

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
JAMES A. RITTER
ROBERT A. ALPERT
ALLEN I. TULLAR
RAYMOND J. DeRAYMOND
THOMAS A. CAPEHART
JOHN F. GROSS
KIMBERLY G. KRUPKA
KIMBERLY A. SPOTTS-KIMMEL
ANDREW H. RALSTON, JR.

GROSS 
McGINLEY^{LP}
ATTORNEYS AT LAW

LOREN L. SPEZIALE*
MICHAEL J. BLUM**
SAMUEL E. COHEN*
EWALDE M. COOK
ROBERT G. VIDONI*
GRAIG M. SCHULTZ*

www.grossmcginley.com

Please reply to:
Allentown Office

Andrew H. Ralston, Jr.
Direct Dial Number 610/871-1323
aralston@grossmcginley.com

OF COUNSEL
MICHAEL J. PIOISA

*Also admitted in NY
**Also admitted in NJ
†Also admitted in DC & MD
*Also admitted in MA

April 18, 2011

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Post Office Box 3265, 400 North Street
Harrisburg, PA 17105-3265

**RE: 1-A Realty v. PPL Electric Utilities Corporation
No. F-2010-2166554 and No. F-2010-2166976**

Dear Ms. Chiavetta:

Enclosed for filing in the above-captioned matter is Respondent's, PPL Electric Utilities Corporation, Pre-Hearing Memorandum.

I hereby certify that I have provided a copy of the Pre-Hearing Memorandum to the Complainant in this proceeding.

In addition, please date and time-stamp the enclosed extra copy of this letter and return it to me in the envelope provided.

Very truly yours,



ANDREW H. RALSTON, JR.

AHR,Jr:cjc-m
Enclosures

cc: The Honorable Dennis J. Buckley (w/ enc); via: Email and First Class Mail
Mark Malkames, Esquire (w/ enc)
Kimberly A. Galligani, Paralegal; *via email only*

00379266.DOC

33 South Seventh Street, P.O. Box 4060, Allentown, PA, 18105-4060 Telephone 610/820-5450 Fax 610/820-6006

717 Washington Street, Easton, PA 18042 Telephone 610/258-1506 Fax 610/258-0701

111 East Harrison Street, Suite 2, Emmaus, PA 18049 Telephone 610/967-1030 Fax 610/967-0622

RECEIVED
2011 APR 20 AM 11:49
P.A.P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

1-A REALTY,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORP.

Respondent

COMPLAINT DOCKET

No. F-2010-2166554

1-A REALTY,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORP.

Respondent

COMPLAINT DOCKET

No. F-2010-2166976

**PRE-HEARING MEMORANDUM OF RESPONDENT – PPL ELECTRIC UTILITIES
CORP.**

I. Andrew H. Ralston, Jr., Esquire
Gross McGinley, LLP
33 South Seventh Street
PO Box 4060
Allentown, PA 18105-4060
Phone: (610) 820-5450
Fax: (610) 820-6006
Business E-Mail: aralston@grossmcginley.com

II. Names, business addresses and telephone numbers of witnesses:

Donald Bicking
Dennis Worthington
David Ogden
PPL Electric Utilities Corporation
2 North Ninth Street
Allentown, PA 18101
(610)774-4026

RECEIVED
2011 APR 20 AM 11:49
SECRETARY'S BUREAU

III. Questions Presented:

A. Does a common area street light attached to the electric meter of a mobile home park tenant make that meter not “individually metered” for purposes of a Ct 54?

Suggested Answer: Yes.

B. Are there any “exceptions” to the foreign wiring regulations contained in Act 54?

Suggested Answer: No.

IV. Brief Statement of the Case:

Responding to a complaint by Phyllis Ruth, PPL discovered that the common use streetlights in this mobile home park are connected to various tenant’s electric meters. This condition constitutes foreign wiring. The several tenants who have a streetlight connected to their meter are not “individually metered” for the purposes of 66 Pa. C.S. §1529.1. The foreign loads on those meters is not permitted to exist under Act 54 while the electric bills for those tenants with street lights connected to their meters continue to be billed to the individual tenants. PPL avers that Act 54 applies to Complainant’s mobile home park property and that the existence of foreign wiring in the Complainant’s residential rental property precludes the premises in question from being considered “individually metered” for the purposes of 66 Pa. C.S. §1529.1. Therefore, pursuant to Act 54, PPL is required to maintain the accounts of each tenant who has a common area street light on the meter (including Herbert and Phyllis Ruth listed in ¶1 of Complainant’s Complaint) in the name of the Complainant, as the owner of the residential rental property, and to transfer each tenants’ overdue balance (if any) to Complainant.

Complaint’s claim that a “tenant may accept a load” and that a public utility does not have to comply with Act 54 if it is “notified to the contrary by the tenant or unauthorized [sic]

representative” (see Complaint, ¶4(B), subparagraph C) is an incorrect recitation of the law in Pennsylvania. Complainant’s Complaint cites a provision of Act 54 dealing with “individually metered” units. As set forth above, Complainant’s property is unquestionably not “individually metered” for purposes of Act 54. As such, a tenant cannot instruct PPL not to comply with Act 54. Further, according to 66 Pa.C.S. §1530, any waiver or attempted waiver of a tenant’s rights to individual metering is “void and unenforceable.” As such, the last page of Complainant’s Complaint has no legal effect. Further, there is no such thing as a “de minimus” load under Act 54. PPL is required to comply with its obligations under Act 54 (i.e. to transfer electric bills into the name the landlord upon the discovery of foreign wiring). PPL denies that it has violated any section of its Tariff, the Public Utilities Code, PUC regulations, or, specifically, Act 54. PPL has not failed to provide reasonable and adequate service to Complainant.

Respectfully submitted,

GROSS MCGINLEY, LLP



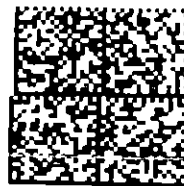
ANDREW H. RALSTON, JR., ESQUIRE
Attorney I.D. # 88770
33 S. 7th Street, PO Box 4060
Allentown, PA 18105-4060
(610) 820-5450
Fax: (610) 820-6006
aralston@grossmcginley.com

Dated: April 18, 2011

GROSS 
McGINLEY LLP

ATTORNEYS AT LAW

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



usps

049J82040994

\$00.840

04/18/2011

Mailed From 18105
US POSTAGE

ROSEMARY CHIAVETTA, SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
POST OFFICE BOX 3265, 400 NORTH STREET
HARRISBURG, PA 17105-3265

1710533265 8039

