

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer

v.

PPL Electric Utilities Corporation

C-2011-2273645

C-2014-2444864

**MEMORANDUM ADDRESSING AGENDA FOR PRE-HEARING CONFERENCE
SUBMITTED TO JUDGE FORDHAM BY FAX ON NOVEMBER 20, 2014**

1. Proposed plan and schedule of discovery

The Complainant believes that 52 Pa. Code § 5.332(2) and 52 Pa. Code § 5.341 offer specific and ample grounds for further discovery. Specifically, new discovery is necessary, a) considering the number of new bills that have been issued since the discovery request in 2012; b) considering the undisclosed “manual” aspects of the billing process which the Complainant could not have been aware of when the first discovery request was made in June, 2012; c) considering the unanticipated developments and disclosures which the Complainant outlined in his Answer to Item # 18 of the Complainant’s Preliminary Objections. The Complainant, furthermore, is prepared to issue a timely request for discovery (see copy of request attached)

2. Possibility of settlement

The Complainant is amenable to a settlement that a) will secure, prospectively, a transparent, coherent, accurate, verifiable, and lawful billing process; b) will satisfy the various, specific grievances which he has presented in his several complaints, both Informal and Formal; and c) will assure him of compensatory redress that is full, fair and proportionate.

3. Issues

The issues, as detailed in the various Complaints, Informal and Formal, are associated with the flawed billing process implemented for the Complainant’s PV solar generating

facility, and the information disarray which has resulted from that flawed process, since the facility was installed under provisions of virtual meter aggregation. The Complainant, among other charges, alleges that the Respondent a) has provided the Complainant with bills that are incomplete, inaccurate, and unverifiable; b) has withheld from the Complainant information that he is entitled to receive; c) has implemented procedures that have no basis in the Company's Tariff; d) has circumvented provisions of the AEPS Act and the Pa. Code, which specify the proper billing process; and e) has violated one or more requirements of the AEPS Act and/or the PA Code.

4. Amount of hearing time needed

The Complainant is committed to presenting evidence in an efficient, methodical, yet thorough manner. In 2012, in an effort to avoid a protracted expenditure of time and effort, he offered abbreviated details and submitted selected samples of erroneous bills. Those documents were deemed insufficient, however, by the Commission. The extensive evidence, which was already extensive in 2012, has increased substantially, and a much more thorough review of the evidence is warranted. The irregularities and discrepancies extend to virtually every bill that has been issued. The Complainant will make every effort to avoid duplication and will refrain from offering frivolous examples. In the interest of a fair and comprehensive review of evidence, however, the Complainant asks respectfully that, as an individual representing himself, he be permitted, without the pressure of arbitrary time limitations, to present the full array of evidence that he has assembled.

5. Witnesses

Discovery documents provided in 2012 reveal a total of 48 PPL employees who have either authored emails or have been copied on internal emails related to the Complainant's bills and/or to his PV solar generating facility. A request for witnesses which the Complainant submitted in 2012 was not honored.

In the present request, the Complainant has sharply curtailed the list of participants.

The Complainant requests, however, that all of the individuals who prepared data for billing; who processed data for use in billing; and who supervised any part of the billing process be required to appear in person or to answer in written testimony.

For those offering written testimony, if any, the Complainant believes that he can provide questions within 30 days. He also recommends that answers be submitted within 30 days from the date that they are mailed to the witness. The Complainant further requests that any written testimony offered by these individuals be admitted into evidence without being subject to objections by the Respondent.

6. Schedule for submission of testimony, hearings, and briefs

The Complainant, being unfamiliar with the protocols of prospective proceedings, is unable to make adequate response to this item.

7. Consolidation of the two proceedings

In his Answer to the Respondent's Preliminary Objections, the Complainant has presented, in detail, his opposition to consolidation of the two Complaints. (Please see the Complainant's suggestion in # 5, above, regarding a schedule for written testimony.)

8. Any other appropriate matter

- a. Given the discrepancies the two, will the ALJ indicate, for the record, which of PPL Electric's renderings of data is to be regarded as authoritative? Is it the monthly statements issued to the Complainant? Or is it the incomplete "Compilation" which PPL Electric provided in March, in response to the Commission's Order of January 9, 2014?
- b. Will the following be regarded as admissible evidence?
 - 1) Submittal (3/31/2014)
 - 2) Previous Exhibits, admitted in 2012, and part of the Record
 - 3) All documents related to the Informal Complaint (e.g. "EGW Inform Complaint Report")
 - 4) Documents from other customer-generators with virtual metering
 - 5) All monthly printed statements (house bills) issued to the Complaint
 - 6) All monthly printed statements (solar bills) issued to the Complainant
 - 7) Internal PPL emails prepared and sent by witnesses appearing in person
 - 8) Internal PPL emails prepared and sent by witnesses who respond in written testimony
 - 9) Excerpts from documents that are part of the Record.

- c. The Complainant believes that his submittal of March 31, 2014, which includes various charts and is part of the record, is relevant and should be admissible as evidence.

- d. The Complainant believes that the Tabulation/Compilation ordered by the Commission and prepared by PPL Electric in March, 2014, should supplant and replace the following documents: PPL Exhibit #5, PPL Exhibit #7 and PPL Exhibit #8, all of which were admitted in 2012. These documents differ from the "Compilation" although they purported to show accurate billing data related to the Complainant's meters.

Respectfully Submitted

November 20, 2014

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