

ORIGINAL

GROSS, MCGINLEY, LABARRE & EATON, LLP

MALCOLM J. GROSS
PAUL A. MCGINLEY
DONALD LABARRE, JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
PATRICK J. REILLY
WILLIAM J. FRIES
ANNE K. MANLEY
SUSAN ELLIS WILD
VICTOR F. CAVACINI
ROBERT A. ALPERT
JOHN P. SERVIS
ALLEN I. TULLAR
RICHARD T. CURLEY
RAYMOND J. DERAYMOND

ATTORNEYS AT LAW
33 SOUTH SEVENTH STREET
P.O. BOX 4060
ALLENTOWN, PENNSYLVANIA 18105-4060

(610) 820-5450
TELEFAX (610) 820-6006
E-MAIL aralston@gmlc.com
Direct Dial (610) 871-1323

JOHN F. GROSS
KIMBERLY G. KRUPKA
K. A. SPOTTS-KIMMEL
ERROL C. DEANS, JR. *
ANDREW H. RALSTON, JR.
LOREN A. WALMER

OF COUNSEL
DAVID C. KEEHN

*Also admitted in NY

EASTON OFFICE:
717 WASHINGTON ST
EASTON PA 18042
(610) 258-1506

May 10, 2006

RECEIVED

MAY 10 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

VIA FEDERAL EXPRESS

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Post Office Box 3265, 400 North Street
Harrisburg, PA 17105-3265

**RE: Earl Richard Etzweiler v. PPL Electric Utilities Corporation
Docket No. C-20066239**

Dear Mr. McNulty:

Enclosed for filing in the above-captioned matter are an original and three (3) copies of the Answer of PPL Electric Utilities Corporation.

Pursuant to 52 Pa. Code §1.11, the enclosed document is deemed to be filed on May 10, 2006 and was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

In addition, please date and time-stamp the enclosed extra copy of this letter and return it to me in the envelope provided.

DOCUMENT
FOLDER

Very truly yours,

ANDREW H. RALSTON, JR.

AHR, JR.:dm

Enclosures

cc: Ms. Deidre Bilger (w/encl./via e-mail and U.S. Mail)
Ms. Mildred A. Castillo (w/encl./via e-mail)
Mr. Earl Richard Etzweiler (w/encl.)

W:\WDOX\CLIENTS\ppl-puclact54\00130109.DOC

13

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EARL RICHARD ETZWEILER,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-20066239

DOCKETED
MAY 17 2006

ANSWER OF PPL ELECTRIC UTILITIES CORPORATION

1. Admitted.

2. Admitted. By way of further answer Respondent's correct

RECEIVED
LEGAL NAME IS PPL

Electric Utilities Corporation.

**DOCUMENT
FOLDER**

MAY 19 2006

3. Admitted.

PA PUBLIC UTILITY COMMISSION
REGISTRATION BUREAU

4. Admitted in part and denied in part. By way of further answer, PPL is without

knowledge or information sufficient to form a belief as to the truth or falsity of whether Complainant purchased a farm in Upper Paxton Township. As such, this averment is denied.

PPL is without knowledge or information sufficient to form a belief as to the truth or falsity of whether four people reside in the "large dwelling house" on Complainant's farm. As such, this averment is denied. PPL admits that there is a large residential unit on Complainant's farm that is metered for residential use. PPL admits that there is also a small residential unit on Complainant's farm that is metered for residential use. PPL denies that, because of the foreign wiring set forth below, these meters are "individually metered" for the purposes of 66 Pa. C.S. §1529.1. As PPL has not measured the distance between the small dwelling house and the large dwelling house on Complainant's farm, PPL is without knowledge or information sufficient to

form a belief as to the truth or falsity of Complainant's averment that the two structures are approximately 20 feet apart. PPL admits that the large structure and the small structure on Complainant's property are metered for residential use by PPL but, as set forth herein, denies that these structures are individually metered. By way of further answer, PPL has determined that the electric meter on the residential unit occupied by Toni Romberger on Complainant's rental property contains foreign wiring. Specifically, PPL has determined that: (a) a common use water pump, (b) a shed that is rented and used by a tenant of Complainant other than Toni Romberger, and (c) a common use area light are all connected to the electric meter serving the residential unit occupied by Toni Romberger. These three foreign loads on the meter of Toni Romberger are unlawful under Act 54. PPL is without knowledge or information sufficient to form a belief as to the truth or falsity of whether "the lady who lives in the small farm house has been making a contribution for electric service to the tenant of the large farm house." As such, this averment is denied. PPL does answer by stating that whether or not a "contribution for electric service" has been or is being made is irrelevant under an Act 54 analysis.

All of Complainant's allegations concerning, and characterizations regarding, Act 54, and the case law interpreting same (set forth in the last sentence of his first paragraph, and his second third, fourth, and fifth paragraphs) constitute conclusions of law to which no response is required and, as such, same are denied. Without waiving the foregoing, and to the extent that an answer were to be required, PPL avers that Act 54 applies to Complainant's residential rental property and that the existence of foreign wiring in the Complainant's residential rental property (on the meter of Toni Romberger) precludes the premises in question from being considered "individually metered" for the purposes of 66 Pa. C.S. §1529.1. Therefore, pursuant to Act 54,

PPL is required to maintain the account in question in the name of the Complainant, as the owner of the residential rental property.

With regard to paragraph 6, PPL denies that the common use water pump is the sole element of foreign wiring on Complainant's residential rental property and, as such, that a separate meter for the water pump would make Complainant's property Act 54 compliant. By way of further answer, electrical supply for a shed that is not rented to Toni Romberger is on her electric meter, as well as the electrical supply for a common area light. Those foreign loads must be removed from Romberger's meter, as well. PPL is without knowledge or information sufficient to form a belief as to the truth or falsity of whether each tenant is, pursuant to their leases with Complainant, responsible for their own utilities, including electric service. As such, said averment is denied. PPL does state that the truth or falsity of the previous averment is irrelevant under an Act 54 analysis. PPL denies: (a) the remainder of Complainant's characterizations, in the final paragraph, of the financial costs of compliance with Act 54 as conclusions of law to which no response is required or, in the alternative, unsupported factual averments that PPL demands strict proof of at the time of hearing, (b) more importantly, that the financial costs of compliance with Act 54 set forth in the final paragraph of Complainant's Complaint, even if true, are relevant under an Act 54 analysis, and (c) that PPL would be "the only party benefiting" from Complainant's compliance with Act 54.

PPL denies that it has violated any section of its Tariff, the Public Utilities Code, PUC regulations, or, specifically, Act 54.

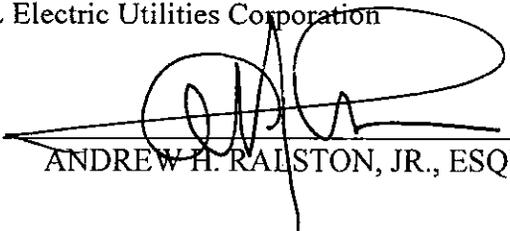
5. Denied. The allegations set forth in Paragraph 5 of the Complaint are conclusions of law not requiring an answer. Without waiving the foregoing, and to the extent an answer is required, PPL incorporates herein by reference its answer to Paragraph 4 above.

6. Admitted.
7. Admitted.
8. No response is required.
9. Admitted.
10. No response is required.

Respectfully submitted,

PPL Electric Utilities Corporation

By:


ANDREW H. RALSTON, JR., ESQUIRE

Dated: May 10, 2006
at Allentown, Pennsylvania

RECEIVED

MAY 10 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EARL RICHARD ETZWEILER,
Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,
Respondent.

COMPLAINT DOCKET

NO. C-20065847

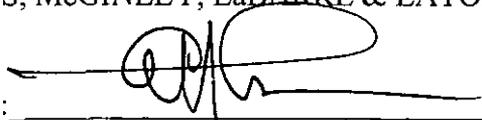
CERTIFICATION OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participant(s), listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

Earl Richard Etzweiler
105 N. Front Street
Harrisburg, PA 17101

Dated this 10th day of May, 2006.

GROSS, McGINLEY, LaBARRE & EATON, LLP

By: 

ANDREW H. RALSTON, JR.
33 South 7th Street, P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450
I.D. #88770

Attorneys for PPL Electric Utilities Corporation

