



February 28, 2024

**VIA E-FILE ONLY**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105

**Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement  
v. PPL Electric Utilities Corporation**

**Docket No. M-2023-3038060**

Dear Secretary Chiavetta:

Attached for filing, please find the **Comments of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the Joint Petition for Approval of Settlement** for the above-referenced proceeding.

As indicated by the attached Certificate of Service, service on the parties was by email only.

Respectfully submitted,

Ria M. Pereira, Esq.  
*Counsel for CAUSE-PA*

CC: Certificate of Service  
*Office of Special Assistants (via email only – ra-OSA@pa.gov)*

*Encl.*

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pa. Public Utility Commission, :  
Bureau of Investigation and Enforcement : Docket No. M-2023-3038060  
:  
v. :  
:  
PPL Electric Utilities Corporation :

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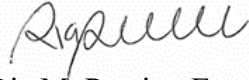
**Certificate of Service**

I hereby certify that I have, on this day, served copies of the **Comments of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the Joint Petition for Approval of Settlement** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54.

**VIA EMAIL ONLY**

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Respectfully Submitted,  
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Date: February 28, 2024

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pa. Public Utility Commission, :  
Bureau of Investigation and Enforcement : Docket No. M-2023-3038060  
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**COMMENTS OF THE COALITION FOR AFFORDABLE UTILITY SERVICES AND  
ENERGY EFFICIENCY IN PENNSYLVANIA TO THE JOINT PETITION FOR  
APPROVAL OF SETTLEMENT**

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February 28, 2024

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)<sup>1</sup> hereby submits the following Comments in response to the Commission’s Opinion and Order (Order) entered January 18, 2024. The Commission’s Order was published in the Pennsylvania Bulletin on February 3, 2024, opening a twenty-five day public comment period related to the Joint Petition for Approval of Settlement (proposed Settlement) filed by PPL Electric Utilities Corporation (PPL or the Company) and the Bureau of Investigation and Enforcement (I&E) (collectively, Settling Parties), at the above-captioned Docket.

CAUSE-PA urges amendment to the proposed Settlement. The errors outlined in the proposed Settlement are serious and potentially jeopardized the financial stability of nearly 900,000 PPL customers,<sup>2</sup> including likely hundreds of thousands of low income customers. As discussed below, these billing issues caused vast swaths of PPL’s customers to face uncertainty in their monthly bill amounts and supplier charges. Many of these customers were led to devote additional funds to cover erroneously high bills – likely straining the already limited resources of PPL’s low income customers.

The proposed Settlement requires PPL to pay a civil penalty of just \$1 million to fully and finally resolve all possible claims of alleged violations of the Public Utility Code and Commission regulation in connection with the violations set forth in the proposed Settlement.<sup>3</sup> This penalty fails to remediate the far-ranging negative customer impacts experienced by PPL’s residential

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<sup>1</sup> CAUSE-PA is an unincorporated association of low income Pennsylvanians from all corners of the state that advocates on behalf of its members to families of limited economic means across the state are able to connect and maintain safe and affordable water, electric, heating and telecommunication services to their home.

<sup>2</sup> The proposed Settlement alleges that PPL failed to render a bill 91,676 unique accounts between December 2022 and April 2023. In addition, PPL indicates that it issued estimated bills to 794,816 unique accounts from December 20, 2022 to January 9, 2023. In total, it appears that approximately 886,492 customers were directed impacted by PPL’s billing errors set forth in the proposed Settlement.

<sup>3</sup> Order at 11.

consumers – including its low income customers, who likely experienced the most acute harm as a result of PPL’s widespread billing errors.

For the forgoing reasons and the reasons stated throughout these Comments, CAUSE-PA asserts that the proposed Settlement – as drafted – is inadequate to redress the far-ranging consequences experienced by PPL’s economically vulnerable customers. We submit that the proposed Settlement should be modified to explicitly aid PPL’s low income customers, who likely experienced disproportionately harmful consequences as a result of the billing errors alleged in the proposed Settlement. Specifically, we urge the Commission to modify the proposed Settlement so that 50% of the \$1 million penalty provided for in the proposed Settlement – or \$500,000 – is directed to PPL’s Hardship Fund – Operation HELP. These funds should *supplement* existing Hardship Fund dollars and should in no way supplant funds currently available to customers experiencing acute financial hardship. Adopting this modification to the proposed Settlement would more closely align the proposed relief to the harms experienced by PPL’s economically vulnerable customers, for whom refunds are inadequate to unwind the harm created by PPL’s compounding billing errors.

## **I. BACKGROUND**

The instant matter arises from billing system malfunctions by PPL caused by certain technical issues.<sup>4</sup> On December 15, 2022, PPL discovered that customer meter data was not transferring from the Meter Data Management Software (MDMS) to the Customer Service System (CSS).<sup>5</sup>

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<sup>4</sup> Order at 2.

<sup>5</sup> Id. at 3; Pet. at 4.

As a result, customer meter data was unavailable in the Company's system and PPL rendered unusually high or low estimated bills, or no bills at all.<sup>6</sup> Specifically, the proposed Settlement set forth the far-ranging *direct* impacts of PPL's billing errors, including:

1. 48,168 PPL accounts did not receive a bill during one or more of their billing periods from December 2022 through April 2023;<sup>7</sup>
2. As of May 5, 2023, 223 accounts had yet to receive their first bill since being first impacted by the MDMS failure over five months earlier;<sup>8</sup>
3. From December 2022 to April 2023, 91,676 unique accounts received no bills;<sup>9</sup>
4. 794,816 unique accounts were issued estimated bills from December 20, 2022 to January 9, 2023, and a total of 860,493 estimated bills were issued from December 20, 2022 through May 5, 2023. PPL indicates that many of these estimated bills were unusually high or low, or contained missing or incomplete supplier charges;<sup>10</sup>
5. 82,784 customer bills did not include supplier charges or included, at most, partial supplier charges – which resulted in severely inaccurate bills;<sup>11</sup>
6. Upon resumption of customer bills based on actual data, Billing Group 12 was improperly processed, causing 3,805 customers to be sent incorrect bills;<sup>12</sup>
7. Increased call volume that overwhelmed PPL's customer service and resulted in long wait times or hang ups before reaching customers service representatives.<sup>13</sup> In January 2023, PPL received 217,539 calls, 41% of which were abandoned compared to an average abandonment rate of 20% in 2022.<sup>14</sup>

Notably, the proposed Settlement contained no discussion of the equally far-ranging *consequences* of these errors to impacted families, who may have foregone other necessities to pay the unusually

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<sup>6</sup> Order at 2.

<sup>7</sup> Pet. at 5; Order at 4.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Pet. at 7; Order at 4.

<sup>11</sup> Pet. at 9; Order at 5.

<sup>12</sup> Id.

<sup>13</sup> Pet. at 10; Order at 6.

<sup>14</sup> Id.

high estimated bills – or who missed out on grant assistance through LIHEAP, which closed prior to correction of PPL’s billing errors.<sup>15</sup>

The matter was referred to I&E, who subsequently sent correspondence and data requests to PPL concerning the billing issue.<sup>16</sup> After investigation, the instant proposed Settlement was filed on November 21, 2023.<sup>17</sup> The proposed Settlement sets forth I&E’s position that PPL violated various provisions of the Public Utility Code and Commission regulations, including 66 Pa. C.S. § 1501, and the Commission’s regulations, including 52 Pa. Code § 56.11 and 52 Pa. Code § 56.12, connected to the alleged billing errors and resulting customer impacts.

## **II. COMMENTS**

As discussed throughout these Comments, the proposed Settlement is contrary to the public interest, as it does not account for the uniquely harmful impact to PPL’s low income customers. PPL’s billing errors likely resulted in substantial, far-ranging negative impacts on PPL’s customers, especially those who are financially insecure. Despite these broad and serious ramifications, the proposed Settlement requires that the Company pay a civil penalty of \$1 million dollars to fully and finally resolve all possible claims of alleged violations of the Public Utility Code and Commission regulation connected to the above-described alleged violations.<sup>18</sup> CAUSE-PA asserts that the proposed Settlement is inadequate and fails to address acute customer impacts as a result of PPL’s billing errors.

The Commission has established standards to be considered in evaluating violations related to the Public Utility Code and determining whether a proposed fine is reasonable and in the public

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<sup>15</sup> Note that the proposed Settlement indicates that PPL launched a dedicated landing page on its website that included direct access to assistance programs and bill support. Order at 8. However, as discussed, the proposed Settlement does not indicate that impacts on low income customers as a result of PPL’s billing errors were adequately analyzed and addressed.

<sup>16</sup> Order at 3.

<sup>17</sup> Id. at 2.

<sup>18</sup> Order at 7; Pet. at ¶ 38.



interest. 52 Pa. Code § 69.1201 of the Commission's regulations sets forth ten factors that the Commission must consider in determining whether a fine is appropriate.<sup>19</sup> Section 69.1201(b) provides that many of the same factors and standards may be considered in both litigated and settled cases. However, when applied to settled cases, these factors should not be applied in a strict fashion. Rather, settling parties should be afforded flexibility to reach an amicable resolution, so long as the Settlement is in the public interest.<sup>20</sup>

While not required to be strictly applied given the proposed Settlement filed in this proceeding, the factors set forth in Section 69.1201(c) reveal that the proposed Settlement is squarely contrary to the public interest.

We will address these relevant factors in turn:

***A. Whether the conduct at issue was of a serious nature. (Section 69.1201(c)(1)).***

The Company's errors set forth in the proposed Settlement constitute serious billing and technical errors, spanning numerous months. The billing errors that occurred as a result of PPL's system failure were further exacerbated by subsequent errors and omissions, including PPL's attempts to rebill accounts while customers were paying on estimated bills, improper processing on Billing Group 12, and various customer service issues as a result of higher call volumes from these errors.<sup>21</sup>

As discussed below, we acknowledge and appreciate that PPL has taken actions to mitigate the impacts of these billing issues and provided regular updates to the Bureau of Consumer

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<sup>19</sup> 52 Pa. Code § 69.1201(c).

<sup>20</sup> 52 Pa. Code § 69.1201(b); Pa. PUC v. PGW, Docket No. M-00031768 (Opinion and Order, January 7, 2004) (In evaluating whether to approve the proposed Settlement, the Commission must review the proposed Settlement to determine whether the proposed Settlement are in the public interest.).

<sup>21</sup> Order at 5.

Services (BCS), statutory advocates, and stakeholders – including CAUSE-PA, through its counsel at the Pennsylvania Utility Law Project – through the pendency of its billing issues.

Nevertheless, despite these mitigating factors, an appropriately balanced settlement of the issues must recognize and account for the serious and far-ranging impacts of PPL’s billing errors. While the proposed Settlement addresses the seriousness of PPL’s billing errors, it does not set forth additional provisions for affected customers - including PPL’s low income customers who were likely impacted most acutely by these errors.

***B. Whether the resulting consequences of the conduct at issue were of a serious nature.  
(Section 69.1201(c)(2)).***

The consequences of PPL’s errors were extremely serious in nature. From December 2022 through April 2023, 48,168 PPL accounts did not receive a bill during one or more billing period, and 91,676 unique accounts did not receive a bill.<sup>22</sup> PPL also issued 860,493 estimated bills from December 20, 2022 through May 5, 2023 – many of which were unusually low or high.<sup>23</sup> Additionally, 82,784 customer bills did not include supplier charges or included, at most, partial supplier charges – which resulted in severely inaccurate bills.<sup>24</sup>

As detailed in the proposed Settlement, the influx of calls as a result of PPL’s billing issues overwhelmed PPL’s customer service and resulted in long wait times or hang ups before reaching customers service representatives.<sup>25</sup> In January 2023, PPL received 217,539 calls, 41% of which were abandoned compared to an average abandonment rate of 20% in 2022.<sup>26</sup> These customer service issues would have made it extremely difficult for at-need customers to contact PPL to

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<sup>22</sup> Order at 4.

<sup>23</sup> Pet. at 7; Order at 4.

<sup>24</sup> Pet. at 9; Order at 5.

<sup>25</sup> Pet. at 10; Order at 6.

<sup>26</sup> Id.

discuss billing issues and errors, or seek assistance related to bill payment. It is also unclear based on the proposed Settlement whether these customer service issues would have made it difficult for consumers to reach PPL to discuss a other acute account or service issues – including in emergencies like downed wires or service outages. I&E takes the position that these customer service issues constitute a failure to provide customers with adequate, efficient, and reasonable service, as required by Section 1501.<sup>27</sup> CAUSE-PA agrees.

PPL’s billing errors resulted in significant discrepancies in customer bills. PPL analyzed 387,895 estimated bills in January 2023 as a result of the MDMS issues.<sup>28</sup> PPL’s analysis revealed that approximately 67.31% of bills had an estimate differing from customers actual usage by 10% or greater.<sup>29</sup> Of that 67.31%, 34.36% had estimates that varied from actual usage by more than 25%.<sup>30</sup> Nearly 48,000 customer bills varied from actual usage by more than 50%.<sup>31</sup> I&E submits that these discrepancies are unreasonable and do not constitute reasonable service.<sup>32</sup>

The significant deviations in the estimated bills compared to customers’ actual charges would have resulted in many affected customers believing that their bills were drastically higher or lower than they actually were. This is particularly concerning for PPL’s low income customers, who may have gone numerous months without receiving accurate bills – or any bill at all. This would have also made it particularly difficult, if not impossible, for financially-vulnerable customers who received overestimated bills to budget their limited resources over the months that they received incorrect bills. Many impacted customers may have foregone rent, food, water, medicine or medical care, or other basic needs – a common occurrence for low income households

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<sup>27</sup> Pet. at 10; Order at 6.

<sup>28</sup> Pet. at 8; Order at 5.

<sup>29</sup> Pet. at 8; Order at 4.

<sup>30</sup> Id.

<sup>31</sup> Id.

<sup>32</sup> Id.

without adequate resources to cover necessary expenses. Customers who received abnormally high estimated bills and who have e-billing and auto-pay may have also incurred overdraft fees.

According to the US Census Pulse Survey through winter 2023, nearly one in four Pennsylvanians had difficulty paying their energy bill.<sup>33</sup> When faced with energy insecurity, low income families are often forced to make impossible decisions as to which life-sustaining needs they will cover, regularly forgoing food, medicine, and medical care to keep the lights on and the temperature stable in their home. In 2022, 52.9% of lower income families reported forgoing food or medicine at least once to pay their home energy bills.<sup>34</sup> These figures underscore the financial uncertainty and harms that PPL's low income customers likely faced as a result of PPL's alleged billing errors.

It also appears that many PPL customers were led to pay on higher estimated bill amounts based on erroneous bills. Again, for low income customers who struggle to make ends meet each month, paying these additional charges likely meant forgoing other necessities – including housing costs, food, or medicine.<sup>35</sup> While PPL indicates that it refunded overcharging as a result of these billing issue, this refund was structured as a one-time account credit. As a result, funds that customers erroneously put towards their accounts were not refunded to them, but rather applied to future charges. This is inappropriate and deprives PPL's customers of the ability to financially plan for the best use of their funds. Indeed, for low income customers, these additional funds may have

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<sup>33</sup> U.S. Census Bureau, Household Pulse Survey (2023), available at: <https://www.census.gov/data/experimental-data-products/household-pulse-survey.html>.

<sup>34</sup> Nat'l Energy Assistance Directors' Ass'n (NEADA), Energy Hardship Report (Nov. 2022), at 20, available at: [https://neada.org/wp-content/uploads/2022/11/NEADA-Energy-Hardship-Report\\_Final.pdf](https://neada.org/wp-content/uploads/2022/11/NEADA-Energy-Hardship-Report_Final.pdf).

<sup>35</sup> U.S. Census Bureau, Household Pulse Survey (2023), available at: <https://www.census.gov/data/experimental-data-products/household-pulse-survey.html>; Nat'l Energy Assistance Directors' Ass'n (NEADA), Energy Hardship Report (Nov. 2022), at 20, available at: [https://neada.org/wp-content/uploads/2022/11/NEADA-Energy-Hardship-Report\\_Final.pdf](https://neada.org/wp-content/uploads/2022/11/NEADA-Energy-Hardship-Report_Final.pdf).

made the difference between being able to afford other basic necessities – including housing costs, food, and medicine – or going without.

We are also concerned about the unintended consequences resulting from PPL suspending terminations for nonpayment from January to June 2023. As a result of this suspension, otherwise-eligible customers would have been ineligible for LIHEAP crisis grants during the second-half of the 2022-2023 LIHEAP program year. With PPL's suspension on terminations for nonpayment extending through June 2023 – well past LIHEAP season, these low income customers would have been unable to reapply during the 2022-2023 LIHEAP season for crisis assistance. These limitations to LIHEAP crisis assistance may have also resulted in negative impacts to collections costs and uncollectible expenses for customers facing termination but unable to access LIHEAP crisis grants during the LIHEAP season.

The full impact of PPL's violations on its low income customers remains unclear. The proposed Settlement fails to analyze how PPL's low income customers were affected as a result of PPL's billing errors. Despite this omission, data provided through the Commission's Universal Service Report reveals that hundreds of thousands of PPL's low income customers were likely affected by the PPL's billing errors. According to the most recent 2022 Universal Service Report, PPL indicates that approximately 15.9% of its residential customers are confirmed to be low income, and 31.7% of its residential customers are estimated to be low income.<sup>36</sup> With PPL reporting approximately 886,492 impacted customers as a result of the alleged billing errors, it can be estimated that between approximately 140,952 and 281,018 low income customers may have been impacted by these errors. With vast number of low income customers potentially being impacted, it is essential that any proposed Settlement related to PPL's billing errors provide

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<sup>36</sup> 2022 Universal Service Report at 8,9, available at: <https://www.puc.pa.gov/media/2573/2022-universal-service-report-final.pdf>.

adequate relief for PPL's vulnerable, low income customers who would have been most acutely impacted. This is particularly as the proposed Settlement forecloses the Commission imposing additional penalties beyond the provided-for civil penalty connected with the alleged incident.<sup>37</sup>

*C. Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. (Section 69.1201(c)(4)).*

We acknowledge and appreciate PPL's efforts to modify its internal practices and procedures to address the discovered billing issues, and the consequences as a result of its billing failures. PPL's mitigating actions during the pendency of its billing issues include: (1) periodic updates to BCS and stakeholders; (2) outreach efforts through customer service representatives, and customer correspondence; (3) updates to electric generation suppliers; (4) outreach workshops; (5) additional protocols/practices to insulate from future technical issues; (6) engaging external vendors for supplementary call center support; and (7) authorization of significant overtime for its call centers in 2023.<sup>38</sup> PPL also paused terminations of service for nonpayment between January 2023 and June 2023, and waived all late payment fees for January 2023 and February 2023. Additionally, the proposed PPL did not seek to collect approximately \$1.7 million from customers who were underbilled through estimated bills, and refunded – through a one-time line-item credit – approximately \$1.0 million to customers who were overbilled as a result of estimated billing.<sup>39</sup> PPL also describes its efforts to correct its systems on an ongoing basis to better ensure that a similar billing issue does not arise again.<sup>40</sup>

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<sup>37</sup> Order at 12.

<sup>38</sup> Order at 8-11.

<sup>39</sup> Order at 10-11.

<sup>40</sup> Order at 8-12.

Structuring the \$1 million as a civil penalty fails to adequately target and provide for PPL's affected customers, including its low income customers who would have experienced the greatest harm and financial uncertainty as a result of these errors. It also does not appear that the vast majority of the mitigation measures described in the proposed Settlement targeted its low income customers (aside from assistance information being provided on PPL's landing page) – nor does the proposed Settlement identify, analyze, or otherwise consider the heightened financial hardship that its low income customers may have experienced as a result of its billing errors or the corresponding impacts on collections costs. The provisions contained in the proposed Settlement fail to account for disproportionate financial harms to PPL's low income customers, including loss of crisis funds as a result of PPL's suspension on terminations for nonpayment between January and June 2023. It is imperative that the proposed Settlement be modified to account for the financial harm that PPL's low income customers likely experienced as a result of PPL's billing errors.

***D. The number of customers affected and the duration of the violation. (Section 69.1201(c)(5)).***

As discussed, the proposed Settlement estimates that PPL failed to render a bill to 48,168 accounts and 91,676 unique accounts between December 2022 and April 2023.<sup>41</sup> In addition, PPL indicates that it issued estimated bills to 794,816 unique accounts from December 20, 2022, to January 9, 2023, and a total of 860,493 estimated bills from December 20, 2022, through May 5, 2023.<sup>42</sup> In total, as discussed, it appears that nearly 900,000 were directly impacted by PPL's billing errors set forth in the proposed Settlement.

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<sup>41</sup> Pet. at 5; Order at 4.

<sup>42</sup> Pet. at 7; Order at 4.

As discussed, we do not know – and the proposed Settlement does not analyze – how many of PPL’s impacted customers are low income. However – based on information provided in the most recent 2022 Universal Service Report – PPL indicates that approximately 15.9% of its residential customers are confirmed low income, and 31.7% of its residential customers are estimated to be low income.<sup>43</sup> Assuming an equivalent percent of low income customers were in the cohort affected by the described billing errors, somewhere between approximately 140,952 and 281,018 low income customers were impacted by the billing issues set forth in the proposed Settlement. This massive number of low income customers are not addressed through the proposed Settlement and not accounted for in the requested relief contained therein. These omissions fail to address the impact on PPL’s financially-vulnerable customers, and render the proposed Settlement contrary to the public interest.

*E. Whether the regulated entity cooperated with the Commission's investigation. (Section 69.1201(c)(7)).*

As discussed, PPL extensively communicated with BCS, statutory parties, and stakeholders to provide updates related to the billing issues set forth in the proposed Settlement. Through these efforts, BCS and other interested stakeholders and advocates – including counsel for CAUSE-PA – were able to learn about PPL’s billing issues and keep informed about PPL’s progress to redress these issues and remediate customer impacts as a result of the same.

**III. MODIFICATION OF PROPOSED SETTLEMENT**

For the forgoing reasons, the proposed Settlement – as structured – is contrary to the public interest. The proposed Settlement does not account for PPL’s vulnerable low income customers, who likely experienced the most acute effects as a result of PPL’s billing errors – including the

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<sup>43</sup> 2022 Universal Service Report at 7, 9.



loss of eligibility for grant assistance through LIHEAP as a direct result of the billing issues. Modifications to the proposed Settlement are necessary to ensure the provisions of the proposed Settlement address and aid PPL's affected customers.

CAUSE-PA recommends that the Commission direct PPL to allocate \$500,000 – or 50% of the proposed penalty amount set forth in the proposed Settlement – to PPL's Hardship Fund – Operation HELP. Any funds that remain unspent from this allocation for the current program year for Operation HELP should be rolled over and added to Operation HELP funding for each subsequent program year. This allocation should in no way supplant existing or planned funds. Allocating 50% of the proposed \$1 million penalty towards PPL's Hardship Fund will provide assistance to low income customers who would have struggled most profoundly with financial uncertainty and strain resulting from PPL's billing errors. It would also provide a more directly responsive remedy for those who were ineligible to apply for LIHEAP crisis funding as a result of PPL's billing issues.

As discussed, assuming that a proportionate number of low income customers were affected as a result of PPL's billing errors, between 140,952 and 281,018 low income customers were impacted by the errors detailed in the proposed Settlement. With these high numbers of affected customers, allocating \$500,000 of the \$1 million would only amount to between \$1.78 and \$3.55 per affected low income customer. This is a small amount to rectify the potentially widespread ramifications that PPL's billing errors may have caused to its low income customers.

#### **IV. CONCLUSION**

For the forgoing reasons, the Commission must exercise its authority to modify the proposed Settlement so that it adequately accounts for the consequences that PPL's billing errors

had on its low income customers. Specifically, we urge the Commission to modify the proposed Settlement to direct that 50% -- or \$500,000 – of the \$1 million provided for under the proposed Settlement is directed to PPL’s Hardship Fund – Operation Help.

Respectfully Submitted,



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February 28, 2024

***On Behalf of CAUSE-PA***