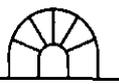


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•Also admitted in MA

April 10, 2012

Rosemary Chiavetta, Secretary  
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APR 10 2012  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**RE: Carol Nelson v PPL Electric Utilities Corporation  
No. C-2011-2249218**

Dear Ms. Chiavetta:

Enclosed for filing in the above-captioned matter is the original Motion for Reconsideration of this Honorable Court's First Interim Order dated March 22, 2012, and proposed Order of PPL Electric Utilities Corporation.

Also enclosed is an additional copy of this letter. Please date and time-stamp the extra copy of this letter and return it to me in the envelope provided.

Very truly yours,



GRAIG M. SCHULTZ

GMS/ejm  
Enclosures

cc: Administrative Law Judge Katrina Dunderdale (w/ enc); via telefax only  
Carol Nelson (w/ enc)  
Kimberly A Galligani (w/ enc); *via email only*  
Kim Safford (w/ enc); *via email only*  
Jennifer Tomel (w/ enc); *via email only*  
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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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APR 10 2012

CAROL NELSON,

Complainant,

v.

PPL ELECTRIC UTILITIES  
CORPORATION,

Respondent.

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

C - 2011-2249218

**ORDER**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 2012, based upon the Motion of Respondent, PPL Electric Utilities Corporation, for Reconsideration of this Honorable Court's First Interim Order Dated March 22, 2012, and any response thereto, it is hereby **ORDERED** and **DECREED** that the First Interim Order dated March 22, 2012 is hereby amended to provide that:

- (a) Complainant shall comply with the all requirements of the First Interim Order, including cooperating with Respondent in its requirement to perform a high bill investigation.
- (b) In the event that Complainant continues to not abide by the requirements of the First Interim Order, Respondent shall be relieved of all requirements under the Order, and the Complaint shall be dismissed with prejudice.
- (c) Respondent shall be relieved of performing the duties under Paragraphs 1, 3(a), 3(b) and 3(c) of the First Interim Order, as part of its high bill investigation.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Katrina L. Dunderdale  
Administrative Law Judge

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

CAROL NELSON,

Complainant,

v.

PPL ELECTRIC UTILITIES  
CORPORATION,

Respondent.

APR 10 2012

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

C - 2011-2249218

**MOTION OF RESPONDENT, PPL ELECTRIC UTILITIES CORPORATION,  
FOR RECONSIDERATION OF THIS HONORABLE COURT'S FIRST  
INTERIM ORDER DATED MARCH 22, 2012**

AND NOW comes Respondent, PPL Electric Utilities Corporation, and files the instant Motion for Reconsideration of this Honorable Court's First Interim Order Dated March 22, 2012 as follows:

**I. HISTORY OF THE CASE**

1. On June 15, 2011, Complainant, Carol Nelson ("Complainant") filed a formal Complaint with the Pennsylvania Public Utility Commission ("Commission") against Respondent, PPL Electric Utilities Corporation ("PPL" and/or "Respondent"), alleging that PPL improperly overcharged Complainant for electric service after it discovered there was a "meter mix" of PPL's electric meters for Complainant's unit and another residential unit in the same structure.

2. Additionally, Complainant alleged that PPL did not properly calculate her actual electric usage, and did not properly charge for her actual electric usage.

3. On July 19, 2011, PPL filed an answer in response to the Complaint.

4. By Telephone Hearing Notice dated November 18, 2011, the Office of Administrative Law Judge notified the parties an initial telephonic hearing scheduled for Friday, January 20, 2012, at 10:00 a.m.

5. On November 21, 2011, the presiding officer issued a Prehearing Order setting forth the date and time of the scheduled hearing.

6. On January 20, 2012, at 8:45 a.m., Complainant contacted the office of the presiding officer and requested a continuance as Complainant's husband recently suffered a stroke.

7. Thereafter, the presiding officer cancelled the hearing scheduled for January 20, 2012, and ordered the matter rescheduled.

8. On January 23, 2012, the Office of Administrative Law Judge issued a Hearing Cancellation/Reschedule Notice, setting Wednesday, March 21, 2012, at 10:00 a.m., as the date and time for the Initial Telephonic Hearing in this matter.

9. On March 21, 2012, the presiding officer contacted the parties and proceeded to take evidence from Complainant's daughter, Jennifer Nelson, and from Respondent's customer service representative.

10. At the time of said hearing, Complainant was unable to represent herself due to recent medical problems and Complainant was unable to locate all of the proposed exhibits which Respondent sent via Federal Express.

11. Accordingly, Complainant made a verbal request for a continuance.

12. Said request was granted by the presiding officer.

## **II. THE FIRST INTERIM ORDER DATED MARCH 22, 2012**

13. On March 22, 2012, the presiding officer issued a First Interim Order granting a continuance request and a high bill investigation. A true and correct copy of said First Interim Order (the "Order") is attached hereto and marked as Exhibit "A."

14. In addition to granting Complainant's continuance request, the presiding officer ordered Respondent to perform a high bill investigation. See Order at p. 3.

15. Specifically, the presiding officer ordered Respondent to arrange a mutually agreeable time when Respondent's field technicians can visit Complainant's residence and verify the accuracy of the recorded consumption for Complainant's residence. Id.

16. Further, the presiding officer ordered the Respondent perform the following as part of its high bill investigation:

1. A grounds check to be completed at Complainant's residence using a Neutral to Earth Voltage Test with all equipment running and again with none of the equipment running.
2. A foreign load check to be completed at Complainant's residence by turning off all breakers and verifying that the meter does not continue to register usage, and
3. An equipment and appliance analysis to be completed at Complainant's residence to include, at a minimum, the following actions:
  - a. A visual inspection of the thermostats to verify if the thermostat is stuck. The report shall list the thermostats inspected or checked and the results of the inspection.
  - b. A visual inspection of the entire property, including out-buildings and electrical equipment on the property but not directly attached to the residential structure, to check for wires exiting the residence, heat tape, a well pump, lighting which is on at the wrong time of day, insulation quality, infiltration approximation, and appliances. The report shall list all the items checked and/or inspected.

- c. An itemized and tabulated report listing the approximate consumption of appliances based on an appliance consumption data standard accepted as a norm within the electrical industry. The report shall clearly state the data standard utilized, attach a copy of any relevant portions of such standard as appropriate, the electrical nameplate of all appliances found within the residence, and state an appropriate consumption value for updated appliances. The report shall also tabulate the kilowatt, kilowatt hour, the standard minimum and maximum range of consumption (if available), and the approximate monthly cost for each appliance found within the residence.

Id. at pp. 3-4, ¶¶ 1-3.

### **III. EVENTS SINCE THE FIRST INTERIM ORDER WAS ENTERED**

17. Upon receiving the presiding officer's Order, Respondent contacted Complainant's husband on March 28, 2012 at approximately 9:30 a.m., for the purpose of scheduling a mutually convenient time to visit Complainant's residence and perform the high bill investigation.

18. During that telephone call, it was agreed that Respondent's field technician would perform a high bill investigation at Complainant's residence on March 30, 2012 at 12:30 p.m.

19. Accordingly, Respondent's field technician, David Ogden, arrived at Complainant's residence on March 30, 2012.

20. Upon arriving at Complainant's residence, Complainant's husband began to yell at Mr. Ogden and stated he would make sure that PPL was "punished." Additionally, Complainant's husband called Mr. Ogden a "liar" and stated that they had never spoke on March 28, 2012, or made an appointment for the high bill investigation.

21. While Mr. Ogden was at Complainant's residence, Complainant's husband proceeded to telephone his daughter, who demanded to speak with Mr. Ogden.

22. When Mr. Ogden spoke with Complainant's daughter on the telephone, Complainant's daughter demanded that he leave the residence, which he did.

23. Respondent believes, and therefore, avers that Complainant's behavior directly violates the presiding officer's Order in that that Order requires, *inter alia*:

4. That Complainant will cooperate with Respondent in scheduling a convenient time when the tests and analysis may be conducted, including ensuring that all areas of the real estate and residence are fully accessible, and that all electrical equipment and appliances in the residence are available during the time of the testing.

Id. at p. 4, ¶ 4.

24. Respondent has attempted to comply with the presiding officer's First Interim Order.

25. Respondent cannot perform a high bill investigation without Complainant's cooperation.

26. Therefore, it is respectfully requested that Complainant be ordered to cooperate with the presiding officer's First Interim Order.

27. In the event that Complainant refuses to cooperate with the presiding officer's First Interim Order, it is respectfully requested that Respondent be relieved of its obligations under the Order.

**IV. RESPONDENT'S ABILITY TO OTHERWISE COMPLY WITH THE FIRST INTERIM ORDER**

28. In addition to the aforementioned, Respondent also seeks reconsideration of the Order to the extent that it cannot otherwise comply with the requirements of the First Interim Order.

29. Specifically, a foreign Load check (which determines if customer has someone else's wired items connected to their meter) is an investigation that is a standard work order for Respondent's Customer Contact Representatives, and can be completed as requested. See Id. at p. 3, ¶ 2.

30. Similarly, Respondent's Customer Contact Representatives are able to itemize and tabulate approximate kWh consumption and cost of various appliances in a customer's residence, and verify that Respondent's equipment (the meter) is functioning correctly and registering the customer's kWh correctly. See Id. at p. 3, ¶ 3(c).

31. As such, Respondent can comply with these requirements of the presiding officer's Order.

32. However, Respondent's Customer Contact Representatives are not able to visually inspect the nameplates of certain appliances in the home due to positions of such appliances as the nameplate is usually located on the back of large appliances, and therefore, inaccessible. Moreover, Respondent's Customer Contact Representatives are not qualified to determine whether a customer's appliances are functioning properly and consuming appropriate kWh of electricity as listed on some nameplates. See Id. at p 3, ¶ 3(c).

33. As such, Respondent cannot comply with this requirement of the presiding officer's Order.

34. Further, Neutral to Earth Voltage Test equipment is not available to Respondent's Customer Contact Representatives. Similarly, the training to implement a Neutral to Earth Voltage Test is not available. See Id. at p. 3, ¶ 1.

35. Given this, Respondent cannot comply with this requirement of the presiding officer's Order.

36. Further, Respondent's Customer Contact Representatives are not qualified to inspect proper functions of thermostated heating equipment. See Id. at p. 3, ¶ 3(a).

37. It is believed, and therefore, averred that only an authorized heating and air conditioning experts, contractors, or qualified electricians are qualified to perform inspections regarding the proper functioning of thermostated heating equipment.

38. Given this, Respondent cannot comply with this requirement of the presiding officer's Order.

39. Additionally, Respondent's Customer Contact Representatives are not qualified or trained, nor do they possess the requisite tools to check timing functions of wired electrical equipment, proper insulation quality, proper infiltration approximation, and inspection of proper function of various appliances. See Id. at p. 3, ¶ 3(b).

40. Given this, Respondent cannot comply with this requirement of the presiding officer's Order.

**V. RELIEF REQUESTED**

41. Based on the aforementioned, Respondent, PPL Electric Utilities Corporation, respectfully requests this Honorable Court to reconsider its First Interim Order dated March 22, 2012, and issue an amended Order which requires Complainant to comply with the all requirements of the First Interim Order, including cooperating with Respondent in its requirement to perform a high bill investigation. In the event that Complainant continues to not abide by the requirements of the First Interim Order, Respondent requests that it be relieved of all requirements under the Order, and that Complainant's Complaint be dismissed with prejudice.

42. Based on the aforementioned, PPL Electric Utilities Corporation, respectfully requests this Honorable Court to reconsider its First Interim Order dated March 22, 2012, and issue an amend Order in which Respondent is relieved of performing the duties under Paragraphs 1, 3(a), 3(b) and 3(c) described more fully above, as part of its high bill investigation.

Respectfully submitted,

GROSS MCGINLEY, LLP

Date: 4-10-12

By: 

KIMBERLY G. KRUPKA, ESQUIRE

I.D. No. 83071

GRAIG M. SCHULTZ, ESQUIRE

I.D. No. 207123

Attorneys for Respondent,

PPL Electric Utilities Corporation

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APR 10 2012

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CAROL NELSON,

Complainant,

v.

PPL ELECTRIC UTILITIES  
CORPORATION,

Respondent.

C - 2011-2249218

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SECRETARY'S BUREAU**

**CERTIFICATE OF SERVICE**

This is to certify that the MOTION OF RESPONDENT, PPL ELECTRIC UTILITIES CORPORATION, FOR RECONSIDERATION OF THIS HONORABLE COURT'S FIRST INTERIM ORDER DATED MARCH 22, 2012 on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record CAROL NELSON, on behalf of Complainants by first class United States mail, postage on this the 10<sup>th</sup> day of April 2012.

CAROL NELSON  
100 RAMAPO TRAIL, APT D-1  
ALLENTOWN PA 18104

GROSS McGINLEY, LLP

Date: 4-10-12

By: 

KIMBERLY G. KRUPKA, ESQUIRE  
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**EXHIBIT "A"**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carol Nelson

v.

PPL Electric Utilities Corporation

C-2011-2249218

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PA PUBLIC UTILITY COMMISSION  
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**FIRST INTERIM ORDER**  
Granting Continuance Request  
and  
Ordering High Bill Investigation

On June 15, 2011, Carol Nelson ("Complainant") filed a formal complaint with the Pennsylvania Public Utility Commission ("Commission") against PPL Electric Utilities Corporation ("PPL" or "Respondent") alleging PPL improperly overcharged Complainant for electric service after it discovered there was a "meter mix" of PPL's electric meters for Complainant's unit and another residential unit in the structure. Complainant alleged PPL did not properly calculate her actual electric usage and did not properly charge her for her actual electric usage. PPL filed an answer in response to Nelson's complaint on July 19, 2011.

By Telephone Hearing Notice dated November 18, 2011, the Office of Administrative Law Judge notified the parties an initial telephonic hearing in this case was scheduled for Friday, January 20, 2012, at 10:00 a.m. On November 21, 2011, the presiding officer issued a Prehearing Order setting forth the date and time of the scheduled hearing.

On January 20, 2012, at 8:45 a.m., Complainant contacted the office of the presiding officer and requested a continuance, because Complainant's husband suffered a stroke. Thereafter, the presiding officer cancelled the hearing scheduled for January 20, 2012 and ordered the matter rescheduled.

On January 23, 2012, the Office of Administrative Law Judge issued a Hearing Cancellation/Reschedule Notice, setting Wednesday, March 21, 2012, at 10:00 a.m., as the date and time for the Initial Telephonic Hearing in this matter. On March 21, 2012, the presiding officer contacted the parties and proceeded to take evidence from Complainant's daughter, Jennifer Nelson, and from Respondent's customer service representative. Complainant was unable to represent herself due to recent medical problems and Complainant was unable to locate all of the proposed exhibits which Respondent sent via Federal Express.

#### Continuance Request

Pursuant to 52 Pa. Code §5.483 and 66 Pa. C.S.A. §331(d) and §332, the presiding officer has various powers to preside over the taking of evidence and to regulate the course of proceedings, including the receipt of evidence. In addition, pursuant to 52 Pa. Code §1.2, the presiding officer may waive a requirement or disregard an error or defect when necessary or appropriate and when it is applicable, provided there is no adverse effect to the substantive right of any party.

It is apparent from the proceedings on March 21, 2012 that confusion over the exhibits sent by Respondent to Complainant prevented Complainant from being able to participate fully in the telephonic hearing. Complainant was unable to locate the documents sent to her and, therefore, was unable to knowingly engage in the examination of Respondent's documents or witness. It should be noted Respondent sent the documents to Complainant via Federal Express on the same day and in the same manner as those documents were sent to the presiding officer, however, Complainant was unable to locate all of the documents Respondent sent. Therefore, in the interim, Respondent has agreed to re-send the proposed exhibits to Complainant along with a cover letter that identifies each document sent by title and by exhibit number. In addition, Respondent agreed to mark each document with sequential numbering.

Lastly, Complainant's recent medical concerns prevented her from representing herself adequately. Therefore, Complainant must secure the services of an attorney to represent her at the subsequent hearing, pursuant to 52 Pa. Code §1.21 and §1.22. If Complainant does not retain an attorney to represent her and if Complainant is unable to proceed on her own behalf on the day of

the subsequent hearing, then the hearing will not be able to proceed and the formal complaint filed by Complainant on June 15, 2011 will be dismissed for failure to proceed.

### High Bill Investigation

The documentation sent from Respondent as proposed exhibits and the testimony taken from Complainant's daughter on March 21, 2012 reveals sufficient cause exists to justify a high bill investigation. Therefore, Respondent shall initiate a high bill dispute. Respondent shall arrange a mutually agreeable time when Respondent's field technicians can visit Complainant's residence and verify the accuracy of the recorded consumption for Complainant's residence. Specifically, the tests which Respondent will conduct are the following:

1. A grounds check to be completed at Complainant's residence using a Neutral to Earth Voltage Test with all equipment running and again with none of the equipment running.
2. A foreign load check to be completed at Complainant's residence by turning off all breakers and verifying that the meter does not continue to register usage, and
3. An equipment and appliance analysis to be completed at Complainant's residence to include, at a minimum, the following actions:
  - a. A visual inspection of the thermostats to verify if the thermostat is stuck. The report shall list the thermostats inspected or checked and the results of the inspection.
  - b. A visual inspection of the entire property, including out-buildings and electrical equipment on the property but not directly attached to the residential structure, to check for wires exiting the residence, heat tape, a well pump, lighting which is on at the wrong time of day, insulation quality, infiltration approximation, and appliances. The report shall list all the items checked and/or inspected.
  - c. An itemized and tabulated report listing the approximate consumption of appliances based on an appliance consumption data standard accepted as a norm within the electrical industry. The report shall clearly state the data standard utilized, attach a copy of any

relevant portions of such standard as appropriate, the electrical nameplate of all appliances found within the residence, and state an appropriate consumption value for updated appliances. The report shall also tabulate the kilowatt, kilowatt hour, the standard minimum and maximum range of consumption (if available), and the approximate monthly cost for each appliance found within the residence.

THEREFORE,

IT IS ORDERED:

1. That Complainant's request for a continuance is granted. The parties will receive a new Hearing Notice from the Commission which sets forth a new date for a Subsequent Telephonic Hearing.

2. That Respondent must complete a grounds check; a foreign load check; an appliance/equipment consumption analysis of all electrical equipment present in Complainant's residence consistent with business standards and protocols available through the Electrical Power Research Institute (EPRI) or an acceptable industry standard; and any other test which Respondent believes is necessary to verify the consumption levels recorded by Respondent's facilities.

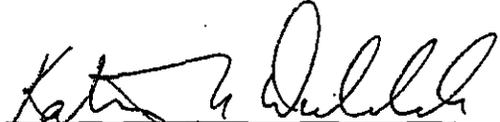
3. That on or before Friday, April 27, 2012, Respondent must file with the Secretary's Bureau of the Public Utility Commission, plus provide copies to the presiding officer and to Complainant, documentation which evidences the results of Respondent's grounds check/foreign load check and the appliance/equipment consumption analysis.

4. That Complainant will cooperate with Respondent in scheduling a convenient time when the tests and analysis may be conducted, including ensuring that all areas of the real estate and residence are fully accessible, and that all electrical equipment and appliances in the residence are available during the time of the testing.

5. That Respondent should be prepared at the subsequent hearing to provide testimony from the field technician who conducts the high bill investigation.

6. That if Complainant is unable to represent herself at the subsequent hearing, she will secure the services of an attorney. The only people who will be permitted to represent Complainant, Carol Nelson, are either herself or an attorney. Family members and non-attorneys will not be permitted to speak for her. Complainant shall ensure the attorney files a Notice of Appearance with the Secretary's Bureau, with copies to the presiding officer and counsel for PPL Electric Utilities Corporation, at least one week before the date of the subsequent hearing.

Date: March 22, 2012

  
Katrina L. Dunderdale  
Administrative Law Judge

C-2011-2249218 - CAROL NELSON v. PPL ELECTRIC UTILITIES CORPORATION

(REVISED 1/20/12)

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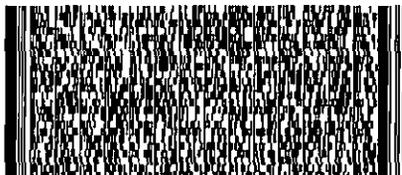
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