

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Karen D. Mione

v.

PPL Electric Utilities Corporation

:
:
:
:
:

F-01631874

NOV 30 2004

PREHEARING ORDER

DOCKET

NOV 30 2004

A telephonic Initial Hearing in this case is scheduled for Tuesday, December 28, 2004, at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any proposed exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. Be sure that you serve me directly with a copy of any document that you file in this proceeding, at the time of filing. If you send me any correspondence, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

2. The utility must prepare and submit the following documents at least one week before the hearing: (a) an account statement for the relevant period; (b) documentation as to how the monthly budget amount was determined; (c) copies of any reports prepared as a result of meter tests on Complainant's meter both before and after any meter change; and, (d) verification as to whether an AMR (automatic meter reader) meter has been installed at Complainant's residence, and, if so, whether it meets the Commission's requirements for AMR meters.

3. If you or any proposed witness will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one (1) week before the hearing.

4. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of the hearing date must state the agreement or opposition of other parties, and must be sent to me and all parties of record. The correct address is: Administrative Law Judge Kandace F. Melillo, P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only where good cause exists.

5. YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

6. Although this hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

7. Pursuant to 52 Pa.Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code §1.24(b).

8. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the Complaint.

9. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

10. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa.Code §5.331(b) provides, in relevant part, that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa.Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. There are limitations on discovery (52 Pa.Code §5.361) and sanctions for abuse of the discovery process (52 Pa.Code §§5.371 & 5.372).

11. Commission policy is to encourage settlements. 52 Pa.Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one (1) week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: November 22, 2004

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge

F-01631874 KAREN D. MIONE v. PPL ELECTRIC UTILITIES CORPORATION

REQUESTS PAYMENT ARRANGEMENTS.

KAREN D MIONE
502 E. WICONISCO STREET
TOWER CITY PA 17980
717-647-9236

KIMBERLY G KRUPKA ESQUIRE
GROSS MCGINLEY LABARRE & EATON
33 SOUTH SEVENTH STREET
P O BOX 4060
ALLENTOWN PA 18105-4060
610.871.1325

GROSS, MCGINLEY, LABARRE & EATON, LLP

ATTORNEYS AT LAW
33 SOUTH SEVENTH STREET
P.O. BOX 4060

ALLENTOWN, PENNSYLVANIA 18105-4060

ORIGINAL

MALCOLM F. GROSS
PAUL A. MCGINLEY
DONALD LABARRE JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
PATRICK J. RILLY
WILLIAM J. FRIES
ANNE K. MANLEY
SUSAN ELLIS WILD
VICTOR F. CAVACINI
ELIZABETH R. GRAVER
ROBERT A. ALPERT
JOHN F. GROSS
KIMBERLY G. KRUPKA
K. A. SPOTTS-KIMMEL
ERRIC C. DEANS, JR.*
ANDREW H. RALSTON, JR.

(610) 820-5450

TELEFAX (610) 820-6006

E-MAIL kkrupka@gmle.com

Direct number: (610) 871-1325

*Also admitted in NY

November 29, 2004

VIA FEDERAL EXPRESS

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

RECEIVED

NOV 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Karen D. Mione v. PPL Electric Utilities Corporation
Docket No. F-01631874

Dear Mr. McNulty:

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

Pursuant to 52 Pa. Code §1.11, the enclosed document is deemed to be filed on November 29, 2004, and was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

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

Very truly yours,

KIMBERLY G. KRUPKA

KGK/af

Enclosures

cc: The Honorable Kandace F. Melillo (w/ encs.)
Karen D. Mione (w/ encs.)

DOCUMENT
FOLDER

135

ORIGINAL

NOV 29 2004

PA PUBLIC UTILITY
SECRETARY'S OFFICE

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KAREN D. MIONE
Complainant

COMPLAINT DOCKET
NO. F-01631874

vs.

PPL ELECTRIC UTILITIES CORPORATION,
Respondent.

AMENDED ANSWER OF PPL ELECTRIC UTILITIES CORPORATION

PPL Electric Utilities Corporation (PPL), by its attorney, hereby amends the Answer to the Complaint in the above-captioned proceeding as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. A. Admitted in part, denied in part. Denied that PPL has established widely erratic

amounts for Complainant's monthly budget bill. In April 2003, Complainant's monthly budget bill was \$200.00. The budget amount was changed to \$197.00 per month in May 2003. Although the Complainant received a bill that month for \$35.00, such bill was because Complainant had paid \$199.78 on March 5, 2003, which was a prior bill amount due and then paid another \$165.00 on March 18, 2003. When Complainant was billed on March 31, 2003 for \$200.00, the only balance due at the time was \$35.00. Complainant's budget bill was never \$35.00.

DOCKETED
DEC 08 2004

DOCUMENT
FOLDED

B. Admitted that Complainant's budget bill has fluctuated since 2002. In February and March of 2002, Complainant's budget bill was \$120.00 due to a high credit in the budget balance at the time. The budget amount had decreased from \$202.00 in January 2002. The budget again decreased from \$164.00 in October 2002 to \$148.00 in November 2002, again due to a high credit in budget balance at the time. The budget amount was then increased in February 2003 to \$236.00, but was changed to \$200.00 per month upon request of Complainant. Complainant is only ever charged for actual electricity use, and all budget bills are settled periodically.

C. Denied that PPL has sent more than one bill to Complainant during a thirty (30) day period. On January 30, 2003, an original bill was issued in the amount of \$236.00. Thereafter, Complainant requested that the budget amount be changed from \$236.00 to \$200.00. This request resulted in another bill be generated for \$200.00 and issued on February 12, 2003.

D. PPL is without specific information to form a belief as to the truth or falsity of Complainant's allegation with regard to how the Bureau of Consumer Services listed the hot water heaters within her home. PPL prepared a cost estimate sheet which includes one (1) hot water heater with two (2) adults in the family.

E. Admitted that PPL installed an AMR meter. The meter was installed on May 7, 2003. Admitted that prior to the installation of the AMR, Complainant's meter was read by a meter reader with occasional estimated readings. PPL billed Complainant for an estimated reading for the period of December 30, 2002 through January 27, 2003. The estimated bill prior to that bill was for the period of May 29, 2001 through June 26, 2001. All readings were actual meter readings after the AMR was installed on May 7, 2003.

F. PPL denies that the total amount for which Complainant has been charged in 2003 represents a \$1,940.00 difference than that billed in 2002. The total bills issued to Complainant from January 2002 to December 2002 were in the amount of \$1,861.18. The total bills issued to Complainant for the period or time of January 2003 to December 2003 were \$2,399.09. This represents a difference of \$537.91. By way of further response, PPL has billed Complainant only for actual electricity use. All bills are correct as rendered.

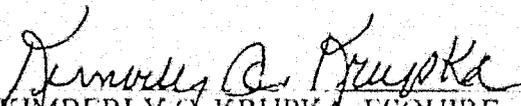
5. Paragraph 5 constitutes a request for relief to which no Answer is required. To the extent a response is required, PPL incorporates by reference herein the averments set forth in its Answer to Paragraph 4 of the Complaint.

WHEREFORE, in view of the foregoing, PPL respectfully requests that the Commission deny the above-captioned Complaint.

Respectfully submitted,

GROSS, MCGINLEY, LABARRE & EATON, LLP

BY:


KIMBERLY C. KRUPKA, ESQUIRE
Attorney for Respondent, PPL Electric Utilities Corporation

Dated: November 29, 2004
In Allentown, Pennsylvania

ORIGINAL

NOV 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KAREN D. MIONE
Complainant

vs.

PPL ELECTRIC UTILITIES CORPORATION,
Respondent.

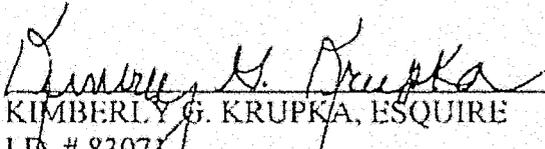
COMPLAINT DOCKET
NO. F-01631874

CERTIFICATE OF SERVICE

This is to certify that ANSWER of PPL ELECTRIC UTILITIES CORPORATION TO THE COMPLAINT OF KAREN D. MIONE was mailed by first class United States mail, postage on this the 29th day of November, 2004.

Karen D. Mione
502 E Wiconisco Street
Tower City, PA 17980

GROSS, MCGINLEY, LaBARRE & EATON, LLP

By: 
KIMBERLY G. KRUPKA, ESQUIRE
ID. # 83071
Counsel for Defendant, PPL Electric Utilities
Corporation
33 South 7th Street
P.O. Box 4060
Allentown, PA 18105
Phone (610) 820-5450
Fax (610) 820-6006

GROSS, MCGINLEY, LABARRE & EATON, LLP

MALCOLM I GROSS
PAUL A MCGINLEY
DONALD LABARRE, JR
J JACKSON EATON, III
MICHAEL A HENRY
PATRICK J PERLY
WILLIAM J FRIES
ANNE K MANLEY
SUSAN ELIS WILD
VICTOR F CAVACINI
ELIZABETH R GRAVER
ROBERT A ALPERT
JOHN GROSS
KIMBERLY G KRUPKA
K A SPOITS-KIMMEL
ERNEST C DEANS, JR *
ANDREW H RAUSTON, JR

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@gmle.com
Direct number: (610) 871-1324

RECEIVED
2004 DEC 20 AM 10:55
SECRETARY'S BUREAU

December 17, 2004

ORIGINAL

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Karen D. Mione v. PPL Electric Utilities Corporation
No. F-01631874

Dear Mr. McNulty:

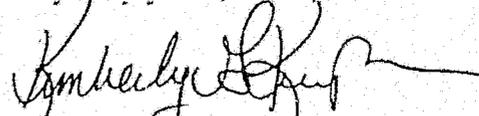
Enclosed for filing in the above-captioned matter are an original and three (3) copies of a Certificate of Satisfaction of Complaint under 52 Pa. Code § 5.24(b).

Because all legal and factual issues in this proceeding have been resolved, PPL respectfully requests that this docket be terminated.

I hereby certify that I have provided a copy of the Certificate to the Complainant in this proceeding.

Thank you for your assistance.

Very truly yours,


KIMBERLY G. KRUPKA

KGK:af
Enclosures
cc: Karen D. Mione (w/ encs.)
Deidre L. Bilger w/ encs.)

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2004 DEC 20 AM 10:55
SECRETARY'S BUREAU

KAREN D. MIONE

Complainant

vs.

PPL ELECTRIC UTILITIES CORPORATION

Respondent

COMPLAINT DOCKET
No. F-01631874

CERTIFICATE OF SATISFACTION OF COMPLAINT

1. Complainant is Karen D. Mione (hereafter "Complainant")
2. Respondent is PPL Electric Utilities Corporation (hereafter "PPL").
3. This Certificate of Satisfaction of Complaint is submitted pursuant to Section 5.24(b) of Title 52 of the Pennsylvania Code, 52 Pa. Code § 5.24(b).

4. PPL hereby certifies that the parties to the above-referenced formal Complaint, now pending before the Pennsylvania Public Utility Commission (hereafter "Commission"), have mutually and voluntarily agreed upon the following terms as full satisfaction of all outstanding legal and factual disputes in this proceeding, and Complainant has acknowledged satisfaction to PPL:

(a) Complainant agrees to withdraw her Complaint with the Commission at the above docket number with prejudice, based on additional information provided by PPL.

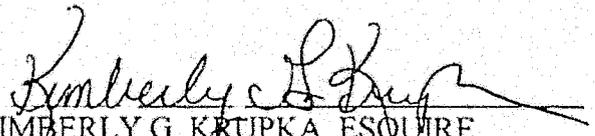
DOCKETED
JAN 06 2005

**DOCUMENT
FOLDER**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the docket be marked closed in this matter.

Respectfully submitted.

PPL Electric Utilities Corporation

By: 
KIMBERLY G. KRUPKA, ESQUIRE
Attorney for Respondent, PPL Electric Utilities Corporation

Dated: December 17, 2004
at Allentown, Pennsylvania

RECEIVED

2004 DEC 20 AM 10:55

SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KAREN D. MIONE

Complainant

vs.

PPL ELECTRIC UTILITIES CORPORATION

Respondent

COMPLAINT DOCKET
No. F-01631874

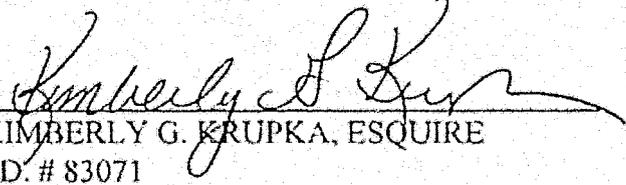
CERTIFICATE OF SERVICE

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

KAREN D. MIONE
502 E. WICONISCO STREET
TOWER CITY, PA 17980

Dated this 17th day of December 2004

GROSS, MCGINLEY, LABARRE & EATON, LLP

BY: 
KIMBERLY G. KRUPKA, ESQUIRE
I.D. # 83071

Counsel for Defendant, PPL Electric Utilities Corporation
33 South 7th Street, P.O. Box 4060
Allentown, PA 18105
Phone (610) 820-5450

**COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

DATE: December 23, 2004
SUBJECT: F-01631874
Karen D. Mione v. PPL Electric Utilities Corporation
TO: Wanda Zeiders
Docket Management
FROM: Cherie Pyle, ALJ Support Staff
Office of Administrative Law Judge

On December 22, 2004, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Kandace F. Melillo
Beth Plantz
Case File

DOCKETED
JAN 12 2005

**DOCUMENT
FOLDER**