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March 12, 2015

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Mark Ferraiolo v. PPL Electric Utilities Corporation
Docket No. C-2014-2428009

Dear Secretary Chiavetta:

Enclosed for filing is the Reply of PPL Electric Utilities Corporation to the Exceptions of Mark Ferraiolo, for the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DTR', written over a horizontal line.

Devin T. Ryan

DTR/jl
Enclosures

cc: Honorable Ember Jandebour
Certificate of Service

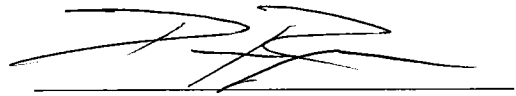
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS MAIL

Mark Ferraiolo
104 Quarry Drive
Catawissa, PA 17820

Date: March 12, 2015



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Ferraiolo,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2014-2428009
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**REPLY OF PPL ELECTRIC UTILITIES CORPORATION
TO THE EXCEPTIONS OF MARK FERRAIOLO**

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Dated: March 12, 2015

Attorneys for PPL Electric Utilities Corporation

I. INTRODUCTION AND BACKGROUND

On June 10, 2014, Mark Ferraiolo (“Complainant”) filed a Complaint with the Pennsylvania Public Utility Commission (“Commission”) against PPL Electric Utilities Corporation (“PPL Electric” or the “Company”). The Complainant alleged that the Company had failed to provide him with reasonably continuous electric service because of the outages he experienced, most of which were of a momentary nature.

On July 14, 2014, PPL Electric filed an Answer and New Matter denying the allegations set forth in the Complaint. The Complainant failed to respond to the Company’s New Matter.

On November 24, 2014, an evidentiary hearing was held before Administrative Law Judge Ember S. Jandebaur (the “ALJ”). Thereafter, the ALJ issued her Initial Decision (“ID”) wherein she dismissed the Complaint and found that the Complainant failed to meet his burden of proof that PPL Electric did not provide reasonably continuous service without unreasonable interruptions or delay in violation of 66 Pa. C.S. § 1501.

On February 22, 2015, the Complainant filed one page letter taking exceptions to the ID (“Exceptions”). Specifically, the Complainant took issue with the finding in the ID that he failed to meet his burden of proof with respect to the allegation that PPL Electric violated 66 Pa. C.S. § 1501. For reasons discussed below, the ID correctly determined based on the record evidence that the Complainant failed to meet his burden of proof. Thus, the Commission should deny the Complainant’s Exceptions and adopt the well-reasoned ID without modification.

II. REPLY TO EXCEPTIONS - THE INITIAL DECISION CORRECTLY FOUND THAT THE COMPLAINANT FAILED TO MEET HIS BURDEN OF PROOF

In his Exceptions, the Complainant challenges the finding in the ID that he failed to meet his burden to demonstrate that PPL Electric violated 66 Pa. C.S. § 1501 by not providing reasonably continuous service without unreasonable interruption or delay. Exceptions, p. 1. In

support, the Complainant alleges that “PPL’s own records prove my case for me in that they have (or are supposed to have) a record of every single power outage that has occurred at our home.” Exceptions, p. 1.

Section 332(a) of the Public Utility Code, 66 Pa. C.S. § 332(a), provides that the party seeking a rule or order from the Commission has the burden of proof in that proceeding.¹ As the party seeking relief from the Commission, the Complainant had the burden to demonstrate that PPL Electric violated the statutory obligation to provide “reasonably continuous” electric service “without unreasonable interruptions or delay.” 66 Pa. C.S. § 1501. Although the Complainant has experienced some momentary power outages during the time period relevant to his Complaint,² the unrefuted evidence of record clearly supports the ID’s conclusion that PPL Electric provided reasonably continuous service without unreasonable interruption or delay. ID at 1, 7-8.

By way of background, the Complainant receives electric service from the Cleveland No. 2 distribution circuit, which is an overhead 12 kilovolt (“kV”) distribution circuit supplied by the Company’s Cleveland 69-12 kV substation. Tr. 14. The Cleveland 69-12 kV substation is supplied by the Company’s Eldred-Cleveland 69 kV transmission line, which is a single circuit overhead 69 kV transmission line that is approximately 37.17 miles long. Tr. 14.

¹ It is well established that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). This standard is satisfied by presenting evidence more convincing, by even the smallest amount, than that presented by another party. *Brown v. Commonwealth*, 940 A.2d 610, 614, n.14 (Pa. Cmwlth. 2008).

² As a preliminary matter, it should be noted that the Complainant filed an earlier complaint against PPL Electric on January 6, 2014, at Docket No. C-2014-2399315 alleging that he had experienced power outages since 2005. Tr. 9; ID at 1. PPL Electric and the Complainant ultimately reached a settlement, and PPL Electric filed a certificate of satisfaction on April 7, 2014, to that effect. Tr. 9; ID at 1. A little over two months later, the Complainant filed a new complaint in the instant proceeding raising the very same allegations set forth in his earlier complaint, which he agreed to settle. The Complainant did not answer the Company’s New Matter, which asserted, among other things, that outages occurring prior to the filing of the certificate of satisfaction on April 7, 2014, were not at issue due to the settlement of the previous complaint. Accordingly, the ID properly limited the case to outages occurring after the date the certificate of satisfaction was filed, i.e., outages that occurred since April 7, 2014. Tr. 6.

In this case, the evidence of record demonstrates that from April 2014 to August 2014, the Complainant experienced eight momentary outages and one extended outage. Tr. 24; PPL Exhibit 4. None of the eight momentary outages was caused by a failure of PPL Electric's facilities, nor were any of the momentary outages' causes within the control of the Company. Tr. 24. Moreover, the extended outage experienced by the Complainant was caused by a vegetation contact on the Cleveland No. 2 distribution circuit. Tr. 24.

Importantly, as noted by the ID, PPL Electric is not required to provide perfect service without any interruptions. ID at 6. Rather, Section 1501 of the Pennsylvania Public Utility Code requires an electric utility to provide service that is "reasonably continuous and without unreasonable interruptions or delay." 66 Pa. C.S. § 1501 (emphasis added); *see* ID at 6. As the ID correctly concluded, the small number of outages experienced by the Complainant over a period of four months is not unreasonable. ID at 8.

In addition, the outages experienced by the Complainant were largely the result of PPL Electric's redundant protective systems working precisely as they were designed. Tr. 22-23.³ These systems automatically detect and clear faults on the lines. Tr. 18. During the operation of these systems, a customer may experience momentary power outages. Tr. 18-20. If PPL Electric did not use these redundant protective systems, a circuit with a fault could remain energized, which could pose a serious hazardous situation for the customers and communities served by PPL Electric, as well as the crews attempting to repair the fault and restore service.

³ The Company employs automatic circuit breakers and reclosers, which detect and clear faults on electric circuits. Tr. 18. When a fault is detected on the line, the automatic circuit breakers automatically shut off power to the circuit. Tr. 18. An instant later, the automatic circuit breakers and reclosers automatically restore power to the circuit. Tr. 19. This process repeats three times, and if a fault persists, the automatic circuit breakers and reclosers consider the fault permanent, and power remains off until a technician restores power. Tr. 19. When the automatic circuit breakers and reclosers open and close, a customer may experience a momentary outage depending on where the customer is located in relation to the fault. Tr. 20. If power remains off until a technician can restore power, a customer may experience an extended outage. Tr. 19.

Tr. 22. Further, the failure to clear a fault on an energized circuit could also have a cascading effect that would cause numerous circuits to experience widespread long-term outages, similar to the blackout experienced by the Northeast and Mid-Atlantic in 2003. Tr. 22. Although the Complainant has experienced a few momentary outages, these outages are largely the result of PPL Electric's redundant protective systems doing precisely what they are designed to do -- clear faults and prevent hazardous situations and widespread major outages.

Further, an electric utility's response to outages and the improvements it makes are relevant factors in determining whether service to a customer was inadequate due to outages. *See Sirak v. Metropolitan Edison Co.*, Docket No. C-2011-2279502, at p. 14 (Order Entered Aug. 15, 2013). Here, the ID found that PPL Electric has made a "sincere effort" to improve the reliability of the Complainant's service. ID at 8. The unrefuted evidence of record demonstrates that the Company has taken numerous steps to improve the reliability of the Complainant's service. Tr. 26-28. For example, on June 18, 2014, PPL Electric reviewed and changed the settings of the reclosers on the Cleveland No. 2 distribution line in an effort to reduce momentary outages. Tr. 26-27. The Company also switched the Complainant to the newly built Cleveland No. 2 distribution circuit. Tr. 15. The Complainant previously received electric service from the Bloomsburg No. 7 distribution line. Tr. 14-15. However, in 2013, the Company switched the Complainant from the Bloomsburg No. 7 distribution line to the Cleveland No. 2 distribution line in an effort to improve the reliability of his service. Tr. 15-16. The Cleveland No. 2 distribution line is approximately 2.6 miles shorter than the Bloomsburg No. 7 distribution line. Tr. 15-16. Since the Cleveland No. 2 distribution line is a shorter electric circuit, it has less potential for exposure to the causes of faults than a longer electric circuit. Tr. 15.

Further, the Company has undertaken a number of vegetation management initiatives designed to further minimize the potential for faults caused by vegetation coming in contact with an energized conductor. Tr. 27. The Company completed comprehensive vegetation management along the Eldred-Cleveland 69 kV transmission line in 2011 and along the Cleveland No. 2 distribution line in 2012. Tr. 27. In the second quarter of 2014, PPL Electric again completed comprehensive vegetation management work along the Eldred-Cleveland 69 kV transmission line. Tr. 27. PPL Electric also performed spot trimming along the Cleveland No. 2 distribution line, including along the road where the Complainant's home is located. Tr. 27. Going forward, the vegetation along these lines will continue to be maintained in accordance with PPL Electric's regularly-scheduled vegetation management cycle. Tr. 27. Finally, the Company regularly inspects these circuits to ensure that there are no obvious vegetation threats near the lines. Tr. 28.

Although the Complainant experienced a few momentary outages in his electric service, the unrefuted record evidence demonstrates that PPL Electric has been responsive to the Complainant's concerns and has actively taken measures to reduce the potential for outages on the distribution and transmission lines that supply the Complainant. PPL Electric cannot guarantee perfect electric service without any faults or interruptions; however, the Company clearly has taken numerous steps in an effort to improve the reliability of the Complainant's service. In fact, the ID observed that the Complainant twice mentioned during the hearing that his problems had abated. ID at 7.


In sum, although PPL Electric is not required to provide perfect service, the record demonstrates that the ID correctly concluded that: (1) the Complainant experienced only a small number of outages during the relevant time period, most of which were momentary outages; (2)

PPL Electric provided reasonably continuous service to the Complainant without unreasonable interruptions or delay; (3) PPL Electric has incorporated redundant protective systems into the design of its electric facilities to clear faults and prevent hazardous situations and widespread major outages; and (4) PPL Electric has taken numerous steps to respond to the Complainant's concerns and improve the reliability of the Complainant's service. For these reasons, the ID correctly found that the Complainant failed to meet his burden of proof and, therefore, the Commission should deny the Complainant's Exceptions and adopt the well-reasoned ID without modification.

III. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission reject the Exceptions of Mark Ferraiolo and adopt the Initial Decision of Administrative Law Judge Ember S. Jandebeur without modification.

Respectfully submitted,



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Dated: March 12, 2015

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