

MALCOLM J. GROSS
PAUL A. McGINLEY
HOWARD S. STEVENS
DONALD LaBARRE, JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
PATRICK J. REILLY
ANNE K. MANLEY
SUSAN ELLIS WILD†
VICTOR F. CAVACINI
THOMAS E. REILLY, JR.
STUART T. SHMOOKLER
ROBERT A. ALPERT
ALLEN I. TULLAR
RAYMOND J. DeRAYMOND
THOMAS A. CAPEHART
JOHN F. GROSS
KIMBERLY G. KRUPKA
KIMBERLY A. SPOTTS-KIMMEL

GROSS 
McGINLEY ^{LLP}
ATTORNEYS AT LAW

www.grossmcginley.com

Please reply to:
Allentown Office
Andrew H. Ralston, Jr.
Direct Dial Number 610/871-1323
aralston@grossmcginley.com

ERROL C. DEANS, JR. *
ANDREW H. RALSTON, JR.
PETER J. DRUCKENMILLER, JR.
MICHAEL J. BLUM * °
SAMUEL E. COHEN*
CATHERINE L. KOLLET‡
EWALDE M. COOK

OF COUNSEL
DAVID C. KEEHN
MICHAEL J. PIOSA

*Also admitted in NY
°Also admitted in NJ
‡Also admitted in DC & MD
*Also admitted in MA
‡Also admitted in CT

August 26, 2010

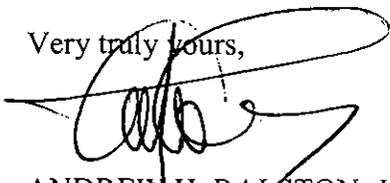
Rosemary Chiavetta, Secretary
PA Pubic Utility Commission
Commonwealth Keystone Building
PO Box 3265, 400 North Street
Harrisburg, PA 17105-3265

RE: Dimos Panagoulas v. PPL Electric Utilities Corporation
No: C-2009-2138138

Dear Ms. Chiavetta:

Enclosed herewith you will find the original of a Stipulation relative to the above-captioned matter, which has been signed by the parties.

Kindly time stamp a copy of the enclosed copy of this letter and return it to me the envelope provided.

Very truly yours,

ANDREW H. RALSTON, JR.

AHR.Jr:cjc-m
Enclosures

cc: Administrative Law Judge Angela T. Jones (w/enc) via: Fed Ex
William Hronis, Esquire (w/enc)

00338311.DOC

RECEIVED
2010 AUG 27
PA P.U.C.
SECRETARY'S BUREAU
MH 10: 22

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DIMOS PANAGOULIAS,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2009-2138138

PAPUC
SECRETARY'S BUREAU

2010 AUG 27 AM 10: 22

RECEIVED

STIPULATION

AND NOW, the above-captioned parties do hereby stipulate to and agree upon the following facts:

1. On October 27, 2008, Complainant purchased property located at 70 Market Street, Sunbury, PA 17801 ("Property")
2. Complainant connected electric service for the Property with PPL on November 28, 2008.
3. Complainant's Account Number for the Property was 73310-48024.
4. Complainant was a non-residential customer of PPL.
5. At all times material and relevant hereto, the Property had three-phase electric service.
6. Prior to Complainant's purchase of the property, the prior owner had been billed at the GS-1 billing rate, as permitted by PPL's Tariff and PUC Regulations.
7. Complainant is billed at the GS-3 rate pursuant to the "Rate Schedule GS-3" set forth in PPL's Tariff, and approved by the Pennsylvania Public Utility

Commission. The GS-3 Rate Schedule has been admitted in to evidence as PPL **Exhibit #4**.

8. According to Rate Schedule GS-3:

Effective January 1, 2008, new General Service customers receiving three-phase service will be served under Rate Schedule GS-3.

See Rate Schedule GS-3.

9. Complainant became a “new General Service customer” of PPL after January 1, 2008.

10. Complainant received three-phase service from PPL.

11. Complainant’s billing history with PPL was as follows:

	<u>Bill Month</u>	<u>Days</u>	<u>KWH</u>	<u>Amount</u>
a.	Dec.	13	240	\$118.88
b.	Jan.	34	320	\$257.51
c.	Feb.	28	240	\$251.34
d.	Mar.	32	240	\$251.34
e.	April	2	80	\$21.57

See PPL **Exhibit #1**.

12. The GS-3 rate carries a minimum demand charge regardless of the usage on the account.

13. This charge has been approved and, in fact, was required by the PUC.

14. Because the prior owner was permitted to be billed at the GS-1 rate, his bill did not carry a minimum demand charge.

15. As such, the prior owner’s electric bills were substantially lower than Complainant’s electric bill.

16. Prior to purchasing the Property, Complainant did not contact PPL at all, including to discuss the ramifications of having three-phase service in light of the provision of Rate Schedule GS-3 set forth above.

17. The provision of Rate Schedule GS-3 of PPL's Tariff set forth above had been approved by the PUC, after a period of public comment, and was available to the public (including on PPL's website) prior to and at the time that Complainant purchased the Property and prior to Complainant's establishing electric service with PPL.

18. Complainant paid his December electric bill with a payment of \$118.88 on December 30, 2008.

19. Complainant did not pay his electric bills for any month thereafter.

20. On March 5, 2009, a non-residential termination notice was sent to Complainant by PPL with a proposed termination date of March 12, 2009.

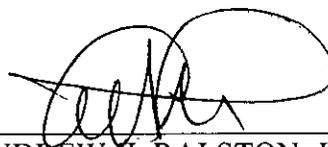
21. On March 18, 2009, Complainant's electric service was terminated for non-payment.

22. The BCS determined that Complainant's Complaint against PPL was not justified. See PPL Exhibit #5.

23. Complainant consents to this Stipulation, as evidenced by the email attached to hereto from his lawyer (who is presently away from his office and could not execute this document).

FOR RESPONDENT:

By: _____



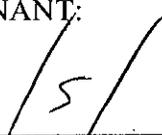
ANDREW H. RALSTON, JR., ESQUIRE
Gross McGinley, LLP
I.D. # 88770
33 South 7th Street, P.O. Box 4060
Allentown, PA 18105
Phone (610) 820-5450
Fax (610) 820-6006

DATE: August 26, 2010

*Attorneys for Respondent, PPL Electric
Utilities Corporation*

FOR COMPLAINANT:

By: _____



WILLIAM HRONIS, ESQUIRE
I.D. #59550
609 HAMILTON STREET
ALLENTOWN, PA 18101

Date: August 26, 2010

Attorney for Complainant

RECEIVED
2010 AUG 27 AM 10:22
PA.P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DIMOS PANAGOULIAS,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2009-2138138

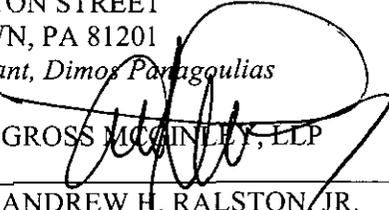
RECEIVED
2010 AUG 27 AM 10:22
PAPUC
SECRETARY'S BUREAU

CERTIFICATION OF SERVICE

I hereby certify that I have this day served a true copy of the Petition to Join an Indispensable Party upon the participant(s), listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

ADMINISTRATIVE LAW JUDGE ANGELA T. JONES
801 MARKET STREET
SUITE 4063
PHILADELPHIA, PA 19107

WILLIAM HRONIS, ESQUIRE
609 HAMILTON STREET
ALLENTOWN, PA 81201
Attorney for Complainant, Dimos Panagoulis

By: 
GROSS MCCAINLEY, LLP
ANDREW H. RALSTON, JR.
I.D. #88770
33 South 7th Street
P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450

Attorney for PPL Electric Utilities Corp.

DATE: AUGUST 26, 2010
00337881.DOC

Andy Ralston

From: William Hronis [william.hronis@gmail.com]
Sent: Wednesday, August 25, 2010 1:41 PM
To: Andy Ralston
Subject: Re: Pangoulous v. PPL

2010 AUG 27 AM 10:22
P.A.P.O.C.
SECRETARY'S BUREAU

Thank you for your prompt response.

With respect to the Stipulation, I will consent that you affix my electronic signature. The sole purpose of the change in Paragraph #5 was to confirm Mr. Panagoulous's testimony that he did not know the applicability of either single phase or three phase electric service to the property. I believe that we did not dispute that during Mr. Panagoulous's ownership that the property was served with three-phase electrical service. Please furnish a signed copy for my file.
William Hronis, Esquire

On Wed, Aug 25, 2010 at 12:11 PM, Andy Ralston <ARalston@grossmcginley.com> wrote:

> I have been in depts.
>
> Change to #1 is fine
>
> Change to #10 is fine
>
> Change to #5 is not. My witness will testify, in necessary, to establish that it was 3 phase. It doesn't really matter what your client believed, as PPL knows what service is there. I'm not going to stipulate to the facts if won't agree that "3 Phase" is a fact, without qualification. PPL's evidence at hearing would set forth that the Property had 3 phase electric service at all times material and relevant hereto and you have no evidence to the contrary (because there is none). As such, a stipulation to this fact is required.
>
> Andy
>
> -----Original Message-----
> From: William Hronis [mailto:william.hronis@gmail.com]
> Sent: Wednesday, August 25, 2010 9:28 AM
> To: Andy Ralston
> Subject: Re: Pangoulous v. PPL
>
> Dear Mr. Ralston:
> I have reviewed the proposed Stipulation of facts.
> Here are my proposed revisions:
> Paragraph 1 is incorrect. The address recited is Mr. Panagoulous's home address which is not subject to this dispute.
> It should read as follows: "1. On October 27, 2008, Complainant purchased property located at 370 Market Street, Sunbury, PA 17801."
> Paragraph 5 should be amended to read as follows:
> "5. At all times material and relevant hereto, the Property had three-phase electric service to the best information, knowledge, and belief of the Complainant."
>
> Paragraph 10, please amend word to "received" because at present no electric service is furnished to the subject property.
>
> I would have addressed these changes by MS Word's function of track changes but did not obtain your consent and therefore the integrity of the document was maintained.
>
> Due to time constraints, please address this matter as soon as possible and if the changes are acceptable, I can furnish my electronic signature or sign and fax to your office so that the time requirement is met. I do need to leave the office before noon today.
> Thank you.
> William Hronis, Esquire

>
> On Tue, Aug 24, 2010 at 2:43 PM, Andy Ralston
> <ARalston@grossmcginley.com> wrote:
>> Bill,
>>
>> Attached is my draft of the proposed Stipulation. Please provide
>> your comments.
>>
>> Thanks,
>> Andy
>>
>>
>> Andrew H. Ralston, Jr., Esquire
>> Gross McGinley, LLP
>> 33 South Seventh Street
>> P.O. Box 4060
>> Allentown, PA 18105-4060
>> Phone: (610) 820-5450
>> Fax: (610) 820-6006
>> aralston@grossmcginley.com
>>
>> www.grossmcginley.com
>>
>>
>> NOTICE: This message, and any attached file, is intended only for the
>> use of the individual or entity to which it is addressed, and may
>> contain information that is privileged, confidential and exempt from
>> disclosure under applicable law. If the individual reading this
>> message is not the intended recipient, you are hereby notified that
>> any dissemination, distribution or copying of this message is
>> strictly prohibited. Nothing in this e-mail message should be
>> construed as a legal opinion. If you have received this message in
>> error, please notify me immediately by replying to this e-mail and delete all copies of
the original message. Thank you.
>>
>> IRS CIRCULAR 230 DISCLOSURE: Pursuant to Treasury Regulations, any
>> tax advice contained in this communication (including any
>> attachments) is not intended or written to be used, and cannot be
>> used or relied upon by you or any other person, for the purpose of
>> (i) avoiding penalties under the Internal Revenue Code, or (ii)
>> promoting, marketing or recommending to another party any tax advice addressed herein.
>>
>
>
>
> --
> William Hronis, Esquire
> 609 Hamilton Street
> Allentown, PA 18101
> (610) 740-1004-Phone
> (610) 740-9357-Fax
> This e-mail (including attachments) is covered by the Electronic
> Communications Privacy Act, U.S.C. Sections 2510-2521, is
> confidential, and is legally privileged. This message and its
> attachments may also be privileged and attorney work product. They are
> intended for the individual or entity named above. If you are not the
> intended recipient, please do not read, copy, use or disclose this
> communication to others. You are hereby noticed that any
> dissemination, distribution or copy of this communication is strictly
> prohibited. If you have received this email transmission in error,
> please immediately notify the Security Administrator at:
> hronis@rcn.com.
>
> NOTICE: This message, and any attached file, is intended only for the use of the
individual or entity to which it is addressed, and may contain information that is
privileged, confidential and exempt from disclosure under applicable law. If the
individual reading this message is not the intended recipient, you are hereby notified

that any dissemination, distribution or copying of this message is strictly prohibited. Nothing in this e-mail message should be construed as a legal opinion. If you have received this message in error, please notify me immediately by replying to this e-mail and delete all copies of the original message. Thank you.

>

> IRS CIRCULAR 230 DISCLOSURE: Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

>

--

William Hronis, Esquire
609 Hamilton Street
Allentown, PA 18101
(610) 740-1004-Phone
(610) 740-9357-Fax

This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, U.S.C. Sections 2510-2521, is confidential, and is legally privileged. This message and its attachments may also be privileged and attorney work product. They are intended for the individual or entity named above. If you are not the intended recipient, please do not read, copy, use or disclose this communication to others. You are hereby noticed that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this email transmission in error, please immediately notify the Security Administrator at:
hronis@rcn.com.



ncppost

\$01220
08/26/2010
Mailed From 18105
US POSTAGE

GROSS 
McGINLEY LLP

ATTORNEYS AT LAW
33 SOUTH SEVENTH STREET
P. O. BOX 4060
ALLENTOWN, PA 18105-4060

TO:

**ROSEMARY CHIAVETTA, SECRETARY
PA PUBIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
PO BOX 3265, 400 NORTH STREET
HARRISBURG, PA 17105-3265**