

MALKAMES LAW OFFICES

509 LINDEN STREET

ALLENTOWN, PA. 18101-1415

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WILLIAM G. MALKAMES
MARK MALKAMES
WILLIAM KURT MALKAMES

April 14, 2011

Pennsylvania Public Utility Commission
Attn: James J. McNulty, Secretary
P.O. Box 3265
Harrisburg, PA 17105-3265

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

Dear Mr. McNulty:

Please find enclosed one (1) original and two (2) copies of Pre-Hearing Memorandum of Complainant 1-A Realty with respect to the above captioned matter.

Kindly time-stamp and return one (1) copy of the above mentioned documents in the self addressed stamped envelope for my file.

If you have any questions do not hesitate to contact me.

Very truly yours,


Mark Malkames

MM/jmr

Enclosure(s)

cc: Andrew H. Ralston, Jr., (w/encl.)
1-A Realty, (w/encl.)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

1-A REALTY,	:	
	:	
Complainant,	:	COMPLAINT DOCKET
	:	
vs.	:	No. F-2010-2166554
	:	
PPL ELECTRIC UTILITIES CORP.	:	
	:	
Respondent	:	

1-A REALTY,	:	
	:	
Complainant,	:	COMPLAINT DOCKET
	:	
vs.	:	No. F-2010-2166976
	:	
PPL ELECTRIC UTILITIES CORP.	:	
	:	
Respondent	:	

PRE-HEARING MEMORANDUM OF COMPLAINANT 1-A REALTY

I. Mark Malkames, Esquire
Malkames Law Offices
509 W. Linden Street
Allentown, PA 18101
Office: (610) 821-8327
Facsimile: (610) 821-5851
Business E-Mail: mkoffice@ptd.net

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

William A. Mayo, GM
7475 Hamilton Blvd.
P.O. Box 8
Trexlerstown, PA 18087-0008
(610) 398-1313

III. List of issues
Appeal F-2010-2166554 (Herbert & Phyllis Ruth) and F-2010-2168976 (Karen Thompson)

A. Whether the attachment of a de minimis load from a street light onto an account of a manufactured home community tenant transforms the otherwise individual metering of a tenant's electric.

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SECRETARY'S BUREAU

Suggested Answer: No

B. In the event the attachment of the de minimis load to an individual tenant's meter transforms the tenant meter from individual metering may a tenant notify the utility that they have accepted responsibility for payment of the utility services to the premises?

Suggested Answer: Yes

C. With respect to the tenants in both cases to wit Herbert and Phyllis Ruth (F-2010-2166554) and Karen Thompson (F-2010-2166976) have they agreed in writing to accepting the attachment of the street light in return for a \$10.00 discount from rent (and have they accepted the \$10.00 discount for rent)?

Suggested Answer: Yes

D. Were the claimed loads were promptly removed from the meters of both residents upon notification from the utility of the changeover of billing?

Suggested Answer: Yes

E. Has the utility continued to bill Complainant even after the removal of the foreign loads?

Suggested Answer: Yes

F. Is there any statutory provision permitting the utility in its sole discretion to dictate removal wiring (so long as the claimed foreign load has been removed thus eliminating any claimed concern regarding individual metering)?

Suggested Answer: No

G. Whether the utility has any evidence that either customer account is not presently individually metered such as to justify the continued owner billing of the Complaint?

Suggested Answer: No.

Sub Issues -- Complaint F-2010-2166554 (Herbert and Phyllis Ruth)

A. Have Herbert and Phyllis Ruth notified the utility of a complaint concerning a claimed foreign load?

Suggested Answer: No.

B. Have the Ruth tenants notified the utility that the perceived complaint has been withdrawn under any circumstances

Suggested Answer: Yes

Sub-issue with regard to the appeal filed at F-2010-2166976 (Karen Thompson)

A. Has Karen Thompson filed a complaint with the utility?

Suggested Answer: No

B. Has Karen Thompson notified the utility that she wishes to have her metered account placed in her name?

Suggested Answer: Yes

C. Has the utility refused to place the account in the name of Karen Thompson?

Suggested Answer: Yes

IV. Brief Statement of Evidence:

Complainant intends to offer evidence regarding the history of the Complainant's conversion of some street lights in its manufactured home community to tenant metering. The conversion was necessitated by deterioration of existing street lighting which was installed without conduit and which wiring was barely underground. The previous wiring system was outdated and constituted a potential danger. All utilities in the manufactured home community are underground. The Park will present evidence concerning the possible hardship of attempting to rewire the previous lighting system which would involve significant capital expense to the community through the excavation of roads, possible relocation of utilities and attempting redesign and/or retrofitting of the prior antiquated street lighting system.

In order to maintain the street lighting, the Park provided notice to residents that the street lights would be rewired so as to connect individual street lights to the closets pedestal. The cost of maintaining the street lights was approximately \$6.10 per month in 2007 and \$5.73 in 2008. The Park proposed a \$10.00 discount for rent for those residents accepting a light.

After the residents accepted the load in writing (and also the \$10.00 rent discount), Complainant rewired the system consistent with this proposal.

There is no evidence that that any of the residents requested that the utility place the accounts in the name of Complainant. To the extent that the accounts were nevertheless placed in the name of the Complainant, both Tenants have expressly notified the utility that they wished the accounts reconverted back to their own name.

Many manufactured home communities require Residents to install individual poles in front of their home and to maintain lighting of such a pole, which would be unquestionably individually metered and which poles would not constitute a foreign load. The expense to residents associated with the only alternative is not economically practical for the community which is populated by senior citizens all of which rely on the Complainant keeping its rent structure as low as possible. The Complainant operates a well maintained community and offers one of the lowest manufactured home community rent structures in the area.

The Complainant will prove that the subject community is a manufactured home community governed by the Pennsylvania Manufactured Home Community Rights Act, which expressly permits the Community owner to adopt reasonable Rules and Regulations including the Rules and Regulations at issue in this case.

Respectfully submitted,
MALKAMES LAW OFFICES, by



Mark Malkames, Esquire
I.D. No. 38792
Attorney for Complainant
509 Linden Street
Allentown, PA 18101
Phone (610) 821-8327
Fax (610) 821-5851

Dated: April 15, 2011

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

1-A REALTY,

Complainant,

COMPLAINT DOCKET

vs.

No. F-2010-2166554

PPL ELECTRIC UTILITIES CORP.

Respondent

1-A REALTY,

Complainant,

COMPLAINT DOCKET

vs.

No. F-2010-2166976

PPL ELECTRIC UTILITIES CORP.

Respondent

CERTIFICATION OF SERVICE

I, Mark Malkames, Esquire, hereby certify that Pre-Hearing Memorandum of Complainant 1-A Realty was mailed upon the following as indicated below by First Class Mail on April 15, 2011 (copy of service letter attached) with respect to the above matter:

Gross McGinley
Attn: Andrew H. Ralston, Jr., Esquire
33 South Seventh Street
P.O. Box 4060
Allentown, PA 18105-4060

Respectfully submitted,
MALKAMES LAW OFFICES, by



Mark Malkames, Esquire
I.D. No. 38792
Attorney for Complainant
509 Linden Street
Allentown, PA 18101
Phone (610) 821-8327
Fax (610) 821-5851

Date: April 15, 2011

MALKAMES LAW OFFICES

509 LINDEN STREET

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E-MAIL: mkoffice@ptd.net

WILLIAM G. MALKAMES
MARK MALKAMES
WILLIAM KURT MALKAMES

April 15, 2011

Gross McGinley
Attn: Andrew H. Ralston, Jr., Esquire
33 South Seventh Street
P.O. Box 4060
Allentown, PA 18105-4060

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

Dear Attorney Ralston:

Please find enclosed for service upon you our Pre-Hearing Memorandum with respect to the above captioned matter, the originals of which have been filed with Pennsylvania Public Utility Commission.

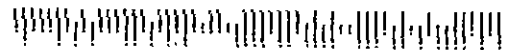
If you have any questions do not hesitate to contact me.

Very truly yours,



Mark Malkames

MM/jmr
Enclosure(s)
cc: 1-A Realty, (w/encl.)



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