

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**MICHAEL STRICKHOUSER**  
**v. METROPOLITAN EDISON COMPANY**

**PUBLIC MEETING –**  
**DECEMBER 20, 2007**  
**NOV-2007-OSA-0271\***  
**DOCKET NO: C-20077273**

**DISSENTING STATEMENT OF COMMISSIONER TYRONE J. CHRISTY**

Before the Commission for consideration are the Exceptions of Metropolitan Edison Company (Met Ed) to the Initial Decision of Administrative Law Judge (ALJ) Kandace F. Melillo, issued on July 16, 2007. This proceeding involves a consumer complaint filed by Michael Strickhouser, in which Mr. Strickhouser alleged that Met Ed provided unreasonable service when it failed to adequately inspect and maintain its facilities, resulting in high voltage and appliance failure. In the Initial Decision, ALJ Melillo determined that Mr. Strickhouser did not meet his burden of proof that Met Ed provided inadequate inspection and maintenance of its facilities or otherwise provided unreasonable service to him regarding neutral connections and, therefore, denied the complaint on those grounds. (I.D. at 14). In its Exceptions, Met Ed contended that the monitoring of the number and location of failed connections was not warranted, and the monitoring of the age of failed connections would be costly, unworkable, and unduly burdensome. (Exc. at 1, 5-6).

Based on my review of the record in this case, I believe the service provided by Met Ed was unreasonable and, therefore, a clear violation of Section 1501 of the Public Utility Code, 66 Pa.C.S. §1501. When Mr. Strickhouser returned home from a Labor Day weekend trip on September 4, 2006, his appliances were smoking and numerous light bulbs had popped. (Tr. at 11-13, 29). His freezer was not operating and all of the contents had spoiled. (Tr. at 16). Mr. Strickhouser also noticed that his surge protectors had been burned off and blackened his carpets where they landed. (Tr. at 15). The damages to Mr. Strickhouser's home and appliances were caused by a failed neutral connection. Given that Mr. Strickhouser arrived home to find extensive damage in his house, including smoking appliances, popped light bulbs, and blackened carpets, I cannot logically conclude that Met Ed provided reasonable service to Mr. Strickhouser.

Contrary to the ALJ's conclusion, I do not believe that that Mr. Strickhouser was required to prove that Met Ed acted intentionally or negligently in order to show that the company provided unreasonable service. Although past decisions have characterized service as unreasonable when the utility was negligent, I am not aware of any court decision holding that negligence is a necessary element for a finding of unreasonable service under Section 1501. In this case, the service provided by Met Ed was so far beyond the bounds of normalcy that the Commission should find that the service was unreasonable *per se*.

The express language of the Code requires a public utility to "furnish and maintain adequate, efficient, safe, and reasonable service and facilities ... ."

66 Pa.C.S. §1501. In order to establish a sufficient case, the complainant must show that the public utility is “responsible or accountable for the problem described in the complaint.” *Patterson v. Bell Telephone Co. of Pennsylvania*, Docket No. F-8966524 (February 8, 1990); *Feinstein v. Philadelphia Suburban Water Co.*, Docket No. 20822 (October 6, 1976). Met Ed was certainly responsible for the failure of the neutral connections that resulted in damage to Mr. Strickhouser’s appliances. Met Ed’s position was that the neutral connection failure was a natural occurrence caused by wear and tear over time. (Tr. at 36, 42, 47). If the failure of neutral connections is a natural occurrence, then it is a foreseeable and preventable occurrence. Mr. Strickhouser was not in a position to take any measures to prevent the equipment failure. Only Met Ed was in a position to take measures to guard against these failures, such as periodic replacement of the wires on a rotating basis, and Met Ed failed to do this.

Met Ed contended that it was not feasible to inspect the connections on each of its overhead service lines. (Tr. at 50-52). Met Ed further argued that monitoring the age of failed neutral connections would be expensive and unduly burdensome. (Exc. at 6). Because it lacks an inspection or periodic replacement program, Met Ed only discovers bad neutral connections when a customer experiences voltage problems and contacts the company. (Tr. at 49). Given these circumstances, Met Ed is shifting its costs for inspecting and/or replacing its facilities to the customers who are forced to experience the resulting damage and expense associated with neutral connection failures. Basically, it is less expensive for Met Ed to simply wait for customers to call about problems, such as smoking appliances, to ascertain that a neutral needs replacement than it is for Met Ed to systematically inspect or replace the neutrals on its system.

Although I take no position in this dissenting statement regarding this financial decision on the part of Met Ed, I do believe it is incumbent on Met Ed to pay for the damages incurred by its customers who suffer the effects of failed neutrals. In this particular case, Met Ed should reimburse Mr. Strickhouser for the damages to his various appliances, light bulbs, and carpet. Because the Commission cannot award damages, the most we could do is find that the service provided by Met Ed was unreasonable. Such a finding would enable Mr. Strickhouser to seek redress in a court of competent jurisdiction. Because I believe that Met Ed failed to provide reasonable and adequate service in this case, I respectfully dissent from the majority decision.

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**DATE**

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**TYRONE J. CHRISTY, COMMISSIONER**