

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Shirley A. Nicodemus
v.
Peoples Natural Gas Company LLC

Public Meeting held May 21, 2026
3055828-OSA
Docket No. F-2025-3055828

MOTION OF VICE CHAIR KIMBERLY BARROW

On June 13, 2025, Shirley Nicodemus filed a Formal Complaint against Peoples Natural Gas Company LLC (Peoples) alleging that she did not receive bills via mail for a period of time and that Peoples damaged her property when relocating her meter, causing water damage to her basement. While not included in the Formal Complaint, Ms. Nicodemus' Informal Complaint before the Commission's Bureau of Consumer Services included an allegation that Peoples cashed a check that was made out to Ms. Nicodemus' insurance company but inadvertently sent to Peoples.¹

An evidentiary hearing was held on October 8, 2025, and an Initial Decision was issued on January 28, 2026, sustaining the Formal Complaint and imposing a \$1,500 civil penalty upon Peoples. The Administrative Law Judge (ALJ) determined that Peoples committed three violations: (1) Peoples failed to provide timely monthly bills to Ms. Nicodemus from June 2024 through December 2024, a violation of 66 Pa.C.S. §§ 1501, 1509; (2) Peoples erred in cashing a check made out to Ms. Nicodemus' insurance company, a violation of 66 Pa.C.S. § 1501; and (3) Peoples damaged Ms. Nicodemus' property while installing a new service line and relocating a meter, a violation of 66 Pa.C.S. § 1501.² Peoples filed Exceptions.

I agree with the ALJ's determination that Peoples failed to timely issue monthly bills to Ms. Nicodemus from June 2024 through December 2024.³ Nevertheless, I disagree that a civil penalty of \$500 is sufficient in this matter. Timely billing is a core component of providing utility service, and customers should expect timely billing without being required to insist upon receiving those bills.⁴ Indeed, if Ms. Nicodemus did not actively engage Peoples in receiving the bills but instead passively waited for a bill that was never sent, she would have accrued a large outstanding balance with late fees over that seven-month period. For seven months, Ms. Nicodemus made monthly calls to Peoples in an effort to receive her gas bill.⁵ Each one of those monthly calls presented Peoples with a direct opportunity to resolve the issue and to begin

¹ The Formal Complaint is a timely appeal from an informal decision of BCS issued on May 1, 2025, at BCS No. 4037356.

² See generally Initial Decision, Docket No. F-2025-3055828 (January 28, 2026).

³ I also agree that a referral to the Commission's Bureau of Investigation and Enforcement (I&E) is appropriate. The extent to which other customers may have been impacted by Peoples' billing issues is unknown, and thus a referral allows I&E the ability and discretion to review Peoples' compliance history and determine whether this issue solely affected Ms. Nicodemus or was a systemic issue.

⁴ See also 52 Pa. Code § 56.11.

⁵ Hearing Transcript, pg. 18 (October 8, 2025).

generating and sending bills to Ms. Nicodemus—but Peoples continually failed to take advantage of those opportunities. The breakdown of this critical process for a seven-month period of time is egregious and warrants a higher civil penalty under the factors the Commission considers for imposing a civil penalty in litigated cases.⁶ Therefore, I believe a civil penalty of \$200 per missed bill, for a total civil penalty of \$1,400, is appropriate.⁷ In particular, this civil penalty is appropriate because the conduct at issue was of a serious nature and because of the amount of time it took for the utility to correct the conduct once it was discovered. Also, this civil penalty will serve to deter future violations.

As for the other claims, I do not believe that substantial evidence exists to conclude that Peoples damaged Ms. Nicodemus' property nor that Peoples is the sole party to blame for the cashed check issue. Accordingly, the Complainant did not meet her burden of proof with the other claims, and the ALJ's issuance of a civil penalty for these claims is reversed.

THEREFORE, I MOVE THAT:

1. The Exceptions filed by Peoples Natural Gas Company LLC to the Initial Decision of Administrative Law Judge Katrina L. Dunderdale are denied, in part, and granted, in part, consistent with this Motion.
2. The Initial Decision of Administrative Law Judge Katrina L. Dunderdale dated January 28, 2026, is adopted as modified, consistent with this Motion.
3. The Commission's Office of Special Assistants shall prepare an Order consistent with this Motion.

May 21, 2026



Kimberly Barrow, Vice Chair

⁶ See 52 Pa. Code § 69.1201.

⁷ See 66 Pa.C.S. § 3301(a)-(b).