

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PA 17105

James S. Kashmer
v.
PPL Electric Utilities
Corporation

Public Meeting: August 11, 2016
2487224-OSA
Docket No. F-2015-2487224

MOTION OF VICE CHAIRMAN ANDREW G. PLACE

Before the Commission today for consideration and disposition are the Exceptions of PPL Electric Utilities Corporation (PPL or Company) filed on December 8, 2015, to the Initial Decision of Administrative Law Judge (ALJ) Joel H. Cheskis in the above-captioned proceeding. ALJ Cheskis, in his decision on November 8, 2015, sustained the Complaint of James S. Kashmer (Complainant) and imposed a civil penalty of \$500.00 on the Company for certain violations. No replies to Exceptions were filed by the Complainant.

Mr. Kashmer filed a Formal Complaint against PPL on June 12, 2015, alleging that the Company threatened to terminate service to his second home on or after November 19, 2014. The Complainant explained that, on November 15, 2014, he found a termination notice on the door. The Complainant indicated that he had gone to the property to check on it before the onset of winter and found the Company's November 13, 2014 termination notice. *Complaint at 1.* The Complainant stated that he has owned the property since 1983, and was current on his electric bills as his account is on automatic payment. *Complaint at 2.* Mr. Kashmer also explained that his contact information including his phone number, home address and email address were current with the Company and that PPL could have used this information to alert him to the pending termination. *Tr. at 12-13.* The Complainant called PPL the next available business day to determine why the termination notice was placed on his property.

PPL explained, on the record, that a third party with an outstanding balance of over \$1,800 on her account requested electric service at the Complainant's address. PPL indicated that it was unaware that the third party did not reside at the service address. *Tr. 22-24.*¹ The termination notice was generated in response to that third party's unpaid balance. The Company explained that the circumstances that generated the termination notice for Mr. Kashmer's property were unique because it was the first time that PPL experienced a situation where someone called to place utility service in her name at an address at which they did not reside. *Tr. at 26, 37, and 56.* The Complainant verified that he did not know the person who requested service at his property. *Tr. at 14.*

¹ PPL requested that the third party pay her outstanding balance as a condition to establish new service. *Tr. at 24.*

The ALJ found that the record evidence in this case supports a finding that PPL violated Section 1406 of the Public Utility Code² and Section 56.93³ of the Commission's regulations by indicating to the Complainant that service could be terminated on or after November 19, 2014 when the Company was not legally allowed to terminate his service at that time. *I.D. at 11*. In addition, the ALJ applied the Commission's factors and standards at 52 Pa. Code §69.12.01(c) for determining an appropriate civil penalty amount for the violations found in this proceeding. *I.D. at 11-14*.

I concur with the ALJ's analysis of the facts in this proceeding and his determination that PPL violated the Public Utility Code and the Commission's regulations. In addition, I agree with the ALJ's analysis concerning the appropriate civil penalty amount in this case. I believe that the actions of the Company in this matter were unreasonable under Section 1501 of the Public Utility Code when PPL initiated service at Mr. Kashmer's address on behalf of a third party who did not own or reside at the property. The Company's actions were unreasonable especially in light of the fact that Mr. Kashmer had PPL service at this residence for many years, had a good payment history that includes automatic bill payment and did not request a disconnection of service at his property. The Complainant emphasized, on the record, that his contact information was current with the Company so PPL could have used it to inquire whether he wanted to terminate service. I believe that the service rendered to Mr. Kashmer by PPL was unreasonable and that the civil penalty of \$500.00 determined by the ALJ is appropriate. I believe that a \$500 civil penalty also is warranted to deter PPL from committing future violations of the type that occurred here.

In addition, it is unclear from the record whether PPL has internal procedures to verify, in certain circumstances, whether the request for service at a particular address is correct. PPL proceeded through several steps of termination of service at Mr. Kashmer's address without verifying that the request for service as well as the termination of service were accurate. As technologies evolve and more functions are done remotely through utilities' websites, including requests for and disconnection of service, I believe that inaccuracies regarding service requests and disconnects may increase causing customer confusion and utility inefficiencies. Thus, I would encourage regulated utilities to consider ways to better address

² 66 Pa. C.S. §1406(b)(1) provides, in part, that "Prior to terminating service under subsection (a), a public utility: (i) Shall provide written notice of the termination to the customer at least ten days prior to the date of the proposed termination." Also, Section 1406(b)(1)(ii) provides that a customer or occupant be provided notice "of the proposed termination at least three days prior to the scheduled termination, using one or more of the following methods: (A) in person; (B) by telephone...or (C) by e-mail, text message or other electronic messaging format..." 66 Pa.C.S. §1406(b)(1)(ii).

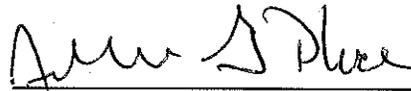
³ Section 56.93 of the Pa. Code requires a public utility to provide notice of the proposed termination at least 3 days prior to the scheduled termination. "If personal contact by one method is not possible, the public utility is obligated to attempt another method." 52 Pa. Code §56.93(a).

requests for service so that all transactions are performed in an accurate and timely manner.

THEREFORE, I move that:

1. The Exceptions filed by PPL Electric Utilities Corporation to the November 8, 2015 Initial Decision at this docket be denied.
2. A civil penalty of \$500.00 be imposed on PPL Electric Utilities Corporation as set forth in this Motion.
3. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

DATED: August 11, 2016



Andrew G. Place
Vice Chairman