

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**Theresa Brown-Albert**

**vs.**

**PPL Electric Utilities Corporation**

**Public Meeting: October 23, 2014**

**2342492-OSA**

**Docket Number: F-2013-2342492**

**Motion of Commissioner James H. Cawley**

Before the Commission are the Exceptions and Reply Exceptions to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Buckley, which dismissed the Complaint of Theresa Brown-Albert (Complainant) and ruled that PPL (Respondent) had correctly transferred to the Complainant the bills for service with two other accounts at the service location that had been in the respective names of her estranged husband and her deceased mother-in-law. The outcome in the I.D. was predicated on the determination by ALJ Buckley that Complainant was a “customer” under Commission regulations.

Thus the issue in this case is whether Complainant was a “customer” and hence, responsible for the bills for all three accounts at the dwelling.

Our regulations provide for the transfer of an account to a “customer” and specifically state:

In the event of discontinuance or termination of service at a residence or dwelling in accordance with this chapter, a public utility may transfer an unpaid balance to a new residential service account of the same customer. 52 Pa. Code § 56.16 (b) (emphasis added).

Further, “Customer” is defined as:

A natural person at least 18 years of age in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or an adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested. A natural person remains a customer after discontinuance or termination until the final bill for service is past due. 52 Pa. Code § 56.2 (emphasis added).

These definitions are consistent with the definition of “customer” in Chapter 14 of the Public Utility Code.

The Complainant, owner and an occupant of the house, asserted that the service was for sections of the house where she did not reside. Each section had a separate meter, a separate entrance, and separate living quarters for each of the parties in whose name the service had been billed. Therefore, Complainant argued that she should not be responsible for the bills at the other two accounts at the service location.

Our regulations aim to hold responsible for payment those who actually benefit from the service and have some legal connection to the dwelling where the service has been rendered, whether or not that individual is the person in whose name the service has been placed. Thus, for example, outside the context of a situation involving foreign load, the owner of a dwelling is not a "customer," and hence not responsible for the electric bill of an individual occupying the dwelling, if the owner is not the account holder or the occupant of the dwelling. Requiring those who have benefited to pay for the service under our regulation reflects the equitable remedy of *quantum meruit*, meaning that no one who benefits by the labor and materials of another should be unjustly enriched thereby.

The I.D. does not answer the question whether the Complainant actually benefitted from the service, but rather relies solely on Complainant's status as the owner of the property to impose liability for all three accounts. Further, there is nothing in the record indicating that the Complainant actually benefitted from the service provided at the other two accounts. Therefore, additional facts are needed to determine whether Complainant benefitted from the service and qualified as a "customer" under our regulations.

**THEREFORE, I MOVE THAT:**

1. This matter be remanded to the Office of Administrative Law Judge for a hearing.
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

  
James H. Cawley

Dated: October 23, 2014