

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Edward Brown
v.
Philadelphia Gas Works

Public Meeting of March 26, 2026
3055911-ALJ
Docket No. C-2025-3055911

STATEMENT OF VICE CHAIR KIMBERLY BARROW

Before the Commission is the January 23, 2026 Initial Decision issued by Administrative Law Judge (ALJ) Alphonso Arnold III. The Initial Decision dismisses the Formal Complaint with prejudice because Mr. Brown failed to attend the evidentiary hearing.

First, I want to highlight a few facts averred in the Formal Complaint.¹ Mr. Brown sought a Commission-issued payment arrangement. Notably, and very uncommon, Mr. Brown attached a letter from his treating physician in support of his request. The letter noted multiple medical conditions that Mr. Brown is being treated for and a plea for Mr. Brown to be granted a payment arrangement in the amount of \$200 monthly, plus current charges. The letter also noted that automatic payments would be beneficial in light of some of Mr. Brown's medical concerns.

Additionally, while Mr. Brown did not attend the evidentiary hearing, the ALJ noted for the record that his brother attended on his behalf. The ALJ further noted that he advised the brother during an off-the-record discussion that he could not represent Mr. Brown.² The brother was not allowed to speak on the record, so it is unknown whether he explained Mr. Brown's absence or provided any color to the situation.

While I acknowledge that Mr. Brown failed to attend the hearing and present his case, the limited facts averred in the pleadings do not support a dismissal with prejudice, and allowing this matter to be dismissed with prejudice in light of the doctor's plea and brother's attempt to assist Mr. Brown is unconscionable. Accordingly, I believe the matter should have been dismissed, without prejudice.³

Second, in cases where there is no reason to suspect that the Commission's administrative process is being abused, dismissing without prejudice protects the complainant's right to due process while respecting the Commission's administrative process. I have previously expressed concern regarding the Commission's practice of dismissing pro se complaints, with prejudice, as

¹ I acknowledge that the outstanding balance in this case appears to be substantial as indicated in the bill attached to the Formal Complaint.

² Hearing Transcript, pg. 8 (December 9, 2025).

³ Additionally, a search of the Commission's records do not indicate that Mr. Brown is a frequent filer or has abused the administration process; nor has PGW made any averments or provided any factual support for such a finding.

being inconsistent with Section 1.2 of our Regulations, 52 Pa. Code § 1.2, and the Commission's own case precedent regarding due process.⁴ The case should be dismissed, without prejudice.

March 26, 2026



Kimberly Barrow, Vice Chair

⁴ This Commission has long recognized the mitigating effect pro se status confers upon litigants unlearned in the law when confronted with technical violations of its procedural rules. *Carlock v. The United Telephone Co. of Pa.*, Docket No. F-00163617 (July 14, 1993). Most important, from my perspective, the Commission has stated that it is in the public interest that all litigants, particularly pro se litigants, be afforded a meaningful opportunity to be heard. *Amir V. Williams v. PECO Energy Co.*, Docket No. C-2010-2190024 (January 13, 2011).