

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DIMOS PANAGOULIAS, Complainant,	COMPLAINT DOCKET
vs.	NO. C-2009-2138138
PPL ELECTRIC UTILITIES CORPORATION, Respondent	

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MAIN BRIEF

The Complainant, Dimos Panagoulas, by and through his counsel, William Hronis, Esquire submits the Main Brief pursuant to Order #2 entered by the Administrative Law Judge Angela T. Jones on September 1, 2010 and in conjunction with 52 Pa. Code §§5.501, 5.502 (2008).

The Stipulation of Facts filed on or about August 26, 2010 memorializes the procedural and/or factual history of the instant proceeding.

The issue in this case is as follows: Does the PPL GS-3 rate pursuant to the "Rate Schedule GS-3" for Large General Service effective January 1, 2008 in it's application to the Complainant violate 66 Pa. C.S.A. §1301.

Under Pennsylvania statute memorialized in 66 Pa. C.S.A. §1301 states that "[e]very rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be **just and reasonable** and in conformity with regulations and orders of the commission." The burden of proof to show that a rate is unreasonable is on the complaining party. Schellhammer v. Pennsylvania Public Utility Commission, 629 A.2d 189, 157 Pa. Commw. 86 (1993). Orders of the public utility commission fixing rates are not *res judicata* nor are its findings of fair

value conclusive for the future in that the law contemplates a reexamination of such matters as conditions change or warrants. Pennsylvania Gas & Water Co.- Water Division vs. Public Utility Commission, 381 A.2d 996, 33 Pa. Commw. 143 (1977), *reversed*, 424 A.2d 1213, 492 Pa. 326, *certiorari denied*, 102 S. Ct. 112, 454 U.S. 824.

Based on the facts as applied to the Complainant, the "Rate Schedule Gs-3" (Supplement No. 91; PPL Exhibit 4) violates 66 C.S.A. §1301 as unreasonable and on public policy and fundamental fairness consideration. The Stipulation ¶ 15 states, "[a]s such, the prior owner's electric bills were substantially lower than Complainant's electric bill." Application of the rate to Complainant has resulted in monthly bills generated by PPL Electric Utilities Corporation in excess of 221%. The nature and characteristics, and use of the building being provided the utility service remains unchanged from the prior owner (as of May 14, 2007) to the present date.

In sum, Complainant prays that equity and reasonableness be weighed in his favor and requests that the amount of \$663.25 due to PPL Electric Utilities Corporation be waived and deemed satisfied; all negative reporting to all credit bureaus be corrected to reflect that Complainant has satisfied the debt by PPL Electric Utilities Corporation within thirty-(30) days at its own cost; to reestablish electric service to the property known as "370 Market Street, Sunbury, PA 17801"; and to be charged according to the applicable Rate Schedule as selected by the Complainant; and for all other relief that the Court may enter.

Dated: September 12, 2010

/s/William Hronis, Esquire

A handwritten signature in black ink, appearing to read 'W. Hronis', written over a horizontal line.

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CERTIFICATION OF SERVICE

I hereby certify that on September 12, 2010, I have served a true and correct via USPS Regular, First Class Mail a copy of the Main Brief upon the parties listed below, in accordance with the requirements of 52 Pa. Code §5.502 to the following:

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