

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

Ann Castaneira,

Complainant

v.

Docket No. F-2014-2404158

PPL Electric Utilities Corporation,

Respondent

**REPLY BRIEF OF COMPLAINANT**

Edward G. Lanza, Esq.  
THE LANZA FIRM, LLC  
P.O. Box 61336  
Harrisburg, PA 17106-1336  
Phone: (717) 576-2696  
Fax: (717) 798-9897  
Email: [ed@lanzafirm.com](mailto:ed@lanzafirm.com)

Date: May 12, 2015

Counsel for Complainant

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. SUMMARY OF REPLY..... 1

III. REPLY ARGUMENT ..... 2

    A. PPL’s Equipment Is Responsible for Complainants’ High Bills ..... 2

    B. The Complainants Presented Competent Expert Testimony to Support Their Case ..... 4

IV. CONCLUSION ..... 6

## **I. INTRODUCTION**

Pursuant to 52 Pa. Code § 5.501-5.502 and in accordance with the Briefing Order dated March 23, 2015, the Complainants in the above-captioned matter respectfully submit this Reply Brief and in support of their Formal Complaint set forth the following.

## **II. SUMMARY OF REPLY**

In its Brief, PPL denies any responsibility for its own malfunctioning equipment and the damage that an undersized transformer has caused and continues to cause to the Complainants, Ann and Ian Castaneira (“Complainants” or “Castaneiras”). Instead, the Company wants to shift the blame upon a “faulty water heater.” PPL’s arguments are specious and disingenuous, and they should be rejected.

The Complainants presented convincing evidence that PPL’s own personnel admitted that the transformer serving their residence is undersized. When the transformer blew up once again, the Company replaced it with a larger, yet still undersized, transformer. An electrical engineer who has experience building transformers testified on behalf of Complainants that low transformer current can cause electrical appliances in the home to use more power and wear out more quickly. This evidence was not refuted.

Complainants testified that all the attempts they made to reduce their electric usage resulted in no appreciable change to their monthly electric bill. After the Castaneiras replaced electrical items in their home, including their water heaters, they saw no significant change in their high bills. All these facts point to PPL’s equipment as the reason for the problem.

### **III. REPLY ARGUMENT**

#### **A. PPL's Equipment Is Responsible for Complainants' High Bills**

In its Brief, PPL argues that the Complainants' water heater, and not the Company's undersized transformer, is responsible for high electric bills at the Castaneiras' home. This claim is contradicted by the evidence in this case. As was set forth in more detail in the Complainants' Main Brief, a PPL foreman explained to the Castaneiras that their 10 kVA transformer needed to be replaced by a larger 25 kVA transformer, and that the undersized, overworked transformer may have caused high usage. TR 16. Even after identifying the issue, PPL refused to use the right sized transformer and installed a 15 kVA transformer instead. *Id.* In addition, Mr. Dabis Camero testified that an undersized transformer, not only causes high bills, but also, the low voltage damages electrical equipment in the home. TR 222, 237.

These facts are important because they point to PPL as the responsible party in this case. Throughout the course of this dispute, PPL has tried to shift the blame to the Castaneiras by pointing to different appliances in the home as the supposed culprit. At different stages, the Company pointed to an array of different possible causes, including the pool, the hot tub, the air conditioning unit, the heat pump and, of course, the water heaters. However, the Complainants addressed each one of these issues in turn and saw no appreciable reduction in their bills. TR 17. PPL expects the Presiding Officer and the Commission to believe that the Complainant were so "unlucky" that multiple electric motors in their home just malfunctioned and increased their usage or stopped functioning properly. It is much more plausible to believe that, as the evidence shows, PPL's undersized transformer damaged equipment inside the house and caused higher usage leading to inflated bills. To the extent that equipment inside the house malfunctioned and cause high bills, those malfunctions were caused by PPL's undersized transformer. PPL should

not be allowed to blame the victim in this case, and the Company should be held responsible for the damage caused by its inadequate equipment.

The fact that the transformer blew multiple times is further evidence that PPL's transformer is inadequate and is responsible for the high bill issue. Although PPL claims that there is no evidence that the transformer malfunctioned several times (PPL Brief at 3), Mr. Castaneira testified that the transformer at his home blew up five or six times. TR 12. The Company did not present any evidence to refute this testimony by Mr. Castaneira. Instead, PPL focuses on the fact that the Complainants were unable to pinpoint the date for each of the transformer malfunctions. PPL wants the Commission to believe that the transformer was only replaced in February of 2014. However, the evidence of record contradicts this claim. The record shows that an undersized, overworked transformer is more likely to blow up. TR 237.

The record evidence does not support PPL's contention that the water heaters were responsible for high usage. Mr. Castaneira testified repeatedly that all measures he took to reduce usage at his home did not yield a smaller bill from PPL. TR 17. PPL attempts to counter this argument by claiming that the Castaneiras' monthly usage decreased significantly after they replaced their electric water heaters with a gas unit. PPL Brief 9-10. The Company points to its Exhibit 1 as purporting to show that in the months between April and July 2014 Complainants saw a decrease in consumption of "more than 50%" compared to the prior year. However, Exhibit 1 does not show what PPL purports to show. Exhibit 1 was submitted to the Presiding Officer on April 4, 2014 and contains records from April 2010 to April 2014. The most recent entry on Exhibit 1 is a payment on April 3, 2014. There is nothing relating to consumption on

Exhibit 1 beyond the usage number listed for March 2014.<sup>1</sup> If the latest numbers on Exhibit are compared, it is easy to see that on March 2013, Complainants used 5,179 KWH in 29 days compared to 6,100 in 33 days for March 2014. In other words, usage is virtually unchanged (178.5 KWH per day in 2014 versus 184.8 KWH per day in 2014). In fact, in the month that the Castaneiras changed their electric water heaters to gas (March 2014), they saw a slight increase in usage. *See*, PPL Exhibit 1. The record evidence does not support PPL's contention that the water heater was responsible for the Complainants' high bills.

### **B. The Complainants Presented Competent Expert Testimony to Support Their Case**

In addition to blaming the victim in this case, PPL attempts to discredit the competent testimony of Complainants' expert witness regarding the Company's transformer. In its Brief, PPL argues that Dabis Camero, an electrical engineer with experience building transformers, is not qualified to offer testimony regarding PPL's transformers and how low voltage causes higher usage and equipment malfunction. PPL Brief at 4-6. In fact, Mr. Camero has relevant knowledge and experience which makes his testimony competent and credible.

The Company's attempts to discredit Mr. Camero's testimony are misplaced. PPL focuses on the fact that Mr. Camero is not a licensed electrical engineer and has not conducted meter tests to argue that his testimony should not be relied upon by the Commission. However, these issues are irrelevant to the substance of his expert testimony. It is not necessary for Mr. Camero to hold a specific type of license to testify regarding the formulas that govern electric transformers and power usage in a residential setting. An individual with Mr. Camero's

---

<sup>1</sup> Any reference in PPL's Main or Reply Brief to evidence not of record at the close of hearing should be stricken pursuant to 52 Pa. Code §5.431. *See, Trucco v. PPL*, Docket No. C-00004271, 2001 Pa. PUC LEXIS 104 (ID issued November 16, 2001) (PPL brief stricken where company attempted to introduce new evidence in its brief).

qualifications can testify competently about the fact that a low voltage situation resulting from an undersized transformer can cause high usage and damage to electric motors.<sup>2</sup> That was the extent of his testimony.

Further, it is not necessary for Mr. Camero to have experience testing meters to testify about the transformer at issue in this case. Complainants contend that, even if the meter readings are correct, PPL is still responsible for all the problems they have described in their complaint. Simply put, even if the meter is reading usage correctly, PPL should be held responsible for using an undersized transformer which caused surges, spikes, higher usage and equipment damage. Mr. Camero is competent to testify regarding the issues he address at the hearing.

PPL also attempts to discredit Mr. Camero's testimony by raising irrelevant issues. First, the Company insinuates that because Mr. Camero and the Complainants know each other, his testimony should be seen as less credible. However, the expert testimony related to basic formulas that show that low current from an undersized transformer can cause higher electric usage and equipment malfunctions. The testimony was not tainted by a prior relationship between the witness and the Complainants because the relationship does not affect the formulas that Mr. Camero testified to at the hearing.

PPL erroneously claims that Mr. Camero's testimony relied on non-existent evidence. PPL Brief at 4-6. For instance, the Company argues that Mr. Camero's testimony about failing transformers should be discounted because the transformers did not fail multiple times.

However, Mr. Castaneira testified under oath regarding multiple transformer malfunctions. TR

---

<sup>2</sup> "The Commission adheres to the liberal standard of expert qualification espoused by the Supreme Court of Pennsylvania: a person qualifies as an expert witness if, through education, occupation or practical experience, the witness has a reasonable pretension to specialized knowledge on the matter at issue." *PUC v. City of Bethlehem*, Docket No. R-943124, 1995 Pa. PUC LEXIS 33, 15 (RD issued Jan. 20, 1995).

12. It is improper for the Company to maintain that there is no evidence to support multiple transformer malfunctions in the face of sworn testimony to the contrary. In another example, PPL also maintains that Mr. Camero relied on electric usage readings that “never existed.” PPL Brief at 5. In fact, these readings do exist and they were offered into evidence as Complainants’ Exhibit F. These are readings from PPL’s own website that show consumption at the Castaneiras’ home. In addition, PPL claims that Mr. Camero’s theory is not supported because the phenomenon that he described only occurs for brief periods of time during an in-rush current situation. Again, the evidence contradicts the Company’s claims. Mr. Castaneira testified that periods of spikes and surges lasted for more than a brief period of time, so they cannot be considered in-rush current problems. *See*, Exh. F. Mr. Camero relied on knowledge that is well supported on the record and his testimony should be given its due full consideration.

#### **IV. CONCLUSION**

Based on the foregoing, Complainant respectfully requests that the Commission sustain the Complaint in this matter and issue an Order granting the relief requested.

Respectfully requested,



Edward G. Lanza, Esq.  
THE LANZA FIRM, LLC  
P.O. Box 61336  
Harrisburg, PA 17106-1336  
Phone: (717) 576-2696  
Fax: (717) 798-9897  
Email: [ed@lanzafirm.com](mailto:ed@lanzafirm.com)

May 12, 2015

Counsel for Complainant

## 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 § 1.54 (relating to service by a party).

Via regular and/or electronic mail:

Hon. Susan D. Colwell  
Administrative Law Judge  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265  
[scolwell@pa.gov](mailto:scolwell@pa.gov)

Kimberly Krupka, Esq.  
Gross McGinley, LLP  
33 South 7<sup>th</sup> Street  
P.O. Box 4060  
Allentown, PA 18105-4060  
[kkrupka@grossmcginley.com](mailto:kkrupka@grossmcginley.com)

Ann & Ian Castaneira  
320 Rosedale Avenue  
Highspire, PA 17034  
[castaneira@comcast.net](mailto:castaneira@comcast.net)

Date: May 12, 2015



Edward G. Lanza, Esq.