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June 17, 2014


Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg PA 17105-3265

Re: Robert T. Whalen (represented by Utility Workers  
Union of America System Local 102) v. West Penn  
Power Company  
Docket No. C-2014-2404308

Dear Secretary Chiavetta:

Enclosed for filing please find the Amended Formal Complaint in the above-referenced proceeding. The document was served on all parties of record as shown on the attached Certificate of Service.

The document was filed electronically with the Commission on this date.

Sincerely,  


Enclosure

cc: All parties of record  
Katrina L. Dunderdale, Administrative Law Judge

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Utility Workers Union of America	:	
System Local 102, and Robert T.	:	
Whalen, Complainants	:	
	:	
v.	:	Docket No. C-2014-2404308
	:	
West Penn Power Company,	:	
Respondent	:	

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AMENDED FORMAL COMPLAINT

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On June 5, 2014, Administrative Law Judge Katrina L. Dunderdale issued the Second Interim Order in this proceeding that granted, in part, preliminary objections of Respondent, West Penn Power Company.<sup>1</sup> The Second Interim Order was served on the parties by first class mail. Pursuant to 52 Pa. Code § 5.101(h), Complainants file this Amended Formal Complaint as of right within ten days (plus three days when a document is served by first class mail, according to 52 Pa. Code § 1.56(b)).

1. Complainant Utility Workers Union of America System Local 102 (“UWUA”) is the authorized collective bargaining representative for certain employees

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<sup>1</sup> According to the Commission's regulations at 52 Pa. Code § 1.16, the "date of issuance of a decision by a presiding officer shall be the date on which the decision is posted on the Commission's electronic filing system." As of June 17, 2014, the Second Interim Order has not been so posted. Nevertheless, out of an abundance of caution, this Amended Formal Complaint is being filed based on the date that appears on the Second Interim Order.

of West Penn Power Company ("West Penn"). UWUA can be contacted in care of its President, Robert Whalen, at 203 Reservoir Road, Mount Pleasant, PA 15666.

2. Complainant Robert T. Whalen is a residential customer of West Penn, residing and receiving electric service at 203 Reservoir Road, Mount Pleasant, PA 15666.

3. Complainant Whalen is an employee of West Penn, a member of UWUA, and the President of UWUA Local 102.

4. Complainant Whalen authorizes UWUA to represent his interests in this proceeding.

5. Complainants will be represented in this case, and all documents should be served upon, their attorney:

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(Pa. Supreme Court ID: 34536)

6. Counsel consents to the service of documents by electronic mail at the email address listed above, as provided in 52 Pa. Code § 1.54(b)(3).

7. West Penn is a public utility providing electricity distribution service to the public pursuant to authority and tariffs issued by the Pennsylvania Public Utility Commission. On information and belief, Complainants believes that West Penn's Utility Code is 111250.

8. UWUA brings this complaint in its representative capacity on behalf of Complainant Whalen and hundreds of members of UWUA who are residential customers of West Penn, many of whom are also employees of West Penn.

9. Complainants bring this Complaint against West Penn in order to bring to the Commission's attention serious, repeated, and apparently willful violations by West Penn of the Commission's regulations for reading residential meters.

10. Complainants bring this good-faith report of wrongdoing to the Commission with the understanding and expectation that the West Penn employees who have first-hand knowledge of these violations, and who are members of UWUA, will be protected against retaliation by West Penn under the provisions of 66 Pa. C.S. § 3316 (Protection of public utility employees).

11. The Commission's regulations require a utility that bills monthly to read residential meters at least once every two months, unless certain exceptions apply. 52 Pa. Code § 56.12.

12. West Penn bills its residential customers monthly.

13. At least since January 2013, and possibly for several months prior to that date, UWUA states on information and belief that West Penn has consistently and willfully failed to comply with the requirements of 52 Pa. Code § 56.12 for thousands of residential customers.

14. UWUA states on information and belief that West Penn routinely estimates bills for thousands of residential customers three, four, or even five consecutive months when there are no exigent circumstances and no problems with utility personnel gaining access to the customer's meter.

15. UWUA states on information and belief that West Penn fails to read meters as required because it has failed to fill vacant meter-reading positions and has otherwise failed to properly staff its meter reading function. That is, West Penn has made a business

decision to save the expense of hiring additional meter readers and instead issue numerous consecutive estimated bills to residential customers in violation of the Commission's regulations.

16. Complainant Whalen received nine estimated bills during 2013. Specifically, he received estimated bills for the months of January, February, April, June, July, August, October, November, and December 2013.

17. Complainant Whalen states that during that time period, there were no problems gaining access to read the meter on his property and no adverse weather conditions that would have made it unsafe for West Penn personnel to read his meter.

Requested Relief

A. Complainants bring this Complaint against West Penn pursuant to Section 3301 of the Public Utility Code, 66 Pa. C.S. § 3301, to seek a civil penalty against West Penn in the amount of \$1,000 for each and every violation of 52 Pa. Code § 56.12, that occurred during the three years prior to the date of this Complaint.

B. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to order West Penn to hire a sufficient number of meter readers in each portion of its service area to enable West Penn to comply with the meter reading requirements contained in 52 Pa. Code §56.12.

C. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to order West Penn to take such remedial action as is necessary to ensure that Penelec complies with the meter reading requirements contained in 52 Pa. Code §56.12, including but not limited to the use of a

sufficient number of utility personnel to ensure that all meters are read in a timely manner.

D. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to require West Penn to issue quarterly reports to the Commission and Complainants that show the number of repeat estimated bills and provides detailed explanations for any such repeated estimates, along with the measures being taken to eliminate the reasons for such repeated estimated bills.

E. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to take such other actions as may be necessary to ensure that West Penn complies with the meter reading requirements contained in 52 Pa. Code §56.12.

Respectfully submitted,



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(Pa. Supreme Court ID: 34536)

Counsel for Complainants

Dated: June 17, 2014

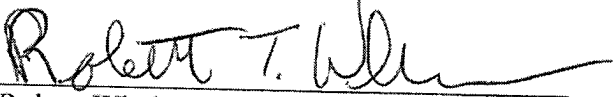
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VERIFICATION

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I, Robert Whalen, hereby state that the facts set forth in the Amended Formal Complaint are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 6-16-2014

  
Robert Whalen

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused to be served this day a true copy of Amended Formal Complaint upon the parties listed below by electronic mail and U.S. mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

John F. Povilaitis / Alan Michael Seltzer  
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hwebster@paoca.org

Dated: June 17, 2014

  
Scott J. Rubin  
*Counsel for Complainants*