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August 9, 2012

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P O Box 3265, 400 North St  
Harrisburg PA 17105-3265

**RE: Mimose Innocent v PPL Electric Utilities Corporation  
No. F-2010-2184996**

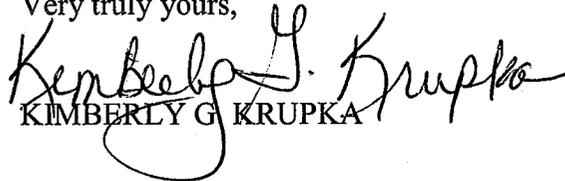
Dear Ms. Chiavetta:

Enclosed for filing in the above-captioned matter is the original Answer of PPL Electric Utilities Corporation to Motion for Reconsideration of Complainant, Mimose Innocent.

Pursuant to 52 Pa. Code §1.11, the enclosed Answer is deemed to be filed on August 9, 2012. Please be advised that the Answer was eFiled on this date. The original was mailed out today via First Class Mail.

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,

  
KIMBERLY G. KRUPKA

KGK/ejm

Enclosures

cc: Administrative Law Judge Ember S. Jandebour (w/ enc); *via email only*  
Mimose Innocent (w/ enc)  
Kimberly R. Safford (w/ enc); *via email only*  
Christian Reitenauer (w/ enc); *via email only*  
Karen A. Posten (w/ enc); *via email only*  
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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIMOSE INNOCENT,  
COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,  
RESPONDENT.

COMPLAINT DOCKET

NO. F-2010-2184996

**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION TO MOTION FOR  
RECONSIDERATION OF COMPLAINANT, MIMOSE INNOCENT**

AND NOW comes the Respondent, PPL Electric Utilities Corporation ("PPL Electric"), by and through its attorneys of record, Gross McGinley, LLP, and files the within Answer to the Motion for Reconsideration of Complainant, Mimose Innocent, alleging in support thereof as follows:

1. PPL Electric denies that the Commission should grant reconsideration in order to provide Complainant with additional time to repay her electric account arrearages. Complainant received a full hearing on the merits of her Complaint, wherein substantial evidence was submitted that Complainant has defaulted on more than twenty (20) prior payment arrangements. As Complainant has not contested any of the findings of fact or conclusions of law of Administrative Law Judge Ember S. Jandebour or the Commission, there is no basis for Reconsideration.

2. PPL Electric further denies that the Administrative Law Judge, or the Commission, erred in denying a further payment plan. By Initial Decision of Administrative Law Judge Ember S. Jandebour, issued January 5, 2012, the Complaint of Ms. Innocent was dismissed and Complainant Innocent was directed to pay her balance in

full. In entering such an Order, the ALJ provided due consideration that PPL Electric has previously provided Complainant with more than twenty (20) payment arrangements, all of which she defaulted. Therefore, where Complainant had made no good faith effort to pay her bills, ALJ Jandebaur declined to provide another payment arrangement.

On July 19, 2012, the Commission modified the Initial Decision of ALJ Jandebaur, but upheld the dismissal of Complainant's Complaint. In essence, the Commission determined that the proper support of the denial was 66 Pa.C.S. § 1405(d), which prohibits the Commission from establishing another payment arrangement for the Complainant.

While the Pennsylvania Statute does provide for the Commission to establish payment arrangements between customers and utilities, the provision of such arrangement is not mandatory on the commission. Specifically, the Statute provides that "The commission is *authorized* to establish payment agreements," but nothing mandates that the commission so establish agreements for all customers. 66 Pa.C.S. § 1405(a). Moreover, not all customers are entitled to payment arrangements. 66 Pa.C.S. § 1405. The statute is clear that, "[a]bsent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment agreement if a customer has defaulted on a previous payment agreement. A public utility may, at its discretion, enter into a second or subsequent payment agreement with a customer." 66 Pa.C.S. § 1405(d). In the instant case, it is not disputed that PPL Electric provided Complainant Innocent with more than (20) payment arrangements. Moreover, Complainant has presented no evidence to support a change in income. Therefore, the

Commission acted in accordance with Pennsylvania law in denying further payment arrangements.

To the extent Complainant alleges that the ALJ or the Commission erred in failing to consider her "other expenses", such expenses are not relevant. In the event a payment arrangement would have been proper, such arrangement is based upon Complainant's household income and household size. The manner in which Complainant budgets her income is not the basis upon which payment arrangements are determined. 66 Pa.C.S. § 1405(b).

Respectfully submitted,

GROSS MCGINLEY, LLP

By:



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*Attorneys for PPL Electric Utilities Corporation*

Date: August 9, 2012

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIMOSE INNOCENT,  
Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,  
Respondent.

COMPLAINT DOCKET  
NO. F-2010-2184996

**CERTIFICATE OF SERVICE**

This is to certify that **ANSWER OF PPL ELECTRIC UTILITIES CORPORATION TO MOTION FOR RECONSIDERATION OF COMPLAINANT, MIMOSE INNOCENT** was mailed to counsel/complainant of record on behalf of Respondent by first class United States mail, postage on this the 9th day of August, 2012.

MIMOSE INNOCENT  
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BLAKESLEE PA 18610

GROSS MCGINLEY, LLP

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