

**GROSS**   
**McGINLEY**  
ATTORNEYS AT LAW

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

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

[www.grossmcginley.com](http://www.grossmcginley.com)

Please reply to:  
Allentown Office

Kimberly G. Krupka  
kkrupka@grossmcginley.com

OF COUNSEL  
MICHAEL J. PIOSA

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

August 30, 2012

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

**RE: Moon Kim v PPL Electric Utilities Corporation**  
**Docket No: F-2012-2286037**

Dear Ms. Chiavetta:

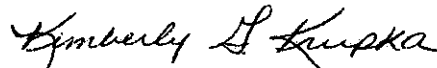
Enclosed for filing in the above-captioned matter are an original and one copy of the Reply of PPL Electric Utilities Corporation to Complainant, Moon Kim's Exceptions, along with the attached Certificate of Service.

Pursuant to 52 Pa. Code §1.11; the enclosed document is to be deemed efiled on August 30, 2012.

Please time-stamp the enclosed copy of the Reply and return it to my office in the envelope provided.

Thank you for your cooperation in this matter.

Very truly yours,



KIMBERLY G. KRUPKA

KGK/dm

Enclosures

cc: Moon Kim (w/enclosure/via U.S. Mail)  
Administrative Law Judge Ember S. Jandebour (w/enclosure/via U.S. Mail)  
Kimberly R Safford (w/enclosure/via email only)  
The Office of Special Assistants (w/enclosure/via U.S. Mail)

00475310.DOCX

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

101 Larry Holmes Drive, Suite 202, 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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MOON KIM,

COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. F-2012-2286037

**PPL ELECTRIC UTILITIES CORPORATION'S REPLIES TO EXCEPTIONS  
OF COMPLAINANT, KIM MOON**

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 Replies to Exceptions, alleging in support thereof as follows:

1. Denied. PPL Electric specifically denies that the ALJ committed an error of law or abuse of discretion in finding that Complainant is required to pay all Customer Assistance Programs fees.

As background, Complainant is a residential utility customer of PPL. As Complainant is an individual who reported experiencing difficulty paying her electric bills and who meets certain income requirements, PPL referred Complainant to one of its Customer Assistance Programs, OnTrack. Complainant completed the application and was accepted to OnTrack. Pursuant to the terms of the OnTrack program, Complainant paid a set amount each month for electric service, which was less than the actual billed amount. Upon receipt of this payment, PPL Electric credited Complainant's account the difference between the actual billed amount and the amount of her payment. In addition,

PPL also applied a credit to Complainant's overdue balance. At the time of acceptance into the OnTrack program, Complainant's monthly charge was set at sixty-one (\$61.00) dollars, despite the actual bills during several months exceeding two-hundred (\$200.00) dollars. (PPL Hearing Exhibit 1).

On December 1, 2011, PPL Electric implemented a CAP Plus Program to help offset the cost of OnTrack, which is funded by other residential customers through the USR. This program was approved by the Commission as part of the Settlement Agreement for PPL Electric's 2010 distribution rate case, at Docket No. R-2010-2161694. Under CAP Plus, OnTrack customers pay an additional eight (\$8.00) monthly in their CAP payment amount. The CAP Plus amount is effective from December 1, 2011 to October 31, 2012. This eight (\$8.00) amount was calculated by taking the amount of LIHEAP cash grants received by OnTrack customers as of August 31, 2011 and dividing that amount by the number of active OnTrack accounts as of September 30, 2011, and then dividing by 12.

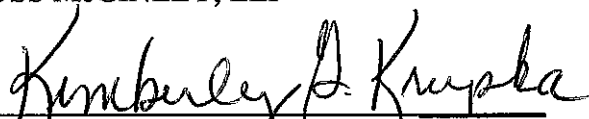
As the CAP Plus amount was approved by the Commission as part of the PPL Settlement Agreement, ALJ Jandebour correctly dismissed Complainant's Complaint.

Moreover, respectfully stated, the Commission lacked jurisdiction to Order changes to Complainant's payment arrangement under OnTrack. As provided by Pennsylvania law, Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the Commission. 66

Pa.C.S. 1405(c). Accordingly, there is no basis for Complainant's Exceptions. Moreover, there is no basis for a payment arrangement on Complainant's outstanding balance as any arrangement would be for an amount in excess of current monthly bill, and thereby an amount greater than Complainant's OnTrack payment.

Respectfully submitted,

GROSS MCGINLEY, LLP

By: 

KIMBERLY G. KRUPKA, ESQUIRE

Attorney ID No. 83071

33 South 7<sup>th</sup> Street

PO Box 4060

Allentown, PA 18105-4060

Phone: (610) 820-5450

Fax: (610) 820-6006

Email: [kkrupka@grossmcginley.com](mailto:kkrupka@grossmcginley.com)

*Attorneys for PPL Electric Utilities Corporation*

Date: August 30, 2012

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MOON KIM,

COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. F-2012-2286037

**CERTIFICATE OF SERVICE**

This is to certify that the **REPLIES TO EXCEPTIONS OF COMPLAINANT, MOON KIM**, was mailed to counsel/complainant of record on behalf of Complainant by first class United States mail, postage on this the 30<sup>th</sup> day of August 2012.

MOON KIM  
501 CAMPBELL WAY  
TOBYHANNA PA 18466

THE HONORABLE EMBER S. JANDEBEUR  
SCRANTON STATE OFFICE BUILDING, ROOM 317  
100 LACKAWANNA AVENUE  
SCRANTON, PA 18503

GROSS MCGINLEY, LLP

By:

  
KIMBERLY G. KRUPKA, BSQUIRE  
I.D. # 83071

Counsel for Defendant, PPL Electric  
Utilities Corporation  
33 South 7<sup>th</sup> Street, P.O. Box 4060  
Allentown, PA 18105  
Phone (610) 820-5450  
Fax (610) 820-6006