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August 6, 2009

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Chet and Michele Duffy v. Pennsylvania Power Company
Docket No. C-2008-2063047

Dear Secretary McNulty:

Attached is the Main Brief of Pennsylvania Power Company in the above-captioned matter. The Main Brief was filed electronically today. Copies have been served in accordance with the enclosed Certificate of Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE


Michael A. Grun

Enclosures

cc: Administrative Law Judge Katrina Dunderdale (via Federal Express and Electronic Mail)
Chet and Michelle Duffy (via Federal Express and Electronic Mail)

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHET AND MICHELE DUFFY	:	
Complainant	:	
	:	
v.	:	Docket No. C-2008-2063047
	:	
PENNSYLVANIA POWER COMPANY	:	
Respondent	:	

**PENNSYLVANIA POWER COMPANY'S
MAIN BRIEF**

And Now, pursuant to 52 Pa. Code § 5.501 and the Briefing Order issued in this proceeding, comes Pennsylvania Power Company (“Penn Power”), by and through its attorneys Stevens & Lee, and files its Main Brief.

I. INTRODUCTION AND STATEMENT OF THE CASE

This matter involves a Formal Complaint filed by Chet and Michelle Duffy (“Complainants” or “Duffys”) against Penn Power in connection with electric service provided to the Duffy residence in Harmony, Pennsylvania. The Formal Complaint appeals a decision of the Bureau of Consumer Services (“BCS”) which denied the Duffys’ informal complaint. The Duffys assert a variety of claims against Penn Power, however, their primary claim is that their electric bills appear to have increased substantially ever since Penn Power installed a new transformer near their home in 2007. The Duffys are disputing their bills from 2007 to the present because they believe that the consumption reflected on the bills is not accurate. The Duffys also allege that “power spiking” at their home caused damage to their electrical equipment in the home and also

caused their bills to increase. Mr. Duffy also has indicated that he does not like the Company's newer digital meters, and he prefers the older style meter in his home.

A telephonic hearing was held in this matter on May 27, 2009 before Administrative Law Judge ("ALJ") Katrina Dunderdale. Both parties presented the testimony of witnesses and submitted documentary exhibits into the record. Subsequently, ALJ Dunderdale issued an Order requiring Penn Power to complete a grounds check/foreign load check at the Complainants' residence and do an appliance/equipment analysis at the Complainants' residence. Penn Power completed the required tests, and on June 26, 2009, Penn Power submitted the test reports into the record. On July 11, 2009, the Duffys submitted their response to Penn Power's Foreign Load/Grounding Test Report and Consumption Audit Report.

II. SUMMARY OF ARGUMENT

As the Complainants, the Duffy bear the burden of proving the allegations of their Complaint by a preponderance of the evidence. The Duffy's adamantly insist that they are being overbilled and that it is "impossible" that they are consuming the amount of electricity that their bills reflect. While the Complainants have submitted a large volume of documents in an attempt to support their complaint, these documents contain nothing but their own anecdotal observations and repetitions of the same allegations, over and over, with no probative evidence whatsoever that the Penn Power meters are wrong or that the Duffys' bills are incorrect. The reality is that the Complainants have not submitted one piece of evidence that would allow the Commission to conclude that they have been improperly billed. Without any real evidence, the Duffys rely solely on a faulty *res ipsa loquitur* argument: they allege their consumption began to increase in

2007 around the same time that Penn Power installed a new transformer to serve their property, so therefore the increase in consumption “must be caused by the transformer”. This is faulty logic that is contradicted by the clear evidence in the record, which demonstrates that the new transformer has no impact on the amount of consumption in the Duffy home, that the Penn Power meters have been tested as accurate, and that a consumption audit demonstrates that Duffys consumption is to be expected based on the equipment and appliances in their home. Furthermore, the Complainants have not established any violations of the Public Utility Code, the Commission’s regulations, or the Company’s tariff, and therefore, the entire Complaint should be dismissed.

III. ARGUMENT

A. Legal Standard – Burden of Proof

As the complainant seeking affirmative relief from the Commission, the Duffys have the burden of proving the complaint allegations by producing evidence which establishes the material facts by a preponderance of the evidence. See, *Darling v. Philadelphia Electric Co.*, F-00161139 (November 16, 1993); and 66 Pa.C.S. §332(a). The term “preponderance of the evidence” means that one party has presented evidence that is more convincing, by even the smallest amount, than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. Public Utility Commission*, 578 A.2d 600, 602 (Pa. Commw. 1990), *alloc. den.*, 602 A.2d 863 (Pa. 1992); *Se-Ling Hosiery v. Marguiles*, 70 A.2d 854 (Pa. 1950). Stated differently, “preponderance” is not dependent on the number of witnesses testifying on either side but rather on the credibility of the testimony in light of all the evidence in a case. *Burch v. Reading Co.*, 240 F.2d 574 (3d Cir. 1957), *cert. denied*, 353 U.S. 965 (1957).

Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Public Utility Commission*, 447 A.2d 1100 (Pa. Commw. 1982); *Edan Transportation Corp. v. Pa. Public Utility Commission*, 623 A.2d 6 (Pa. Commw. 1993); 2 Pa.C.S. § 704. Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Bethenergy Mines, Inc. v. Workmen's Compensation Appeal Bd. (Skirpan)*, 531 Pa. 287, 612 A.2d 434 (1992). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk and Western Ry. v. Pa. Public Utility Commission*, 489 Pa. 109, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 194 Pa. Super. 278, 166 A.2d 96 (1960); *Murphy v. Dept. of Public Welfare*, 85 Pa. Commw. 23, 480 A.2d 382 (1984).

B. The Duffys Have Not Met Their Burden Of Proving That Penn Power Has Improperly Billed Them

The Duffys bear the burden of establishing, by a preponderance of the evidence, that Penn Power's bills are improper or inaccurate in some way. The Duffys allege that Penn Power is "saying we are using power that we feel we are not using."¹ In order to establish that Penn Power's bills are wrong, at a minimum the Duffys must prove that Penn Powers meters are not accurately capturing their electricity consumption and that the meters are overstating their actual consumption. The Duffys have submitted absolutely no evidence of this kind. Mere suspicion or accusation is not sufficient to meet the burden of proof. But that is exactly what the Duffys' case is comprised of: suspicion and accusation.

During both the Informal and Formal Complaint stages, the Company has submitted overwhelming evidence which demonstrates that the bills rendered to the Duffy's are accurate and that the Penn Power meters are correctly recording the Duffys' actual consumption. The evidence in the record shows that two separate meters were in place at the Duffy residence since 2007, and that both meters tested as accurate within 1%, well within the Commission's guidelines.² Penn Power witness Michael St. Esprit testified that the meter that was pulled from the Duffy residence on April 28, 2009 tested as accurate, with all readings on the meter showing accuracy to within 1%.³ Mr. St. Esprit testified that the new meter that was placed in service at the Duffy residence also tested as accurate to within 1%, as reflected on Penn Power Exhibit 4.⁴

The evidence shows that the Company also installed a socket recorder to verify the meter readings at the Duffy house on two occasions (once in winter and once in summer). The socket recorder results are reflected in Penn Power Exhibit 2, and in Mr. St. Esprit's testimony on pages 147-151 of the Hearing Transcript. The socket recorder recorded consumption at the Duffy residence for a period of one week in February 2009 and in June 2008. Penn Power Exhibit 2, page 1 shows that the Duffy residence consumed 3374.09 kwh of electricity during the one-week period from February 20, 2009 to February 27, 2009. Mr. St. Esprit testified that this was nearly identical to the consumption reflected on the Duffy meter for the same period (3389 kwh).⁵ Mr. St. Esprit attributed the 15 kwh difference to the 30 minute lag time between the reading on

¹ Hearing Transcript, at p. 21

² See 52 PA Code section 57.20.

³ Hearing Transcript, page 144. See also Penn Power Exhibit 1, which reflects the meter change on April 28, 2008.

⁴ Hearing Transcript, page 145

⁵ Hearing Transcript, page 149

the socket recorder and the reading on the meter.⁶ Mr. St. Espirit also described the socket recorder results from June 2008, which are reflected on page 3 of Penn Power Exhibit 4. The socket recorder was in place from June 18, 2008 to June 25, 2008, and recorded consumption of 1485.82 kwh. Mr. St. Espirit also discussed the consumption projections that were generated by the socket recorders.⁷ Page 2 of Penn Power Exhibit 2 projects consumption of 14,672 kwh for the Duffys in February, 2009, and 6,506 kwh for June, 2008, which is very close to the amounts captured on the billing meters. Mr. St. Espirit noted that the projections are not exact, because they are based on only 1 week of data projected over an entire month, but they show that the consumption recorded on the socket recorder was very close to the consumption recorded by the meter.⁸ These socket test results confirm that the meters were properly capturing the Duffys' electric consumption and that the consumption reflected on their bills was accurate.⁹

Penn Power witness Michael St. Espirit also testified about contacts between Mr. Duffy and Penn Power representatives regarding increased load being required for the barn on the Duffy property in the summer of 2007, which lead to the decision to install a larger padmount transformer.¹⁰ Based on these discussions, Penn Power upgraded the transformer serving the Duffy property from a 25 Kw transformer to a 100 Kw transformer.¹¹ Mr. St. Espirit testified that the size of a transformer has absolutely nothing to do with consumption, because consumption is measured by the meter, and the transformer's job is to maintain voltage to the property.¹²

⁶ Hearing Transcript, page 149

⁷ Hearing Transcript, page 1150-151

⁸ Hearing Transcript, page 151

⁹ Hearing Transcript, page 137 and Penn Power Exhibit 2

¹⁰ Hearing Transcript, page 140

¹¹ Hearing Transcript, pages 141-142

¹² Hearing Transcript, page 143

The Company's Consumption Audit also demonstrates that the appliances and equipment in the Duffy house are certainly capable of consuming the amounts of electricity that have been reflected on their bills. Mr. St. Espirit conducted a thorough consumption audit on the Duffy property, the results of which are summarized in the Penn Power Consumption Audit Report that was submitted on June 26, 2009. The Consumption Audit Report explains the methodology of the Audit, and provides a detailed itemized list of every electricity consuming device on the Duffy property. The Consumption Audit Report stated as follows:

"This property includes a very large house and large furnished outbuilding, with many amenities and electric consuming devices in both. Based on my audit, I estimate the following probable summer and winter consumption amounts:

Winter consumption: 15,628 kWh/mo.

Summer consumption: 7,324 kWh/mo.

Issue of note: Based on my review, and a review of the company's notes of conversations with Mr. Duffy, it is highly likely that the 2 heat pump units in the Duffy house are undersized for the heating needs of the house. When heat pump units are undersized, it forces the units to rely much more heavily on the resistance heat coils in the indoor part of the heat pump system to maintain the required temperature. Since resistance heat is about 50% less efficient than the heat pump, heavy reliance on resistance heat will greatly increase the amount of electricity that the heating system consumes. A properly sized heating system will use much less electricity.

Comparison of audit results to Duffy meter readings:

The detailed statement of account for the Duffy's, which was provided at the hearing as Penn Power Exhibit 1, reflects the metered consumption at the Duffy property.

From December 8, 2008 through March 9, 2009, the meter reflected that the Duffy's consumed 50,875 kilowatt hours of electricity, or an average of 16,958 kWh per month.

From June 8, 2008 through September 9, 2008, the meter reflected that the Duffy's consumer 22,130 of electricity, or an average of 7,376 kWh per month

As stated above, the meter readings provide a much more accurate reflection of a customer's actual usage than a consumption analysis. But, the kWh consumption

captured by the meter at the Duffy property is very close to the estimates generated by the consumption audit. Furthermore, as discussed at the hearing, both meter tests and the socket recorder tests performed by the company confirmed that the meters in place at the Duffy property are accurate and functioning properly. The socket recorder test that was performed at the Duffy house showed that the meter was functioning properly with a very high degree of accuracy. The results of the socket recorder test were identified as Penn Power Exhibit 2 at the hearing.

Again, it is impossible for a consumption audit to provide an exact statement of a customer's electricity consumption. Much depends on the customer's habits and choices (i.e., how high the thermostat is set, whether computers are left on or turned off, whether lights are left on throughout house, etc.)"

Penn Power also submitted a Foreign Load/Ground Test Report on June 26, 2009.

Penn Power confirmed that there were no foreign loads on the transformer, and that Mr. Duffy is the only customer served by this transformer. Penn Power also noted that it had previously inspected this transformer for voltage and grounding issues, and has never found any foreign load or grounding issues with the transformer. This report definitively confirmed that there was no possibility of a "foreign load" being reflected on the Duffy meter.:

"There is no evidence of any foreign loads that would be consuming power at the Duffy residence. The closest house to the Duffy house is approximately 500 feet away. The only way that a foreign load could be registering on the Duffy meter would be if someone ran an extension cord to the Duffy property to tap electricity that is meant to serve the Duffy home. I saw no evidence whatsoever of any such extension cord or any other device that could be drawing electricity from Mr. Duffy's supply."

The Duffys have submitted no evidence to rebut this overwhelming proof that Penn Power's meters were functioning properly and that Penn Power has billed the Duffy's correctly based on their actual consumption. The Duffys presented the testimony of Mr. Duffy, Mrs. Duffy, and Meg Kelly of Frontier Energy. Mr. and Mrs. Duffy's testimony provided no evidence that that the consumption amounts reflected on the Penn

Power bills were wrong. Rather, it consisted of mere accusations and suspicions that the Penn Power bills had to be wrong, based on anecdotal comparisons to prior periods when their house had different appliances and before their barn was heated. Meg Kelly's testimony did not address whether their consumption was correct and/or whether the Penn Power meters were incorrect. Ms. Kelly clearly indicated that her study only involved an analysis of power quality conditions at the Duffy home. Ms. Kelly found that there were no power quality issues with the Duffy home, and she found that there was nothing unusual about the voltage or amperage.¹³ She confirmed that the power quality at the home was fine, and at 121 volts was well within the acceptable guideline of plus or minus 10 percent.¹⁴ She confirmed that electrician Tom Gleghorn found nothing unusual with respect to grounding at the Duffy home.¹⁵ Ms. Kelly noted that the Duffys have well over the normal amount of electronics in their home¹⁶. She also stressed that her company did not test the Penn Power meters and did not perform a consumption audit on the Duffy residence¹⁷, and therefore she was not able to say that the Penn Power bills to the Duffys were incorrect.¹⁸ In response to Mr. Duffy's Redirect Examination, Ms. Kelly stated that it was "possible" that the Duffys' consumption could triple or double, based on the appliances that were introduced into the home.¹⁹ Ms. Kelly also stated that "increased power consumption is not due to power quality issues or weather conditions

¹³ Hearing Transcript, page 110

¹⁴ Hearing Transcript, page 120

¹⁵ Hearing Transcript, page 111

¹⁶ Hearing Transcript, page 113

¹⁷ Hearing Transcript, pages 121-122

¹⁸ Hearing Transcript, page 123

¹⁹ Hearing Transcript, page 127

over the past three years.”²⁰ One of the reasons that Ms. Kelly was unable to attest to the Duffy’s power consumption was that she did not know what their personal habits were.²¹

Besides the self-serving anecdotal testimony of the Duffys, and the testimony of Ms. Kelly, the Duffys’ remaining evidence consists almost entirely of correspondence from Mr. Duffy in which he refuses to accept Penn Power’s test results.

- Duffy Exhibit 1 is not proof. It is simply a copy of correspondence from Mr. Duffy in which he refuses to accept Penn Power’s test results
- Duffy Exhibit 2 is not proof. It is a copy of correspondence between Mr. Duffy and the BCS investigator, in which he disputes the investigator’s conclusions.
- Duffy Exhibit 3 is not proof. It is a copy of a letter from Mr. Duffy to Penn Power, in which he simply restates his dispute of his bills
- Duffy Exhibit 4 is not proof. It is more correspondence from Mr. Duffy disputing Penn Power’s findings.
- Duffy Exhibit 5 is not proof. It is an email that actually completely refutes Mr. Duffy’s position, as it sets forth the results of the Penn Power socket recorder test.
- Duffy Exhibit 6 is not proof. It is more correspondence between Mr. Duffy and the BCS investigator.
- Duffy Exhibit 7 is not proof. It appears to be Mr. Duffy’s argument to the BCS investigator that denied his informal complaint.

²⁰ Hearing Transcript, page 129

²¹ Hearing Transcript, page 129

- Duffy Exhibit 8 not proof. It is more correspondence between Mr. Duffy and Penn Power in which Mr. Duffy refuses to accept Penn Power's clear findings that his meters were accurate.
- Duffy Exhibit 9 is not proof. It is the decision of the BCS investigator, holding that Penn Power's meter readings were accurate
- Duffy Exhibit 10 is not proof. It is a copy of the argument attached to the Duffys formal complaint form.
- Duffy Exhibit 11 is not proof. It is a copy of the Duffys' Answer to Penn Power's New Matter.
- Duffy Exhibit 12 is not proof. It is a copy of a letter from Mr. Duffy to PUC mediator Nurick.
- Duffy Exhibit 18 could be considered proof as it is a letter from his independent expert, Meg Kelly. However, it is proof that there is no problem with the voltage or amperage in the Duffy home and, that the amount of electronics in the Duffy home is "well above average".
- Duffy Exhibit 18A could arguably be considered proof, but it is unclear what, if anything, it proves. The Exhibit consists of the report of Meg Kelly of Frontier. The report concludes that the electrical system in the Duffy house is operating properly and that voltage is consistent at 121 volts. The report notes that consumption increased 47% from December 2007 to August 2008 as compared to two prior years. The report concludes that the increase in consumption is not due to power quality issues or weather. The report does not purport to assess the accuracy of

Penn Power's consumption readings; to the contrary it only states that power quality issues were not the cause of increased consumption.

- Duffy Exhibit 19 is not proof. It is a mish-mash of handwritten notes and correspondence between Mr. Duffy, Penn Power, and the BCS investigator.

In summary, the Duffys have been arguing that the electricity consumption being captured on their meters is wrong since 2007. Penn Power has thoroughly investigated the Duffys' concerns on multiple occasions, and the Company has repeatedly concluded that the Duffys are being billed in accordance with their actual consumption. The BCS investigator reviewed much of the same information that that Duffys' subsequently presented in the Formal Complaint case, and the investigator fully agreed with the Company. The Duffys simply refuse to accept the consumption levels that Penn Power's meters, despite numerous telephone conversations, email exchanges, face-to-face meeting, and exchanges of information. The Duffys' correspondence to the BCS investigator is illustrative of how they refuse to accept any conclusions that differ from their view of the case.

When one considers the overwhelming evidence submitted by Penn Power to verify the accuracy of its consumption recordings and billings to the Duffys, and the lack of any evidence to rebut Penn Power's findings, it must be concluded that the Penn Power bills to the Duffys are accurate. Simply put, the reason the Duffy's bills reflect high consumption is because the Duffys consume a large amount of electricity. They have a large home and heated barn, with multiple large screen televisions (including two

60” televisions and two 42” televisions), multiple computers (which draw energy even when not in use), an indoor Jacuzzi, a pool, an outdoor hot tub, multiple refrigerators, multiple freezers, a microwave, a washer, a dryer, two heat pumps, two water heaters, an outdoor pond pump, a well pump, indoor and outdoor lights, floor heaters, a heating system for a 4000 s.f. barn, and other electricity consuming devices.

The Duffys dispute over their consumption level is simply not grounded in fact. The Duffys case is based on anecdotal statements and partial recollections, whereas Penn Power’s case is built on hard fact gathering and detailed analysis. If the Duffy’s complaint is upheld, it would mean that Penn Power’s meter readings, socket recorder readings, and consumption analysis were rejected. There is no basis for doing this, as there is no evidence to refute the consumption data relied on by Penn Power to bill the Duffys. The Commission should uphold the findings of the BCS Investigator and deny the Duffys’ Complaint, with prejudice.

C. The Duffy’s Have Not Met Their Burden Of Proving Any Violation of the Public Utility Code, The Commission’s Regulations, Or Penn Power’s Tariffs

While the Duffys’ primary Complaint relates to a dispute over the consumption reflected on their bills, they also raised other concerns during the hearing. Specifically, Mr. Duffy testified about appliances being damaged, and he alleged that the damage was somehow caused by Penn Power. However, there is no evidence in the record to support any of his accusations. The Duffys’ own witness Meg Kelly testified that power quality to the Duffy home was good. The Penn Power grounding and voltage tests confirmed that there are no grounding issues at the Duffy property, and that voltage is well within the Commission’s standards. Mr. Duffy’s electrician, Tom Gleghorn, also did not find

any power quality or voltage issues. Similar to their consumption-related complaints, the Duffy's rely on vague anecdotal accusations when attempting to blame Penn Power for their problems, but no evidence was submitted that could attribute these problems to Penn Power, and there is certainly no evidence of any violation by Penn Power.²² As such, to the extent that the Duffys are alleging non-consumption related complaints against Penn Power, they have not met their burden of proof, and those complaints must be dismissed. Furthermore, to the extent that the Duffys are attempting to expand the scope of their Complaint to include alleged incidents from the 1990's and early 2000's, such allegations are beyond the statute of limitations, and must also be dismissed.

IV. CONCLUSION

Penn Power has gone to extraordinary lengths to try to address the Duffy's concerns over the years. There have been countless phone calls with Mr. Duffy, as well as numerous email exchanges and in-person meetings. Extensive testing was done on Mr. Duffy's property on multiple occasions, and the results of these tests were reviewed by multiple engineers. All of the tests performed by Penn Power have definitively concluded that the Duffys are being billed correctly based on their actual consumption and that the Penn Power transformer is functioning properly. Mr. Duffy simply refuses to believe the information that the company provides to him, and seems to raise new and different allegations every time the company speaks to him. The Company has installed two different meters at the Duffy residence, and both meters were tested as accurate

²² Penn Power, did identify an issue that may explain the Duffys' alleged problems, although it was not explored at length. In the Audit Consumption Report, Mr. St. Espirit noted that:

within the Commission's guidelines. Additionally, Penn Power installed a socket recorder on the Duffy property to measure both winter and summer electricity consumption, and the socket reader's consumption readings were nearly identical to the meter readings that formed the basis for the Duffy's electric bills. The company conducted a consumption analysis of the equipment and appliances in the Duffy residence, and the consumption analysis demonstrated that the appliances and equipment in the Duffy residence could easily generate the consumption levels that are reflected on the Duffy's bills. Simply put, the Duffys are being billed for the electricity that they actually consume, as recorded by their properly functioning meters, and not one Kwh more or less.

V. PROPOSED ORDERING PARAGRAPHS

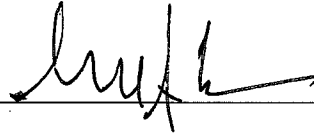
Wherefore, it is hereby ORDERED, that:

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa. C.S. §701
2. Pursuant to 66 Pa. C.S. §§332(a), the burden of proof in this proceeding is on the Complainants.
3. The Complainants have not met their burden of proving that they are entitled to relief. 66 Pa. C.S. §§332(a)
4. That the complaint of Chet and Michelle Duffy against Pennsylvania Power Company at Docket No. C-2008-2063047 is denied, with prejudice.
5. That the record at Docket No. C-2008-2063047 is marked closed.

"Based on my review, and a review of the company's notes of conversations with Mr. Duffy, it is highly likely that the 2 heat pump units in the Duffy house are undersized for the heating needs of the

WHEREFORE, for all of the reasons stated above, Penn Power Company respectfully requests that this Complaint be dismissed with prejudice.

Respectfully submitted,



Michael A. Gruin (I.D. No. 78625)
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16th Floor
Harrisburg, PA 17101
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Counsel for Pennsylvania Power Company

Dated: August 6, 2009

house. “

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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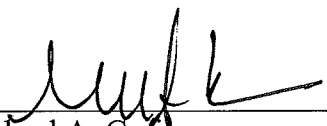
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA Electronic Mail and Federal Express

Chet and Michele Duffy
135 Liberty Road
P. O. Box 295
Harmony, PA 16037

Hon. Katrina Dunderdale, Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Ave.
Pittsburgh, PA 15222



Michael A. Gruin

DATED: August 6, 2009