

Kimberly G. Krupka

33 S. Seventh Street, P.O. Box 4060
Allentown, PA 18105
610/820-5450 • 610/820-6006
kkrupka@grossmcginley.com

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ATTORNEYS

MALCOLM J. GROSS
PAUL A. MCGINLEY
HOWARD S. STEVENS
DONALD LABARRE, JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
PATRICK J. REILLY
ANNE K. MANLEY
SUSAN ELLIS WILD*
VICTOR F. CAVACINI
THOMAS E. REILLY, JR.
STUART T. SHMOOKLER
JAMES A. RITTER
JOHN F. GROSS
ROBERT A. ALPERT
ALLEN I. TULLAR
RAYMOND J. DeRAYMOND
THOMAS A. CAPEHART
KIMBERLY G. KRUPKA
KIMBERLY A. SPOTTS-KIMMEL
ANDREW H. RALSTON, JR.
LOREN L. SPEZIALE*†
CHARLES J. FONZONE
JENNIFER L. WEED Δ
SAMUEL E. COHEN*
MICHAEL J. BLUM* °
GRAIG M. SCHULTZ*
ZACHARY R. FOWLER
NICOLE M. O'HARA*
CHRISTOPHER W. GITTINGER
CONSTANCE K. NELSON
GRAEME E. HOGAN*

Of Counsel:
THE HON. JOHN P. LAVELLE (Ret.)
MARIANNE S. LAVELLE
*Also admitted in NY
*Also admitted in NJ
*Also admitted in DC
*Also admitted in MD
*Also admitted in MA
Δ Also admitted in TX
*Also admitted in NM

Allentown Office:
33 S. Seventh Street
P.O. Box 4060
Allentown, PA 18105
Phone: 610/820-5450
Fax: 610/820-6006

Easton Office:
101 Larry Holmes Drive, Suite 202
Easton, PA 18042
Phone: 610/258-1506
Fax: 610/258-0701

Emmaus Office
111 East Harrison Street, Suite 2
Emmaus, PA 18049
Phone: 610/967-1030
Fax: 610/967-0622

Lehigh Office
415 Mahoning Street
Lehigh, PA 18235
Phone: 610/377-0500

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Castaneira v. PPL Electric Utilities Corporation
Docket No. F-2014-2404158

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is the Replies to Complainant's Exceptions on behalf of Respondent, PPL Electric Utilities Corporation.

Please note that this filing was eFiled with the Commission on the date indicated above.

Very truly yours,

KIMBERLY G. KRUPKA

KGK:ejm
Enclosure

cc: Edward Lanza, Esquire, Attorney for Ann Castaneria (w/enc.) *via email only*
Administrative Law Judge Susan D. Colwell (w/enc.) *via email only*
Amy M. Bellizia (w/enc.) *via email only*
Kim Safford (w/enc.) *via email only*

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ANN CASTANEIRA,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. F-2014-2404158

**PPL ELECTRIC UTILITIES CORPORATION'S REPLIES
TO EXCEPTIONS OF COMPLAINANT, ANN CASTANEIRA**

AND NOW, comes the Respondent, PPL Electric Utilities Corporation ("PPL Electric") by and through its attorney of record, Gross McGinley, LLP, and files the within Replies to Exceptions of Complainant, Ann Castaneira, in support thereof as follows:

1. Denied. Complainant fails to set forth her Exceptions in numbered paragraphs and further fails to identify with particularity any Conclusions of Law to which she Excepts. Nonetheless, Complainant appears to except to overall findings and conclusions reached by Administrative Law Judge Colwell in the Initial Decision and PPL Electric will respond accordingly.

Complainant appears to initially except to the ALJ's finding that Complainant failed to meet her burden of proving that PPL Electric violated the Public Utility Code. Specifically, ALJ Colwell found that "Complainants have not sustained their burden of proving that the utility has acted improperly or that the service it offers this household is anything other than adequate, efficient, safe, and reasonable as required by the Public Utility Code." (Initial Decision at 32-33). However, the decision of the ALJ was amply supported by the evidence of record.

As is well recognized by the Commission, the parties seeking affirmative relief from the Commission bear the burden of proof. 66 Pa. C.S. §332(a). Moreover, as a matter of law, it is the burden on the Complainant to show that the utility is responsible for the problem described in the Complaint of the Complainant. Patterson v. Bell Telephone Company of Pa., 72 Pa. PUC 196 (1990). The burden is that of the preponderance of the evidence standard. Samuel J. Lansberry, Inc. v. Pa. Public Utility Commission, 578 A.2d. 600 (1990) *allocator denied*, 602 A.2d 863 (1992). Finally, any finding of fact necessary to support the decision of the ALJ must be based upon **substantial evidence** of record. Mill v. Pa. Public Utility Commission, 447 A.2d 1100 (Pa. Cmmw.1982) (emphasis added). It cannot just be an assumption of an individual. In contending that PPL Electric provided improper service to Complainant, Complainant did not provide any substantial evidence to support the allegation.

Complainant, Ann Castaneira and her husband, Ian Castaneira, live in an old farm home which they have remodeled. The home contains a pool and hot tub (NT. 10) as well as two (2) hot water heaters (NT 13) which were recently changed to gas in March 2014. (NT 14). Unfortunately, several items in the home experienced malfunctions. Specifically, Mr. Castaneira testified that the pool was shut down during a period of time he was unable to obtain filters for it. (NT 15). Additional devices within the home were also found to be in disrepair at the time of an in-person field investigation conducted by PPL Electric. Most significantly, two (2) electric hot water heaters were identified by PPL Electric as potential issues, were later replaced by Complainants, and a significant reduction in electric consumption was immediately thereafter noted.

Complainant asserted that she was over-charged for electric consumption. In asserting this complaint, Complainant did not argue that the meter was improperly recording electric

consumption. (NT 233). Rather Complainant argued that power is supplied by an undersized transformer which overall increases the voltage, and then kilowatt usage. In support of these allegations, Complainant offered the testimony of herself, Ian Castaneira (her husband), as well as a good friend and expert, Dabis Camero (in fact, ALJ Colwell held the hearing open after the first day of testimony to permit Complainant additional time to secure the testimony of an engineer, namely Dabis Camero).

The testimony of Mr. and Mrs. Castaneira did not meet the Complainant's burden of proof. Although Mr. and Mrs. Castaneira contended that the transformer on their property blew on multiple occasions and therefore was inadequate, this was simply not supported by any evidence. Neither Mr. Castaneira nor Ms. Castaneira was able to provide the date on which the transformers blew and/or were replaced. Rather, PPL Electric confirmed that the meter at their property was replaced on February 5, 2014. (NT 122). While Mr. Castaneira experienced other outages over the years, an outage is not equivalent to a transformer issue. Moreover, line work by PPL Electric is not the same as a transformer issue. (NT. 122-123). Accordingly, there was simply no evidence of repeated issues with the transformer servicing Mr. and Mrs. Castaneira.

The spike and then drop in usage was explained by improperly functioning electric hot water heaters that were subsequently replaced. When PPL Electric performed an in-home analysis, the investigator discovered that the electric hot water heater was tripping the breaker. Mr. Castaneira then testified that, in accordance with Complainant's Exhibit I, the two (2) 50-gallon electric hot water heaters were converted to one (1) 75-gallon gas hot water heater in March of 2014 (Complainant Exhibit "I"). Specifically, Exhibit I showed the conversion occurred on March 5, 2014. What is clear is that the precipitous drop in usage corresponded directly to the time in which the electric hot water heaters which were tripping the electric

breaker were converted to gas. What this evidence suggests is that the Castaneira household had two (2) poorly working electric hot water heaters which, when removed, rectified the issues with the electric consumption. Plaintiffs' expert, Dabis Camero, simply ignores this change in home equipment in his analysis of electric consumption.

When ALJ Colwell reviewed the testimony of Mr. and Mrs. Castaneira in its entirety, the ALJ correctly found that the Castaneira household had high consumption of electric, likely due to faulty household equipment including faulty water heaters. Although there has been one (1) replacement of a transformer in February 2014, when a 10 kV transformer was replaced with a 15 kV transformer, there is no indication at all that at any time the power supplied was inadequate.

2. In Exception 2, Complainant Excepts to the ALJ failing to permit and consider hearsay statements attributed to PPL Electric employees relative to alleged transformer issues. Complainants however were unable to identify a specific individual who was authorized by PPL Electric to offer specific statements on its behalf as to the effect of a 10 kV versus a 15 kV line. (N.T. at 16) Complainant had the opportunity to subpoena any witnesses she so chose, and did not. Complainant's were unable to identify the individual (other than in the most general of natures), and could provide no specifics as to this individual's educational or training so as to make any alleged statement from him to be credible and entitled to any weight. In the alternative, the ALJ received testimony from a licensed professional electrical engineer, who explained in detail why the change in transformer would not have any effect on the electrical consumption of Complainant. Such weight attributed by the ALJ was well supported by record evidence.

3. In Exception 3, Complainant contends that ALJ Colwell erred in discounting the testimony of Complainant's expert. Such contention is not accurate. ALJ Colwell in fact accepted Mr. Dabis as an expert, over the objections of PPL Electric, but simply found this testimony to carry less weight than that of PPL Electric's electrical engineer.

In an attempt to meet the burden of proof, Complainants offered the testimony of Dabis Camero. Although Mr. Camero is an electrical engineer, he never indicated that he is a licensed professional engineer which would enable him to testify as an expert. Mr. Camero, by his own admission, is very good friends with the Complainant's family and sought to assist them in this matter. (NT 235). However, his training and experience simply do not qualify him to offer any opinions as to whether or not the transformer is the adequate size in this case. Mr. Camero has never performed any tests on residential electric meters. (NT 234). His expert testimony is based upon an understanding that the transformer servicing the Castaneira household has blown on four (4) occasions. However, Mr. Camero was unaware of any dates when such events happened, and relied solely on conversations with Complainants that within the past ten (10) years, PPL Electric had trucks come out to the community to work on lines. (NT 251-253). The entire basis for his conclusion simply is inaccurate. There is no evidence at all concerning repeated transformer issues.

Mr. Camero testified that in his opinion the high bills are due to motors within the home running hot and needing more current. (NT 253). However, when questioned, he was unable to state what motors were in the home. He simply stated that there was a water pump and refrigerator motor. (NT 254-255). He did not perform an in-home inspection, and was unable to identify even one (1) motor within the home that he felt to be running hot based upon his personal experience.

Unfortunately, Mr. Camero's testimony was not credible. When offering an expert opinion; one of the most important elements of that opinion is the information relied upon by the expert. When Mr. Camero was questioned as to what information he reviewed prior to providing his opinion, he was unable to cite to this information. Specifically, he was questioned:

- Q: So when you made that statement this morning, you're referring to a water pump and a motor on the refrigerator, correct?
- A: That's correct.
- Q: And what are you basing your testimony—strike that. What knowledge do you have that those motors were hot or operating hot?
- A: I have the answer of the readings from PP&L.
- Q: And what readings are those, sir?
- A: I am accustomed to the house and his property and his house.
- Q: Okay, but what specific readings did you look at which made you think to yourself that those motors were running hot?
- A: The readings showed the power consumption per device, if I recall correctly.
- Q: Is it your testimony that you reviewed power consumption numbers by device or by motor for the motors inside the Castaneira home?

At that point in time, Mr. Castaneira realized that the information that Mr. Camero indicated he had reviewed, in fact, never existed. Accordingly, Mr. Castaneira objected to the question and told his witness "hold on. Hold on Dabis." Mr. Castaneira then proceeded to inform everyone at the Hearing that PPL Electric never provided that information and it was not reviewed. However, up until this prompt by Complainant, Mr. Camero was about to testify that he relied on information that did not exist. (NT 254-257).

Mr. Camero then attempted to rely upon what he indicated was a basic understanding of electricity to testify that the high usage is due to low voltage. He testified that during times of low voltage, higher current is required, resulting in higher consumption of electric. However, this theory proved false when questioned as to in-rush current. As stated by Mr. Camero, in-rush current is the current that is demanded for a transient period in a very short interval of time. (NT

284). Accordingly, any increase in current (or usage) would only exist during that in-rush. When questioned how long these in-rushes last that would cause the increased usage, Mr. Camero responded:

A: Not exactly - - I'm not going to put exactly 70 percent, but I saw 18 KVA consumption for a substantial period of time?

Q: What period of time?

A: It would be in the hands of Ian [Complainant] right now.

Q: So you don't know what period of time, correct?

...

A. I don't recall exactly the paper but - -

...

I saw it. (NT 286).

The reality is that there were very few spikes in the range testified to by Mr. Camero. In general, the demand for Complainant's home was well below 10 kW. As part of Complainant's Exhibit F, Complainant provided the Hourly Energy Graphs for his usage which show kW as registered by the meters (Mr. Castaneira has agreed that he does not dispute the accuracy of the meters). Exhibit F included approximately 7 reports when demand exceeded 15 kW. These were for 1/09/11, 1/11/11, 1/12/11, 1/13/11, and 1/14/11. However, all of these occurrences were for extremely brief, transient time periods. Complainant's Exhibit I then further identified five (5) days, namely 2/25/14, 3/01/14, 3/04/14, 3/05/14, and 3/13/14. These spikes again were very transient. Moreover, one cannot identify what was causing this spike, if it might be a broken piece of equipment starting up, or even a sudden usage of multiple motors within the home. However, it is clear this usage was momentary usage and was on very few occasions. Mr. Camero was unable to identify any pattern of usage which would indicate that the transformers were improperly sized for providing electric service.

However, while it is contended that the burden has never shifted to PPL Electric to provide any evidence that the service is appropriate, PPL Electric did so and ALJ Colwell

properly found the testimony of PPL Electric to bear greater weight. PPL Electric presented the testimony of Michael Hadginske, the Customer Support Engineer for the Harrisburg Region. (NT 102). Mr. Hadginske holds a Bachelor's of Science in Electrical Engineering. (NT 102). He actually met with Complainants on several occasions. (NT 103). He testified that in February 2014, PPL Electric replaced the transformer after it failed, either due to ice or a tree falling on it during a winter storm. (NT 105) At this time, the transformer was changed from a 10 kVA to a 15 kVA. (NT 106). Mr. Hadginske reviewed the usage of the two (2) homes connected to this transformer and found the 15 kVA to be completely adequate. (NT 106). Moreover, he explained that even if a larger transformer was needed, which is denied, it would not affect the Complainant's bill. (NT 106). Mr. Hadginske confirmed that even with a larger transformer, the same amount of electricity is used by a device within the home. (NT 1035). Watts is voltage plus current. If you start a motor with a higher voltage, the current is going to be less, and in the end, you have the same kWh usage. (NT 135). While a higher voltage line may eliminate momentary dimming of lights when multiple devices using motors (such as air conditioner, hot tub and washer, are all turned on at the same time, the amount of usage will not change) (NT 135).

PPL Electric has taken exceptional efforts to assist the Castaneiras. Volt meters were installed in 2011 and 2013. (NT 110). The results of the volt monitoring were produced in PPL Electric Hearing Exhibits 10A, 10B, 11A and 11D. Mr. Hadginske provided a full review of these reports and specifically noted there was something within the home causing inrush current at the time in which the volt meter was reporting 130 amps. (NT 114). Based on his experiences with other customers, Mr. Hadginske has opined that this was likely caused by a malfunctioning air conditioner or electric water heater. (NT 114-115). Moreover, he confirmed that based on

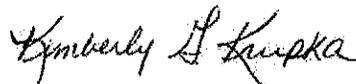
the size of the Castaneira house, and with the amount of devices contained within it, the spike seen on the voltage maps are consistent with other homes. (NT 136).

In addition to installing a volt meter, PPL Electric also performed testing of the meter and confirmed accuracy. (NT 117-118, PPL Hearing Exhibit No. 6). The meter was working at an accuracy of 99.9%. No one has disputed this.

The high bills of the Castaneira's home can be related to faulty equipment within the home at differing periods of time. By way of example, Mr. Castaneira admitted to an air conditioner not working because it lacked Freon. Moreover, the cyclical use of power is consistent with devices in the home. As explained by Mr. Hadginske, devices such as heat pumps, pool pumps, hot tubs, refrigerators and freezers all cycle on and off automatically without the customer necessarily being aware. (NT 146). Finally, as found by the ALJ Complainant replaced her water heaters in March 2014, which corresponded with an immediate reduction in electric consumption.

For the foregoing reasons, it is respectfully requested that the Commission deny Complainants' Exceptions.

GROSS MCGINLEY, LLP



BY: _____

KIMBERLY G. KRUPKA, ESQUIRE
Attorney ID # 83071
Attorney for Respondent
PPL Electric Utilities Corporation
33 S. Seventh Street; P O Box 4060
Allentown PA 18105-4060
Ph. (610) 820-5450; Fx. (610) 820-6006

DATE: 09/10/15

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ANN CASTANEIRA,

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vs.

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CERTIFICATE OF SERVICE

This is to certify that the Reply to Complainant's Exceptions, on behalf of PPL ELECTRIC UTILITIES CORPORATION was served to counsel/complainant of record, on behalf of Respondents *via Email only*, on the 10th day of September, 2015.

EDWARD LANZA, ESQUIRE

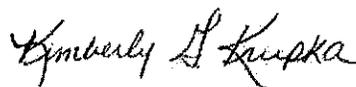
Via Email only to: ed@lanzafirm.com

ADMINISTRATIVE LAW JUDGE
SUSAN D. COLWELL

Via Email only to: scolwell@state.pa.us

GROSS MCGINLEY, LLP

BY:



KIMBERLY G. KRUPKA, ESQUIRE

ID No. 83071

Attorney for Respondent

PPL Electric Utilities Corporation

33 South 7th Street, P.O. Box 4060

Allentown, PA 18105

Phone (610) 820-5450; Fax (610) 820-6006