

EXCEPTIONS OF JOSEPH P. CARNEVALE - COMPLAINANT
C-2014-2426383

This filing serves as an exception to the letter dated December 18, 2014 as I do not agree with any part of this decision. It is being filed electronically within the allotted time with the Commission and a copy is being mailed to Greg M. Schultz.

I must note that this entire issue would have been resolved several years ago and the amount PPL claims is owed would have been several thousand dollars less if any money was even owed at all. Every step of the way PPL ignored and dismissed me. First I must note that I am not an attorney. I am a layman doing my best in this matter. I feel I am at a complete disadvantage as I am not an attorney but a regular person. I am not even sure if I am doing this exception correctly but I will try my best. I feel that if PPL is obligated to have an attorney, I should have been able to have access to one as well. I was denied access to an attorney. This was not my fault either as I made many attempts to request assistance. I was originally referred to the Widener Harrisburg Civil Law Clinic several times by the PUC and eventually received the same information in the PUC hearing notice. After speaking to the firm, they explained that they do not take new cases until after Labor Day. They referred me to another attorney, who referred me to another, who referred me to yet another. Eventually after contacting each one who had no idea why the previous attorney referred me, I came upon an attorney who would actually listen. This attorney stated that even if they agreed to take my case, I would have to put down a several thousand dollar retainer just to begin representation. It is important to note that except for Widener, no firm; including the final one I spoke with, had any expertise or familiarity with this type of case. I has no choice but to proceed with no representation or my case would be dismissed as per the PUC documentation. Eventually, the Initial Telephonic Hearing was postponed until after Labor Day and I again contacted Widener expecting help and now was told they were now only handling one county in the state and it was not mine. Once again they sent me to the same attorney they originally tried to refer me to. Even with my extreme diligence, I had no choice but to proceed without representation. This is generally ill-advised and after the fact I understand why it is never advised. I tried to make the judge aware of this fact but I was told an attorney was unnecessary. If it was unnecessary for me to have an attorney, I cannot understand why PPL was required to have an attorney as per the hearing notice. As a layman, I did not understand that an initial hearing was an actual hearing of the case. As a layman I understood this to be an initial hearing only to discuss not decide the case. I am not an attorney. I also had no knowledge of motions or what I could or could not do. I basically had no idea besides what I have seen on television and movies. Hollywood makes the worst law school. If all things were equal and an attorney was indeed not necessary, then PPL should have been defending themselves personally with out an attorney as well. Again I was at a complete disadvantage from the start, but they had full access to an attorney.

As per the prehearing order, if I were unable to attend, the case would then be dismissed. I was available and present for the first initial telephonic hearing, however PPL was not and instead of being penalized as I would have been according to the PUC documentation; they were allowed to cancel and reschedule. A fact that still boggles my mind.

I contacted PPL from the very beginning when it was evident that my kilowatt per hour (KWh) usage was exorbitant. I explained that I believed the meter to be faulty and asked many times for the meter to be changed during the period the service began until it was eventually changed. PPL refused each and every time. In fact the only times PPL even bothered to try to resolve the issue was after the PUC contacted someone to resolve the issue and just prior to the initial telephonic hearing. Attorney Greg Schultz contacted me to "settle" out of court. The "settlement" was actually no settlement at all, just

and agreement for me to pay what they claimed I owed. Eventually, I was able to have the PUC force PPL's hand and have PPL replace and test the meter. Even after that, PPL still tried to get out of replacing it. I asked that if they still refused to change and test the meter that I be allowed to switch to another utility. At that point they agreed to replace and test the meter. Originally, when I spoke to the PUC I was told that when PPL replaced the meter that I would be allowed to be present during testing and I would be able to bring an electrician who would verify testing was done correctly and accurately. Eventually, I was contacted by PPL's Kevin George who stated he would have the meter removed, replaced with a correctly functioning meter and the old meter would eventually be tested. He also told me that he would not be personally removing and replacing the meter but he did offer to personally do a home energy assessment. I asked what practical function this would serve. He stated that PPL would not test or replace any appliances and the assessment was actually more of a sit down meeting to go over energy saving tips. It was not an actual assessment of anything. He stated the information he would provide would be the same information, I already have had access to. For years I, have exhausted every energy saving tip from lowering the refrigerator temperature to replacing old thermostats and everything in between. Also, if the meter was faulty this "assessment" would not have much practical value. Prior to getting to the point of replacing the meter, various times PPL placated me by asking me a million question about the home. They never had anyone contact me to replace or troubleshoot the meter. I kept just getting the run around from PPL, no actual help in resolving the issue. Eventually after what seemed like the millionth time of answering the same questions, I contacted the PUC and told them this behavior had to end now. For three years PPL refused to budge on replacing the meter, or providing any real help. My kilowatt per hour usage continued to increase until the meter was replaced with a properly functioning digital meter. A digital meter, which according to my research usually records an increase of usage vs. an analog meter such as I originally had. In this case, the properly functioning digital meter did not record an increase. It did not record similar usage. Instead as predicted, it recorded an extreme drop month after month. Below are the figures for the discussed time period. Another tactic PPL used with me was saying that you cannot compare unless everything was the same such as temperature. I had to compare apples to apples. The temperature according to PPL's bills listed similar temperatures but the only things that changed was that the faulty meter was replaced with a properly functioning one. Apples to apples, the numbers do not lie. PPL kept telling me that if they changed the meter, no reduction would be noted since the meter was not malfunctioning. They were always firm on that point. Most likely because they expected an increase as it was a digital meter. Again if they would have addressed my concerns from the beginning, the amount of money owed would have been minimal. The fact is PPL refused to work with me at all until now. I am not an engineer but I would imagine even an analog meter can go bad for many issues and reporting errors may occur. Eventually, I received a call from Kevin George who explained the meter had been tested accurate. I was perplexed as I had expected him to let me know where and when testing was going to be done. Instead he told me it was already completed without my knowledge or presence as the PUC explained to me would happen. In addition, I did not and to date still have yet to see any testing documentation. Even if PPL had the best intentions, I have no knowledge how it was conducted, if it was conducted correctly or if the correct meter was even tested. By failing to even let me know when or where the testing was being done only goes to show PPL's contempt in the matter. Also, during the initial hearing, PPL witness Dana Tomcics stated twice that Kevin George removed and replaced the meter. This is not true, Kevin George was not present and did not do so. This is just another example to PPL's disregard of the facts.

In Response to the findings of facts, I also have exceptions.

Item 4. There are new energy efficient air conditioner in the house, however they are used sparkingly and only when absolutely necessary and never all at once. Only two people live in the house. All

electric whether, heat or air or other is used sparingly if at all. Electric, eat is shut off at the breaker, unless in use and electric heat is a secondary source as I have propane heat as well.

Item 8 After years of begging PPL to help me with absolutely no results, I decided I could no longer allow PPL to continue the abuse. It appeared my only recourse was to switch providers as allowed through the PUC. I switched to a company that seemed to provided the best reduction. As PPL eventually pointed out, the dollar rate of the discount, while starting low eventually became higher than PPL. I was unaware of this as I switched in an effort to do everything I could to reduce cost, especially since PPL had been unwilling to work with me. In the initial telephonic hearing PPL would make an irrelevant point of bringing this up however, I have never disputed dollar charges on their own. The dispute has always and continues to be with the actual energy consumption in kilowatts per hour (Kwh) from the faulty meter reading much higher than actual usage. They continued to ignore my own testing that showed a high Kwh even when little or no usage was actually occurring. PPL continued to ignore this fact in my dealings and in the hearing and turned the focus to the higher dollar rate which was not the issue. I tried to refocus the case on the actual issue but in the findings this was never noted but the information of the switched supplier was noted. To make it clear the dispute was with the extremely high KWh being incorrectly reported from the faulty meter and not with the dollar amount charged except in relation to the incorrectly Kwh charges. In fact utilizing PPL's own billing records, immediately after the new meter was installed, comparing apples to apple, the actual energy consumption reported in Kwh dropped dramatically. See below. PPL continued to ignore that fact and instead successfully misdirected to focus to a non-issue. Based solely on the fact of the faulty and later properly functioning meters KWh usage, it is evident utilizing PPL's own records that when comparing apples to apples, with the only change being a properly functioning meter being installed, that the initial meter was indeed faulty. I could only speculate on why PPL's own testing showed a properly functioning meter but PPL had no problem speculating on the entire case. Again, as a layman speculating, many reasons could have produced incorrect test results. A fact PPL still could not dispute as they never gave me or m expert, the ability to witness the testing, as I was told by the PUC would happen. The meter could have been improperly tested if tested at all. Mistakes do happen. Also, I have no idea if there are better testing or other techniques available since I was never given a chance to produce an expert at testing. I do not know if all components including the component that reports Kwh usage in the meter to PPL was tested either. There are many questions about the testing I obviously will never have answers to. Could it have been an intermittent issue with the meter itself? When I brought my car in for service, I detailed the problem I was constantly having but as soon as the mechanic looked at the vehicle the car had no issues. That was until I again got the vehicle back. The fact of the matter, without speculation is that the new meter is reporting significantly lower KWh usage. This not talking in terms of dollars but in terms of actual Kwh usage.

11. I told Kevin George, that I would be more than happy to conduct the energy analysis if he could tell me that it would do anything more than I have already done. He could not. Also, provided the meter was faulty as was later proven by the new meters reduction, there would be no need for the meeting as the analysis would have only being done in this case after the new meter was installed. The only thing this meeting would have done would be to allow PPL to again waste my time while ignoring the real issue.

14. Again, there are many concerns I have have with the whole process. PPL witness Dana Tomcics stated on the record twice that Kevin George removed the meter. He did not. If PPL and it's witness do not even know who removed the meter, there is no assurance any other part of the testing or handling of the meter was proper. This is especially important since they refused to allow my expert or myself access to the process. They also never provided any test records or data.

15. Again, as per the PUC, I would have had access to the process and I was denied access and testing records and data from PPL.

16. Again I cannot accept Dana Tomcics information that everything was proper with the testing as on two separate occasions during the initial telephonic hearing, she gave incorrect information of who removed the meter. Proving that she does not have accurate information. It is certainly possible that other information about the process was inaccurate as well. I'm not comfortable knowing that if PPL has no idea who removed the meter, that they have any idea who handled the meter throughout or in the very least how it was stored, transported or tested. Especially since they provided no documentation on the process.

In regards to the discussion, this part is way out of the realm of a layman. Of course if I had proper representation, the case may have been decided differently or my attorney would know the proper information or be able to explain everything in a better way. What I can say is that I gave facts and PPL misdirected. As far as the legal standard I have 1. showed that the number of occupants has not changed; it is two and always has been two. 2. With only two occupants in an average sized house, utilizing energy saving practices the potential of energy utilization is low. 3. From the start when I began utilizing the energy at the location the KWh was reported much higher than used, even when utilizing energy saving techniques and changing thermostats to new energy efficient models. The only way the kilowatt per hour usage was reduced was with the removal of the faulty meter and installation of a properly functioning one.

In response to the section "The Commonwealth Court ruled that even where the utility has presented evidence that it has tested the customer's meter and found it to be accurate; the customer may prove his or her case by circumstantial evidence that the metered usage exceeded actual usage." This is most certainly the case here as I and PPL have demonstrated through the PPL billing documentation that the usage had been exorbitant prior to being changed. Comparing apples to apples with nothing being changed with the exception of the new meter there has been a month after month reduction. This is especially true since digital meters reflect an increase in usage not decrease. Showing such a decrease with a digital meter goes to show that the original analog meter was inaccurate regardless of what any testing indicated. PPL chose to ignore this fact and misdirect to show other unrelated issues. I have said from the beginning, that I am and always been willing to pay what I actually owe. PPL has and continues to refuse to work with me at all. This case is over accuracy of billing, not dollars Per Se but actual usage billing.

"We do not know the potential for energy usage because the Complainant refused to have an energy usage analysis done despite PPL's several offers." Please reference my above information on this matter. Again as described by PPL, the analysis would have been PPL providing energy saving tips of which are commonly available and already being utilized in the house and this would not have been any kind of evaluation of appliance usage Per Se. This is an average house in the Poconos with two occupants. Again PPL continues to misdirect that an "analysis" was not done but omitted the facts as stated above.

"The meter tested accurately." "The Complainant argues that because he was not present when the meter was tested that the test is faulty. There is no indication or any evidence that PPL manipulated the results of the meter test." There is no evidence of PPL's test period. I did not argue that the reason of the meter being faulty was because I was not present for testing. A meter being faulty could be for various reasons. Again as per the PUC, I and my expert was supposed to be present and PPL's only

documentation that the meter tested accurately consisted of a letter dated 6/17/2014. The letter simply stated the meter tested 99.7% Average Accuracy. There is no documentation of who tested it, where or when it was tested. No test or data documentation was provided to show how testing was conducted and no test records or test notes were provided. Also I have no idea if the test methods used were the correct or incorrect method because they failed to cooperate with me and keep me and the court in the loop. With this document alone, the court or I could not possibly understand how the testing was conducted or even who conducted the test. This report submitted by PPL does not give any information on the process conducted. Certainly mistakes could have been made or it could have been a completely proper test. Unfortunately, the court, nor I would know since they refused to allow me or my expert access to the test as the PUC said was standard and PPL has failed to provide proper testing documentation.

“The Complainant did not prove that metered usage exceeded actual usage...The Complainant did not successfully rebut PPL's evidence of an accurate meter, he simply accused PPL of lying.” This is just not so. I most certainly did rebut and provide PPL's own documents to show that the new meter was showing a substantial, apple to apples reduction over last year. I, nor the court can tell if they were deceitful, mistaken or honest. The fact is based on PPL's lack of test documentation and failure to allow me or an expert to validate the testing we just cannot be sure. PPL could have certainly allowed all parties to be present as the PUC explained should have happened. Based on PPL's own billing records the following shows a vast reduction month after month. I do not see this noted in the decision.

July 2013 Bill – 3940 KWh
July 2014 Bill - 2106 Kwh
Reduction of 1834 Kwh utilizing the accurate meter

August 2013 Bill – 3304 Kwh
August 2014 Bill– 1700 Kwh
Reduction of 1604 Kwh utilizing the accurate meter

September 2013 Bill – 3505 Kwh
September 2014 Bill – 1627 Kwh
Reduction of 1878 Kwh utilizing the accurate meter

October 2013 Bill – 2378 KWh
October 2014 Bill – 1014 Kwh
Reduction of 1364 Kwh utilizing the accurate meter

2013 July-October Bill total 3127 KWh
2014 July-October Bill total 6447 KWh
Reduction of 3320 Kwh
2014 July-October Kwh usage was reduced by more than half.

The usage dropped significantly, immediately when the new meter was installed. The proof along with everything else presented shows clearly that PPL clearly had over charged me more than half utilizing Kwh not cost of service.

“There is simply not enough in the record to find that PPL inappropriately charged the Complainant. Had the Complainant allowed PPL to conduct a high bill investigation and energy use analysis, there would have been a stronger and more useful record.” This is not so. In fact as I have outlined here,

PPL continuously failed to address the issue and if not for my continued efforts PPL would still not have provided any assistance at all. In addition for years I asked for help with the high bill errors and PPL refused. So I not only gave PPL plenty of time “to conduct a high bill investigation” which they failed to do but also gave PPL every opportunity to resolve the issue. The PUC felt there was enough evidence to compel PPL to change the meter. Also the “energy use analysis”, again as per PPL was not a true energy analysis but this is irrelevant as the analysis would have been completed after the faulty meter was replaced. By that time, a functioning meter would have been installed and the high billing issue resolved. Even if the meter had been replaced, after the energy meeting I had already employed the energy tips that would have been given to me. Again “energy use analysis” is a misnomer.

Regardless if PPL felt the meter was faulty or not, the proof shows a significant drop month after month after a properly functioning meter was installed. PPL could have addressed this years earlier but failed to do so. What I outlined in this exception and prior at the initial telephonic interview shows PPL failed to help at any stage of the game until the PUC compelled them to act. It also shows that PPL failed to keep me or the court in the loop with the testing procedures as no formal data, etc was ever provided. There is just no way to oversee that the process was completed correctly or thoroughly. As per the PUC, I and my expert would have been at the testing. That failed to happen. In the very least, they should have provided test records, data or even a name of who tested the equipment. PPL failed to provide anything. PPL's own billing record show an apples to apples reduction. This shows that there was an issue somewhere in the meters reporting. Again, if PPL would have provided any help from the beginning, this would not have been allowed to go this far. In addition, I have demonstrated that the amount that they claim is owed is based upon the faulty readings. Based on PPL's own bills, the reporting from the new meter showed a reduction consistent with what I have outlined. I have said from the beginning that if someone, would have helped me early on as they should have this would never have gotten this out of hand. I explained to many including Greg Schultz, that my usage should have been reported as less than half of what they claim. The amount they claim I owe should be reflective of this. In addition, I would imagine PPL has added fees, etc to that amount that would never have been assessed if the meter reported accurate and the bills were able to be paid. When every other comparable house in the neighborhood with more occupants, has usage bills of less than half what PPL was billing me, that is an issue.