \$9,804.59.

With a gross household income of \$9,804.59 per month for a household of four, Ms. Jenkins' household income exceeds 300% of the Federal poverty level and she is a level 4 income customer.¹⁴ 66 Pa.C.S. § 1405(b)(4). As a level 4 customer, Ms. Jenkins is eligible to a six-month payment arrangement to extinguish her arrears. *Id.* In view of the above, Ms. Lewis will be awarded a payment arrangement requiring her to make monthly payments consisting of her current or budget bill, plus one sixth (1/6th) of the balance accrued on her account, beginning with the first billing due date following the entry of a final Commission Order in this case.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.

¹¹ $(\$20.00/\text{hr} \times 48 \text{ hr/biweekly pay period} \times 26 \text{ biweekly pay periods per year}) \div 12 \text{ months/year} = \$2,080 \text{ per month.}$

¹² The average number of hours is calculated based on the number of hours reflected on Ms. Jenkins-Alston's paystubs submitted as Complainant late-filed Exhibit 7.

¹³ $(\$20.00/\text{hr} \times 43.66 \text{ hr/biweekly pay period} \times 26 \text{ biweekly pay periods per year}) \div 12 \text{ months/year} = \$1,891.93 \text{ per month.}$

¹⁴ See Federal poverty guidelines, 90 Fed. Reg. 5917 (Jan. 17, 2025); <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>

2. The burden of proof in this proceeding is on the Complainant. 66 Pa.C.S. § 332(a).

3. Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

4. The Commission's decision must be supported by "substantial evidence," which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. 2 Pa.C.S. § 704. A mere "trace of evidence or a suspicion of the existence of a fact" is insufficient. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980).

5. Following the sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code, the Commission's 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).

6. Following the expiration of Chapter 14 of the Pennsylvania Public Utility Code on December 31, 2024, the Commission will maintain its application of the four-tiered process establishing the length of payment arrangements previously articulated in Chapter 14. *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); 66 Pa.C.S. § 1405.

7. The principles of Section 1405 and definitions of Section 1403 of the Pennsylvania Public Utility Code 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); 66 Pa.C.S. §§ 1405, 1403.

8. The Complainant has carried her burden of proving that she is eligible to a Commission-issued payment arrangement on the outstanding balance. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Complainant late-filed Exhibits 5-7 are admitted into the record.

2. That the Formal Complaint of Patrice Jenkins in *Patrice Jenkins v. Philadelphia Gas Works* at Docket No. C-2025-3057322 is granted, in part, and denied, in part.

3. That the Formal Complaint is denied as to Patrice Jenkins' claim that Philadelphia Gas Works improperly denied her application for enrollment in its Customer Responsibility Program upon erroneously concluding that she had submitted fraudulent documentation.

4. That the Complaint is granted as to Patrice Jenkins' request for a payment arrangement.

