



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE,  
REFER TO OUR FILE

ISSUED: October 13, 2006

C-20055448

RICKIE & HANNA HELLER  
RD 3 BOX 4175  
SAYLORSBURG PA 18353-9512

Rickie A. and Hanna M. Heller  
v.  
PPL Electric Utilities Corporation

DOCUMENT  
FOLDER

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Initial Decision of Administrative Law Judge Ember S. Jandebour. This decision is being issued and mailed to all parties on the above specified date:

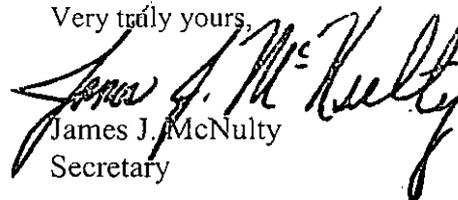
If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions MUST BE FILED WITH THE SECRETARY OF THE COMMISSION 2<sup>ND</sup> FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265, within **twenty (20) days** of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within **ten (10) days** of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

If no exceptions are received within **twenty (20) days**, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

Very truly yours,



James J. McNulty  
Secretary

Encls.  
Certified Mail  
Receipt Requested  
MH

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C-20055448 Rickie A. & Hanna M. Heller v. PPL Electric Utilities Corporation

Service dispute.

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*JD 20/10*

OCT 12 2006

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rickie A. and Hanna M. Heller

v.

PPL Electric Utilities Corporation

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C-20055448

**INITIAL DECISION**

**DOCKETED**  
OCT 16 2006

DOCUMENT  
FOLDER

Before  
Ember S. Jandebour  
Administrative Law Judge

**HISTORY OF THE PROCEEDING**

On October 4, 2005, Rickie A. Heller and Hanna M. Heller (Complainants) filed a formal Complaint against PPL Electric Utilities Corporation (Respondent or utility or PPL) alleging that numerous problems developed in their home regarding stray voltage after PPL replaced the meter. The Complaint lists 37 separate incidents. On November 7, 2005, PPL filed its Answer denying that the meter was operating improperly or that it was responsible for the conditions in the Complaint.

On December 14, 2005, a Hearing Notice was issued which set the initial hearing for February 6, 2006 in the Scranton State Office Building. Pursuant to a request from the Complainants, the hearing was rescheduled by Hearing Notice issued January 26, 2006 for Tuesday, March 28, 2006.

The hearing was held as scheduled, with Complainants representing themselves and PPL represented by John F. Gross, Esq. Complainants submitted four exhibits. Respondent

presented two witnesses, who sponsored one exhibit. The hearing resulted in a transcript of 98 pages, and the record closed on April 28, 2006.

### FINDINGS OF FACT

1. Complainants are Rickie A. Heller and Hanna M. Heller, RD 4, Box 4175, Saylorsburg PA 18353.

2. PPL Electric Utilities Corporation is a jurisdictional public utility providing residential electric service in the Commonwealth of Pennsylvania.

3. Complainants have lived in their home on a mountain for 34 years. Tr. 7.

4. PPL changed the electric meter at some date prior to September 13, 2004. PPL Ex. 1.

5. PPL presented Michael Sucheski, P.E., design supervisor for PPL, who appeared and testified on behalf of the utility. Tr. 54.

6. Mr. Sucheski is responsible for the daily engineering of lines and services in the Complainants' area. Tr. 54.

7. Mr. Sucheski sponsored PPL Ex. 1, which is a listing and summary of PPL's customer contacts with the Complainants beginning September 13, 2004 until and throughout 2005. PPL Ex. 1, Tr. 55.

8. PPL Exhibit 1 indicates that the Complainants called PPL on September 13, 2004, and that PPL responded by sending a crew which found no problems but replaced the transformer. PPL Ex. 1.

9. On October 13, 2004, Complainant called with further complaints of stray voltage. PPL sent a support engineer who met with Complainant on October 18, 2004 and checked for stray voltage but did not find any. He recommended that the Complainant replace their ground rod or add more ground rods as well as a whole house surge suppressor if concerned about voltage surges. PPL Ex. 1.

10. Complainant called again on November 1, 2004 stating that she had a buzzing sound in her television, radio and telephone services. PPL Ex. 1.

11. Complainant called on November 18, 2004 with additional complaints which she stated began with the installation of an AMR meter. PPL engineer explained that it could not be the meter since the meter only communicates for a few seconds each day. Complainant was offered the old style meter, outfitted with an AMR reader, instead of the meter which was in use at that time. PPL Ex. 1.

12. Complainant's meter was changed again on November 24, 2004. PPL Ex. 1; Tr. 59.

13. On December 10, 2004, Complainant called and asked if there was a shield that could be installed over her meter to reduce the effects of the external radio waves and electrical forces from getting into her meter. PPL did not have such a device but agreed to install a metal shield normally used to deter vandalism. PPL Ex. 1; Tr. 60.

14. PPL does not install surge protectors, although a customer may have an electrician install one. Tr. 60-61.

15. PPL offered to move its meter to a location other than the point of service to the house, but Complainants did not accept. Tr. 62-63.

16. A manually read meter cannot be reinstalled because PPL has gone to a complete AMR system and does not employ staff to read meters. Tr. 63.

17. The presence of GPS and wireless internet access would not affect electricity in Complainant's home nor would they cause stray voltage. Tr.67.

18. Wireless waves are very high frequencies, as opposed to electric power, which is 60 hertz and cannot transmit through the air. Tr. 67-68.

19. PPL presented Anthony Osmanski, P.E., supervising engineer of the metering support for PPL and former technology manager of the AMR operations group. Mr. Osmanski is vice chairman of the Edison Electric Institute Meter and Service Committee, which is a national organization that sets standards as practices and operations for all utilities in the United States. Tr. 73-74.

20. PPL began to retrofit its meters with AMR devices in March 2002. Tr. 74-75.

21. The communication module that was retrofitted onto the meter senses the rotation of the mechanical disc that is on the older meters and counts the number of revolutions of that disc. Each revolution has a set amount of energy that's consumed, typically 7.2 watt hours, translates it into a communication protocol that is sent over the wires, back through the PPL substation and then into the PPL computers in Allentown. Tr. 76.

22. The communications module uses a few watts of electricity. Tr. 76.

23. PPL uses power line communication which injects a small perturbation on the power line. Tr. 77.

24. The meters are in constant listening mode and only communicate back when asked to, usually between midnight and two or three o'clock in the morning. Tr. 79.

25. The meters have a built-in timer and collect 24 hours worth of information regarding electric usage, and at midnight it shifts the data from its collection register to the transmit register and waits for PPL to send a signal to it to send the information. The transmission takes two to three minutes. Tr. 79.

26. PPL has installed 1.3 million meters with the AMR module. Tr. 80.

27. The communications module does nothing more than normal electricity does, and no other complaints regarding health have been lodged regarding these modules. Tr. 81.

28. PPL found a meter with the same brand and type as the Complainant's original meter and replaced the first AMR meter with the old type, retrofitted with AMR capacity. Tr. 84.

29. PPL cannot install a meter without an AMR module anymore since they do not have a force of meter readers to read it. Tr. 84.

30. The small amount of power sent to read the AMR is miniscule in comparison to the energy being used in Complainant's home and could not cause the kind of problems at issue in this case. Tr. 91.

31. Data is sent back to the substation via power line communication. At the substation, the communication is sensed by a transformer, which converts it to a small signal that a computer generates and receives via telephone line to Allentown. Tr. 92.

32. In addition to conducting electricity, electrical lines can conduct radio frequencies. Tr. 92.

33. Televisions can remain "powered up" even when off so that the circuitry inside stays warm and active for operation of a remote control. Sometimes the power supplies

can create a conductive load as the television is being plugged in and it's possible to get a spark. Tr. 94-95.

34. If an appliance in the home uses the same type of technology as the power line communication that PPL uses, the AMR reading may interfere and turn the appliance off or on. For example, there are paddle fans that use the same technology, and the AMR reading could turn the fan on or off. In that instance, a different brand of controller might work, and PPL has paid for those. Tr. 95-96.

35. Mr. Osmanski is not aware of any health issues caused by the AMR module and its operation. Tr. 96.

#### DISCUSSION

The Complainants carry the burden of showing that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Telephone Company of Pennsylvania*, 72 Pa. PUC 196 (1990); *Feinstein v. Philadelphia Suburban Water Company*, 50 Pa. PUC 300 (1976). This must be shown by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. PA Public Utility Comm'n*, 578 A.2d 600 (1990), *alloc. den.*, 602 A.2d 863 (1992). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Marquies*, 70 A.2d 854 (1950).

Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Comm'w., PA Public Utility Comm'n*, 447 A.2d 1100 (1982); *Edan Transportation Corp. v. PA Public Utility Comm'n*, 623 A.2d 6 (1993), 2 Pa.C.S. §704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk and Western Ry. v. PA Public Utility Comm'n*, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 166 A.2d 96 (1960); *Murphy v. Commonwealth, Dep't. of Public Welfare, White Haven Center*, 480 A.2d 382 (1984).

In addition, the offense must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa. C.S. § 701.

The Complaint states that the Hellers began to experience a number of problems in their home following PPL's replacement of their electric meter two years prior to the filing of the Complaint, and they ask that PPL put their old meter back and place a carbon arrester on the pole. Complainants' complaints exactly as listed in the formal complaint are as follows:

1. Sparks flew from T.V. outlet over 3 ½ inches when unplugging and plugging in. Got zapped from T.V.
2. The minute the elec. meter was changed my feet started tingling on floors and the elec. bill was \$30 to \$40 more a month in elec.
3. The foyer light switch reversed, 3 are down to for off and 1 \* is up for off.
4. I had to get an electrician to ground the house more and to put a surger in the basement.
5. Kitchen light had opera music on the EMF gadge. Which means satellite wiring of house now.
6. I plugged in all outlets electrical with plastic.
7. Stray voltage at the sinks, kitchen, + 2 bathrooms, also bathtubs.
8. Had 2 root canals pulled. L one had a black spot. Dentist said it was from electric not cavity. That the teeth were perfectly healthy and had neuralgia for no apparent reason.
9. Bought special hat + shirt to get rid of electric from body when working at kitchen sink. Had silver metal threads.
10. Had to get husbands cell phone to repel the wireless electric.
11. Dog was limping when I walked her, from people zapping her w/wireless.
12. I get zapped inside and outside of every day for 2 yrs. several times a day.
13. Skin was raw between chest went to Dr. apt.
14. Dr. thought I had Lupus had 100's of \$ bloodwork and it was from stray voltage. Needed anti-biotics and Medral dosepack prednisone.
15. Every night I have to put hat (silver cap) on head to sleep due to wireless lap-tops, people at the bottom of our hill GPSing my bedroom. Skin get red, fried and irritated. Had told police.

16. I have metal in face from after sinus surgery that conducts wireless elec. The metal in face wasn't approved. Done U. of Pa hospital, and I was zapped in face every day.
17. Had an ADT security system put in house due to wireless popping through windows.
18. Put metal blinds up + pulled curtains at night. Never had to even pull curtains, much less blinds.
19. Went to Dr. for skin burns, he thought lupus but it was from the house lights flickering and burning my skin. \$100. of dollars bloodwork showed no lupus.
20. PP+L guys 25 yrs. Agesaid, "Lady, don't let anyone change this meter. Your last in line on top of a hill, all heck will break loose here! We're repeating this 3x's. PP+L has this new technology, it's stupid. You'll have stray voltage and things you can't imagine will happen here.
21. I told PP+L this (+20) and told them 5x's not to change the meter. They came when I wasn't home. I would have called the police had I been home.
22. Neighbors have said to me "We're watching you." And others said "your like an open book."
23. PUC authorized this and made my house a free for all!
24. The lights can slightly flicker even when off - from stray voltage.
25. a. Before they changed my telephone line the house was clam and peaceful. The minute they spliced an upside down heart on tele. Line the house wasn't the same. b. Then the PP+L changed their linesa and all heck broke loose. Making my home a free for all, on wireless. I want and need my old closed meter back.
26. My horses got zapped (in the face) if I had the watering bucket "by the 6" wire gate. You could see them jerk the head.
27. The telephone company and PP+L should have thought things through as how the wireless was going to effect their new lines before putting them in.
28. a. I have light bulbs that show the stray voltage from bathroom. Other bathroom has burnt plastic on the cover for light bulb. b. Shower curtains have pin holes in plastic, it's the shower liner.
29. There is a metal flat piece that has etching on it from electric when they 1<sup>st</sup> changed the wires.
30. I called + called right from the beginning to get lines – PP+L + Tele. corrected. They either wouldn't or couldn't.
31. I still get zapped in the foot etc. at x's 9.16.05 from wireless due to PP+L's repair work, my house calmed down a little after.

32. Several Transformers blew on top of the hill, McIlhaney Rd. at ? Christmas time – winter. After that 150 blew in Indian Mt. Development. (Transformers)
33. I have to wear a cell phone in + out of house since lines have changed. Tele. ± PP+L.
34. Got zapped before w/elec. At kitchen stove, washer, dryer, Base heating systems, refrig. – (Freezer part.) In basement by light fixture. In back rooms by CD player, light switches, by elec. meter outside, air conditioner.
35. I feel like some sort of extension of a stupid electric game. Who came up w/this.
36. House is not habitable for me due to changes made. I told both companies I have metal in my body and No one listened.
37. There is light refraction in certain rooms bathrooms, workroom, bedroom. Any movement triggers someones' computer system.

(sic)

Mrs. Heller testified that she and Mr. Heller believed that the wireless read-through-the-line meter had some kind of infiltration by the new wireless technology. Tr. 7. Complainants had no problems until recent events occurred involving changing the meter. Tr. 9. Complainant is concerned because she believed that her living area had been turned into an experimental area:

I never volunteered myself or my house. People are tell me it's a free zone. If they wanted to experiment, they should have told me because then I would have maybe had a time period where I would have said, okay, let's try this. I never signed anything. They never gave me anything in writing. No one in PPL seemed to know what to do. Tr. 12.

As the hearing progressed, it became evident that Complainant meant that the internet was accessible in the area around her home for wireless use. Tr. 35-36.

Mrs. Heller testified that PPL had warned her 25 years ago that there would be new technology in the future and that she should not let them change her meter because she would get stray voltage and “all heck's going to break loose.” Tr. 9. PPL changed the meter after she called and told them that she did not want a new one, and since the change, she has had

flickering lights and stray voltage. Lights still flicker in the bathroom. Tr. 10. There must be stray voltage to the horse trough, as indicated by the horse's jerking its head back when he went to drink. Tr. 10. She indicated that the EMF gauge channels opera music when it is placed near the ceiling in the kitchen. Tr. 12. Spanish music from satellite radio comes through in the basement. Tr. 47.

Her testimony was contradictory in places. She stated that PPL changed her meter when she was not home at page 10, line 3, and that "when they changed the first meter from my original, men were shaking in their boots when they went to change it." Tr. 10, lines 15-17. She does not explain how she could have known this when she was not at home. In addition, she stated in her Complaint that she has metal in her face due to sinus surgery, which wasn't approved, and she is zapped in the face every day. Complaint ¶ 16. In addition, she had carpal tunnel surgery which left a little metal behind, Tr. 12, but she has no metal in her body. Complaint ¶ 36.

Mrs. Heller submitted four exhibits. Exhibit 1 comprises two light bulbs from Mrs. Heller's vanity, which are an unnatural gray color with black and white lines on them. Tr. 21. Exhibit 2 is the root canal metal. Tr. 21. Exhibit 3 is a catalog of office products with slightly singed pages. Tr. 21-22.

Exhibit 4 is an album of photographs. Twelve photos show a rash or marks of some sort on Mrs. Heller. Tr. 22. In addition, there is a photo of the window sill with hand-drawn arrows pointing to a blurred discoloration where Mrs. Heller claims that electricity was coming into her office area. Tr. 22. There is a photo of a room with hand-drawn arrows pointing toward slightly darkened areas of the ceiling. Tr. 23. There is a photo of unidentified equipment, and a photo of a white bucket truck marked with the distinctive PPL stripes, bucket extended toward the top of a utility pole which Mrs. Heller alleged had been burning. Tr. 23. There is a photo of a television with a national newscaster pictured and a photo of the television with what appears to be a local forecast showing, which is submitted to show that the Complainants are getting improved reception despite the fact that they do not have a television antennae. Tr. 23, 47. There is a photo of an enclosure with at least three cats in it that Mrs.

Heller alleges have experienced stray voltage. There is a photo of a dog in a doghouse, which Mrs. Heller claims does not ever come out. Tr. 23. In the back of the album, following several empty pages, there is a photo of a smiling, healthy-looking Mrs. Heller. No explanation of this photo was included in the transcript.

There has been an increase in noise on the wire-based telephone lines. Tr. 49. In addition, the Complainants' answering machine can pick up the radio conversations of emergency response personnel. Tr. 50. When Mr. Heller plugged in his television recently, a spark jumped from the outlet to the plug. Tr. 51.

Complainants have experienced a substantial change in their living conditions and these changes have occurred since PPL changed their old electric meter for an AMR module. According to Mr. Heller, the telephone company has denied culpability. Tr. 49. What the Complainants have not shown is that the change in the meter caused any of the experienced changes or that any changes were the fault of the utility.<sup>1</sup>

PPL's responsibilities are set forth in Section 1501 of the Public Utility Code. 66 Pa. C.S. § 1501:

**§ 1501. Character of service and facilities**

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. . . .

66 Pa. C.S. § 1501.

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<sup>1</sup> Mr. Heller stated on the record that his lawyer was not present because the lawyer had told him that he would need engineers to prove the case, and Mr. Heller believed that there was no electrical engineer who would testify against PPL. Tr. 45. The ALJ noted that there was no evidence to support that PPL would be prone to retaliation against those who testify against them. Tr. 45.

The statutory definition of “service”<sup>2</sup> is to be broadly construed. *Country Place Waste Treatment Co., Inc. v. Pa. Publ. Util. Comm’n*, 654 A.2d 72 (Pa. Cmwlth. 1995).

PPL has been very responsive to the Complainants. PPL Exhibit 1 shows that PPL crews responded quickly to the initial call and even replaced the transformer in an attempt to rectify the situation despite their inability to substantiate the problem. The Complaint was referred to a support engineer and then to a meter engineer. PPL investigated and determined that there was no stray voltage emanating from its facilities. Tr. 56. Complainants were advised to hire an electrician to determine if there were any problems on the customer’s side of the meter. Tr. 57. PPL is responsible for the facilities up to the point of attachment of its wires to the customers’ wires, in this instance where the wires go into the meter. Tr. 58.

PPL placed a metal cover over the meter upon Complainants’ request although they knew that it was designed to deter vandalism, not to block electricity. This was made known to Complainants but was done anyway in an attempt to satisfy the Complainants. Tr. 60, PPL Ex. 1. PPL’s actions were not required and were an example of the utility’s good faith efforts to appease the Complainants.

As part of its Commission-approved plan to replace all meters with those fitted with AMR modules, PPL removed meters from residences, outfitted the old meters with AMR modules, and placed them in other residences. There was no attempt made to replace individual meters with the same model, nor would there be any requirement that PPL do so. PPL had replaced the meter of 25 years at Complainants’ residence with a second meter of a different model. Upon Complainants’ request, PPL located a meter of the same type that had been

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<sup>2</sup> “Service.” Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them, but shall not include any acts done, rendered or performed, or any thing furnished or supplied, or any facility used, furnished or supplied by public utilities or contract carriers by motor vehicle in the transportation of voting machines to and from polling places for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election, or in the transportation of any injured, ill or dead person, or in the transportation by towing of wrecked or disabled motor vehicles, or in the transportation of pulpwood or chemical wood from woodlots. 66 Pa. C.S. § 102.

removed and replaced the second meter with the old type, although now fitted with an AMR module. Again, no statutory or regulatory requirement mandated this action, and PPL's actions exceeded what was strictly necessary.

Complainants purchased an EMF gauge which seemed to be channeling opera music. Tr. 12. PPL Witness Sucheski indicated that he did not believe that GPS or laptops would affect the electricity in the Heller home or cause a situation of stray voltage. Upon questioning, he speculated the cause of some of Complainant's occurrences:

Mr. Sucheski: In any home and anywhere where you have a lot of wire, metal – any kind of metal will serve as an antenna. You can connect your radio to a refrigerator case or something and it will improve the reception of the radio. It might be that the Hellers' location on the top of the hill there makes them susceptible to waves which are all around us, everywhere, being picked up by items in their house.

ALJ: She may be in her own hot spot?

Mr. Sucheski: Yes.

Tr. 68.

The second PPL witness, Mr. Osmanski, provided a further explanation when asked what he recommended to address Complainants' problems:

Mr. Osmanski: Well, that would be speculation on my part not being there and not understanding just what the conditions are, what kind of radio frequency interference you're getting. But typically, all radio frequency interference is stopped with RF filters out there, and typically they sell those. You can get those at most locations like Radio Shack, as you mentioned. There are RF filters. There are AMI filters, EMF filters that you can purchase to block that from going through the line. Typically, point-of-use devices that are used not so much at the service main of your home, but more than likely at each particular piece of appliance that you're using. And for the most part, it protects the appliance, not so much health. It very rarely gets involved in health issues. It basically helps the system, the computer, work correctly because

it's not getting interfered with from noise or something like that, and it's operating correctly. Tr. 93-94.

PPL admitted that there are devices which could be used by a customer to help the Complainants solve some of the issues they have complained of. Carbon arresters are old technology and PPL does not use them. Tr. 60. A surge protector is a device intended to drain off any electrical surges that might get out through the electrical system. These are not installed by PPL and may not be installed at the meter base. Complainants can have an electrician install one in the main panel. Tr. 60-61.<sup>3</sup>

Should a customer wish to have its meter located elsewhere, PPL will relocate its meter to a nearby pole at the customer's cost. Tr. 62. Complainants did not agree to this. Tr. 63.

PPL established that the technology and equipment used in the AMR module does not lend itself to causing and conducting stray voltage. The meter base is the same technology that has been used for thirty to fifty years except with the addition of a communication module that was retrofitted to the meters. The module senses the rotation of the mechanical disc that is on the older-style meters and counts the number of revolutions of the disc. Each revolution has a set amount of energy that's consumed, and the module measures the rotations and translates it into a communication protocol sent over the wires using power line communication. The meters are designed to collect information for a twenty-four hour period (midnight to midnight) and to store it until receiving a direction to transmit the data. The meters are always in listening mode but are asked to transmit collected information only once each twenty-four hour period, between the hours of midnight and four in the morning. A small perturbation (a small blip of 60 hertz power, Tr. 91) is injected into the power line, basically ones and zeros typical of a meter

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<sup>3</sup> Complainants alleged that PPL was installing surge protectors in homes in Philadelphia. Tr. 65. PPL responded that PPL did not serve Philadelphia, Tr. 65, and that PECO was offering that service and was installing, maintaining and charging for the service. Tr. 82. PPL has no objection to a customer putting a surge protector in the service panel but PPL does not offer that service, and will not agree to installation in the meter base. PECO allowed it because they were installing and maintaining it and therefore not increasing any liability. Tr. 83.

communication. This is the addition of a small amount to electricity already being sent, just enough for the meter to sense it and to respond. Tr. 76-88.

The PPL witnesses believe that the tiny amount of energy used to ask for and transmit the data could not be responsible for the conditions described at the Complainants' residence. The "blip" used to read the meter occurs once per day, which means that it could not be responsible for events occurring throughout the day. Tr. 95. There have been complaints which are attributable to the AMR device, and they are typically appliances using the same type of technology as the power line communication which results in the "blip" turning the appliance off or on. Mr. Osmanski testified to a paddle fan which could be turned off or on. In those instances, PPL recommends that the controller be changed, and may even pay for the replacement. Tr. 96.

Although Mrs. Heller expressed her disappointment that PPL had not solved the problem she and Mr. Heller experienced,<sup>4</sup> PPL's response to the Hellers' situation was not only appropriate, it was exemplary. The utility's response time to each inquiry was quick, and the company's willingness to cover the meter with a metal plate and to locate and install a meter of the same model that had been in place originally was commendable.

It certainly appears as if there is a problem at the Hellers' house. There is no evidence to support a finding that the conditions are a result of anything that PPL did or did not do. In addition, PPL responded to the contacts in a timely, appropriate fashion and determined that the problem was not with its own facilities. PPL is not responsible for whatever happens beyond their own facilities. The Hellers are advised to seek the assistance of a forensic electric engineer, or other similar avenues.

#### CONCLUSIONS OF LAW

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<sup>4</sup> Mrs. Heller: I would have never thought that a large corporation like that would ignore a person for that many years. Tr. 30. Complainants seem to believe that PPL's refusal to install a meter without an AMR module is unreasonable. PPL's response is that this answer is a consequence of having no staff of meter readers left. Tr. 52, 63.

1. The Commission has jurisdiction over the parties and subject matter of this Complaint.

2. The Complainant carries the burden of showing that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Telephone Company of Pennsylvania*, 72 Pa. PUC 196 (1990); *Feinstein v. Philadelphia Suburban Water Company*, 50 Pa. PUC 300 (1976). This must be shown by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. PA Public Utility Comm'n*, 578 A.2d 600 (1990), *alloc. den.*, 602 A.2d 863 (1992). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosier v. Marquies*, 70 A.2d 854 (1950).

3. Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Comm'w.*, *PA Public Utility Comm'n*, 447 A.2d 1100 (1982); *Edan Transportation Corp. v. PA Public Utility Comm'n*, 623 A.2d 6 (1993), 2 Pa.C.S. §704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk and Western Ry. v. PA Public Utility Comm'n*, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 166 A.2d 96 (1960); *Murphy v. Commonwealth, Dep't. of Public Welfare, White Haven Center*, 480 A.2d 382 (1984).

4. The alleged offense must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa. C.S. § 701.

5. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. . . . 66 Pa. C.S. § 1501.

6. The statutory definition of "service" is to be broadly construed. *Country Place Waste Treatment Co., Inc. v. Pa. Publ. Util. Comm'n*, 654 A.2d 72 (Pa. Cmwlth. 1995).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Rickie A. and Hanna M. Heller against PPL Electric Utilities Corporation at Docket No. C-20055448, is dismissed.
2. That the Secretary mark this docket closed.

Dated: October 10, 2006

  
Ember S. Jandebeur  
Administrative Law Judge

2. Article Number



7160 3901 9843 1290 4212

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *Hanna Heller* B. Date of Delivery *10/16/06*

C. Signature *Hanna Heller*  Agent  Addressee

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

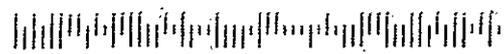
1. Article Addressed to:

C-20055448 I10

Rickie E Hanna Heller

BTL

PS Form 3811, March 2



2. Article Number



7160 3901 9843 1290 4335

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *M Heller* B. Date of Delivery

C. Signature *Mike Heitman*  Agent  Addressee

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

Box 511

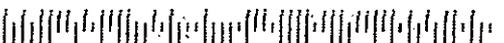
1. Article Addressed to:

C-20055448 I

Dan Corveleun Esq

BTL

PS Form 3811, March 2



2. Article Number



7160 3901 9843 1290 4359

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *Charital Young* B. Date of Delivery *10/16/06*

C. Signature *Charital Young*  Agent  Addressee

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

1. Article Addressed to:

C-20055448 I10

John F. Gross Esq

BTL

PS Form 3811, March 2

