

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pamela Linn	:	
	:	
v.	:	C-2025-3058145
	:	
Duquesne Light Company	:	

INITIAL DECISION

Before
Emily I. DeVoe
Administrative Law Judge

INTRODUCTION

This decision dismisses without prejudice the Formal Complaint for the failure of Complainant to appear for the hearing and prosecute the Complaint.

HISTORY OF THE PROCEEDING

On October 22, 2025, Pamela Linn (Complainant or Ms. Linn) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission against Duquesne Light Company (DLC, Company, or Respondent). She checked the box averring the utility was threatening to shut off her service or had already done so and the box averring there were incorrect charges on her bill. Complaint ¶ 4.

Regarding service by the Commission, Ms. Linn elected to be served by First-Class Mail, checking the box and initialing next to this option. Complaint ¶ 9.

Commission records show that Ms. Linn subsequently created an eService account with the Commission.¹

On November 17, 2025, Respondent filed an Answer to the Complaint, *inter alia*, denying the material averments made in the Complaint.

On November 19, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice (First Hearing Notice), scheduling an evidentiary hearing for January 15, 2026 at 10:00 p.m.

The First Hearing Notice provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing and explained how to request a continuance and the consequences for failing to appear.

¹ When Complainant registered for an eFiling account she agreed to the following terms and conditions:

I agree that I will accept electronic service in the Commission proceeding in which I am a party of record. By creating this account, notification of filings via electronic mail shall constitute valid service of Commission documents. I understand that such electronic service of any and all documents will be substituted for service by mail. I agree to be served via email with all subsequent filings. I agree that email notices will be sent on the same day the document is posted.

By clicking on the 'Create Account' button below, [I am] agreeing to all the Terms and Agreements listed above.

eFiling Registration Page, <https://efiling.puc.pa.gov/Accounts/Create?accountType=I> (last visited Jan. 2, 2026).

On November 19, 2025, I issued a Prehearing Order (First PHO) which reminded the parties of the date and time of the hearing and informed the parties about the applicable procedural rules. The First PHO also stated the potential consequences if a party failed to appear at the hearing and included the procedure to follow to request a continuance.

The First Hearing Notice and First PHO were served on Complainant by First-Class Mail, consistent with her election on her Complaint, as well as by eService, consistent with her subsequent registration of an eService account.

Neither the First Hearing Notice nor the First PHO were returned as undeliverable.

On January 8, 2026, the Commission issued a Cancelled/Rescheduled Initial Telephonic Hearing Notice (Second Hearing Notice), as I had a scheduling conflict with the original hearing date. The Second Hearing Notice cancelled the hearing on January 15, 2026 and rescheduled it for January 23, 2026.

On January 8, 2026, I issued a second Prehearing Order (Second PHO). Like the First PHO, the Second PHO reminded the parties of the date and time of the rescheduled hearing and informed the parties about the applicable procedural rules. The Second PHO also stated the potential consequences if a party failed to appear at the hearing and included the procedure to follow to request a continuance.

The Second Hearing Notice and Second PHO were served on Complainant by First-Class Mail, consistent with her election on her Complaint, as well as by eService, consistent with her subsequent registration of an eService account.

Neither the Second Hearing Notice nor the Second PHO were returned as undeliverable.

On January 21 and January 22, 2026, Ms. Linn contacted the Office of Administrative Law Judge advising she was hospitalized, did not have access to her email, and was seeking a continuance.

On January 22, 2026, I emailed counsel for the Company, copying Ms. Linn, advising I was granting the continuance request.

On January 23, 2026, the Commission issued a Cancelled/Rescheduled Initial Telephonic Hearing Notice (Third Hearing Notice), which cancelled the hearing on January 23, 2026 and rescheduled it for March 10, 2026.

The Third 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.

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).

On January 26, 2026, I issued a third Prehearing Order (Third PHO). Like the First and Second PHOs, the Third PHO reminded the parties of the date and time of the rescheduled hearing and informed the parties about the applicable procedural rules. The Third PHO also stated the potential consequences if a party failed to appear at the hearing and included the procedure to follow to request a continuance.

The Third Hearing Notice and Third PHO were served on Complainant by First-Class Mail, consistent with her election on her Complaint, as well as by eService, consistent with her subsequent registration of an eService account.

Neither the Third Hearing Notice nor the Third PHO were returned as undeliverable.

On March 10, 2026, I convened the hearing as scheduled. Ms. Sophia Al Rasheed, Esquire, was present on behalf of Respondent along with one witness, and was ready to proceed. The court reporter was also present. Complainant was not present at the start of the hearing, and the hearing proceeded in Complainant's absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, Respondent moved to dismiss the Complaint with prejudice due to Complainant's failure to appear and prosecute her Complaint. Tr. 8.

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

The record closed on March 10, 2026 at the conclusion of the hearing. 52 Pa. Code § 5.431(a).

The Transcript (Tr.) was filed on March 25, 2026 and is ten pages in length.

This decision grants the Respondent's motion to dismiss the Complaint, but without prejudice.

FINDINGS OF FACT

1. Complainant is Pamela Linn.
2. Respondent is Duquesne Light Company.
3. On October 22, 2025, Complainant filed a Formal Complaint against Respondent.
4. In her Complaint, regarding service by the Commission, Complainant elected to be served by First-Class Mail. Complaint ¶ 4.
5. Complainant subsequently created an eService account with the Commission.
6. On November 17, 2025, Respondent filed an Answer to the Complaint.
7. On November 19, 2025, the First Hearing Notice was served on Complainant scheduling an initial telephonic hearing for January 15, 2026 at 10:00 p.m.
8. On November 19, 2025, the First PHO was served on Complainant providing additional information to the parties regarding the hearing.

9. Both the First Hearing Notice and First PHO were served on Complainant by First-Class Mail, consistent with her election on the Complaint, and by eService, consistent with her creation of an eService account.

10. Neither the First Hearing Notice nor the First PHO were returned as undeliverable.

11. On January 8, 2026, the Commission issued a Second Hearing Notice, rescheduling the hearing for January 23, 2026.

12. On January 8, 2026, the Second PHO was served on Complainant providing additional information to the parties regarding the hearing.

13. Both the Second Hearing Notice and Second PHO were served on Complainant by First-Class Mail, consistent with her election on the Complaint, and by eService, consistent with her creation of an eService account.

14. Neither the Second Hearing Notice nor the Second PHO were returned as undeliverable.

15. On January 21 and January 22, 2026, Ms. Linn contacted the Office of Administrative Law Judge advising she was hospitalized, did not have access to her email, and was requesting a continuance.

16. On January 23, 2026, the Commission issued a Third Hearing Notice, rescheduling the hearing for March 10, 2026.

17. On January 26, 2026, the Third PHO was served on Complainant providing additional information to the parties regarding the hearing.

18. Both the Third Hearing Notice and Third PHO were served on Complainant by First-Class Mail, consistent with her election on the Complaint, and by eService, consistent with her creation of an eService account.

19. Neither the Third Hearing Notice nor the Third PHO were returned as undeliverable.

20. The March 10, 2026 hearing convened as scheduled.

21. Complainant failed to appear and participate in the scheduled telephonic hearing on March 10, 2026.

22. The court reporter, counsel for Respondent, and its witness were present and prepared to proceed at the March 10, 2026 hearing.

23. Complainant has not contacted the Commission to explain why her failure to appear at the March 10, 2026 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 Complainant was provided notice and the opportunity to be heard. On November 19, 2025, the Commission served the First

Hearing Notice on Complainant by First-Class Mail and eService which advised the parties of the date and time of the hearing, and how to participate. On November 19, 2025, the Commission served the First PHO on Complainant by First-Class Mail and eService which reminded the parties of the date and time of the hearing, and how to participate. Further, both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, both documents advised Complainant that failure to appear may result in the dismissal of the Complaint.

Due to a scheduling conflict, the hearing was rescheduled. The record shows that on January 8, 2026 the Commission served the Second Hearing Notice on Complainant by First-Class Mail and eService which advised the parties of the date and time of the hearing, and how to participate. On January 8, 2026, the Commission served the Second PHO on Complainant by First-Class Mail and eService which reminded the parties of the date and time of the hearing and how to participate. Further, both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, both documents advised Complainant that failure to appear may result in the dismissal of the Complaint.

When Ms. Linn called the Office of Administrative Law Judge on January 21 and 22, 2026, requesting a continuance, the hearing was again rescheduled. The record shows that on January 23, 2026, the Commission served the Third Hearing Notice on Complainant by First-Class Mail and eService which advised the parties of the date and time of the hearing, and how to participate. On January 26, 2026, the Commission served the Third PHO on Complainant by First-Class Mail and eService which reminded the parties of the date and time of the hearing, and how to participate. Further, both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, both documents advised Complainant that failure to appear may result in the dismissal of the Complaint.

None of the documents served on Complainant were returned to the Commission as undeliverable. Accordingly, it must be presumed that the documents sent to Complainant by First-Class Mail were received by Complainant. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982). Further, 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).

Complainant had notice of the hearing and an opportunity to be heard in this proceeding. Additionally, the fact she called to request a continuance demonstrates she knew how to request a continuance if one was needed. 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 his/her failure to appear was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. W. 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. *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); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

Complainant failed to appear for the March 10, 2026 hearing despite receiving notice. To date, there has been no communication to the Office of Administrative Law Judge or me by, or on behalf of, Complainant explaining why her failure to appear at the hearing was unavoidable. Complainant knew how to request a continuance if one was necessary, as evidenced by her request for a continuance on January 21 and 22, 2026.

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

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, Complainant bears the burden of proof. By failing to participate and proffer any evidence to support the Complaint, Complainant has failed to meet this burden. Thus, it is appropriate to dismiss the Complaint. Accordingly, the merits of the Complaint will not be addressed.

Respondent's motion to dismiss the Complaint with prejudice will be granted in part and denied in part. The motion will be granted in that the Complaint is dismissed, and the motion is denied in that the Complaint is dismissed without prejudice.

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 mailed via U.S. First-Class Mail to a party and not returned to the Commission as undeliverable is presumed received. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).

4. 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).

5. 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).

6. 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).

7. As the party seeking relief, Complainant bears the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

