

John L. Munsch  
Attorney

724-838-6210  
Fax: 234-678-2370

April 14, 2014

**VIA E-FILE**

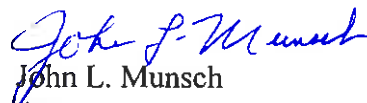
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: David M. Williams v. West Penn Power Company**  
**Complaint Docket No. C-2013-2345879**

Dear Secretary Chiavetta:

Enclosed is the *Reply of West Penn Power Company to the Exceptions of Complainant, David M. Williams*, in the above-captioned proceeding with certificate of service attached.

Very truly yours,

  
John L. Munsch  
Attorney

JLM:jss

Enclosures

cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DAVID M. WILLIAMS,</b>	:	
<b>Complainant,</b>	:	
	:	
<b>v.</b>	:	<b>Complaint Docket No. C-2013-2345879</b>
	:	
<b>WEST PENN POWER COMPANY,</b>	:	
<b>Respondent.</b>	:	

---

**REPLY OF WEST PENN POWER COMPANY TO  
THE EXCEPTIONS OF COMPLAINANT DAVID M. WILLIAMS**

---

West Penn Power Company (“West Penn” or “Company”) files its Reply to the Exceptions filed by David M. Williams (“Complainant”) to the Initial Decision of Administrative Law Judge (“ALJ”) Jeffrey A. Watson. The Initial Decision was served to West Penn under Secretarial Letter of the Pennsylvania Public Utility Commission (“Commission”) dated March 13, 2014. As the Complainant did not serve his Exceptions on West Penn, a further Secretarial letter serving the Exceptions provided that West Penn should file a Reply by April 14, 2014. West Penn files its Reply Exceptions pursuant to 52 Pa. Code §5.535.

**I. Factual Background**

West Penn is an electric distribution company that is certificated as a public utility in the Commonwealth of Pennsylvania. The Complainant is a residential customer receiving electric service from the Company at 51 Ryburn Road, Washington, Pennsylvania. On or about January 25, 2013, the Complainant filed a Formal Complaint with the Commission against West Penn at the above-captioned docket alleging that West Penn was providing voltage to his residence below acceptable levels.

West Penn filed an Answer to the Complaint on February 21, 2013. A hearing was held December 5, 2013, at which West Penn presented four witnesses. The Complainant appeared pro se and testified on his own behalf. In an Initial Decision issued March 13, 2014, the ALJ determined that the Complainant failed to establish a case that West Penn did not provide adequate, safe, efficient and reasonable utility service. In addition, the ALJ determined that West Penn had timely and appropriately responded to the Complainant's issues and had remedied the issues raised by Complainant.

## **II. Reply to Exceptions**

The Complainant presented his Exceptions in unnumbered paragraphs. West Penn recites each Exception paragraph verbatim and provides a reply.

**Exception No. 1:** Initial issue occurred on July 7, 2012. When WPP arrived on July 10, 2012 and checked the voltage at the meter socket with their own calibrated meter, the voltage registered 107 volts. I was present at the meter socket at that time and saw the 107 volt reading. That information was not offered by WPP. At this same reading there was a voltage reading of 114, 117, 110. There has never been any reading of 126 volts as WPP indicated occurred on November 30, 2014. Either my wife or myself were always present when these readings were taken.

**Reply:** Commission regulations at 52 Pa. Code §54.14 provide that the standard acceptable voltage for service at the customer's residence would be 120 volts with an acceptable deviation of 5%, or 114 to 126 volts. (F.F. 9). The Complainant stated in testimony that he obtained a voltage reading of 104 volts on July 7, 2012. (Tr. 10, 12). The ALJ specifically recognized this statement in finding of fact No. 3. In response to the Complainant's verbal complaint on July 10, 2012, West Penn dispatched a service person to check the voltage the same day, July 12. West Penn's witness stated that West Penn tested the voltage at the service entrance to the Complainant's residence on July 10, 2012, and the Company found voltage of 114.9 on one leg of the entrance and 115.2 on the other leg. (Tr. 24). Thus, the July 10, 2012

voltage was within acceptable levels. Contrary to his assertion in his Exceptions, Complainant did not mention a finding of a voltage reading of 107 on July 10, 2012, and such fact cannot be found in the record. The Complainant is attempting to introduce a new fact, outside the record, which is nevertheless contradicted by the clear testimony of the West Penn witness, who is an electrical engineer with 28 years of experience with the Company. (Tr. 22).

The Complainant's statement that West Penn did not find a reading of 126 volts "on November 30, 2014 [*sic*]" is also directly contradicted in the record. A West Penn witness testified that the Company obtained a reading of 126 volts using a calibrated "Fluke 760 volt meter" on November 30, 2013. The reading of 126 was obtained in preparation for the hearing, which was held December 5, 2013. (Tr. 40).

**Exception No. 2:** WPP indicated voltage readings of 114 or above but they neglected to offer the information of the lower, unacceptable readings they received.

**Reply:** In response to an additional verbal complaint from the customer in October 2012 West Penn installed a recording volt meter at the customer's location. West Penn candidly stated at the hearing that the recording voltmeter, which was in place for a week, recorded voltages below 114 for a period, out of the entire week, of about 10 minutes. The lowest voltage recorded during the week was 112 volts. (Tr. 28). The ALJ recognized this fact in his discussion on page 7 of the Initial Decision.

The Company's witness, who was qualified as an expert on electrical distribution facilities, stated that such a voltage level, just below 114, for a brief period of 10 minutes would not cause appliance damage (Tr. 47). Moreover, the testimony shows, and the ALJ recognized, that the Company took immediate actions to raise the voltage levels of the circuit.

**Exception No. 3:** As WPP took their readings with their calibrated WPP meter, those readings were, at the same time, being compared to our “20 Year Old Testing Device” mentioned in the Findings of Facts section paragraph 5, and voltage numbers were identical to those of WPP calibrated meter.

**Reply:** The Complainant does not offer a record reference for his assertion that West Penn’s readings confirmed the accuracy the Complainant’s meter. To the contrary, the Complainant testified that he recorded a reading of 104 on July 7, 2012. When West Penn responded to the Complainant’s July 10, 2012, verbal complaint the Company recorded readings of 114.9 and 115.2 (Tr. 24).

In any event, it was uncontroverted on the record, and recognized by the ALJ, that the Complainant was using a 20-year-old, hand-held meter and another meter that was two years old. It was also uncontroverted that the Complainant’s meters were not calibrated, and that the Complainant has no training in electrical facilities or electricity (Tr. 11, 16).

The Complainant admitted that neither of his volt meters had ever been checked for accuracy. He also stated that the voltmeter he used most often was the 20-year-old model. (Tr. 19).

**Exception No 4:** We were advised by WPP Servicemen and two retired WPP Lineman that the voltage regulator installed on the line feeding the service area should have been installed years ago. They have indicated that WPP has been aware of low voltage issues for a substantial amount of time and chose to look the other way until this issue was brought to the attention of the PUC. It is difficult to prove and I believe it would be unwise to ask an employee to testify against their employer for fear of retaliation.

**Reply:** In this Exception the Complainant inappropriately attempts to enter new evidence outside of the hearing. The Complainant did not testify about the purported statements of retired linemen at the hearing. As such it is inappropriate to attempt to present new testimony through Exceptions. Moreover, the purported new evidence would be hearsay and totally unreliable. The purported statements of linemen are out-of-court and related by a third party, the

Complainant, and, therefore, are clearly hearsay. Nor does the Complainant identify the people who purportedly made the statements or when or where they were made. Significantly, the Complainant had the opportunity to question the Company engineers who oversee the reliability of the Company's McGovern distribution circuit, yet Complainant made no attempt to question the engineers about the circuit's history or about the purported statements of retired linemen.

**Exception No. 5:** Our voltage issues continue, and there have been instances in 2014 of 112 volts or less. This low voltage occurs during peak usage, during the hot summer months when the call for power is greater.

**Reply:** In this Exception the Complainant attempts to present additional evidence about voltage levels that he contends occurred after the date of the hearing. The hearing was held December 5, 2013, and the Complainant is attempting to raise issues about 2014. The questionable accuracy of the Complainant's voltmeter devices is once again at issue.

The most recent evidence of the Complainant's voltage level presented at the December 5, 2013, hearing was the Complainant's statement that his voltage that day was 117. (Tr. 20). The Company supervisor of distribution lines testified that the Company's reading on November 30, 2013 measured 126 volts. (Tr. 40). Both readings were within acceptable levels.

Finally, it is peculiar that the Complainant's statement about continuing voltage issues refers to "hot summer months" yet summer months have not commenced since the December hearing.

**Exception No. 6:** While respondent may have spent money attempting to fix this problem, the \$50,000 or \$60,000 is, I believe wildly overstated, but given the period of time this low voltage has been occurring in this area, the installation was long overdue.

**Reply:** Company witness, Thomas Waigand, a Company Advanced Engineer with 28 years of experience and a master's degree in electrical engineering, testified that the installation of the voltage regulators was a major operation that cost approximately \$50,000 to \$60,000. (Tr.

29). Mr. Waigand explained that the installation of the voltage regulators entails a significant amount of work. Three large voltage regulation devices were mounted on utility poles to regulate the voltage on the distribution circuit. The voltage regulators were installed on the McGovern Circuit about two miles from the Complainant's residence, upstream towards the substation, to regulate voltage on the circuit.

It is also noteworthy, in light of the Complainant's criticism of the cost of the installation, that the Complainant admitted that he has no training in electricity or electrical facilities. (Tr. 16).

### **III. Additional Discussion**

The Company submits that its investigation of the voltage complaint of the Complainant was prompt, effective, and followed a standard routine for investigating a complaint. The Company responded to the Complainant's issues in an effective, step-by-step manner, the last step of which was the installation of voltage regulators. Mr. Cochenour, an electrical engineer and registered professional engineer who testified as an expert for the Company, stated that the Company followed a standard investigation routine. (Tr. 48-49).

Company Engineer Thomas Waigand testified about the chronology of events and demonstrated, as stated by the ALJ, that West Penn "timely and appropriately responded to Mr. Williams' complaints and remedied the issues raised by Complainant." (I.D. p. 9).

Mr. Waigand testified that the Company received a verbal complaint from the Complainant on July 10, 2012, concerning low voltage. That same day, July 10, 2012, the Company dispatched a service person to check the voltage at the Complainant's location. (Tr. 24). The service person found voltages within appropriate range – 114.9 on one leg of the service entrance and 115.2 volts on the other leg. (Tr. 24).

In late July 2012 the Complainant again complained of low voltage. The Company then performed a visual inspection of the distribution circuit to check for problems that might cause low voltage, such as vegetation interfering with the circuit or faulty equipment. The inspection did not reveal any problems. (Tr. 25). On August 10, 2012, the Complainant again complained of low voltage. In response to this complaint the Company adjusted the voltage regulator device at the Houston Substation that feeds the McGovern distribution circuit and raised the output voltage from 122 volts to 125 volts. (Tr. 26). The adjustment at the substation occurred on August 23. (Tr. 27). A week later, on August 30, 2012, the Company again measured the voltage at the Complainant's location and found voltage at acceptable levels of 117 volts. (Tr. 27).

After another complaint from Complainant, the Company installed a recording volt meter at the customer's location. The recording voltmeter recorded continuous voltage levels over an approximate one-week period. The results showed that the voltage went below 114, to a minimum point of 112, for short periods of time totaling about 10 minutes. (Tr. 28). The Company then performed major work on the circuit and installed voltage regulators on the distribution circuit. The three voltage regulators represented a significant expenditure of approximately \$50,000 to \$60,000 and required significant work in mounting the regulators on utility poles (Tr. 29). The Company then again performed a week-long voltage test at the Complainant's location. The week-long test via a continuous recording voltmeter showed that voltage was normal, ranging from 115 volts to 124 volts (Tr. 31).


The Company submits that its service in this matter, as found by the ALJ, was adequate, safe, efficient and reasonable, and that its response to the Complainant was timely and appropriate and remedied the issues raised by Complainant.

IV. Conclusion

West Penn Power Company requests that the Initial Decision of the ALJ be affirmed, that the Exceptions of Complainant, David M. Williams, be denied, and that the Complaint be dismissed with prejudice.

Respectfully submitted,

Date: April 14, 2014

By:   
John L. Munsch, Attorney for  
WEST PENN POWER COMPANY  
800 Cabin Hill Drive  
Greensburg, PA 15601  
(724) 838-6210  
jmunsch@firstenergycorp.com  
Pa. I.D. No. 31489

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DAVID M. WILLIAMS** :  
 :  
 v. : **Docket No. C-2013-2345879**  
 :  
**WEST PENN POWER COMPANY** :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served by first-class mail, postage prepaid, or email (where indicated), the foregoing *Reply of West Penn Power Company to the Exceptions of Complainant David M. Williams* addressed as follows:

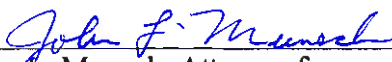
Via Email

Office of Special Assistants (OSA)  
[ra-osa@pa.gov](mailto:ra-osa@pa.gov)

Administrative Law Judge Jeffrey Watson  
Pennsylvania Public Utility Commission  
Suite 220, Piatt Place  
301 Fifth Ave.  
Pittsburgh, PA 15222

David M. Williams  
51 Rayburn Road  
Washington, PA 15301

Date: April 14, 2014

  
\_\_\_\_\_  
John L. Munsch, Attorney for  
WEST PENN POWER COMPANY  
800 Cabin Hill Drive  
Greensburg, PA 15601  
(724) 838-6210