

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Tim Warrenfeltz
v.
PPL Electric Utilities
Corporation**

**Public Meeting March 31, 2011
2143302-ALJ
Docket No. C-2009-2143302**

**MOTION OF
VICE CHAIRMAN JOHN F. COLEMAN, JR.**

Before the Commission for disposition is an Initial Decision (ID) dismissing the above-captioned Formal Complaint for failure to meet the burden of proof in accordance with Section 332(a) of the Public Utility Code, 66 Pa. C.S. § 332(a), and related Commission precedent.

The Complaint alleges that Complainant's electric bills from Respondent were high from January 2009 through July 2009. The ID found that Complainant did not make a prima facie case under Waldron v. Philadelphia Electric Company, 54 PA PUC 98 (1980) and its progeny. The ID also found that even if the prima facie case were met, Respondent presented more than sufficient evidence to rebut that case. Although I agree with the ultimate outcome, I do not agree with ID's statement of the Waldron Rule.

According to the ID, a Complainant establishes a prima facie case under Waldron by presenting the following testimony: (1) that the number of occupants in a household has not changed; (2) that the potential for energy utilization was low; and, (3) that complainant's prior billing history showed no previous abnormalities. Upon review, I do not agree that Waldron limits the establishment of a prima facie case to these three factors.

Rather, consistent with our holding in Christine Bennett v. Peoples Natural Gas Co., Docket No. C-2009-2122979 (Order entered October 13, 2010), the Waldron Rule allows a Complainant to establish a prima facie case in a "high bill" complaint by showing that the disputed bill is abnormally high when compared to prior usage patterns and his or her pattern of usage has not changed *or by providing other relevant evidence showing that the disputed bill is unreasonably high*. In evaluating a "high bill" complaint, the Commission may consider such evidence as the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), *and any other relevant facts or circumstances that come to light during the proceeding*.

Here, I agree with the ID that the Complainant has not established a prima facie case for over billing. Although Complainant testified that he experienced a decrease in the size of his household, Complainant did not provide any prior bills, for comparison purposes, to establish that the bills in dispute were unreasonably high. And, Complainant did not establish that he had the potential for low energy utilization. Rather, the record evidence is that Complainant had three separate buildings on his property and a space heater that has the potential to consume large amounts of electricity. Neither did the Complainant present any other relevant evidence showing that the disputed bills were unreasonably high.

THEREFORE, I move that:

1. The Initial Decision be modified consistent with this Motion.
2. The Commission's Office of Special Assistants draft an appropriate Order consistent with this Motion.

DATE: March 31, 2011


JOHN F. COLEMAN, JR.
VICE CHAIRMAN