

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Katrina Ferguson

v.

PECO Energy Company

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F-2015-2516245

INITIAL DECISION

Before
Steven K. Haas
Administrative Law Judge

INTRODUCTION

A customer filed a complaint against her electric distribution company alleging that faulty outside wiring and a defective meter resulted in her being overbilled by the company. This decision dismisses the complaint because the record evidence shows the customer has the potential to use the amount of electricity for which she was billed and because the wiring and meter issues did not result in excessive billing.

HISTORY OF THE PROCEEDING

On November 30, 2015, Katrina Ferguson (Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO or Respondent). Ms. Ferguson's formal complaint constitutes a timely appeal of the decision of the Commission's Bureau of Consumer Services (BCS) at BCS Case No. 3327261. The Complainant checked the box on her complaint form indicating that there were incorrect charges on her bills. By way of explanation, she averred that she was overcharged from approximately August of 2014 to February of 2015 due to a faulty meter and wiring. She requests that the incorrect charges be removed from her account.

On December 21, 2015, the Respondent filed an answer to the complaint. In its answer, PECO denied that there were incorrect charges on the Complainant's bills. PECO averred that it conducted a high bill investigation and determined that the meter was working correctly and that all charges billed to the Complainant were correct.

By hearing notice dated December 24, 2015, the Commission scheduled an initial telephonic hearing in this proceeding for Wednesday, February 3, 2016, at 10:00 a.m. and assigned the case to me. The telephonic hearing was held as scheduled. The Complainant appeared pro se and presented testimony in support of her complaint. Shawane Lee, Esquire, represented the Respondent, which presented two witnesses and nine exhibits.

Immediately after the direct testimony of PECO's first witness, it was discovered that Ms. Ferguson had been disconnected from the call. Upon reconnecting her, she indicated that she got cut off of the call right after PECO's first witness was introduced and sworn in. Following a brief discussion, the parties agreed that, after Ms. Ferguson obtained and reviewed the portion of the transcript containing the testimony of PECO's first witness, a further telephonic hearing would be scheduled to give her the opportunity to ask the witness any cross examination questions she may have. After this discussion, PECO presented the testimony of its second witness. Ms. Ferguson conducted cross examination of this witness.

Subsequently, by notice dated May 31, 2016, a further telephonic hearing was scheduled for Friday, June 24, 2016, beginning at 1:30 p.m., for the purpose of providing Ms. Ferguson the opportunity to conduct cross examination of PECO's first witness in the initial hearing. The notice was sent to the address provided by Ms. Ferguson on her complaint form. In addition, I sent an e-mail message to the parties on Wednesday, June 22, 2016, reminding them that the further hearing was scheduled for Friday, June 24, 2016, at 1:30 p.m. The e-mail message was sent to Ms. Ferguson using the e-mail address provided by her on her formal complaint form. Neither the hearing notice nor my e-mail message were returned as undeliverable.

Ms. Ferguson did not answer her phone when I called her on June 24th. In light of the facts that a hearing notice was sent to her on May 31, 2016, and I sent her a reminder e-mail

message on June 22, 2016, and she was not available for the hearing, the further hearing was adjourned with no additional evidence or testimony being provided.

The hearings resulted in a transcript of a total of 108 pages and nine PECO exhibits, all of which were admitted into the record. The record closed on July 11, 2016, the date on which I received the transcript. For the reasons set forth below, I will dismiss the complaint.

FINDINGS OF FACT

1. The Complainant in this proceeding is Katrina Ferguson.
2. The Respondent in this proceeding is PECO Energy Company.
3. The Complainant resides at 3631 North Marvine Street, Philadelphia, PA, 19140, which is the address at which the disputed charges were incurred. (Tr. 12).
4. Michael Begley is a Regulatory Assessor with PECO and testified on behalf of the company. (Tr. 34).
5. Thomas Lerro is a Senior Foreman in PECO's High Bill Investigation Department and testified on behalf of PECO. (Tr. 61).
6. PECO Ex. No. 1 is an account statement for Ms. Ferguson's PECO account showing billing and payment information on the account. (Tr. 36).
7. PECO Ex. No. 2 is a photograph of the front of Ms. Ferguson's residence. (Tr. 43).
8. PECO Ex. No. 3 is a graph showing activity on Ms. Ferguson's account, such as kilowatt hour usage and service interruptions on the account, for the time period from January 1, 2016 to February 7, 2016. (Tr. 44).

9. PECO Ex. No. 4 is a Case Details Report containing information about an informal complaint filed by Ms. Ferguson against PECO on March 25, 2015 at BCS Case No. 003327261. (Tr. 49).

10. PECO Ex. No. 5 is a BCS Decision Report showing the BCS's decision on Ms. Ferguson's informal complaint. (Tr. 51).

11. PECO Ex. No. 6 is a utility company report, dated March 9, 2015, containing the results of a high bill investigation conducted by PECO on the Complainant's account. (Tr. 52-54).

12. PECO Ex. No. 7 is a utility company report, dated March 15, 2016, containing additional information about the company's investigation of Ms. Ferguson's high billing and partial power complaint. (Tr. 54-55).

13. PECO Ex. No. 8 is a residential high bill investigation report that describes the results of a high bill investigation conducted by PECO on May 1, 2015 at the Complainant's residence. (Tr. 63).

14. PECO Ex. No. 9 is a meter report that describes the result of a meter test performed on the Complainant's meter prior to its installation in 2013. (Tr. 74).

15. The time frame at issue in this proceeding during which the Complainant claims to have been overbilled by PECO is August 2015 to February 2015. (Tr. 13).

16. Ms. Ferguson contacted PECO on February 6, 2015 to complain about experiencing a partial power condition where, at times, power would be on in part of her house and off in other parts of her house. (Tr. 40).

17. PECO sent a technician to Ms. Ferguson's house on February 6, 2015, and left a card because no one was home at the time. (Tr. 40).

18. Ms. Ferguson called PECO again on February 9, 2015, to again report the problem of partial power. (Tr. 40).

19. A PECO technician was dispatched to Ms. Ferguson's house on February 9, 2015 and confirmed the existence of a partial power condition. (Tr. 41).

20. PECO's technician determined that a bucket truck was needed to further investigate and correct the problem. (Tr. 41).

21. When the technician left the property on February 9, 2015, he removed the meter from the house and installed a jumper connection to give Ms. Ferguson full power until he returned. (Tr. 41).

22. The technician returned to Ms. Ferguson's house on February 11, 2015 to complete his investigation and make necessary repairs. (Tr. 41).

23. The technician discovered and repaired a cut in the weatherhead attached to the house and also re-installed the meter. (Tr. 41, 43, 55; PECO Ex. 7).

24. When the technician left Ms. Ferguson's house on February 11, 2015, all facilities serving her house were working properly and she had full power throughout the house. (Tr. 41).

25. Ms. Ferguson's contact with PECO on February 6, 2015 was the first time she contacted the company to report a service quality problem. (Tr. 42).

26. A power quality problem at Ms. Ferguson's house would not have any impact on her recorded usage for billing purposes. (Tr. 42, 65, 74).

27. The problem with Ms. Ferguson's weatherhead did not cause an increase in electricity usage at her house. (Tr. 47-48; PECO Ex. 3).

28. Ms. Ferguson's billing issues were resolved in February of 2015 after PECO repaired the weatherhead and re-installed the meter. (Tr. 16).

29. The meter at Ms. Ferguson's house was originally tested on June 5, 2013, prior to it being installed at her house. (Tr. 75; PECO Ex. 9).

30. The meter tested within the Commission's requirements at the time it was installed. (Tr. 75; PECO Ex. 9).

31. Ms. Ferguson's meter was tested again by PECO on May 1, 2015 and was found to be operating properly and within the Commission's requirements. (Tr. 76).

32. Ms. Ferguson's house has four bedrooms, a living room, a dining room, a kitchen and a storage area. (Tr. 31).

33. Ms. Ferguson had the following appliances in her house during the time period at issue: refrigerator/freezer, electric range, microwave, washer, dryer, several computers, a TV set, a TV cable box, a space heater, a water heater, a fish tank, a furnace fan and an oil burner motor. (Tr. 28, 66-67; PECO Ex. 8).

34. The appliances in Ms. Ferguson's house have the potential to use the following kWh each month: refrigerator/freezer - 200; electric range - 150; microwave - 40; washer and dryer - 110; computer, TV set, TV cable box and fish tank - 25; space heater - 1150; water heater - 375; and furnace fan - 240. (Tr. 66-67; PECO Ex. 8).

35. Ms. Ferguson's electricity usage and billing from August 2014 through February 2015 was as follows:

<u>Billing Period</u>	<u>kWh Usage</u>	<u>Total Charge</u>
7/30/14 - 8/28/14	660	\$62.37
8/28/14 - 9/29/14	521	\$49.71
9/29/14 - 10/28/14	433	\$42.05
10/28/14 - 11/26/14	936	\$107.81

11/26/14 – 12/31/14	1203	\$148.56
12/31/14 – 2/3/15	1150	\$140.54
2/3/15 – 3/4/15	635	\$61.37

(Tr. 38-39; PECO Ex. 1).

36. Ms. Ferguson purchased her space heater sometime in October of 2014. (Tr. 17, 23).

37. Ms. Ferguson stopped using her space heater in late November or early December after it caught fire. (Tr. 17).

38. The heat system in Ms. Ferguson’s house is fueled by oil, not electricity. (Tr. 31).

39. Space heaters can have a significant impact on electricity usage, consuming approximately 1.5 kWh per hour. (Tr. 40, 71).

40. Ms. Ferguson ran her space heater approximately 12 hours per day during the time she was using it. (Tr. 68; PECO Ex. 8).

41. PECO sent a technician to Ms. Ferguson’s house on May 1, 2015 to investigate a high bill complaint. (Tr. 51).

42. The technician determined the appliances in the house and prepared a cost estimate based on the potential usage of the appliances. (Tr. 64; PECO Ex. 8).

43. Ms. Ferguson’s total potential monthly kWh usage, based on the appliances she has in her house, is 2290 kWh. (Tr. 68; PECO Ex. 8).

44. The technician’s investigation, which included a drop load test and a passing load test on the water heater in Ms. Ferguson’s house, showed that her meter was registering electricity usage accurately. (Tr. 71-71, 76; PECO Exs. 8-9).

45. The total balance on the Complainant's account as of December 15, 2015 bill was \$279.63. (PECO Ex. 1).

DISCUSSION

The Public Utility Code, 66 Pa.C.S.A. § 332(a), places the burden of proof in a proceeding upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S.A. § 332(a).

The Complainant in this proceeding has the burden of proof to show that the Respondent is responsible or accountable for the problem described in the complaint. Patterson v. Bell Telephone Co. of Pa., 72 Pa. PUC 196 (1990); Feinstein v. Philadelphia Suburban Water Co., 50 Pa. PUC 300 (1976). The Complainant must prove her case by a preponderance of the evidence. Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n, 578 A.2d 600 (Pa.Cmwlth. 1990), alloc. den., 602 A.2d 863 (Pa. 1992). To meet this burden of proof, the Complainant must present evidence more convincing, by even the smallest amount, than that presented by the Respondent. Se-Ling Hosiery v. Margulies, 70 A.2d 854 (Pa. 1950). Here, the Complainant alleges that the Respondent overbilled her for usage from approximately August 2014 to February 2015.

Since the complaint involves an allegation of overbilling, the Complainant's burden of proof is governed by Waldron v. Philadelphia Electric Co., 54 Pa. PUC 98 (1980) (Waldron). In Waldron, the Commission concluded that a complainant may establish a prima facie overbilling case by showing that: (1) the number of occupants of the household has not changed; (2) the potential for energy utilization is low; and (3) the prior billing history shows no previous abnormalities. If the Complainant has submitted such evidence, the burden of going forward with the evidence shifts to the Respondent. If the Respondent fails to rebut the Complainant's evidence, then the Complainant would prevail. If the Respondent places evidence into the record to rebut the Complainant's prima facie case, the burden of going forward with the evidence shifts back to the Complainant. In order to satisfy the burden of proof, the Complainant must rebut the Respondent's evidence by a preponderance of the evidence.

Although the burden of going forward with the evidence may shift from one party to another during a proceeding, the "burden of proof" never shifts. It always remains on the Complainant. Replogle v. Pennsylvania Electric Co., 54 Pa. PUC 528 (1980).

The Commonwealth Court broadened the Commission's ruling in Waldron in Milkie v. Pa. Pub. Util. Comm'n, 768 A.2d 1217 (Pa.Cmwlt. 2001) (Milkie). The Commonwealth Court held that the Commission's requirement that a complainant must establish certain specific elements in order to make out a prima facie case was too restrictive. The Commonwealth Court ruled that even where the utility has presented evidence that it has tested the customer's meter and found it to be accurate, the customer may prove his or her case by circumstantial evidence that the metered usage exceeded actual usage.

Subsequent to the Milkie decision, the Commission has determined that in an overbilling case, it may consider the billing history of the account, any change in usage pattern or any other relevant facts or circumstances that come to light during the proceeding. Bennett v. Peoples Natural Gas Co., Docket No. C-2009-2122979 (Opinion and Order entered October 13, 2010); Thomas v. PECO Energy Co., Docket No. C-2010-2187197 (Opinion and Order entered November 15, 2011). The Waldron rule protects the Complainant from dismissal because of his inability to produce direct proof that his meter has malfunctioned.

As noted above, the burden of proof always remains with the Complainant and if the Respondent presents evidence that is co-equal or greater in weight than the Complainant's, the Complainant will not have met her burden of proof. The Commonwealth Court in Milkie emphasized that the mere proof by the utility that its measuring devices are accurate is no longer the sole determinant of whether there is a basis to a complaint of overbilling, citing Burleson v. Pa. Pub. Util. Comm'n, 461 A.2d 1234 (Pa. 1983).

In this case, the Complainant alleges that the Respondent overbilled her. Ms. Ferguson testified that her PECO bills increased in late 2014 and early 2015. She attributed the increase in recorded usage to a faulty meter and a wiring problem, both of which she alleges were corrected by PECO in February of 2015. She alleges that the billing returned to correct

levels after the repair work was completed in February. I will first summarize the evidence on the overbilling issue before addressing the Complainant's contentions.

As noted above, the Complainant alleges that she was overbilled in late 2014 and early 2015 as a result of a faulty meter and wiring. She testified that she experienced partial power conditions at her house during this time frame. (Tr. 12). She explained that, at times, the electricity would be on in one part of her house and off in another part of the house. (Tr. 19). She also testified that there were problems with her electric meter and the wires coming to her house. (Tr. 14). She explained that a PECO technician came to her house in February of 2015 and removed the meter from her house. (Tr. 14). She further testified that the technician returned a few days later with a bucket truck and repaired the wires coming into her house. (Tr. 16). The technician also re-installed the electric meter. (Tr. 16). She opined that her bills were incorrect due to problems with the meter and the wiring. (Tr. 22). Ms. Ferguson testified that the billing from PECO was correct after PECO fixed the wires and re-installed the meter. (Tr. 13, 16).

PECO witness Michael Begley is a Regulatory Assessor with PECO and has been with the company for 20 years. (Tr. 34). PECO witness Thomas Lerro is a Senior Field Foreman in PECO's High Bill Investigation Department and has been with the company for 35 years. With respect to Ms. Ferguson's suggestion that her electric meter was faulty, Mr. Begley testified that the meter was installed on September 28, 2013. (Tr. 36; PECO Ex. 1). Mr. Lerro testified that the meter was tested prior to its installation and was within the Commission's accuracy requirements when installed. (Tr. 75; PECO Ex. 9). Mr. Lerro explained that a PECO technician conducted an investigation at Ms. Ferguson's house in May of 2015, in response to a high bill complaint from her. (Tr. 63). As part of this investigation, the technician performed a drop load test to determine if there was foreign load registering on her meter. With this test, all usage from within the house is turned off at the meter. If any usage were still being recorded at the meter, it would be coming from outside of the house. In this case, the test result was negative, meaning there was no foreign load registering on the meter. (Tr. 72).

The technician also performed a passing load test using Ms. Ferguson's water heater. With this test, all appliances but the water heater were turned off. The water heater has a

known rating for the number of watts drawn per hour. During the test, the actual usage from the water heater is recorded and compared to the rated usage for the appliance. Mr. Lerro testified that Ms. Ferguson's meter was recording usage from the water heater at exactly its known rating. (Tr. 72; PECO Ex. 8). Mr. Lerro concluded from these tests that Ms. Ferguson's meter was operating properly. (Tr. 72, 76; PECO Ex. 8).

With respect to the wiring issue, Mr. Begley testified that Ms. Ferguson contacted the company on February 6, 2015 to report a partial power condition at her house. (Tr. 40). He testified that this was the first time she contacted the company to complain about a service quality issue. (Tr. 42). A PECO technician was dispatched to her house the same day but no one was home, so the technician left a card indicating he had been there. (Tr. 40). Mr. Begley testified that Ms. Ferguson called PECO again on February 9, 2015 to report the same problem. A technician was sent back to her house that same day and confirmed the partial power condition. (Tr. 41). The technician needed a bucket truck to further investigate and inspect the facilities serving Ms. Ferguson's house. He returned on February 11, 2015 and made a repair to the wiring at the weatherhead on her house. (Tr. 41). Mr. Begley explained that there was a loose triplex wire at the weatherhead and that the technician repaired and reattached the wire. (Tr. 55; PECO Ex. 7). He indicated that all company facilities were operating properly and that Ms. Ferguson had full power to her house when the technician left. (Tr. 41).

Both Mr. Begley and Mr. Lerro testified that the loose wire condition did not result in overbilling on Ms. Ferguson's account. (Tr. 48-48, 65). Mr. Lerro explained that if the weatherhead issue had been causing the partial power outages, Ms. Ferguson's recorded usage would have been lower, rather than higher, since usage would have decreased during the times she was without power. (Tr. 65-66).

With respect to the actual charges on Ms. Ferguson's account, she opined that she was overbilled from approximately August of 2014 to February of 2015, since there was a meter issue and a wiring issue. (Tr. 22). She did not provide any evidence about specific past usage figures or billing amounts with which to compare the figures about which she is complaining, nor did she provide any evidence proving that, in fact, either the meter or wiring issues resulted in incorrect billing.

PECO presented evidence about Ms. Ferguson’s potential electricity usage, based on the size of her house and the various appliances in the house. Ms. Ferguson herself testified that her house has four bedrooms, a living room, a dining room, a kitchen and a storage area. (Tr. 31). The record evidence shows that she had in her house during the time period at issue a refrigerator/freezer, an electric range, a microwave oven, a washer and dryer, computers, a TV set and TV cable box, a fish tank, a water heater, a space heater and a furnace fan. (Tr. 27-28, 66-67; PECO Ex. 8).

Thomas Lerro testified that, given the size of the house and the appliances in the house, Ms. Ferguson has the potential to use approximately 2,290 kWh of electricity per month. (Tr. 68; PECO Ex. 8). He explained that the potential usage of the various appliances is as follows: refrigerator/freezer – 200; electric range – 150; microwave oven – 40; washer and dryer – 110; computers, TV set, TV cable box and fish tank – 25; water heater - 375, space heater – 1150; and furnace fan - 240. (Tr. 66-67; PECO Ex. 8).

PECO Ex. 1 is an account statement for Ms. Ferguson’s PECO account. In comparison to the potential usage analysis described above, PECO Ex. 1 includes Ms. Ferguson’s actual monthly electricity consumption, billing and payment information on her account from April 2013 through December 2015. Mr. Begley reviewed this exhibit and testified about her usage and billing during the time period at issue. The table below contains her usage and billing information from August 2014 through February 2015.

<u>Billing Period</u>	<u>kWh Usage</u>	<u>Total Charge</u>
7/30/14 - 8/28/14	660	\$62.37
8/28/14 – 9/29/14	521	\$49.71
9/29/14 – 10/28/14	433	\$42.05
10/28/14 – 11/26/14	936	\$107.81
11/26/14 – 12/31/14	1203	\$148.56
12/31/14 – 2/3/15	1150	\$140.54
2/3/15 – 3/4/15	635	\$61.37

(Tr. 38-39; PECO Ex. 1).

Mr. Begley testified that Ms. Ferguson's actual usage during this time period is relatively low. (Tr. 37). He stated, "I mean, many months she was almost under 1000 kilowatt hours, which, you know, isn't really high usage, considering." (Tr. 37-38). As noted, based on the size of her house and the appliances in the house, Ms. Ferguson has the potential to use up to 2290 kWh per month. (Tr. 68; PECO Ex. 8). Mr. Begley further testified that the increase in usage during the months of November 2014 through January 2015 was consistent with typical increased usage during winter months. (Tr. 50).

The record evidence does not support the Complainant's position that she was incorrectly billed, during late 2014 and early 2015, due to a defective meter and wiring. To the contrary, the evidence supports PECO's position that neither Ms. Ferguson's meter nor the damaged wiring at the weatherhead attached to her house caused her bills to increase.

As noted above, PECO tested the meter attached to Ms. Ferguson's house both before it was installed in June of 2013 and again in May of 2015. Both tests showed that the meter was accurately recording usage at Ms. Ferguson's house. (Tr. 72, 75-76; PECO Exs. 8-9). The drop load test performed by PECO proved that there was no foreign load being recorded on her meter. (Tr. 72). PECO also performed a passing load test using Ms. Ferguson's water heater. As explained, all appliances but the water heater were turned off. The water heater has a known rating for the number of watts drawn per hour. During the test, the actual usage from the water heater is recorded and compared to the rated usage for the appliance. Mr. Lerro testified that Ms. Ferguson's meter was recording usage from the water heater at exactly its known rating. (Tr. 72; PECO Ex. 8). Mr. Lerro concluded from these tests that Ms. Ferguson's meter was operating properly. (Tr. 72, 76; PECO Ex. 8). There is simply no evidence proving that the meter was defective and resulted in excessive billing.

The evidence also supports PECO's position that the wiring issue did not result in increased billing. Ms. Ferguson contacted the company on February 6, 2015 to report a partial power condition at her house. (Tr. 40). This was the first time she contacted the company to complain about a service quality issue. (Tr. 42). No one was home when the technician arrived. Ms. Ferguson called PECO again on February 9, 2015 to report the same problem. A technician was sent back to her house that same day and confirmed the partial power condition. (Tr. 41).

The technician needed a bucket truck to further investigate and inspect the facilities serving Ms. Ferguson's house. He returned on February 11, 2015 and made a repair to a loose triplex wire at the weatherhead on her house. (Tr. 41, 55; PECO Ex. 7). All company facilities were operating properly following this visit and there was full power to her house when the technician left. (Tr. 41).

PECO's witnesses both testified that the loose wire condition did not result in overbilling on Ms. Ferguson's account. (Tr. 48-48, 65). Mr. Lerro explained that if the weatherhead issue had been causing the partial power outages, Ms. Ferguson's recorded usage would have been lower, rather than higher, since usage would have decreased during the times she was without power. (Tr. 65-66). Again, there is no evidence proving that the loose wire at the weatherhead resulted in excessive billing.

Given these facts, and for the reasons set forth above, the Complainant has failed to demonstrate that the Respondent overbilled her in late 2014 and early 2015. The Complainant's actual usage was well within her potential usage as determined by PPL's high bill analysis. Further, the Complainant's meter is accurately recording her electricity usage and the loose wire did not result in her being billed for more electricity than she actually used. I conclude that the Complainant has failed to establish by a preponderance of the evidence that the Respondent has overbilled her for electric service.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa.C.S. § 701.
2. The burden of proof in this proceeding is on the Complainant. 66 Pa.C.S. § 332(a),
3. The Complainant's burden of proof in this proceeding is governed by Waldron v. Philadelphia Electric Co., 54 Pa. PUC 98 (1980).

4. The Complainant failed to establish by a preponderance of the evidence that the Respondent overbilled her for electric service because she has the potential to use the amounts of electricity for which he was billed and because her electric meter is accurately recording the amounts of electricity she is using. Waldron v. Philadelphia Electric Co., 54 Pa. P.U.C. 98 (1980); Milkie v. Pennsylvania Pub. Util. Com., 768 A.2d 1217 (Pa. Cmwlth. 2001).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the formal complaint of Katrina Ferguson against PECO Energy Company at Docket No. F-2015-2516245 is denied.
2. That the proceeding at Docket No. F-2015-2516245 is marked closed.

Date: October 4, 2016

/s/

Steven K. Haas
Administrative Law Judge