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June 17, 2014

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

Re: Martin P. Baronner (represented by Utility
Workers Union of America Branch 180 - System
Local 102 v. Pennsylvania Electric Company
Docket No. C-2014-2404307

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,

A handwritten signature in black ink, appearing to read "Scott J. Rubin". The signature is written in a cursive style with a large, stylized "S" and "R".

Enclosure

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|------------------------------------|---|---------------------------|
| Utility Workers Union of America | : | |
| Branch 180 - System Local 102, and | : | |
| Martin P. Baronner, Complainants | : | |
| | : | |
| v. | : | Docket No. C-2014-2404307 |
| | : | |
| | : | |
| Pennsylvania Electric Company, | : | |
| Respondent | : | |

AMENDED FORMAL COMPLAINT

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, Pennsylvania Electric Company ("Penelec").¹ 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 Branch 180 - System Local 102 ("UWUA") is the authorized collective bargaining representative for certain

¹ 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.

employees of Pennsylvania Electric Company ("Penelec"). UWUA can be contacted in care of its President, Robert Whalen, at 203 Reservoir Road, Mount Pleasant, PA 15666.

2. Complainant Martin P. Baronner is a residential customer of Penelec, residing and receiving electric service at 1025 Pennington Drive, Duncansville, PA 16635.

3. Complainant Baronner is a former employee of Penelec and a member of UWUA.

4. Complainant Baronner 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. Penelec 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 Penelec's Utility Code is 110400.

8. UWUA brings this complaint in its representative capacity on behalf of Complainant Baronner and more than 140 members of UWUA who are residential customers of Penelec, many of whom are also employees of Penelec.

9. Complainants bring this Complaint against Penelec in order to bring to the Commission's attention serious, repeated, and apparently willful violations by Penelec of both the Commission's regulations for reading residential meters and Penelec's own tariff provisions regarding meter reading.

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

Count 1: Violations of Commission Meter Reading Regulations

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. Penelec 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 Penelec 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 Penelec 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 Penelec 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, Penelec 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. As of the date of this Complaint, Complainant Baronner has received three consecutive estimated bills (bills showing dates of November 20, 2013, December 20, 2013, and January 20, 2014).

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

Count 2: Penelec's Failure to Comply with the Provisions of its Tariff

18. Penelec's Tariff Pa. P.U.C. No. 80, Rule 12 (original pages 46-52) states that, for all customers, Penelec "reserves the right to read meters in all or any part of its service area on bi-monthly or quarterly schedules, and to render standard bills for the recorded use of service based upon the time interval between meter readings."

19. At least since January 2013, and possibly for a longer time period, Penelec has consistently and willfully failed to comply with the requirements of its tariff for thousands of customers, including several members of UWUA.

20. Paragraphs 13 through 16 are incorporated herein by reference.

Count 3: Interpretation of Penelec's Tariff Rule 12

21. Penelec's Tariff Pa. P.U.C. No. 80, Rule 12 (original pages 46-52) states that Penelec "reserves the right to read meters in all or any part of its service area on bi-monthly or quarterly schedules, and to render standard bills for the recorded use of service based upon the time interval between meter readings."

22. The above-cited provision of Rule 12 applies to all customers.

23. There is no indication in Rule 12, or elsewhere in Penelec's Tariff, that the provisions of Rule 12 are intended to supersede 52 Pa. Code § 56.12.

24. Complainants ask the Commission to interpret Rule 12 to require bimonthly (or monthly) meter reading for residential customers, consistent with the requirements of 52 Pa. Code § 56.12.

25. Complainants ask the Commission to interpret Rule 12 to authorize bimonthly or quarterly meter reading for non-residential customers.

Requested Relief

A. Complainants bring this Complaint against Penelec pursuant to Section 3301 of the Public Utility Code, 66 Pa. C.S. § 3301, to seek a civil penalty against Penelec 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 bring this Complaint against Penelec pursuant to Section 3301 of the Public Utility Code, 66 Pa. C.S. § 3301, to seek a civil penalty against Penelec in the amount of \$1,000 for each and every violation of Penelec's tariff Rule 12 that occurred during the three years prior to the date of this Complaint.

C. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to order Penelec 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 and Penelec's Tariff Rule 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 Penelec 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 Penelec complies with the meter reading requirements contained in 52 Pa. Code §56.12 and Penelec's Tariff Rule 12.

Respectfully submitted,



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(Pa. Supreme Court ID: 34536)

Counsel for Complainants

Dated: June 17, 2014

VERIFICATION

I, Martin P. Baronner, 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).

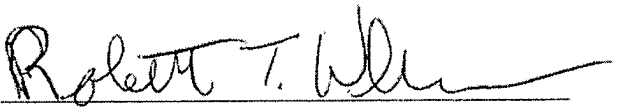
Date: 6-16-14

Martin P. Baronner
Martin P. Baronner

VERIFICATION

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).

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Dated: June 17, 2014



Scott J. Rubin
Counsel for Complainants