

Matthew S Gillette  
67 Lincoln Ave  
Carbondale PA 18407-2032

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MAY 29 2012

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

May 26, 2012

**Via United States Postal Service Priority Mail w/Delivery Confirmation**

Secretary of the Commission  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg PA 17120

Re: **MATTHEW GILLETTE v. PPL ELECTRIC UTILITIES CORPORATION**  
**PUC DOCKET NO. F-2011-2266733**

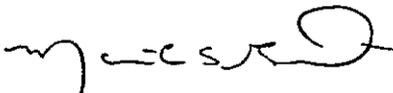
Dear Secretary:

Enclosed for filing with the commission in the above referenced matter, please find the following:

- 1. EXCEPTIONS (original and 9 copies)**
- 2. CERTIFICATE OF SERVICE**

Also enclosed is a copy of this letter that I respectfully request be date stamped and returned in the self addressed stamped envelope provided. I appreciate your cooperation in this matter.

Very truly yours,



Matthew S Gillette



## INTRODUCTION

On or about September 6, 2011, Matthew S Gillette (complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission ("PUC" or "Commission") against PPL Electric Utilities Corporation ("Respondent", "PPL", or "Company"), alleging that PPL Electric Utilities Corporation had applied an unfair estimate of usage charge to his account. This case is an appeal from a prior informal Bureau of Consumer Services (BCS) decision at Case No. 2841425 issued on or about August 16, 2011. On October 31, 2011, Respondent filed an Answer denying the material allegations of the Complaint.

This matter was assigned to Administrative Law Judge Ember S. Jandebour ("ALJ, Judge Jandebour, or ALJ Jandebour"). By Hearing Notice dated December 13, 2011, the parties were notified that an Initial Hearing in this case was scheduled for the morning of February 2, 2012. A Prehearing Order was issued on December 14, 2011, stating the date and time of the scheduled hearing.

The hearing convened as scheduled. The complainant appeared *pro se*; the Respondent was represented by counsel.

On May 10, 2012, the Commission issued the ALJ's Initial Decision. In that decision, the ALJ dismissed the Formal Complaint of Matthew Gillette in part (page 8). Although Judge Jandebour agreed with Complainant in regard to the kilowatt hours used to arrive at a fair estimate of usage, the ALJ incorrectly applied that estimate to a 30 month period (page 5). Judge Jandebour ordered PPL to render a make-up bill charging the Complainant for the 30 month period from November 11, 2011 through June 13, 2011, and to do so using the tariff rate in place for each month and an adjusted estimate of usage of 608 KWH per month (page 8).

This case involves the failure of PPL Electric Utilities Corporation to properly maintain their metering device at the property of the Complainant, the failure of PPL Electric Utilities Corporation to correct a known metering device failure in a timely fashion, and the failure of PPL Electric Utilities Corporation to arrive at a fair estimate of usage in the wake of these other service failures.

The record indicates that a meter failure occurred sometime after October 2008, and that PPL became aware of the failure almost immediately, issuing a letter to the Complainant dated November 11, 2008 in which they stated that "We would like to speak with you about your electric service" and asking Complainant to "call us between 8:00 a.m. and 5:00 p.m. at the number listed above at your earliest convenience". Nothing in the language of the letter indicated urgency. Respondent complied with the request but was unable to connect with a customer service representative in a reasonable amount of time. No further attempt to contact PPL was made by the Complainant. On July 28, 2009 the Respondent sent a second letter to the Complainant, this time stating "It's very important that we talk to you regarding your electric service account". Having wasted a considerable amount of his time attempting to connect with seemingly understaffed and overloaded customer service representatives, Complainant filed the letter and waited for more direct contact from PPL. The Complainant's phone number and address were both on file with PPL. The record is silent for nearly two years, until on May 6, 2011 when PPL finally corrected the known failure of their metering device by replacing the device with a new one. No contact with the Complainant was ever achieved, yet the meter was changed.

On May 25, 2011, the Respondent mailed the Complainant a letter explaining that the meter was not recording and had been replaced. The letter further explained that the Respondent had rebilled the Complainant based upon usage for a one month period. That usage was 1252 KWH. Prior to the meter failure, and more in line with current usage, average usage was 608 KWH.

Complainant contacted PPL soon thereafter and expressed his concerns over the excessively high estimate. Complainant also tried unsuccessfully to settle the matter. PPL Electric Utilities Corporation was unwilling to negotiate a settlement other than payment in full for the usage estimate they had arrived. Unsatisfied with an unjustifiably inflated billing, Complainant filed a complaint with the PUC.

### **EXCEPTIONS**

Complainant takes exception to ALJ Jandebour's findings as follows.

1. Although the ALJ properly concluded that the estimate arrived at by PPL was an inaccurate reflection of historical and even current usage by the Complainant (page 5), the ALJ incorrectly applied the corrected estimate to a period of 30 months rather than the 6 month period which had been billed and which was the subject of this appeal (page 8). Simply put, the ALJ applied the relief to a matter that was not before her. Complainant was not prepared to and did not present evidence for a matter not before the Commission. And although the ALJ argues that "a public utility is entitled to full payment (at the currently approved tariff rate) for service provided to customers" (page 4), the matter before the Commission once again is how the estimate for the period November 2010 through May 13, 2011 was arrived at, not whether or not they should receive full payment for it.

2. The ALJ argues that the Complainant failed to act reasonably or adequately in response to the Respondent's letter of July 28, 2009 (page 6), but she fails to cite any regulation or state law in support of that argument. The Complainant had no obligation to respond to the Respondent's letter but the ALJ takes issue with this and levies equal responsibility "for the trajectory of this meter failure and make-up bill." (page 7) However, her argument fails when on May 6, 2011 PPL Electric Utilities Corporation replaces their defective meter without ever receiving a response to their letters or ever having had contact whatsoever with the Complainant. A response from the Complainant was not necessary; it was not required to correct the problem. And although the ALJ opines "...had the Complainant contacted the Respondent as requested the issue would have been resolved in 2009 and not 2011" (page 6), PPL had no information in 2011 that they lacked in 2009, yet the meter was changed nonetheless. The responsibility for carrying out completion of the replacement of a faulty meter in a timely fashion was completely and wholly that of PPL Electric Utilities Corporation. The ALJ's decision to apply the corrected estimate to a 30 month period is improper. In light of the arguments made by the ALJ with regard to Complainant's responsibility in this matter, it also seems designed to penalize the Complainant, or any future Complainants for exercising his or her rights of appeal under the laws of the Commonwealth of Pennsylvania.
3. Under "Conclusions Of Law" (page 7), the ALJ notes "No public utility shall, directly or indirectly, by any device whatsoever, or in anywise, demand or receive from any person... a greater or less rate for any service rendered or to be rendered by such utility than that specified in the tariff of such utility applicable thereto. 66 Pa. C.S. § 1303". Once again, the matter before the Commission was the average KWH per month used as an estimate in determining the billing for the period November 2010 through May 13, 2011. However, as this was a billing arrangement provided by PPL, Complainant has to wonder if the ALJ is suggesting she has no knowledge of payment agreements being

offered by PPL Electric Utilities Corporation to its customers on a routine basis.

Complainant would then suggest an investigation into the matter to determine if this is a violation worth pursuing. Complainant would ask to see fines imposed for violating this regulation based upon frequency and amounts. As this was an "estimate" due to a failure on the part of the utility, the utility in this case is indeed being compensated for services.

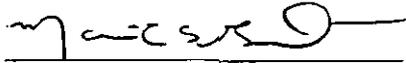
For his part, the Complainant paid his bill every month. Any shortage created as a result of the Company failing in its customer service or maintenance program should not be levied against the customer pool, but rather PPL Electric Utilities Corporation as a publicly traded "for profit" corporation. If there was a loss, it was a loss that was completely controlled by the utility.

4. Lastly, in the Order dated April 16, 2012, the ALJ directs PPL to rebill the Complainant for usage at 608 KWH per month for 30 months for the period November 11, 2011 through June 13, 2011. As this seems to be a typographical error, many of the conclusions of the Complainant are based upon his best guess as to what is meant here.

## CONCLUSION

Complainant respectfully requests that the Commission grant his Exception(s) and hold that PPL Electric Utilities Corporation rebill at the usage estimate suggested by Judge Jandebour, for the actual time period in question, November 10, 2010 through May 13, 2011, that being the time basis for the original appeal. Complainant requests that any additional estimated charges generated for time periods other than that being appealed **NOT** be considered and be removed from the order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew S Gillette', is written over a horizontal line.

Matthew S Gillette  
67 Lincoln Ave  
Carbondale PA 18407  
570.575.5173

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MATTHEW S. GILLETTE,**

**COMPLAINANT**

**v.**

**PPL ELECTRIC UTILITIES CORP.**

**RESPONDENT**

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**Docket No. F-2011-2266733**

**CERTIFICATE OF SERVICE**

I, Matthew S Gillette, hereby certify that the original or a true and correct copy of **Complainant's Exceptions** in the above matter was sent on the 29<sup>th</sup> day of May 2012, to each of the following:

1. Via Priority Mail Delivery Confirmation

Secretary of the Commission  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg PA 17120

2. Via Priority Mail Delivery Confirmation

Special Assistants  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Third Floor  
Harrisburg PA 17120

3. Via Priority Mail Delivery Confirmation

Kimberly G. Krupa  
Counsel for Defendant, PPL Electric Utilities Corporation  
Gross McGinley LLP  
33 South 7<sup>th</sup> St,  
PO Box 4060  
Allentown PA 18105

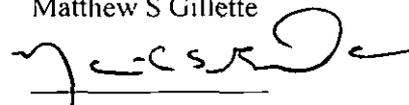
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**MAY 29 2012**

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

Date: May 29, 2012

Matthew S Gillette



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From Matthew S Gillette  
67 Lincoln Ave  
Carbondale PA 18407

**TO**

Secretary of the Commission  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg PA 17120

Label 228, January 2008



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