

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held April 30, 2026

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

DaJuan Ruff-Kelly

F-2025-3055087

v.

Philadelphia Gas Works

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration (Petition) filed by DaJuan Ruff-Kelly (Mr. Ruff-Kelly) on February 23, 2026, seeking reconsideration of the Commission's Opinion and Order entered on December 23, 2025 (*December 2025 Order*), relative to the above-captioned proceeding. For the reasons stated below, we shall deny the Petition, consistent with this Opinion and Order.

I. History of Proceeding¹

On May 5, 2025, Mr. Ruff-Kelly filed a Formal Complaint (Complaint) with the Commission against Philadelphia Gas Works (PGW), alleging that PGW overcharged for extra gas usage and improperly removed a payment from his account. On the Complaint form, Mr. Ruff-Kelly indicated that the Complaint concerned utility service provided to Know Finish LLC, but Mr. Ruff-Kelly neither stated that he was an attorney, nor did he list an attorney on the Complaint form. Complaint at 1-3, 7.

On October 10, 2025, the Commission issued the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Alphonso Arnold III, wherein he dismissed the Complaint due to Mr. Ruff-Kelly's failure to comply with the ALJ's Interim Order to have an attorney enter an appearance on behalf of Know Finish LLC. I.D. at 1, 11. No Exceptions to the Initial Decision were filed.

On October 16, 2025, Mr. Ruff-Kelly filed a letter with the Commission seeking the withdrawal of the Complaint and the confidential treatment and removal from public access of Mr. Ruff-Kelly's information. Pursuant to 52 Pa. Code § 1.2, the Commission deemed the letter a Petition to Withdraw (Petition to Withdraw). *December 2025 Order* at 1, n.2; Petition to Withdraw at 1.

The Commission, in the *December 2025 Order*: (1) concluded that the Initial Decision became final without further Commission action; (2) denied, as moot, the Petition to Withdraw; and (3) dismissed the Complaint, without prejudice, consistent with the *December 2025 Order*. *December 2025 Order* at 8-9.

¹ See *December 2025 Order* at 2-4 for a summary describing the procedural history of this proceeding, which is incorporated herein.

On February 23, 2026, Mr. Ruff-Kelly filed the instant Petition.² On March 5, 2026, PGW filed an Answer to the Petition.

II. Discussion

A. Legal Standards

With respect to petitions for rehearing, reconsideration, rescission, and amendment of Commission orders, the Code establishes a party's right to seek relief within fifteen days following the service of a Commission order pursuant to Subsection 703(f). 66 Pa.C.S. § 703(f) (relating to rehearing).³ Upon the filing of a petition for relief pursuant to Section 703(f), the Commission may affirm, rescind, or modify its original order. 66 Pa.C.S. § 703(f). The Code further provides that the Commission may, at any time, after notice and opportunity to be heard by all affected parties, rescind or amend any order made by the Commission, pursuant to Section 703(g). 66 Pa.C.S. § 703(g) (relating to rescission and amendment of orders). A request for relief pursuant to § 703(f) or § 703(g) must be brought as a petition for relief consistent with Section 5.572 of the Commission's Regulations. 52 Pa. Code § 5.572 (relating to petitions for relief).

Petitions for relief predicated upon Sections 703(f) and 703(g) of the Code, whether brought under Section 5.572(c) of the Commission's Regulations as a petition

² On February 24, 2026, the Commission's Secretary issued a Secretarial Letter, which it placed on the docket in this proceeding, indicating that it was serving the Petition on the Parties of Record because a review of the filing revealed that Mr. Ruff-Kelly failed to serve the Parties of Record and did not include a Certificate of Service in accordance with 52 Pa. Code § 1.54 when the Petition was filed.

³ Petitions under this section which do not allege new evidence are typically treated as petitions for reconsideration. Petitions for rehearing pursuant to Section 703(f) of the Code typically include an allegation of new evidence. 66 Pa.C.S. § 703(f); *see West Penn Power Co. v. Pa. PUC*, 659 A.2d 1055 (Pa. Cmwlth. 1995).

for reconsideration, rehearing, reargument, clarification, supersedeas, or others within fifteen days of the service of a Commission order, or under Section 5.572(d) as a petition for rescission or amendment filed at any time following service of a Commission order, are reviewed by the Commission as matters seeking relief falling within the agency's discretion.

The Commission's application of the standard for granting a petition for amendment, reconsideration, or rescission is set forth in *Philip Duick, et al. v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982) (*Duick*) as follows:

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part on the grounds that the decision or ruling of the Commission on a matter or issue was either unwise or in error.

In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein the Court said,

[b]ut the grounds for reconsideration should be restricted to the new matters and new or changed conditions set up in the joint petition, which had arisen since and were not presented in the several petitions of these appellants ... and dismissed by the Commission ... and not appealed from. Parties, ..., cannot be permitted, by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them and not appealed from. ...

Pennsylvania Railroad Co. v. Public Service Commission, [179 A. 850, 854 (Pa. Super. 1935)].

What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations

which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

Duick at 559; see also *AT&T v. Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlth. 1990).

The Commission utilizes a two-step analysis in determining whether to exercise its discretion to grant relief under *Duick*. See, e.g., *SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket Nos. C-2012-2304183 and C-2012-2304324 (Opinion and Order entered May 9, 2019)⁴ at 4-5 (discussing *Application of La Mexicana Express Service, LLC, to transport persons in paratransit service, between points within Berks County*, Docket No. A-2012-2329717; A-6415209 (Opinion and Order entered September 11, 2014)). The first step is to determine whether a party has offered any basis to persuade the Commission to exercise its discretion, including but not limited to, new and novel arguments or identified considerations that appear to have been overlooked or not addressed by the Commission in its previous order. This initial step examines whether a party raises the same questions which were specifically considered and decided against them by a prior Order of the Commission. If so, it is unlikely that the Commission will be persuaded to exercise its discretion to grant relief. *Duick* at 559 (citing *Pennsylvania Railroad Co. v. Public Service Commission*, 179 A. 850 (Pa. Super. 1935)). The second step of the *Duick* analysis is to evaluate any matter the Commission has deemed worthy of consideration, to determine whether to grant any relief.

Finally, we note that any issue or argument that we do not specifically address shall be deemed to have been duly considered and denied without further

⁴ *Affirmed, Phila. Gas Works v. Pa. PUC*, 249 A.3d 963 (Pa. 2021), *remand granted, in part*, 256 A.3d 1092 (Pa. 2021) (Table).

discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, Univ. of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).⁵

B. *December 2025 Order*

In the *December 2025 Order*, the Commission denied Mr. Ruff-Kelly's Petition to Withdraw as moot because the Initial Decision denied the Formal Complaint without prejudice and the Commission's procedures protect a complainant's personally identifiable information from public access. *December 2025 Order* at 7.

The Commission noted that the ALJ, in his Initial Decision, dismissed the Complaint and no Exceptions were filed. Since neither Exceptions to the Initial Decision were filed, nor had two or more Commissioners sought review of the Initial Decision, the ALJ's Initial Decision became final, without further Commission action, pursuant to 66 Pa.C.S. § 332(h). Furthermore, the Commission explained that the dismissal of the Complaint, which was not on its merits, was without prejudice so that the appropriate party may refile if desired. *December 2025 Order* at 8.

Regarding Mr. Ruff-Kelly's concerns about the confidential treatment of his information, the Commission noted that it does not publish *pro se* complaints, such as and including the instant Complaint, to its website in order to protect a complainant's utility customer account information. The Commission further explained that it is required to protect personally identifiable information, pursuant to the Breach of Personal

⁵ *See also Metropolitan Edison Co. v. Pa. PUC*, 22 A.3d 353 (Pa. Cmwlth. 2011), *appeal denied*, 22 A.3d 353 (Pa. 2012) (citing *Wheeling & Lake Erie Railway Company v. Pa. PUC*, 778 A.2d 785, 794 (Pa. Cmwlth. 2001) for the proposition that the Commission is not required to expressly consider all of the arguments set forth by the parties in its Order).

Information Notification Act, 73 P.S. §§ 2301-2330 (BPINA), and that a review of the instant docket indicated that no personal identifiable information, as defined by the BPINA, was published to the Commission's website. Additionally, the Commission stated that, although a name and contact information may have appeared on certificates of service, the name and contact information did not appear in combination with and linked to any one or more of the data elements set forth in the BPINA. Moreover, the Commission found that the record did not include any requests made with the ALJ to put any protections in place. Therefore, the Commission concluded that such certificates of service are published to the Commission's website, as filed, and the Commission cannot alter or modify public documents filed on the record before the Commission.

December 2025 Order at 8.

As a result, as noted, *supra*, the Commission: (1) concluded that the Initial Decision became final without further Commission action; (2) denied, as moot, the Petition to Withdraw; and (3) dismissed the Complaint, without prejudice, consistent with the *December 2025 Order*. *December 2025 Order* at 8-9.

C. Mr. Ruff-Kelly's Petition and PGW's Answer

In his Petition, Mr. Ruff-Kelly argued, as follows:

The [*December 2025 Order*] is wrong because as a consumer the PCDPA grants me rights over my data including the right to request deletion of personal information. The Pennsylvania Constitution protects privacy to prevent disclosure of sensitive personal data (like home addresses, phone number, email, etc). This poses as a security risk because it bridges the gap between digital data and physical safety, allowing malicious actors to move from online harassment to real-world threats. This exposure compromises my personal privacy and puts myself, my family, and property at risk of burglary, stalking, harassment, and identity theft.

PA courts have policies to protect confidential info in filings, allowing me to request redaction or exclusion. Under Pennsylvania law, individuals are protected by the right to privacy. I have the right to be left alone, to keep personal information private, to be free from unwarranted publicity, and to control my reputation and standing in the community. Public disclosure of private facts protects my right to keep the details of my private life private (ie home addresses, phone number, email etc)[.]

Petition at 1.

Mr. Ruff-Kelly further warned that, “if continued violation persist[s] in any of the above ways I have no choice but to file a claim and pursue compensation for any damages.” Petition at 1.

In response, PGW argues that the Petition should be denied, in its entirety. First, PGW states that the Petition was not timely filed, in accordance with 52 Pa. Code § 5.572, because the *December 2025 Order* was entered on December 23, 2025; however, the Petition was not filed until February 23, 2026, which is far beyond the deadline set forth in 52 Pa. Code § 5.572. Second, PGW contends that the Petition fails to satisfy the *Duick* standard because it does not raise a novel argument or a consideration not previously addressed by the Commission. PGW avers that Mr. Ruff-Kelly’s raising of his concerns regarding the confidentiality of his information is not a novel consideration because it was addressed thoroughly by the Commission in the *December 2025 Order*. Answer to Petition at 4.

D. Disposition

Upon review, we will deny the Petition as untimely. In seeking reconsideration of a Commission order, in addition to bearing the burden of proof, Mr. Ruff-Kelly, as the proponent of an order, also has the duty to timely file the Petition.

See 66 Pa.C.S. § 332(a); 52 Pa. Code § 5.572(c). Section 5.572(c) of the Commission’s Regulations requires that petitions for reconsideration must be filed within 15 days after entry of the Commission order in question. 52 Pa. Code § 5.572(c). Since the *December 2025 Order* was entered on December 23, 2025, Mr. Ruff-Kelly’s request for reconsideration should have been filed on or before January 7, 2026. However, Mr. Ruff-Kelly did not file his Petition until February 23, 2026, which was 62 days after the entry of the *December 2025 Order*, and, therefore, 47 days late. Consequently, Mr. Ruff-Kelly’s Petition is unquestionably untimely. Furthermore, in his Petition, Mr. Ruff-Kelly neither mentions its untimeliness, nor provides any justification or explanation for filing it late. Therefore, we find no reasonable grounds for the failure to timely file that would cause us to exercise our discretion to accept and consider the late-filed Petition. *See* 52 Pa. Code § 1.15(a)(1). Accordingly, we shall deny the Petition because it is untimely.

Moreover, we note that in certain situations, and particularly where a *pro se* complainant is involved, we have construed certain filings as different filings, pursuant to 52 Pa. Code § 1.2, in order to overcome certain procedural defects. However, even if we were to exercise our discretion under 52 Pa. Code § 1.2 to treat the Petition as a different petition, such as a petition for rescission under 66 Pa.C.S. § 703(g) and 52 Pa. Code § 5.572(d), which may be construed as timely, the Petition would not satisfy the *Duick* standards for reconsideration or rescission.

As mentioned, *supra*, petitions governed by *Duick* essentially require a two-step analysis. First, we must determine whether a party has offered new or novel arguments or identified considerations that appear to have been overlooked or not

addressed by the Commission in its previous order.⁶ We will not reconsider our previous decision based on arguments that have already been considered. However, we will not necessarily modify our prior decision just because a party offers a new and novel argument or identifies a consideration that was overlooked or not addressed by the Commission in its previous order. The second step of the *Duick* analysis is, therefore, to evaluate the new or novel argument or overlooked consideration, in order to determine whether to modify our previous decision.

Upon review, we find that the Petition does not raise any new or novel arguments or considerations that were overlooked or not addressed by the Commission in the *December 2025 Order*. The arguments included in the Petition were previously presented by Mr. Ruff-Kelly and considered by the Commission. As these arguments are not new and novel and were previously addressed by the Commission in the *December 2025 Order*, the Petition would fail to satisfy the first step required in the analysis under *Duick*, and would be denied, even if we were to construe it as a different filing to overcome the procedural defect of being untimely filed. Finally, we conclude that the Petition fails to raise any basis which persuades us to exercise our discretion to reconsider the *December 2025 Order*.

III. Conclusion

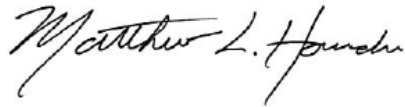
For the reasons set forth above, we shall deny the Petition, consistent with this Opinion and Order; **THEREFORE**,

⁶ With respect to petitions for rescission, specifically, the Commission has stated that in order “[t]o establish a proper basis for rescission, a petitioner must first establish the existence of newly discovered evidence, a substantial change in circumstances, or an error of fact or law.” See *Floyd v. PECO Energy Co.*, Docket No. F-2018-3001465 (Opinion and Order entered August 8, 2019) (citing *Feleccia v. PPL Electric Utilities Corp.*, Docket No. C-20016210 (Order entered March 7, 2003), slip op. at 3 (citing *Duick* at 559)).

IT IS ORDERED:

1. That the Petition for Reconsideration filed by DaJuan Ruff-Kelly on February 23, 2026, is denied.
2. That this proceeding at Docket No. F-2025-3055087 shall be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 30, 2026

ORDER ENTERED: April 30, 2026