

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JeVaughn Daley	:	
	:	
v.	:	C-2025-3059190
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Christopher P. Pell  
Deputy Chief Administrative Law Judge

**INTRODUCTION**

This Initial Decision denies, in part, and grants in part, the Formal Complaint of a gas service customer. It is denied in part because the Complainant is not eligible for a second Commission-issued payment arrangement. It is granted in part because the Complainant demonstrated that he is eligible to have his gas service restored pursuant to the terms of 52 Pa. Code § 56.191(c)(2)(iii).

**HISTORY OF THE PROCEEDING**

On December 10, 2025, JeVaughn Daley (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (Respondent or PGW). In the Complaint, the Complainant placed checkmarks in the boxes indicating “[t]he utility is threatening to shut off my service or has already shut off my service” and “I would like a payment

agreement.” Complaint ¶ 4. Under the “requested relief” section of the Complaint form, the Complainant stated the following:

I am requesting that the Public Utility Commission order PGW to: restore my gas service immediately under winter hardship protections, offer an affordable income based payment arrangement consistent with PUC regulations, reduce or restructure the required restoration payment to an amount I can realistically afford based on my net income and expenses, prevent PGW from requiring and [sic] excessive lump sum payment as a condition of restoring service.

Complaint ¶ 5.

On December 30, 2025, the Respondent filed an Answer in which it admitted that it terminated the gas service provided to 6607 Akron Street, Philadelphia, PA (service address) on June 23, 2025. Answer ¶ 4. The Respondent further answered that the Complainant has had multiple PGW-issued payment agreements and one Commission-issued payment agreement that have not been satisfied. *Id.* Respondent requested that the complaint be dismissed.

On January 6, 2026, a Call-In Telephone Hearing Notice was served on the parties scheduling an initial telephonic hearing on February 5, 2026, at 10:00 a.m. and the case was assigned to me.

Also on January 6, 2026, a Prehearing Order was served on the parties which reminded the parties of the date and time of the hearing. The Prehearing Order also informed the parties about the applicable procedural rules.

On February 5, 2026, I convened the hearing as scheduled. The Complainant appeared *pro se* and testified in support of his Complaint. Graciela

Christlieb, Esquire, appeared on behalf of Respondent and presented the testimony of Jessica Antonetti, a PGW Senior Customer Review Officer.

The Respondent offered seven exhibits for admission into the record. However, the Complainant indicated that he had not received the hard copies of the exhibits that were mailed to him and also that he was unable to open the exhibits which were emailed to him because he was unable to access them on his phone. Tr. 27-30. Ms. Christlieb advised that she would re-send hard copies of the exhibits via overnight mail. Tr. 30-31. The Complainant was advised that he would have until the close of business on Friday, February 13, 2026, to object to the admissibility of any of the proposed exhibits. Tr. 40. Since the Complainant did not submit a written objection to PGW's proposed exhibits one through seven by the established deadline, they will be admitted into the record through an ordering paragraph below.

The Commission received a copy of the transcript on February 9, 2026. The record closed on February 13, 2026, the deadline for the Complainant to submit objections to PGW's proposed exhibits.

#### FINDINGS OF FACT

1. The Complainant in this case is Jevaughn Daley.
2. The Respondent in this case is Philadelphia Gas Works
3. The Complainant lives at 6607 Akron Street, Philadelphia, PA (service address). Tr. 8.
4. The Complainant lives at the service address with his 15-year-old daughter. Tr. 13.

5. The Complainant has received and defaulted on several Company-issued payment arrangements. PGW Exh. 4.

6. On or about May 13, 2024, the Complainant received a Commission-issued payment arrangement (BCS #3975539). Tr. 11, 35; PGW Exhs. 4 and 5.

7. The May 13, 2024 payment arrangement was based on a gross monthly income of \$3,033.33 for a two-person household. Tr. 36; PGW Exh. 5.<sup>1</sup>

8. On July 31, 2024, the Complainant defaulted on the Commission-issued payment arrangement due to non-payment. Tr. 12, 35; PGW Exh. 4.

9. The Complainant has made only ten payments towards his account for service since February 2, 2023. Tr. 32; PGW Exh. 1.

10. On June 5, 2025, PGW issued a ten-day shut off notice to the Complainant advising him of his pending termination, the reason for the pending termination, as well as steps he could follow to avoid termination. Tr. 10, 33; PGW Exh. 2.

11. PGW also called the Complainant to advise of the pending termination. Tr. 10.

---

<sup>1</sup> I will note that although the record reflects that the Complainant's gross monthly income was \$3,033.33 at the time he received this Commission-issued payment arrangement, the Complainant testified that his gross monthly income was \$3,680 at all times relevant to this Complaint. Tr. 13.

12. On June 23, 2025, PGW terminated the Complainant's gas service for non-payment. Tr. 10-11, 34; PGW Exh. 3.

13. The Complainant's current gross monthly income is approximately \$3,680. Tr. 13-14.

14. The Complainant's household income is between 200% and 225% of the Federal Poverty Income Guidelines, for a two-person household.<sup>2</sup>

15. The Complainant's outstanding balance as of the date of the hearing totaled \$9,166.66. Tr. 9, 32; PGW Exh. 1.

### DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, 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). That is, 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). Additionally, any finding of fact necessary to support

---

<sup>2</sup> See Federal poverty guidelines, 91 Fed. Reg. 1797 (Jan 15, 2026); <https://aspe.hhs.gov/sites/default/files/documents/b1bfa16b20ae9b89d525bc35de7c1643/detailed-guidelines-2026.pdf>

the Commission's adjudication must be based upon substantial evidence. 2 Pa.C.S. § 704; *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied his burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

By law, a public utility is entitled to receive payment for the service it provides. *Scaccia v. West Penn Power Co.*, 55 Pa.P.U.C. 637 (1982); *Kea v. Peoples Nat. Gas Co.*, 60 Pa.P.U.C. 215 (1985); *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982). Consequently, Respondent has the right to bill and receive payment for the utility service actually supplied. 66 Pa.C.S. § 1303; *Neal v. Phila. Gas Works*, Docket No. Z-00871874, (Final Order entered Jan. 4, 2002); *Angie's Bar v. Duquesne Light Co.*, 72 Pa.P.U.C. 213 (1990).

Additionally, all customers are obligated to pay for utility service. Otherwise, unpaid bills are included in the utility's uncollectible expenses, which all of its remaining customers must pay. *Bolt v. Duquesne Light Co.*, Docket No. Z-8721758 (Opinion and Order entered Apr. 8, 1988). A payment arrangement, which prevents service termination as long as Complainant complies with it, is a privilege, not a right. *Mandell v. Duquesne Light Co.*, Docket No. C-20030234, (Opinion and Order entered Mar. 17, 2004).

In this case, PGW terminated the Complainant's gas service on June 23, 2025 for non-payment. The Complainant's outstanding balance as of the date of the hearing totaled \$9,166.66. PGW is requiring the outstanding balance to be paid in full in order to restore service. The Complainant does not dispute that he owes the outstanding balance. The Complainant is seeking a payment arrangement on his outstanding balance in order to have his service restored.

#### Request for Second Commission-Issued Payment Arrangement

The Responsible Utility Customer Protection Act (Act), 66 Pa.C.S. §§ 1401-1419, applies to complaints alleging inability to pay and requesting a Commission-issued payment arrangement. This Act provides 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, according to its provisions, 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 December

24, 2024). In particular, the Commission’s Statement of Policy states that the principles of Chapter 14 of the Code, 66 Pa.C.S. §§ 1401-1419 (Chapter 14), and specifically Section 1405 and definitions of Section 1403 will continue after the expiration of Chapter 14 on December 31, 2024. *Id.* at 5.

Section 1405(a) - (b) of the Code reads as follows:

**§ 1405. Payment arrangements**

**(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).

Section 1405(d) regarding payment arrangements reads in pertinent part:

**(d) *Number of payment arrangements.***

Absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision. A public utility may, at its discretion, enter into a second or subsequent payment arrangement with a customer.

66 Pa.C.S. § 1405(d)(emphasis added).

"Change in income" is defined as:

A decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level.

66 Pa.C.S. § 1403(emphasis added).

Here the Complainant was already the beneficiary of a Commission-issued payment arrangement on May 13, 2024, which was based on a monthly household income of \$3,033.33 for a two-person household. The Complainant defaulted on this Commission-issued payment arrangement. During the hearing, the Complainant testified that his current gross monthly household income is approximately \$3,680 for a two-person household. The Complainant's gross monthly income places him between 200% and 225% of the Federal Poverty Income Guidelines. Chapter 14 provides a three-year payment arrangement for customers with a gross monthly household income level between 150% and 250% of the Federal poverty level. However, since the record demonstrates that the Complainant's gross monthly household income has actually increased since he received the Commission-issued payment arrangement, he has not

experienced a “change in income” that would make him eligible for a second Commission-issued payment arrangement under the terms of Chapter 14.

Also, the Complainant is not eligible for an extension of the Commission-issued payment arrangement. Section 1405(e) regarding payment arrangements reads in pertinent part:

**(e) Extension of payment arrangements.**

If the customer defaults on a payment arrangement established under subsections (a) and (b) as a result of a significant change in circumstance, the commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown.

66 Pa.C.S. § 1405(e) (emphasis added). “Significant change in circumstance” is defined as:

Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level:

- (1) The onset of a chronic or acute illness resulting in a significant loss in the customer's household income.
- (2) Catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household.
- (3) Loss of the customer's residence.
- (4) Increase in the customer's number of dependents in the household.

66 Pa.C.S. § 1403.

In this case, there is nothing in the record to demonstrate that the Complainant defaulted on his Commission-issued payment arrangement due to a significant change in circumstances. Consequently, the Commission may not reinstate the payment arrangement issued on May 13, 2024.

### Restoration of Service

Regarding the restoration of service, Commission regulations provide, in pertinent part, the following:

(c) Payment to restore service.

(2) A public utility may require:

(iii) Full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant, if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level. The initial payment required toward the outstanding balance as a condition of restoration cannot exceed 1/12 of the outstanding balance.

52 Pa. Code § 56.191(c)(2)(iii).

In this case, the Complainant testified that his gross monthly income for a two-person household is approximately \$3,680. As previously noted, the Complainant's gross monthly income places him between 200% and 225% of the Federal Poverty Income Guidelines. Pursuant to the Commission's regulations, the Complainant is eligible for restoration of service, provided he makes the payments required pursuant to 52 Pa. Code § 56.191(c)(2)(iii).

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).
3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.
4. By law, a public utility is entitled to receive payment for the service it provides. *Scaccia v. West Penn Power Co.*, 55 Pa.P.U.C. 637 (1982); *Kea v. Peoples Nat. Gas Co.*, 60 Pa.P.U.C. 215 (1985); *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982).
5. A public utility has the right to bill and receive payment for the utility service actually supplied. 66 Pa.C.S. § 1303; *Neal v. Phila. Gas Works*, Docket No. Z-00871874, (Final Order entered Jan. 4, 2002); *Angie's Bar v. Duquesne Light Co.*, 72 Pa.P.U.C. 213 (1990).
6. 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).

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, at 5 (Statement of Policy entered Dec. 24, 2024).

8. "Change in income" is defined as: A decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level. 66 Pa.C.S. § 1403.

9. Absent a change in income, the Commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision. 66 Pa.C.S. § 1405(d).

10. If a customer defaults on a payment arrangement established by the Commission under subsections 1405(a) and (b) as a result of a significant change in circumstance, the commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown. 66 Pa.C.S. § 1405(e).

11. "Significant change in circumstance" is defined as: "Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level: (1) the onset of a chronic or acute illness resulting in a significant loss in the customer's household income; (2) catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household; (3) loss of the customer's residence; (4) increase in the customer's number of dependents in the household. 66 Pa.C.S. § 1403.

12. The Complainant failed to carry his burden of proving that he is eligible for a second or subsequent Commission-issued payment arrangement or to an extension of his previous payment arrangement under the terms of Chapter 14. 66 Pa.C.S. §§ 1405(d), 1405(e).

13. A public utility may require full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant, if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level. The initial payment required toward the outstanding balance as a condition of restoration cannot exceed 1/12 of the outstanding balance. 52 Pa. Code § 56.191(c)(2)(iii).

14. The Complainant is eligible for restoration of his gas service provided he meets the requirements of 52 Pa. Code § 56.191(c)(2)(iii).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That Philadelphia Gas Works Exhibits one through seven are admitted into the record of this proceeding.

2. That the Complaint of JeVaughn Daley against Philadelphia Gas Works at Docket No. C-2025-3059190 is denied in part and granted in part.

