

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17105-3265**

**BETTY LOU SHOUP, ET AL.  
V.  
PENNSYLVANIA ELECTRIC COMPANY**

**PUBLIC MEETING  
March 26, 2009  
2031300-OSA  
Docket Nos. C-2008-2031300,  
C-2008-2035103**

**MOTION OF COMMISSIONER KIM PIZZINGRILLI**

The subject of this complaint is the provision of outdoor lighting service by Pennsylvania Electric Company (Penelec) to residential customers. This is an option under which customers may elect to pay their electric utility to install, maintain and provide energy to an external lighting fixture on their own property. Every electric distribution company (EDCs) in Pennsylvania currently offers a similar service to its residential customers, though the terms, conditions and rates vary.

In 2006, Penelec and Metropolitan Edison Company (Met-Ed) filed a joint rate transition plan for the primary purpose of recovering increasing costs for generation and transmission service. As part of this filing, these EDCs also proposed to phase out or consolidate many of its existing rate schedules. Private outdoor lighting service was included in the list of rate schedules to be eliminated at both companies. The EDCs' testimony indicated that outdoor lighting fixtures are readily available in the marketplace at competitive pricing, and consumers now have a greater choice of styles and options for this service than are currently available under their tariffs. The companies' proposal to eliminate this tariff was unopposed, and approved as part of the Commission's final order.<sup>1</sup>

Under the terms of the revised tariffs, private outdoor lighting service would be phased out to approximately 30,000 Penelec and Met-Ed customers upon their cancellation of the service or June 10, 2012, whichever is earlier. No new customers would be accepted into these rate schedules. Penelec and Met-Ed would continue to provide lighting service to existing customers until the phase out is completed. However, Penelec would not replace mercury vapor bulbs that fail, given the provisions of the Energy Policy Act of 2005.

On August 20, 2007, Thomas J. Jarzab filed a formal complaint regarding Penelec's phase out of this tariff. Mr. Jarzab objected to the elimination of the service for reasons of safety and the costs of replacing Penelec's lighting. The Commission acknowledged these objections, but declined to revisit the effect of the prior order.<sup>2</sup>

In this proceeding, the Complainants raised many of the same objections as Mr. Jarzab, though they did provide more specific examples regarding the public safety benefits of the service, and how their own personal circumstances made obtaining a replacement difficult. Based on this evidence, the presiding Administrative Law Judge (ALJ) sustained their complaints and directed Penelec to suspend its planned phase out of this tariff. Penelec was also directed to file a plan with the Commission on how it would continue to provide this service given the federally mandated phase out of mercury vapor bulbs.

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<sup>1</sup> *Pennsylvania Public Utility Commission, et al. v. Pennsylvania Electric Company; Pennsylvania Public Utility Commission, et al. v. Metropolitan Edison Company*, Docket Nos. R-00061366, R-00061367 (Order entered January 11, 2007).

<sup>2</sup> *Jarzab v. Pennsylvania Electric Company*, Docket C-20078144 (Order entered July 17, 2008).

I would affirm the ALJ, while acknowledging that it represents a departure from our prior holding in *Jarzab*. I accept the testimony of these EDCs that most customers can obtain a better array of external lighting choices at competitive prices from the marketplace. In particular, it is probably more cost-effective for customers applying for service at newly constructed residences to obtain their own external lighting, as opposed to contracting for this service with the utility. However, I am persuaded by the testimony in this case that it is more affordable for some customers to continue to receive the service from the utility, as opposed to paying a contractor to duplicate the existing facilities.

In the case of Mrs. Shoup and Mr. Jarzab, the light was mounted on a Penelec owned pole. Penelec will not allow these customers to mount their own light on these poles once the phase out concludes. These customers will therefore have to pay for the purchase, installation and wiring of an entirely new external lighting fixture and pole.

Accordingly, I find that the public interest will be served by Penelec continuing to provide Outdoor Area Lighting Service to all those customers now receiving it. However, it is not required to offer this service to customers not already receiving it at existing locations as of January 11, 2007 (as its tariff currently provides). I recognize that Penelec may fully recover the reasonable costs of providing this service, and that the rates currently in place may need revision in the future as a consequence of post-rate cap price changes. Penelec is directed to provide the affected customers notice of our decision in this matter so that they do not unnecessarily incur the costs of securing replacement fixtures.

Finally, I note that this ALJ decision does not apply to former Elkland Service Area Customers served under this tariff, or to Met-Ed customers receiving outdoor lighting service. The facts and policy issues relevant to this case may be equally applicable to those customers. After reviewing this decision, Penelec and Met-Ed are encouraged to advise us, in writing, as to whether, upon further consideration, they still plan to phase-out this service to these two groups of customers.

**THEREFORE, I MOVE THAT:**

1. The Initial Decision is affirmed, as modified by this Motion.
2. The Office of Special Assistants prepare an Order consistent with this Motion.
3. In addition to serving the parties of record, a copy of this Order should also be served on Metropolitan Edison Company.

**March 26, 2009**  
Date

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**KIM PIZZINGRILLI, COMMISSIONER**