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September 3, 2013

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

RE: Thomas M. Hartnett v PPL Electric Utilities Corporation
Docket No: F-2012-2329578

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is an original of the Reply of PPL Electric Utilities Corporation to Complainant, Thomas M. Hartnett'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 the date as indicated above.

Thank you for your cooperation in this matter.

Very truly yours,

KIMBERLY G. KRUPKA

KGK/dm
Enclosure

cc: Thomas M. Hartnett (w/enclosure/via U.S. Mail)
Administrative Law Judge David Alexander (w/enclosure-via email and U.S. Mail)
Kimberly R. Safford (w/enclosure); *via email only*

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS M. HARTNETT

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. F-2012-2329578

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S REPLY TO
COMPLAINANT'S EXCEPTIONS**

AND NOW Comes the Respondent, PPL Electric Utilities Corporation (hereinafter "PPL Electric") by and through its counsel, Gross McGinley, LLP, files the following Replies to Complainant's Exceptions and in support thereof avers as follows:

1) Reply to Exception Number 1. Complainant, Thomas M. Hartnett, appears to note that he received the Public Utility Commission's "notice" even though it was sent to "Lakeside" rather than "Waterfront Drive." No response of Respondent, PPL Electric, is required of this Exception. Complainant acknowledges receiving the notices provided by the Public Utility Commission.

2) Reply to Exception Number 2. Complainant excepts to the finding of the Administrative Law Judge that Complainant requested a payment arrangement before he had any overdue bill. However, Complainant acknowledges that such finding is accurate. The remaining statements within Complainant's second exception constitute additional information outside of the Court record. Such information should not be considered by the Commission in reviewing and ruling on such exceptions.

To the extent the Commission accepts such representations of Complainant, the Administrative Law Judge correctly found that PPL Electric committed no violation in not offering a payment arrangement prior to an overdue balance. First, Complainant opened his account in March 2009. (FOF 8). Complainant had previously litigated this issue at docket number F-2010-2183284, which was concluded with a Certificate of Satisfaction. The Public Utility Code prohibits these issues from being re-litigated. 66 Pa.C.S. Section 316. Second, any payment arrangement would include customer's current bill plus an amount towards arrearages. As there were no arrearages prior to the first bill due date, there could be no payment arrangement. Moreover, Complainant would not qualify for OnTrack prior to him first attempting compliance with a payment arrangement. Accordingly, the ALJ properly found that there was no evidence of improper service.

3) Reply to Exception Number 3. Complainant appears to except to the finding of the Administrative Law Judge that PPL Electric proffered one witness. Complainant then agrees that such finding of the Administrative Law Judge is accurate. Accordingly, there can be no claim of error in this Finding of Fact.

Complainant appears to imply that one witness was insufficient to testify concerning PPL Electric's customer contacts. PPL Electric's Customer Contacts were admitted as Exhibit 2 without objection. Accordingly, any exception relative to the Customer Contacts is waived. Alternatively, the Customer Contacts (written document) are part of PPL Electric's business records, were properly identified, and properly admitted as such.

4) Reply to Exception Number 4. Complainant appears to argue that after the BCS ordered a payment arrangement, he applied for and was accepted into OnTrack. Complainant contends that the OnTrack payment superseded the BCS ordered payment arrangement.

The ALJ properly found that the BCS issued a decision on May 26, 2010 establishing a payment arrangement. (FOF 23). At about the same time, Complainant filed an application for OnTrack and was accepted into the OnTrack Program on July 29, 2010. The OnTrack established payment is less than a ratepayer's average monthly bill, in this case a monthly payment of \$68.00. Accordingly, an OnTrack ordered payment is more advantageous than any payment arrangement which would include the entire current bill plus an amount towards arrearages. It was appropriate for the OnTrack payment to supersede the BCS ordered payment arrangement which was higher.

5) Reply to Exception Number 5. Complainant appears to complain about the increase in his OnTrack payment amount from \$68 per month to \$143 per month. Respectfully, payment arrangements established pursuant to a Customer Assistance Program (CAP) such as OnTrack are outside the jurisdiction of the PUC. The Commission (and the Administrative Law Judge) is without authority to alter the amount of Complainant's OnTrack payment. To the extent the PUC has jurisdiction to ensure that PPL Electric provides proper service in making customers aware of programs and providing information regarding the same, the ALJ properly found that PPL Electric did not violate Complainant's rights to adequate service. In fact, PPL assisted the Complainant in being enrolled in the OnTrack Program on two occasions. In addition, as

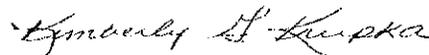
found by the Administrative Law Judge, PPL Electric testified that Complainant's OnTrack payment was based in part on usage and outstanding balance. (N.T. at 20-21).

6) Reply to Exception Number 6. Complainant excepts to the Administrative Law Judge's determination of his household income. The Administrative Law Judge properly calculated Complainant's household size and income. The ALJ properly found that Complainant's household consists of himself, his wife, and three children (including one adult child). (FOF 21). The ALJ properly calculated Complainant's income to include his Social Security and food stamps. (N.T. at 7-8). The ALJ properly found that his current household income of \$1388 per month is actually higher than his prior monthly income of \$1376.

7) Reply to Exception Number 7. Complainant appears to except to the fact that he was ordered to pay his electric bill despite having several medical conditions. All ratepayers are responsible for the electric bills, and, respectfully, the PUC is without authority to find that Complainant need not pay his bills. Scaccia v. West Penn Power Co., Pa. PUC 637 (1982). PPL Electric has worked repeatedly with Complainant to establish payment arrangements and facilitate his enrollment in OnTrack.

Respectfully submitted,

GROSS MCGINLEY, LLP



By: _____

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Attorneys for PPL Electric Utilities Corporation

Dated: September 3, 2013
at Allentown, Pennsylvania

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS M. HARTNETT

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. F-2012-2329578

CERTIFICATE OF SERVICE

This is to certify that the **RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S REPLY TO COMPLAINANT'S EXCEPTIONS** on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record THOMAS HARTNETT, on behalf of Respondent by first class United States mail, postage on this the 3rd day of September 2013.

THOMAS M. HARTNETT
1407 LAKESIDE DRIVE, LOT K-37
TOBYHANNA, PA 18466

GROSS MCGINLEY, LLP



By: _____

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