

C-20066231 Richard H. Kuntz v. PPL Electric Utilities Corporation

Billing dispute.

RICHARD H KUNTZ ✓  
477 WEST FOURTH STREET  
LOCK HAVEN PA 17745

KIMBERLY G KRUPKA ESQUIRE ✓  
GROSS MCGINLEY LABARRE & EATON LLP  
33 SOUTH SEVENTH STREET  
PO BOX 4060  
ALLENTOWN PA 18105-4060

*DK 2/10*

OCT 24 2006

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Richard H. Kuntz

v.

PPL Electric Utilities Corporation

C-20066231

INITIAL DECISION

Before  
Kandace F. Melillo  
Administrative Law Judge

DOCUMENT  
FOLDER

**DOCKETED**  
NOV 1 2006

HISTORY OF THE PROCEEDING

On December 9, 2005, Richard H. Kuntz (Mr. Kuntz or Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL, Respondent, or Company). The Formal Complaint alleged that PPL had failed to comply with the Final Order of the Commission in Richard H. Kuntz v. PPL Electric Utilities Corporation, Docket No. F-01603251, which was entered on September 23, 2005 (September 23 Order). Specifically, Mr. Kuntz claimed that the Company had not rebilled him for the reduced kilowatt hours (kwh) as per the September 23 Order, had charged him for late payments, and had failed to credit him for his customer charge payments.

According to Commission records, Mr. Kuntz's Complaint was not served upon PPL until April 18, 2006. Thus, PPL's Answer, which was filed on May 8, 2006, was timely. PPL's Answer denied that Mr. Kuntz was not provided the appropriate credit as a result of the September 23 Order, and that all further charges were correct as billed.

On May 10, 2006, Chief Administrative Law Judge (CALJ) Veronica A. Smith issued an Interim Order Setting Conference Between Parties. This Interim Order directed PPL to contact the Complainant, on or before, May 24, 2006, and schedule a mutually convenient time to hold a settlement conference on or before June 7, 2006, if possible. No settlement was achieved, and the matter was requested to be scheduled for a hearing.

In his Complaint, Mr. Kuntz had requested a more formal setting for the hearing and accordingly, the Initial Hearing was scheduled as an in-person hearing in Harrisburg, PA. A Hearing Notice, dated July 7, 2006, provided notice to the parties of the Initial Hearing, to be held Tuesday, August 29, 2006, at 10:00 a.m., in Hearing Room #2, Commonwealth Keystone Building, Harrisburg, PA. I was assigned to preside in this matter.

On July 10, 2006, I issued a Prehearing Order which advised the parties of the day, date, and time of the hearing, and provided applicable procedures regarding continuances, evidentiary rules, exhibits, issuance of subpoenas, discovery, and settlement.

On July 13, 2006, Complainant contacted the Office of Administrative Law Judge and advised that he would be unable to travel to Harrisburg for the hearing. I responded to Mr. Kuntz, by letter dated July 14, 2006, with a copy to the Respondent, and indicated that the hearing would be rescheduled as a telephonic hearing. I encouraged the parties to attempt to settle the matter, through use of third parties, if necessary.

On July 18, 2006, I issued a Revised Prehearing Order to indicate that the hearing would be obtained telephonically, and that the parties would need to supply their proposed exhibits to me at least five (5) business days in advance of the hearing. On July 19, 2006, a revised Hearing Notice was provided to the parties, confirming that the hearing had been changed to a telephonic hearing, to be held at the same time: Tuesday, August 29, 2006, at 10:00 a.m.

The Initial Telephone Hearing was held as scheduled on Tuesday, August 29, 2006, at 10:00 a.m., and was transcribed. Complainant proceeded pro se, and testified in his own behalf.

Tr. 5. He presented no exhibits. PPL, which was represented by Kimberly A. Krupka, Esquire, presented the testimony of one witness (Linda Waskevich) and introduced eight exhibits (PPL Hearing Exhibits 1 – 8), all of which were admitted. Tr. 78. PPL attested to the efforts it had made to explain the rebilling process associated with the Commission's September 23 Order and to settle this matter. Tr. 6.

Since this proceeding involved allegations of noncompliance by PPL of the Commission's September 23 Order, I indicated that I would take notice of the findings and conclusions from that Order as binding on the parties. 66 Pa. C.S. §316; Tr. 69.

The parties indicated that they did not wish to file briefs. Therefore, I held the record open at the conclusion of the hearing for receipt of the transcript. After receipt of the transcript, I issued an Interim Order closing the record on September 19, 2006.

The record consists of 82 pages of transcript, the testimony of Complainant and one (1) PPL witness, and eight (8) PPL exhibits. This matter is now ready for a decision.

#### FINDINGS OF FACT

1. Complainant is Richard H. Kuntz (Complainant or Mr. Kuntz), a 72-year old PPL residential ratepayer, who resides at 477 West Fourth Street, Lock Haven, PA 17745. Tr. 21.
2. Respondent is PPL Electric Utilities Corporation (PPL, the Company, or Respondent), a public utility which provides electric distribution service to customers in the Commonwealth of Pennsylvania. PPL Hearing Exhibits (Exs.) 3, 4.
3. From January 2001 to January 2004, a period of thirty-seven months, Mr. Kuntz was billed for and paid no more than the PPL customer charge of \$6.55 per month for his

electric service due to a stopped meter. This customer charge did not include any usage charges. Initial Decision at F-01603251,<sup>1</sup> Finding of Fact #10; Tr. 52.

4. On January 19, 2004, Complainants' meter was changed by PPL, and on February 27, 2004, he was billed for three years' of unbilled usage (34,340 kwh) plus 103 kwh usage on the new meter since the meter change, for a total bill of \$2,470.90, based upon 34,443 kwh (34,340 + 103 = 34,443 kwh). Tr. 40; PPL Hearing Ex. 3, pp. 2-3; PPL Hearing Ex. 7.

5. Complainant filed an informal complaint with the Bureau of Consumer Services (BCS) on March 4, 2004 regarding the rebilling. The BCS informal decision, issued on January 11, 2005, found that the rebilled amount was accurate based upon consumption patterns, but noted that the Company had offered a 10% conservation credit. Thus, BCS determined that the Company should issue an adjustment of 3,400 kwh, to reflect the 10% conservation credit. PPL Hearing Ex. 4.

6. When PPL is issued a directive to reduce a billing, it must cancel out a prior billing and then rebill for that period. Accordingly, to comply with the BCS informal decision, PPL canceled out the \$2,470.90 billing (34,340 kwh + 103 kwh) on January 20, 2005, and issued a new bill of \$2,228.07, to reflect the 3,400 kwh conservation credit (34,340 kwh - 3,400 kwh = 30,940 kwh) plus the 103 kwh which had been included in the canceled billing. The \$2,228.07 bill reflected total billed kwh of 31,043 (30,940 kwh + 103 kwh = 31,043 kwh). Tr. 41-44.

7. On February 15, 2005, Mr. Kuntz filed a Formal Complaint with the Commission at Docket No. F-01603251, which was an appeal of the BCS decision dated January 11, 2005.

8. The Commission's Final Order in Mr. Kuntz's Formal Complaint (September 23 Order) concluded that a slight adjustment was required in the rebilling, and that

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<sup>1</sup> The Initial Decision became final by operation of law, without further Commission action, by Final Order entered September 23, 2005, at Docket No. F-01603251.

instead of rebilling for 30,940 kwh to reflect the 10% conservation adjustment, PPL should have rebilled for 29,736 kwh. Thus, PPL was ordered to rebill for 29,736 kwh in metered usage for January 2001 through January 2004, within thirty (30) days of the Final Order effective date, at rates then in effect, and to cancel all other billings. Tr. 45; September 23 Order, Ordering Paragraph #3 (see also, PPL Hearing Ex. 1).

9. To comply with the September 23 Order, PPL canceled out the \$2,228.07 bill issued in compliance with the BCS decision, and issued a bill to Complainant, on October 5, 2005, for \$2,142.06, which reflects usage of 29,736 kwh plus the 103 kwh for February 2004 new meter usage which had been included in the prior cancelled billing. Tr. 45-46; PPL Hearing Ex. 3, p. 4. The difference between the two billings is a credit of \$86.01, which represents the additional kwh adjustment required by the September 23 Order. Tr. 66.

10. The \$2,142.06 for which Complainant was billed includes only usage charges and the Complainant was fully credited for all amounts that he paid from January 2001 through January 2004 on his customer charge. Tr. 52.

11. PPL completed the 29,736 kwh rebilling by October 23, 2005, which is within thirty (30) days of the Final Order effective date of September 23, 2005. Tr. 48-49; PPL Hearing Ex. 3, p. 4.

12. The September 23 Order provided that Respondent would be permitted to recover the unbilled amount at the rate of \$40 per month, until the unbilled balance was extinguished. Tr. 47.

13. No party appealed the Commission's September 23 Order.

14. On December 9, 2005, Complainant filed the instant Formal Complaint, at Docket No. C-20066231, due to his belief that PPL had failed to provide him with the 10% conservation credit as required by the September 23 Order, and had failed to credit his account with

customer charge payments he made from January 2001 through January 2004. He also complained about the assessment of late payment charges. Tr. 9, 18.

15. Complainant paid his current bills in full during the pendency of the instant Formal Complaint, but did not pay anything toward the arrearage because, in his view, the bill was incorrect. Tr. 23, 50-51, 57.

16. PPL was not served with Mr. Kuntz's Formal Complaint at Docket No. C-2006623, by the Commission, until April 18, 2006, and was unaware that it had been filed until that time. Tr. 4, 53-54.

17. Because PPL was unaware that Mr. Kuntz had filed a Formal Complaint challenging PPL's compliance with the September 23 Order, PPL began charging late payment charges, as Mr. Kuntz was not making the \$40 required monthly payment towards the arrearage. When PPL received a copy of the Formal Complaint, PPL ceased charging late payment charges to Mr. Kuntz. Tr. 49-51, 53.

18. The amount of late payment charges assessed to Mr. Kuntz, from the date of his filing of the Formal Complaint, until it was served upon the Respondent, was \$139.41. Respondent has agreed to credit Mr. Kuntz's account for these late payment charges. Tr. 55-56, 68.

19. Since Complainant was not making the \$40 monthly payments on the arrearage, and PPL was unaware that Mr. Kuntz had filed a Formal Complaint, PPL served him with a termination notice in April 2006. Tr. 20, 52-53.

20. After receiving the termination notice, Mr. Kuntz paid PPL \$1,687.87 on April 21, 2006, because he thought that this was what he owed to PPL. Tr. 59. PPL did not require Mr. Kuntz to make this large payment toward the unpaid balance in order to retain his service. Tr. 57-60.

21. Due to Mr. Kuntz's payment of \$1,687.87, which significantly reduced the unpaid balance, PPL will accept \$15 per month rather than the \$40 per month provided in the September 23 Order. Tr. 63.

22. After the \$139.41 in late payment charges are removed, the remaining balance to be repaid, at the new rate of \$15 per month, is \$492.12. Tr. 68.

### DISCUSSION

In his Formal Complaint, Mr. Kuntz contended that PPL had failed to comply with the Commission's September 23 Order concerning his prior Complaint at Docket No. F-01603251 in that PPL had failed to provide him with a 10% conservation credit, had assessed late payment charges, and had failed to credit him with his customer charge payments. The general rule concerning burden of proof in consumer complaint proceedings is that the complainant, as the proponent of the rule or order, has the burden of proof under 66 Pa. C.S. §332(a). However, the general rule in Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a), is subject to any exceptions on the burden of proof as provided in Section 315 of the Public Utility Code, 66 Pa. C.S. §315. Section 315(b) of the Public Utility Code, 66 Pa. C.S. §315(b), provides, in relevant part, that "[i]n any case involving any alleged violation by a public utility . . . of any lawful determination or order of the [C]ommission, the burden of proof shall be upon the public utility . . . to show that the determination or order of the [C]ommission has been complied with." Thus I conclude, in accordance with 66 Pa. C.S. §315(b), that PPL had the burden of proof with respect to its compliance with the September 23 Order.<sup>2</sup> Any prior pronouncement that the Complainant had the burden of proof herein is hereby rescinded.

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<sup>2</sup> Due to a misapprehension concerning the appropriate party with the burden of proof, the Complainant was permitted to open and close, without objection from any party. However, for the reasons to be set forth herein, I conclude that Respondent has met its burden of proving compliance with the September 23 Order, and further opportunity to rebut Complainant's evidence was not necessary.

“Burden of proof” means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. Se-Ling Hosiery v. Marguiles, 364 Pa. 54, 70 A.2d 854 (1950).

Also, the decision of the Commission in this matter must be supported by substantial evidence. 2 Pa. C.S. §704. “Substantial evidence” is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. Norfolk & Western Ry. Co. v. Pa. P.U.C., 489 Pa. 109, 413 A.2d 1037 (1980).

Complainant testified that PPL had failed to provide the 10% conservation credit required by the September 23 Order, and, in addition, had failed to provide the credit within thirty (30) days. Tr. 9, 18. In response, PPL presented the testimony of Linda Waskevich, a PPL customer service supervisor, to explain the process by which the Company had complied with the September 23 Order.

The September 23 Order addressed Mr. Kuntz responsibility for three years’ of unbilled usage due to a stopped meter. On January 19, 2004, Mr. Kuntz’s meter had been changed by PPL, and Mr. Kuntz was then billed for three years’ of unbilled usage (34,340 kwh) plus 103 kwh usage on the new meter since the meter change, for a total bill of \$2,470.90, based upon 34,443 kwh. Tr. 40; PPL Hearing Ex. 3, pp. 2-3; PPL Hearing Ex. 7.

Upon receiving the rebilling, Mr. Kuntz filed an informal complaint with the BCS. The BCS informal decision, dated January 11, 2005, reflected a 10% conservation credit to the 34,340 kwh billing, for a credit a 3,400 kwh and an adjusted kwh billing of 30,940 kwh (34,340 kwh - 3,400 kwh = 30,940 kwh). PPL Hearing Ex. 4.

As explained by Ms. Waskevich, when PPL is issued a directive to reduce a billing, it must cancel out a prior billing and then rebill for that period. Accordingly, to comply with the BCS informal decision, PPL canceled out the \$2,470.90 billing (34,340 kwh + 103 kwh) on January

20, 2005, and issued a new bill of \$2,228.07, to reflect the 3,400 kwh conservation credit (34,340 kwh - 3,400 kwh = 30,940 kwh) plus the 103 kwh which had been included in the canceled billing. The \$2,228.07 bill reflected total billed kwh of 31,043 (30,940 kwh + 103 kwh = 31,043 kwh). Tr. 41-44.

On February 15, 2005, Mr. Kuntz filed a Formal Complaint with the Commission at Docket No. F-01603251, which was an appeal of the BCS decision dated January 11, 2005. The Commission's Final Order in Mr. Kuntz's Formal Complaint (September 23 Order) concluded that a slight adjustment was required in the rebilling, and that instead of rebilling for 30,940 kwh to reflect the 10% conservation adjustment, PPL should have rebilled for 29,736 kwh. Thus, PPL was ordered to rebill for 29,736 kwh in metered usage for January 2001 through January 2004, within thirty (30) days of the Final Order effective date, at rates then in effect, and to cancel all other billings. Tr. 45; September 23 Order, Ordering Paragraph #3 (see also, PPL Hearing Ex. 1).

To comply with the September 23 Order, PPL canceled out the \$2,228.07 bill issued in compliance with the BCS decision, and issued a bill to Complainant, on October 5, 2005, for \$2,142.06, which reflected usage of 29,736 kwh plus the 103 kwh for the February 2004 new meter usage which had been included in the prior cancelled billing. Tr. 45-46; PPL Hearing Ex. 3, p. 4. The difference between the two billings is a credit of \$86.01, which represents the additional kwh adjustment required by the September 23 Order. Tr. 66.

In addition, as testified to by Ms. Waskevich, PPL completed the 29,736 kwh rebilling by October 23, 2005, which was within thirty (30) days of the Final Order effective date of September 23, 2005. Tr. 48-49; PPL Hearing Ex. 3, p. 4.

Based upon the foregoing testimony, which was completely supported by PPL business record exhibits, I find that Respondent has met its burden of proof that it complied with the Commission's September 23 Order concerning the rebilling of Complainant.

Mr. Kuntz also raised three additional issues that did not directly relate to PPL's compliance with the September 23 Order. On these additional issues, he had the burden of proof under 66 Pa. C.S. §332(a). To satisfy this burden, a complainant must demonstrate that the named utility was responsible for the problem involved in the Complaint, due to a violation of the Public Utility Code or a regulation of the Commission. This must be shown by a preponderance of the evidence. 66 Pa. C.S. §701; Patterson v. Bell Telephone Company of Pennsylvania, 72 PA PUC 196 (1990).

First of all, Complainant alleged that PPL had failed to reflect his customer charge payments that he made from January 2001 to January 2004, during the stopped meter period. This allegation actually should have been raised in the prior Complaint proceeding at Docket F-01603251, but was, in any event, addressed herein. In her testimony, Ms. Waskevich explained that the \$2,142.06 for which Complainant was billed includes only usage charges and that the customer charges paid by the Complainant did not include any usage. Complainant was fully credited for all amounts that he paid from January 2001 through January 2004 on his customer charge. Tr. 52. Accordingly, I conclude that Complainant was only rebilled for usage and that all customer charge payments made by Complainant were appropriately reflected.

Secondly, Mr. Kuntz objected to the assessment of late payment charges on his account, subsequent to issuance of the September 23 Order. He had paid his current bills in full during the pendency of the instant Complaint, but did not pay anything towards the arrearage because, in his view, the bill was not in compliance with the September 23 Order. Tr. 23, 50-51, 57. PPL acknowledged that it had assessed late payment charges because Mr. Kuntz had not paid the \$40 monthly payment on the arrearages as required by the September 23 Order. However, when PPL received a copy of the within Formal Complaint, it ceased assessing late payment charges to Mr. Kuntz. Tr. 49-51, 53.

I took notice of Commission records which indicate that, while Mr. Kuntz had filed his Formal Complaint on December 9, 2005, it was not served upon PPL until April 18, 2006. Tr. 4. The amount of late payment charges assessed to Mr. Kuntz, from the date of his filing of the

Formal Complaint, until it was served upon PPL, was \$139.41. Respondent has agreed to credit Mr. Kuntz's account for these late payment charges. Tr. 55-56, 68.

Thirdly, Mr. Kuntz was upset about a termination notice that he had received in April 2006. Since the Complainant was not making the \$40 monthly payments on the arrearage, and PPL was unaware that Mr. Kuntz had filed a Formal Complaint, PPL served him with a termination notice. Tr. 20, 52-53. Mr. Kuntz paid \$1,687.87 to PPL after receiving the termination notice, because he wanted to pay off what he thought he owed to PPL. PPL did not require Mr. Kuntz to make this large payment toward the unpaid balance in order to retain service. Tr. 57-60.

Due to Mr. Kuntz's payment of \$1,687.87, which significantly reduced the unpaid balance, PPL agreed to accept \$15 per month on the unpaid balance (unbilled balance) rather than the \$40 per month provided in the September 23 Order. Tr. 63. Mr. Kuntz's unpaid balance as of the hearing date, after removal of \$139.41 in late payment charges, was \$492.12. Tr. 68.

I find that PPL's stipulation to remove \$139.41 in late payment charges and to reduce the monthly payment on the unpaid balance (unbilled balance) to \$15 per month is reasonable, and should be approved. Tr. 59. I will include these stipulations in the Ordering Paragraphs herein. Complainant has not met his burden of proof that PPL violated the Public Utility Code or a regulation of the Commission, in its actions concerning this matter.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa. C.S. §§701, 1501.

2. Respondent bears the burden of proof as to compliance with a Commission Order. 66 Pa. C.S. §315(b). Complainant bears the burden of proof as to other allegations in his Complaint. 66 Pa. C.S. §332(a).

3. Respondent has met its burden of proof that it complied with the Commission Order in Richard H. Kuntz v. PPL Electric Utilities Corporation, Docket No. F-01603251, entered September 23, 2005, concerning the rebilling of Complainant.

4. Complainant has failed to meet his burden of proof that Respondent violated the Public Utility Code or Commission regulations with respect to its service to the Complainant.

5. Respondent's stipulation to remove \$139.41 in late payment charges and to accept \$15 per month rather than \$40 per month on the reduced unpaid balance of \$492.12 (unbilled balance) is reasonable and should be approved.

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Richard H. Kuntz at Docket No. C-20066231, against PPL Electric Utilities Corporation, is denied.

2. That the stipulation of PPL Electric Utilities Corporation to remove \$139.41 in late payment charges from Complainant's account and to accept \$15 per month on Complainant's remaining unbilled balance is hereby approved.

3. That within thirty (30) days of the issuance of the Final Commission Order in this matter, Respondent shall remove \$139.41 in late payment charges from Complainant's account and shall commence recovering the unbilled amount at the rate of \$15 additional per month, until the unbilled balance is extinguished.

Date: October 13, 2006

Kandace F. Melillo  
Kandace F. Melillo  
Administrative Law Judge

Act 294

Case Identification:

C-20066231; Richard H. Kuntz v. PPL  
Electric Utilities Corporation

Initial Decision By:

ALJ Kandace F. Melillo

Deadline for Return to OSA:

November 8, 2006

This decision has not been reviewed by OSA.

DOCUMENT  
FOLDER

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2006 NOV -9 P1 2:18  
2006 NOV -8 AM 11:38  
OFFICE OF SPECIAL  
ASSISTANTS

I want full Commission review of this decision.

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

X I do not want full Commission review of this decision.

*Wendell J. Sklar*

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Commissioner

*11/8/06*  
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Date

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**DOCKETED**  
NOV 13 2006

Act 294

Case Identification: C-20066231; Richard H. Kuntz v. PPL  
Electric Utilities Corporation

Initial Decision By: ALJ Kandace F. Melillo

Deadline for Return to OSA: November 8, 2006

This decision has not been reviewed by OSA.

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I want full Commission review of this decision.

\_\_\_\_\_  
Commissioner Date

I do not want full Commission review of this decision.  
*James H. Cawley* 11/8/06  
\_\_\_\_\_  
Commissioner Date

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2006 NOV -9 AM 10:50  
OFFICE OF SPECIAL ASSISTANTS  
2006 NOV -9 PM 2:16

Act 294

Case Identification:

C-20066231; Richard H. Kuntz v. PPL  
Electric Utilities Corporation

Initial Decision By:

ALJ Kandace F. Melillo

Deadline for Return to OSA:

November 8, 2006

This decision has not been reviewed by OSA.

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Commissioner

Date

I do not want full Commission review of this decision.

*Kim Fitzgerald*  
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*11-806*  
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Commissioner

Date

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Act 294

Case Identification:

C-20066231; Richard H. Kuntz v. PPL  
Electric Utilities Corporation

Initial Decision By:

ALJ Kandace F. Melillo

Deadline for Return to OSA:

November 8, 2006

This decision has not been reviewed by OSA.

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I want full Commission review of this decision.

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Commissioner

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Date

I do not want full Commission review of this decision.

*Terrance J. Fitzgerald*  
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Commissioner

*10/27/06*  
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Date

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2006 NOV -8 PM 4:02  
OFFICE OF SPECIAL  
ASSISTANTS

ORIGINAL

NOVEMBER 7, 2006

HONORABLE KANDACE F. MELILLO

C-20066231

ADMINISTRATIVE LAW JUDGE

DOCUMENT FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMMONWEALTH KEYSTONE BUILDING

405 NORTH STREET

HARRISBURG, PA 17105-3265

2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

YOUR HONOR:

I RECEIVED A COPY OF YOUR HEARING BETWEEN YOU, MYSELF & KIMBERLY J. KALPKA, ESQ (ATTORNEY FOR PPL), WHICH WAS HELD BY TELEPHONE ON TUESDAY AUGUST 29, 2006. THE NOTICE OF YOUR DECISION WAS DATED SEPTEMBER 19, 2006. I RECEIVED THIS FROM THE PENNA. PUBLIC UTILITY COMMISSION BY CERTIFIED MAIL (POSTMARKED 10/25/2006) ON 10/26/2006, PER EXHIBIT I. THIS FINAL ORDER, INITIAL DECISION SIGNED & DATED BY YOU ON 10/13/2006. EXHIBIT II THIS RECAP IS FULL OF INACCURACIES.

1) THE DATE OF THE ORDER OF THE PREVIOUS COMPLAINT IS CONTINUALLY REFERRED TO AS 9/23/05. PER EXHIBIT III, THE DATE ON THE DOCUMENTS I RECEIVED REFER TO JULY 29, 2006, AS THE DATE, SIGNED BY YOU ON JULY 29. SO PPL DID NOT ISSUE A CORRECTION PER YOUR ORDER REBILLING FOR 2976 KWT, INSTEAD OF 34443 AS ORIGINALLY BILLED IN THE AMOUNT OF \$ 2470.98. FURTHERMORE THE CALCULATION

KJR

20

LTR DEEMED AS EXCEPTIONS

ORIGINAL

DOCKETED  
NOV 28 2006

DOES NOT MAKE ANY SENSE TO ME.

\$2470.98 FOR 34,443 KWT = 7.1741 PER KWT

① \$2133.29 FOR 29736 KWT X 7.1741

CORRECTION WAS NOT MADE UNTIL OCTOBER, SO IT WAS NOT DONE IN TIMELY MANNER.

2) THE LATE CHARGES REFERRED TO ON EXHIBIT III ARE INCORRECT, PER EXHIBIT IV, COPIES OF MY BILLS. THEIR CALCULATION IS \$1394. THE CORRECT AMOUNT IS \$177.34 (PER EXHIBIT IV)

3) IN A 3YR PERIOD I PAID MINIMUM CHARGES OF \$241.42. THESE WERE NOT GIFTS TO PPL, AS THEY BELIEVE, THEY WERE PAYMENTS TOWARD ANY FUTURE BILLINGS, JUST IN CASE THEY EVER WOKE UP & FOUND THEIR MISTAKE, WHICH THEY DID 3YRS. LATER I WILL NOT UNDER ANY CIRCUMSTANCES PAY THESE CHARGES TWICE, WHICH IS WHAT THEIR BILLING ADDRESSES TO.

RECAP: CORRECT REBILLING AMOUNT \$2133.29  
FROM ① ABOVE

LATE CHARGE CREDIT  $\{177.34\}$

MINIMUM CHARGE CREDIT  $\{241.42\}$

PAYMENT MADE THROUGH CONVERSION  $\{1687.87\}$

AMOUNT DUE PPL \$26.66

THIS IS ALL I OWE & IT IS ALL

I INTEND TO PAY.

YOU STATE ON PAGE 6 OF YOUR SUBMISSION ARTICLE 20, THAT PAUL DID NOT REQUIRE ME TO MAKE THE LARGE PAYMENT OF \$168,871, IN ORDER TO REtain SERVICE, BUT ACCORDING TO THE LETTER I RECEIVED I BECAME CONCERNED. I FIGURED WHAT I FELT I OWED & PAID IT. AFTER (EXHIBIT V) BECAUSE ACCORDING TO THE LETTER, I HAD 7 DAYS TO PAY OR GET SHUT-OFF.

AFTER I PAID THE AMOUNTS I CONSULTED AN ATTORNEY, GREGORY STROUSE, ESQ, WHO CALLED PAUL & GOT ASSURANCE THAT THIS WOULD SETTLE.

I STILL INTEND TO PURSUE A CIVIL SUIT AGAINST PAUL FOR IN EXCESS OF \$50,000.00 FOR SLANDER & DEPRIVATION OF CHARACTER & THE PHYSICAL & MENTAL TORMENT THAT THEY HAVE PUT ME THRU FOR THEIR STUPIDITY.

THEY HAVE REFERRED TO ME AS A LIAR & A CHEAT & IN THEIR LATEST EXHIBITS - PAGE # OF 9. No Name given, but stated I used profanity & hung up. This is a sinure. No name was given, but they can make up accusations as they please. This is a complete fabrication, because I never use profanity & anyone who knows me will attest to this fact.

Talked with Paul's Attorney, Kimberly Krueger.

Page ④

I politely talked to inform her client PPL  
that they have an Electric Pole on my  
Property that services 34 units next door.  
The Pole is there legally. They have a  
Right of Way, but it is not worth the paper  
it is written on. My wife and I are equal  
owners in the property, but the Right of Way  
is only signed by me. I told her to inform them  
to move it to the other property. There is ample  
space to put it there.



Mr. Richard H. Kuntz  
477 W. 4th St.  
Lock Haven, PA 17745

Yours Truly  
Richard H. Kuntz

Copy: Honorable Michael Hanna, State Representative  
John Wozniak, State Senator  
Kunberly G. Krupka, Esquire

FORM UCCGD - 12 8m (Rev 10/05)  
 COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA  
 PUBLIC UTILITY COMMISSION  
 P.O. BOX 3265  
 HARRISBURG, PA 17105-3265  
 OE

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
 OF THE RETURN ADDRESS. - FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**



7160 3901 9843 1290 3567  
 Return Receipt Requested



Hasler

016H26506071  
 \$04.880  
 10/25/2006  
 Mailed from 17120  
 US POSTAGE

EXHIBIT IV	
<del>28.65</del>	28.65
	55.90
	21.60
	27.26
	26.92
	11.01
	<u>177.34</u>

EXHIBIT ①

1774512416-77 0001



3. That within thirty (30) days of the issuance of the Final Commission Order in this matter, Respondent shall remove \$139.41 in late payment charges from Complainant's account and shall commence recovering the unbilled amount at the rate of \$15 additional per month, until the unbilled balance is extinguished.

Date: October 13, 2006

Kandace F. Melillo  
Kandace F. Melillo  
Administrative Law Judge

EXHIBIT II

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

EXHIBIT III

Richard H. Kuntz

v.

F-01603251

PPL Electric Utilities Corporation

F I N A L    O R D E R

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Kandace F. Melillo dated July 29, 2005, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Richard H. Kuntz at Docket No. F-01603251, against PPL Electric Utilities Corporation, is sustained in part, as provided below, and is in all other respects denied.

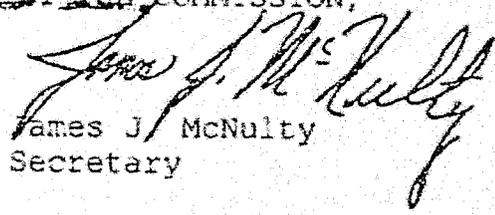
2. That Respondent pay a civil penalty of two hundred fifty dollars (\$250), as provided for in Section 3301(a) of the Public Utility Code, 66 Pa. C.S. §3301(a), by sending a certified check or money order, within twenty (20) days after service of the Commission Order to:

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

3. That within thirty (30) days of the effective date of the Commission Order, Respondent shall rebill the Complainant for 29,736 kwh in unmetered usage for January 2001 through January 2004, at the rates then in effect, and that all other billings for that time period be cancelled.

4. That Respondent recover the unbilled amount at the rate of \$40 additional per month, until the unbilled balance is extinguished.

BY THE COMMISSION,

  
James J. McNulty  
Secretary

(SEAL)

ORDER ENTERED: SEP 23 2005

ORDER

**EXHIBIT III**

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Richard H. Kuntz at Docket No. F-01603251, against PPL Electric Utilities Corporation, is sustained in part, as provided below, and is in all other respects denied.

2. That Respondent pay a civil penalty of two hundred fifty dollars (\$250), as provided for in Section 3301(a) of the Public Utility Code, 66 Pa. C.S. §3301(a), by sending a certified check or money order, within twenty (20) days after service of the Commission Order to:

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

3. That within thirty (30) days of the effective date of the Commission Order, Respondent shall rebill the Complainant for 29,736 kwh in unmetered usage for January 2001 through January 2004, at the rates then in effect, and that all other billings for that time period be cancelled.

4. That Respondent recover the unbilled amount at the rate of \$40 additional per month, until the unbilled balance is extinguished.

Dated: July 29, 2005

Kandace F. Melillo  
Kandace F. Melillo  
Administrative Law Judge



Your Bill Account Number
06100-57004
Use when calling or writing

**Electric  
Service**

Total from Last Bill  
Payment Received Mar 22 - Thank You!

\$ 2,384.75  
\$ 94.00

**Billing Details**

Amount You Still Owe as of Apr 12, 2006

\$ 2,290.75

For:  
RICHARD KUNTZ  
477 W 4TH ST  
LOCK HAVEN PA 17745

**Current Charges**

**Charges for - PPL ELECTRIC UTILITIES**

Residential Rate: RS for Mar 14 - Apr 12

**Distribution Charge:**

Customer Charge	8.00
200 KWH at 2.19300000¢ per KWH	4.39
547 KWH at 1.98400000¢ per KWH	10.85
PA Tax Adj Surcharge at -0.05200000%	-0.01

**Transmission Charge:**

247 KWH at 0.60500000¢ per KWH	4.52
--------------------------------	------

**Transition Charge:**

200 KWH at 1.36100000¢ per KWH	2.72
547 KWH at 1.20600000¢ per KWH	6.60

**Generation Charge:**

Capacity and Energy	
200 KWH at 5.66300000¢ per KWH	11.33
547 KWH at 4.97500000¢ per KWH	27.21
PA Tax Adj Surcharge at -0.05100000%	-0.02

Total PPL ELECTRIC UTILITIES Charges

\$ 75.59

**Other Charges for PPL Electric Utilities**

Late Payment Charge

28.65

Total of Other Charges

**\$ 28.65**

**Pay This Amount No Later Than May 3, 2006 \$ 2,394.99**

Account Balance

\$ 2,394.99

**General  
Information**

Next meter  
reading  
on or about  
May 12

*EXHIBIT IV*

The \$2,290.75 balance includes \$137.68 in prior late payment charges.

Your account is overdue and scheduled for shut-off. A reconnect charge will be required if service is shut off. A deposit or additional deposit may also be required before service is restored the following day.

If this balance has been paid, please notify our office between 8am to 5pm at 1-800-358-6623.

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$169.80 of this bill to pay state taxes. In addition, about \$142.74 of this bill pays the PA Gross Receipts Tax.

The Transition Charge includes an Intangible Transition Charge (ITC) and the applicable gross receipts tax which together amount to \$7.70. The ITC is a per usage charge approved by the Public Utility Commission which PPL Electric Utilities collects as agent for PPL Electric Utilities Transition Bond Company LLC and which that company uses to service debt incurred to recover a portion of PPL Electric Utilities' stranded costs. The gross receipts tax, which is collected for the Commonwealth of Pennsylvania, is equal to 5.96% of the ITC.

**PPL Electric  
Utilities**



Page

Your Bill Account Number
06100-57004
Use when calling or writing

## Electric Service

For:  
RICHARD KUNTZ  
477 W 4TH ST  
LOCK HAVEN PA 17745

PPL Electric Utilities  
Customer Service  
827 Hausman Rd.  
Allentown, PA  
18104-9392  
1-800-342-5775 or  
484-634-4900  
www.pplelectric.com

Total from Last Bill  
Payment Received Feb 21 - Thank You!

\$ 2,317.28  
\$ 82.43

### Billing Details

Amount You Still Owe as of Mar 14, 2006 \$ 2,234.85

### Current Charges

#### Charges for - PPL ELECTRIC UTILITIES

Residential Rate: RS for Feb 10 - Mar 14

Distribution Charge:

Customer Charge	8.00
200 KWH at 2.19300000¢ per KWH	4.39
600 KWH at 1.98400000¢ per KWH	11.90
169 KWH at 1.86200000¢ per KWH	3.15
PA Tax Adj Surcharge at -0.05200000%	-0.01

Transmission Charge:

969 KWH at 0.60500000¢ per KWH	5.86
--------------------------------	------

Transition Charge:

200 KWH at 1.36100000¢ per KWH	2.72
600 KWH at 1.20600000¢ per KWH	7.24
169 KWH at 1.11400000¢ per KWH	1.88

Generation Charge:

Capacity and Energy	
200 KWH at 5.66300000¢ per KWH	11.33
600 KWH at 4.97500000¢ per KWH	29.85
169 KWH at 4.56400000¢ per KWH	7.71
PA Tax Adj Surcharge at -0.05100000%	-0.02

Total PPL ELECTRIC UTILITIES Charges \$ 94.00

Other Charges for PPL Electric Utilities

Late Payment Charge 55.90

Total of Other Charges \$ 55.90

**Pay This Amount No Later Than Apr 4, 2006** **\$ 2,384.75**

Account Balance \$ 2,384.75

*EXHIBIT IV*

## General Information

Next meter  
reading  
on or about  
Apr 12

The \$2,234.85 balance includes \$81.78 in prior late payment charges.

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$169.07 of this bill to pay state taxes. In addition, about \$142.13 of this bill pays the PA Gross Receipts Tax.

The Transition Charge includes an Intangible Transition Charge (ITC) and the applicable gross receipts tax which together amount to \$9.78. The ITC is a per usage charge approved by the Public Utility Commission which PPL Electric Utilities collects as agent for PPL Electric Utilities Transition Bond Company LLC and which that company uses to service debt incurred to recover a portion of PPL Electric Utilities' stranded costs. The gross receipts tax, which is collected for the Commonwealth of Pennsylvania, is equal to 5.96% of the ITC.

For your convenience, you can now pay your bill using your Visa, MasterCard, Discover, or ATM Card. Call BillMatrix at 1-800-672-2413. BillMatrix will charge your credit and ATM card a service fee for making this payment.



Account Number
06100-57004
Use when calling or writing

**Electric  
Service**

Total from Last Bill \$ 2,295.06  
 Payment Received Dec 21 - Thank You! \$ 87.81

**Billing Details**

Amount You Still Owe as of Jan 13, 2006 \$ 2,207.25

FOR:  
 RICHARD KUNTZ  
 477 W 4TH ST  
 LOCK HAVEN PA 17745

**Current Charges**

**Charges for - PPL ELECTRIC UTILITIES**

Residential Rate: RS for Dec 13 - Jan 13

Distribution Charge:	
Customer Charge	8.00
200 KWH at 2.19300000¢ per KWH	4.39
600 KWH at 1.98400000¢ per KWH	11.90
111 KWH at 1.86200000¢ per KWH	2.07
PA Tax Adj Surcharge at 0.02928900%	0.01
Transmission Charge:	
911 KWH at 0.58119200¢ per KWH	5.29
Transition Charge:	
200 KWH at 1.34241700¢ per KWH	2.68
600 KWH at 1.18973900¢ per KWH	7.14
111 KWH at 1.09890100¢ per KWH	1.22
Generation Charge:	
Capacity and Energy	
200 KWH at 5.38370800¢ per KWH	10.77
600 KWH at 4.73054700¢ per KWH	28.38
111 KWH at 4.33987000¢ per KWH	4.82
PA Tax Adj Surcharge at 0.01577300%	0.01

PPL Electric Utilities  
 Customer Service  
 827 Hausman Rd.  
 Allentown, PA  
 18104-9392  
 1-800-342-5775 or  
 484-634-4900  
 www.pplelectric.com

Total PPL ELECTRIC UTILITIES Charges \$ 86.68

**Other Charges for PPL Electric Utilities**

~~Late Payment Charge~~

27.60

Total of Other Charges

\$ 27.60

**Pay This Amount No Later Than Feb 6, 2006 \$ 2,321.53**

Account Balance \$ 2,321.53

*EXHIBIT JL*

**General  
Information**

Next meter  
 reading  
 on or about  
 Feb 10

The \$2,207.25 balance includes \$54.18 in prior late payment charges.

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$164.59 of this bill to pay state taxes. In addition, about \$138.36 of this bill pays the PA Gross Receipts Tax.

The Transition Charge includes an Intangible Transition Charge (ITC) and the applicable gross receipts tax which together amount to \$9.13. The ITC is a per usage charge approved by the Public Utility Commission which PPL Electric Utilities collects as agent for PPL Electric Utilities Transition Bond Company LLC and which that company uses to service debt incurred to recover a portion of PPL Electric Utilities' stranded costs. The gross receipts tax, which is collected for the Commonwealth of Pennsylvania, is equal to 5.96% of the ITC.

For your convenience, you can now pay your bill using your Visa, MasterCard, Discover, or ATM Card. Call BillMatrix at 1-800-672-2413. BillMatrix will charge your credit and ATM card a service fee for making this payment.

**PPL Electric  
Utilities**

**Electric  
Service**

For:  
RICHARD KUNTZ  
477 W 4TH ST  
LOCK HAVEN PA 17745

PPL Electric Utilities  
Customer Service  
827 Hausman Rd.  
Allentown, PA  
18104-9392  
1-800-342-5775 or  
484-634-4900  
www.pplelectric.com



Your Bill Account Number
06100-57004
Use when calling or writing

Total from Last Bill \$ 2,248.39  
Payment Received Nov 23 - Thank You! \$ 68.40

**Billing Details**

Amount You Still Owe as of Dec 13, 2005 \$ 2,179.99

**Current Charges**

**Charges for - PPL ELECTRIC UTILITIES**

Residential Rate: RS for Nov 11 - Dec 13

Distribution Charge:	
Customer Charge	8.00
200 KWH at 2.19300000¢ per KWH	4.39
600 KWH at 1.98400000¢ per KWH	11.90
150 KWH at 1.86200000¢ per KWH	2.79
PA Tax Adj Surcharge at 0.08800000%	0.02
Transmission Charge:	
950 KWH at 0.56400000¢ per KWH	5.36
Transition Charge:	
200 KWH at 1.32900000¢ per KWH	2.66
600 KWH at 1.17800000¢ per KWH	7.07
150 KWH at 1.08800000¢ per KWH	1.63
PA Tax Adj Surcharge at 0.06400000%	0.01
Generation Charge:	
Capacity and Energy	
200 KWH at 5.18200000¢ per KWH	10.36
600 KWH at 4.55400000¢ per KWH	27.32
150 KWH at 4.17800000¢ per KWH	6.27
PA Tax Adj Surcharge at 0.06400000%	0.03

Total PPL ELECTRIC UTILITIES Charges \$ 87.81

**Other Charges for PPL Electric Utilities**

~~Late Payment Charge~~ 27.26

Total of Other Charges **\$ 27.26**

**Pay This Amount No Later Than Jan 3, 2006 \$ 2,295.06**

Account Balance \$ 2,295.06

*EXHIBIT IV*

**General  
Information**

The \$2,179.99 balance includes \$26.92 in prior late payment charges.

Generation costs and charges are set by the electric generation company.



Your Bill Account Number
06100-57004
Use when calling or writing

**Electric  
Service**

Total from Last Bill \$ 2,226.18  
Payment Received Oct 27 - Thank You! \$ 73.11

For:  
RICHARD KUNTZ  
477 W 4TH ST  
LOCK HAVEN PA 17745

**Billing Details**

Amount You Still Owe as of Nov 11, 2005

\$ 2,153.07

PPL Electric Utilities  
Customer Service  
827 Hausman Rd.  
Allentown, PA  
18104-9392  
1-800-342-5775 or  
484-634-4900  
www.pplelectric.com

**Current Charges**

Charges for - PPL ELECTRIC UTILITIES  
Residential Rate: RS for Oct 13 - Nov 11

*PA 68.48  
11/21/05*

Distribution Charge:		
Customer Charge		8.00
200 KWH at 2.19300000¢ per KWH		4.39
505 KWH at 1.98400000¢ per KWH		10.02
PA Tax Adj Surcharge at 0.08800000%		0.02
Transmission Charge:		
705 KWH at 0.56400000¢ per KWH		3.98
Transition Charge:		
200 KWH at 1.32900000¢ per KWH		2.66
505 KWH at 1.17800000¢ per KWH		5.95
Generation Charge:		
Capacity and Energy		
200 KWH at 5.18200000¢ per KWH		10.36
505 KWH at 4.55400000¢ per KWH		23.00
PA Tax Adj Surcharge at 0.06400000%		0.02

Total PPL ELECTRIC UTILITIES Charges

\$ 68.40

Other Charges for PPL Electric Utilities  
Late Payment Charge

26.92

Total of Other Charges

\$ 26.92

Pay This Amount No Later Than Dec 5, 2005

\$ 2,248.39

Account Balance

\$ 2,248.39

*EXHIBIT IV*

**General  
Information**

Next meter  
reading  
on or about  
Dec 13

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$151.31 of this bill to pay state taxes. In addition, about \$132.65 of this bill pays the PA Gross Receipts Tax.

The Transition Charge includes an Intangible Transition Charge (ITC) and the applicable gross receipts tax which together amount to \$7.12. The ITC is a per usage charge approved by the Public Utility Commission which PPL Electric Utilities collects as agent for PPL Electric Utilities Transition Bond Company LLC and which that company uses to service debt incurred to recover a portion of PPL Electric Utilities' stranded costs. The gross receipts tax, which is collected for the Commonwealth of Pennsylvania, is equal to 5.9% of the ITC.

For your convenience, you can now pay your bill using your Visa, MasterCard, Discover, or ATM Card. Call BillMatrix at 1-800-672-2413. BillMatrix will charge your credit and ATM card a service fee for making this payment.



Account Number
06100-57004
Use when calling or writing

**Electric  
Service**

For:  
RICHARD KUNTZ  
477 W 4TH ST  
LOCK HAVEN PA 17745

Total from Last Bill  
Payment Received Sep 29 - Thank You!

\$ 2,339.12  
\$ 99.90

**Billing Details**

Amount You Still Owe as of Oct 13, 2005

**\$ 11.01**

**Current Charges**

PPL Electric Utilities  
Customer Service  
827 Hausman Rd.  
Allentown, PA  
18104-9392  
1-800-342-5775 or  
484-634-4900  
www.ppl electric.com

**Charges for - PPL ELECTRIC UTILITIES**

Residential Rate: RS for Sep 13 - Oct 13

**Distribution Charge:**

Customer Charge	8.00
200 KWH at 2.19300000¢ per KWH	4.39
562 KWH at 1.98400000¢ per KWH	11.15
PA Tax Adj Surcharge at 0.08800000%	0.02
<b>Transmission Charge:</b>	
762 KWH at 0.56400000¢ per KWH	4.30
<b>Transition Charge:</b>	
200 KWH at 1.32900000¢ per KWH	2.66
562 KWH at 1.17800000¢ per KWH	6.62
<b>Generation Charge:</b>	
<b>Capacity and Energy</b>	
200 KWH at 5.18200000¢ per KWH	10.36
562 KWH at 4.55400000¢ per KWH	25.59
PA Tax Adj Surcharge at 0.06400000%	0.02

Total PPL ELECTRIC UTILITIES Charges **\$ 73.11**

Other Charges for PPL Electric Utilities  
Miscellaneous Adjustment

2,142.06

Total of Other Charges **\$ 2,142.06**

**Pay This Amount No Later Than Nov 3, 2005 \$ 2,226.18**

Account Balance **\$ 2,226.18**

*EXHIBIT IV*

**General  
Information**

Next meter  
reading  
on or about  
Nov 11

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$5.66 of this bill to pay state taxes. In addition, about \$4.96 of this bill pays the PA Gross Receipts Tax.

The Transition Charge includes an Intangible Transition Charge (ITC) and the applicable gross receipts tax which together amount to \$7.68. The ITC is a per usage charge approved by the Public Utility Commission which PPL Electric Utilities collects as agent for PPL Electric Utilities Transition Bond Company LLC and which that company uses to service debt incurred to recover a portion of PPL Electric Utilities' stranded costs. The gross receipts tax, which is collected for the Commonwealth of Pennsylvania, is equal to 5.9% of the ITC.

For your convenience, you can now pay your bill using your Visa, MasterCard, Discover, or ATM Card. Call BillMatrix at 1-800-672-2413. BillMatrix will charge your credit and ATM card a service fee for making this payment.





**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  
ANNE K. MANLEY  
SUSAN ELLIS WILD  
VICTOR F. CAVACINI  
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ATTORNEYS AT LAW  
33 SOUTH SEVENTH STREET  
P.O. BOX 4060  
ALLENTOWN, PENNSYLVANIA 18105-4060

(610) 820-5450  
TELEFAX (610) 820-6006  
E-MAIL [kkrupka@gmlc.com](mailto:kkrupka@gmlc.com)  
Direct number: (610) 871-1325

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

OF COUNSEL  
DAVID C. KEEHN

\*Also admitted in NY

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

November 17, 2006

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

**DOCUMENT  
FOLDER**

**RECEIVED**

NOV 17 2006

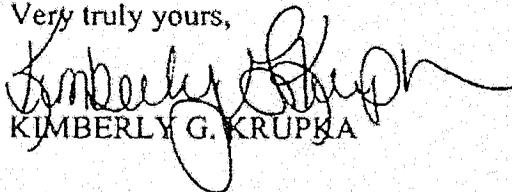
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**RE: Richard H. Kuntz v. PPL Electric Utilities Corporation  
Docket No. C-20066231**

Dear Mr. McNulty:

Enclosed herewith please find an original and nine (9) copies of the Replies of PPL to the Exceptions of Richard H. Kuntz, in the above-referenced matter. The Initial Decision of Administrative Law Judge Melillo was issued on October 25, 2006. Accordingly, any Exceptions were due on or before November 15, 2006, and PPL's replies were due within ten (10) days after the date the Exceptions were due, namely November 25, 2006. As the Replies are being provided by overnight mail, the Replies shall be deemed timely.

Very truly yours,

  
KIMBERLY G. KRUPKA

KGK:dm

Enclosures

cc: Arundhati Khanwalkar, Esquire (w/enclosure)  
Ms. Deidre Bilger (w/enclosure)  
Ms. Mildred A. Castillo (w/enclosure)  
Administrative Law Judge Kandace F. Melillo (w/enclosure)  
Mr. Richard H. Kuntz (w/enclosure)

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KJR

56

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RICHARD H. KUNTZ

Complainant  
vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET  
NO. C-200662B

ORIGINAL

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REPLIES OF PPL ELECTRIC UTILITIES CORPORATION  
TO COMPLAINANT'S EXCEPTIONS TO INITIAL DECISION  
OF ADMINISTRATIVE LAW JUDGE KANDACE F. MELILLO

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DOCUMENT  
FOLDER

**DOCKETED**  
NOV 28 2006

RECEIVED  
NOV 17 2006  
PA PUBLIC UTILITY COMMISSION  
ELCHLITZ'S BUREAU

KIMBERLY G. KRUPKA, ESQUIRE  
GROSS, MCGINLEY, LABARRE & EATON, LLP  
Attorney I.D. No. 83071  
33 South Seventh Street, Post Office Box 4060  
Allentown, Pennsylvania 18105-4060  
Telephone: 610-820-5450  
*Attorney for PPL Electric Utilities Corporation*

Date: November 17, 2006

## I. INTRODUCTION

PPL files the within Replies to the Exceptions of Complainant Richard H. Kuntz to the Initial Decision of Administrative Law Judge Kandace F. Melillo issued November 25, 2006. Complainant has alleged through his Complaint and during the August 29, 2006, hearing that PPL failed to comply with the PUC's Order of September 23, 2005, in case No. F-01603251, which required PPL to issue an adjusted bill within thirty (30) days of the date of the Order. ALJ Melillo relied upon substantial and uncontradicted evidence of record in concluding that PPL has complied with the September 23, 2005 Order in prior case, F-01603251.

For the reasons explained below, the Exceptions of Complainant should be denied.

## II. REPLIES TO COMPLAINANT'S EXCEPTIONS

I. Complainant's Exception 1: Complainant asserts that PPL failed to accurately or timely re-bill in accordance with a final PUC Order dated September 23, 2005.

Prior to the instant action, Complainant filed both an informal complaint, and thereafter a formal complaint (under Docket No. F-01603251), contesting a bill issued by PPL in 2004 following the discovery of a meter inaccurately recording electric consumption. A final Order in that matter was issued on September 23, 2005, directing PPL to issue a revised bill within thirty (30) days. (PPL Hearing Exhibit 1.)

PPL was ordered to "rebill the Complainant for 29,736 kwh in unmetered usage," and that such rebilling must be completed within "thirty (30) days of the effective date of the Commission Order." (PPL Hearing Exhibit 1, emphasis added). The Final

Order of the Commission was issued on September 23, 2005, and accordingly PPL was obliged to complete the rebilling on or before October 23, 2005. (PPL Hearing Exhibit 1). The rebilling was completed on October 5, 2005, and reissued by PPL on October 13, 2005, contains the re-billed amount. (PPL Hearing Exhibit 3). Complainant Kuntz does not contest the date of the re-bill, but argues that it was untimely as the initial decision of ALJ Mellilo in that matter was signed on July 29, 2005. The time period for PPL to comply with the Commission's Order is the date of issuance of the Final Order, not the date of the initial decision. 52 Pa. Code §1.13(c). Accordingly, Complainant's exception is without merit.

To the extent Complainant Kuntz excepts to the ALJ's determination that PPL correctly rebilled Complainant, such exception is without merit as ALJ Mellilo's findings are supported by substantial evidence of record. Following a period of time during which Complainant Kuntz's meter was not accurately recording electric usage, PPL rebilled Complainant Kuntz \$2,456.47 for 34,340 kwh of unbilled usage. This bill was issued on February 27, 2004, which was a bill for the 34,340 kwh of unregistered usage, plus 103 kwh as registered on the replacement meter from the date of installation to the date of the issuance of the February bill, for a total of 34,443 kwh. (PPL Hearing Exhibits 2 and 7). As a result of this rebilling, on March 4, 2004, Complainant Kuntz filed an Informal Complaint with the PUC, and on January 12, 2005, the Bureau of Consumer Services (hereinafter "BCS") directed PPL to provide Complainant Kuntz with a conservation credit in the amount of 3,400 kwh<sup>1</sup>. (PPL Hearing Exhibit 2). PPL's billing system is

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<sup>1</sup> Prior to Complainant Kuntz filing an Informal Complaint with the BCS, PPL offered to provide Complainant with a ten percent credit. The BCS ordered PPL to provide this credit, and referred to it as a conservation credit. (PPL Hearing Exhibit 2). This credit was to compensate Complainant for any conservation efforts Complainant may have made had his meter been accurately recording electrical usage.

unable to simply apply a credit. Rather, PPL must cancel the original bill and issue a re-bill. On January 20, 2005, eight days following the BCS decision, PPL cancelled the February 27, 2004 billing. (PPL Hearing Exhibits 3; N.T. 41-43). On the same date, PPL issued a rebill in the amount of \$2,228.07 which represented 30,940 kwh of unmetered usage plus 103 kwh on the replacement meter. (N.T. 43-44). Although there is no entry showing the actual kwh included in the January 20, 2005 bill, the kwh can be confirmed by the February 11, 2005 entry for 31,997 kwh. (PPL Hearing Exhibit 3; N.T. 44). This kwh consumption represents a rebilling of 30,940 for unmetered usage, 103 kwh usage on the replacement meter through February 27, 2004, and 954 kwh for the billing period of January 13, 2005 through February 11, 2005. (PPL Hearing Exhibits 3 and; N.T. 44).

Complainant Kuntz thereafter filed a Formal Complaint with the PUC at Docket No. F-01603251. The Decision and Order of ALJ Melillo, which was adopted as a final order of the Commission, directed PPL to re-bill Complainant for 29,736 kwh of unregistered usage, rather than the 34,340 kwh originally billed. (PPL Hearing Exhibit 1). As PPL had previously reduced the rebill from 34,340 to 30,940 kwh, the order resulted in a second reduction of 1,204 kwh. (N.T. 66). However, to accomplish this, PPL needed to cancel the re-bill completed on January 20, 2005, and issue a completely new bill. On October 5, 2005 PPL cancelled the second re-billing issued on January 20, 2005 (for \$2,228.07), and issued a third re-bill (for \$2,142.06) in accordance with the Commission's directive. (N.T. 45 - 46, PPL Hearing Exhibit 3). Although the kwh is not stated on the entry for October 5, 2005, it again can be confirmed by viewing the entry of 30,601 kwh stated on October 13, 2005. This value is a combination of 762 kwh used between September 13, 2005 and October 5, 2005, as confirmed on PPL Hearing Exhibit

5, 29,736 kwh of unrecorded usage as ordered, and the 103 kwh on the replacement meter. (PPL Hearing Exhibits 3 and 5; N.T. 46-47).

In sum, PPL billed Complainant for 34,340 kwh of unmetered usage on February 27, 2005.<sup>2</sup> Following the BCS decision of January 12, 2005, PPL cancelled the February 27, 2005 bill and rebilled Complainant on January 20, 2005 for 30,940 kwh of unmetered usage. Thereafter, following the PUC's Order issued September 23, 2005, PPL cancelled the February 20, 2005 bill and issued another bill on October 5, 2005 for 29,736 kwh of unmetered kwh.

ALJ Melillo relied upon PPL's substantial and credible evidence in finding PPL properly rebilled Complainant Kuntz in accordance with the Commission's Final Order issued September 23, 2005.

2. Complainant's Exception 2: Complainant asserts that PPL removed an incorrect amount of late charges from his bill. The Final Order of the Commission was issued on September 23, 2005, and PPL completed its rebilling in accordance therewith by October 5, 2005. (PPL Hearing Exhibits 1 and 3. *See also* N.T. 48-49). The Commission's Order directed Complainant Kuntz to make monthly payments in the amount of his monthly bill plus \$40 per month towards arrearages. (N.T. 48) Complainant did not comply in that he did not make any payments towards arrearages, and accordingly, PPL applied late payment charges to his account commencing December 13, 2005 for failure to make the \$40 payment in November 2005. (N.T. 51).

On December 9, 2005 Complainant Kuntz filed the instant Formal Complaint. However, this Complaint was not served on PPL until April 19, 2006. Accordingly, as PPL was not notified of a Complaint, late charges continued to accrue during this time.

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<sup>2</sup> All bills also included 103 kwh of usage registered on the replacement meter during the original billing.

By agreement with the Complainant, PPL subsequently agreed to remove the entire amount of the late payment charges that had accrued from December 9, 2005 through April 19, 2006.<sup>3</sup> (N.T. 55, 56). The Statement of Account for Complainant shows that amount to be \$139.41. (PPL Hearing Exhibit 3). Complainant's assertion that this is not the correct amount of late charges is not supported by any evidence on the record.<sup>4</sup>

3. Complainant's Exception 3: Complainant Kuntz excepts to the rebilling claiming the Commission's Order for rebilling did not provide credit for the \$241.42 Complainant paid during the time period in which his meter was not recording electrical consumption. (N.T. 16) Although Complainant Kuntz attempted to raise this issue before ALJ Melillo on August 29, 2006, such claim was properly rejected as it pertained to the Commission's September 23, 2005 Order to which no appeal was filed. (N.T. 17) Moreover, Complainant's claim is without merit. During the time Complainant Kuntz' meter was not recording electric usage, Complainant Kuntz paid the basic charge for electric availability, and did not include any charges for kwh consumption (N.T. 74). The re-bill did not include this basic availability charge; it was limited to charges for kwh consumption. Accordingly, no further credit was due. (N.T. 40)

4. Complainant's Exception 4: Complainant Kuntz appears to except to Finding of Fact 20 wherem ALJ Melillo found that Complainant Kuntz made a payment of \$1,687.87 to PPL to prevent termination of service, although PPL did not require this large of a payment. This payment was received by PPL on April 21, 2006, following a

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<sup>3</sup> The Account Activity Statement shows the following monthly late fees assessed: December 13, 2005: \$26.92 + \$0.34; January 10, 2006: \$26.92 + \$0.68; February 14, 2006: \$26.92 + \$1.03; March 14, 2006: \$26.92 + \$1.03; and April 11, 2006: \$26.92 + \$1.73.

<sup>4</sup> Complainant has attached various bills to his Exceptions, which are not evidence of record in this matter.

notification of overdue amount in the PPL bill issued April 12, 2006.<sup>5</sup> (PPL Hearing Exhibit 3). Although Complainant now appears to except alleging he was improperly required to make this payment, during the hearing Complainant acknowledged he was not required to make this large of a payment, and did not notify PPL of his pending Complaint. Further, there is no evidence of record to support any claim that Mr. Kuntz was required to make a large payment to continue electric service. Rather, PPL wanted to set up a payment arrangement with Complainant Kuntz. (N.T. 59-60). Accordingly, ALJ Melillo relied on substantial evidence in issuing this finding.

5. Complainant's Exception 5: Complainant Kuntz' allegations regarding the validity of an easement are outside the scope of his Complaint and were not addressed during the August 29, 2006 hearing. Accordingly, such claims are not properly before the Commission.

### III. CONCLUSION.

WHEREFORE, for all the foregoing reasons, PPL requests that Complainant's Exceptions be denied, and that the Initial Decision of Administrative Law Judge Kandace F. Melillo be adopted as the Final Order of the Commission.

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<sup>5</sup> This collection request was included in Complainant's bill which was issued before PPL was served with Complainant's PUC Complaint.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RICHARD H. KUNTZ

Complainant  
vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET  
NO. C-20066231

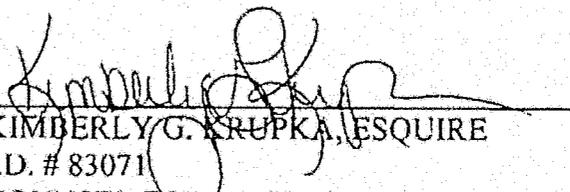
CERTIFICATE OF SERVICE

This is to certify that the REPLIES OF PPL ELECTRIC UTILITIES CORPORATION TO COMPLAINANT'S EXCEPTIONS TO INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE KANDACE F. MELILLO was mailed to counsel/complainant of record on behalf of Complainant by first class united states mail, postage on this the 17th day of November, 2006.

RICHARD H. KUNTZ  
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GROSS, MCGINLEY, LaBARRE & EATON, LLP

By:

  
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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DATE: November 28, 2006

SUBJECT: C-20066231

TO: Cheryl W. Davis, Director  
Office of Special Assistants

FROM: James J. McNulty  
Secretary  
nvl

RICHARD H. KUNTZ  
V.  
PPL ELECTRIC UTILITIES CORPORATION

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

**RICHARD H. KUNTZ**

Reply Exceptions have been received from:

**PPL ELECTRIC UTILITIES CORPORATION**

cc: Susan Hoffner

**DOCUMENT  
FOLDER**

**BTL**

DATE: December 5, 2006

SUBJECT: C-20066231

TO: Cheryl W. Davis, Director  
Office of Special Assistants

FROM: James J. McNulty  
Secretary  
nvl

RICHARD H. KUNTZ  
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PPL ELECTRIC UTILITIES CORPORATION

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**DOCKETED**  
DEC 08 2006

**BTL**