

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sarah Grigg	:	
	:	
v.	:	C-2025-3056238
	:	
Peoples Natural Gas Company, LLC	:	

INITIAL DECISION

Before
Steven K. Haas
Administrative Law Judge

INTRODUCTION

This decision dismisses a Formal Complaint due to the failure of the Complainant to appear for the hearing and prosecute the Complaint.

HISTORY OF THE PROCEEDING

On July 9, 2025, Sarah Grigg (Complainant or Ms. Grigg) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Peoples’ Natural Gas Company, LLC (Peoples). On her Complaint form, Ms. Grigg checked the boxes indicating that (1) the utility was threatening or had already shut off her service, and (2) she would like a payment arrangement. Complaint, ¶ 4. By way of relief, the Complainant sought to avoid service termination and to establish a recurring pay by bank arrangement. *Id.*, ¶ 5.

On her Complaint form, Ms. Grigg selected the option to receive all communications from the Commission via eService through an eFiling account she registered with the Commission. Complaint ¶ 9.

On July 29, 2025, Peoples timely filed an Answer in which it averred that the Complainant has a poor payment history and that she has defaulted on five prior payment arrangements. Answer ¶ 4. Peoples is requesting that the Complainant be required to pay her total outstanding balance of \$5,217.27 in order to continue to receive service. *Id.* ¶ 5.

On August 7, 2025, the Office of Administrative Law Judge issued a Telephonic Hearing Notice scheduling an Initial Telephonic Hearing for Wednesday, October 15, 2025, at 10:00 a.m., and assigning Special Agent Michael Mroczka as the Presiding Officer. On August 8, 2025, a Prehearing Order was issued which addressed the procedures applicable to this proceeding, including how to request a continuance. By Judge Change Notice dated September 25, 2025, the parties were informed that I had replaced Special Agent Mroczka as the Presiding Officer in this case.

By e-mail dated October 9, 2025, the Complainant requested that the October 15, 2025 hearing be continued due to a medical issue involving her daughter. Based on the representations made by the Complainant, I canceled the October 15, 2025 hearing and, by Notice dated October 10, 2025, a new telephonic hearing was scheduled for November 18, 2025.

By e-mail dated October 23, 2025, the Complainant requested a continuance of the November 18, 2025 hearing, stating that she had been subpoenaed to testify in a trial from November 17-20, 2025. Based on this representation made by the Complainant, I canceled the November 18, 2025 hearing and, by Notice dated October 24, 2025, a new telephonic hearing was scheduled for January 6, 2026.

By e-mail dated January 5, 2026, at 10:00 p.m., the Complainant requested a continuance of the January 6, 2026 hearing, stating that her daughter was experiencing medical issues and needed to be seen by a physician in Pittsburgh on January 6, 2026. By e-mail dated January 6, 2025, I informed the parties that I would once again cancel and reschedule the hearing scheduled for that day, but that no further hearing continuances would be permitted.

By Notice dated January 13, 2026, a new telephonic hearing was scheduled for March 11, 2026. The Notice provided the parties with the Toll-Free Bridge Number and PIN to call and participate in the telephonic hearing. The Further Hearing Notice further stated as follows:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint. If you are unable to attend the hearing for any reason, you must request a continuance using the procedure described below.

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

Also on January 13, 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 stated the potential consequences if a party failed to appear at the hearing.

Additionally, the Prehearing Order informed the parties about the applicable procedural rules and again included the procedure to follow for hearing continuances.

On February 26, 2026, a Notice was sent to the parties informing them that the call in telephone number and PIN to use to connect to the telephonic hearing had changed, and the new call in telephone number and PIN were provided.

The Hearing Notice, Prehearing Order and call in telephone number and PIN change Notice were eServed to the Complainant in the ordinary course of the Commission's business to the email address that was registered with the Commission by Ms. Grigg. None of these Notices were returned to the Commission as undeliverable.

On March 11, 2026, the convened the hearing as scheduled. Due to a sudden conflict with my schedule, the hearing was conducted by Administrative Law Judge Erin Gannon. Jennifer Petrisek, Esquire, appeared on behalf of the Respondent along with one witness and was ready to proceed. The court reporter was also present. The Complainant was not present at the start of the hearing. After a 15-minute recess to allow time for Ms. Grigg to appear, the hearing proceeded in the Complainant's absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, the Respondent moved to dismiss the Complaint with prejudice due to the Complainant's failure to appear and prosecute her Complaint. Tr. 8. Judge Gannon took this motion under advisement. Tr. 8.

Ms. Grigg has not contacted the Commission to explain why her failure to appear at the hearing was unavoidable.

The record closed on March 17, 2026, upon receipt by the Commission of the hearing transcript.

This decision grants the Respondent's motion to dismiss the Complaint with prejudice due to the failure of the Complainant to appear for the hearing and prosecute her Complaint.

FINDINGS OF FACT

1. The Complainant is Sarah Grigg.
2. The Respondent is Peoples Natural Gas Company, LLC.
3. On July 9, 2025, the Complainant filed a Formal Complaint against Respondent.
4. On July 29, 2025, the Respondent filed an Answer to the Complaint.
5. On August 7, 2025, the Office of Administrative Law Judge issued a Telephonic Hearing Notice scheduling an Initial Telephonic Hearing for Wednesday, October 15, 2025, at 10:00 a.m., and assigning Special Agent Michael Mroczka as the Presiding Officer.
6. On August 8, 2025, a Prehearing Order was issued which addressed the procedures applicable to this proceeding, including how to request a continuance.
7. By Judge Change Notice dated September 25, 2025, the parties were informed that I had replaced special Agent Mroczka as the Presiding Officer in this case.
8. By e-mail dated October 9, 2025, the Complainant requested that the October 15, 2025 hearing be continued due to a medical issue involving her daughter. Based on the representations made by the Complainant, I canceled the October 15, 2025

hearing and, by Notice dated October 10, 2025, a new telephonic hearing was scheduled for November 18, 2025.

9. By e-mail dated October 23, 2025, the Complainant requested a continuance of the November 18, 2025 hearing, stating that she had been subpoenaed to testify in a trial from November 17-20, 2025. Based on this representation made by the Complainant, I canceled the November 18, 2025 hearing and, by Notice dated October 24, 2025, a new telephonic hearing was scheduled for January 6, 2026.

10. By e-mail dated January 5, 2026, at 10:00 p.m., the Complainant requested a continuance of the January 6, 2026 hearing, stating that her daughter was experiencing medical issues and needed to be seen by a physician in Pittsburgh on January 6, 2026.

11. By e-mail dated January 6, 2025, I informed the parties that I would once again cancel and reschedule the hearing scheduled for that day, but that no further hearing continuances would be permitted.

12. By Notice dated January 13, 2026, a new telephonic hearing was scheduled for March 11, 2026. The Notice provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing.

13. On February 26, 2026, a Notice was sent to the parties informing them that the call in telephone number and PIN to use to connect to the telephonic hearing had changed, and the new call in telephone number and PIN were provided.

14. All Notices were eServed to the Complainant in the ordinary course of the Commission's business to the email address that was registered with the

Commission by Ms. Grigg. None of these Notices were returned to the Commission as undeliverable.

15. The Complainant failed to appear and participate in the scheduled telephonic hearing on March 11, 2026.

16. The court reporter, Counsel for Respondent and its witness were present and prepared to proceed with the hearing.

17. The Complainant has not contacted the Commission following the hearing date to explain why her failure to appear at the hearing was unavoidable.

DISCUSSION

Due Process and Notice

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Id.*

The record shows that the Complainant was provided notice and the opportunity to be heard. As noted, the hearing was rescheduled three times, all at the request of the Complainant. With respect to the March 11, 2026, hearing date, the Commission issued a Hearing Notice on January 11, 2026, which advised the parties of the date and time of the hearing, and how to participate. The Commission also issued Prehearing Order which reminded the parties of the date and time of the hearing, and how to participate. Both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing, if needed, and that failure to appear may result in the

dismissal of the Complaint with prejudice, which means that the Complainant would be barred from filing another complaint raising the same claims and issues presented in the dismissed complaint.

On February 26, 2026, a Notice was sent to the parties informing them that the call in telephone number and PIN to use to connect to the telephonic hearing had changed, and the new call in telephone number and PIN were provided.

All Notices were eServed to the Complainant at the email address she registered with the Commission. None were returned to the Commission as undeliverable. Notice eServed to a party's registered email address with no notification that service failed is presumed to have been received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

Ms. Grigg had notice of the hearing and an opportunity to be heard in this proceeding. Therefore, Complainant's due process rights have been fully protected. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

Failure to Appear, Waiver and the "Unavoidable" Standard

Once a hearing is scheduled and the parties are duly notified by the Commission, it is the responsibility of the parties to appear and participate in the hearing. *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 28, 2002). Both the Public Utility Code and the Commission's regulations provide that, after being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be

permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a). However, these provisions in the Code and in the Commission's regulations do not apply if the Presiding Officer determines that the party's failure to appear at the hearing was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(b).

The party who failed to appear at the hearing has the burden of explaining why their failure to appear was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. West Penn Power Co.*, Docket No. C-2021-3028202 (Opinion and Order entered Sept. 15, 2022). When there are no facts in the record that the party's failure to appear was unavoidable, the complaint should be dismissed with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022) (*Brown*); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019) (*Williams*); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995) (*Jefferson*); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

Ms. Grigg failed to appear for the hearing despite receiving notice and despite the Administrative Law Judge allowing additional time for the Complainant to appear. To date, there has been no communication to the Office of Administrative Law Judge or me by, or on behalf of, the Complainant explaining why the Complainant's failure to appear at the hearing was unavoidable.

Consequently, I find that the Complainant waived the opportunity to participate in a hearing on the matters raised in the Complaint, the Complainant's absence was not unavoidable, and the Complaint should be dismissed.

Burden of Proof and Dismissal of Complaint

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, a 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). A preponderance of the evidence is established 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).

As the proponent of any request for relief, the Complainant bears the burden of proof. By failing to participate and present any evidence to support the Complaint, Ms. Grigg has failed to meet this burden. Thus, it is appropriate to dismiss the Complaint. *Brown; Williams; Jefferson*. Accordingly, the merits of the Complaint will not be addressed.

The Respondent's motion to dismiss with prejudice will be granted.

CONCLUSIONS OF LAW

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

2. The Commission is required to provide due process to the parties appearing before them; this due process requirement is satisfied when the parties are

provided notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

3. Notice eServed to a party's registered email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

4. After being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

5. If there are no facts in the record that a party's failure to appear at a hearing was unavoidable, the complaint should be dismissed with prejudice. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995).

6. The Complainant's due process rights have been fully protected and Complainant's failure to appear was not unavoidable. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

