

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Timothy P. Lehmier

v.

PPL Electric Utilities Corporation

DOCUMENT
FOLDER

C-20066052

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2006 JUL 17 PA 3:31
SECRETARY'S OFFICEPREHEARING ORDER

An Initial Telephone Hearing in this case is scheduled for Monday, August 28, 2006 at 10:00 a.m. You must be available when contacted by the presiding officer or your case will be dismissed. If you will be at a telephone number that is different than the number listed on the Complaint, you must notify me of that telephone number at least five (5) business days before the hearing.

The parties are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. (For your convenience a list of the parties and their addresses is included.) My address is:

Louis G. Cocheres
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: 717-783-5452
Fax: 717-787-0481

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JUL 25 2006

Changes are granted only in rare situations where good cause exists. For your convenience, a list of the parties and their addresses is enclosed with this order.

2. Commission policy promotes settlements. 52 Pa. Code §5.231(a). The utility will contact the customer at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary, and the scheduled hearing will be cancelled.

3. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. Use the enclosed copy of the parties list.

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

5. 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).

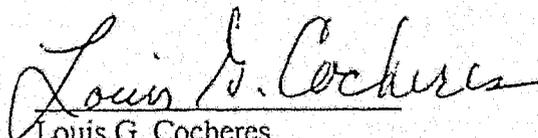
6. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days'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

7. The Complainant is responsible for payment of current bills pending the resolution of this complaint. 52 Pa. Code §56.181. Failure to make payments may result in the termination of utility service.

8. THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

9. The Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that he/she is entitled to the relief requested in the Complaint.

Date: July 12, 2006


Louis G. Cocheres
Administrative Law Judge

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
ROBERT A. ALPERT
JOHN P. SERVIS
ALLEN I. TULLAR
RICHARD T. CURLEY
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ATTORNEYS AT LAW
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P.O. BOX 4060
ALLENTOWN, PENNSYLVANIA 18105-4060

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Direct number: (610) 871-1325

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

OF COUNSEL
DAVID C. KEEHN

*Also admitted in NY

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

2006 AUG 18 AM 9:57
PA PUBLIC
UTILITY'S BUREAU

August 16, 2006

VIA FEDERAL EXPRESS

The Honorable Louis G. Cocheres
Administrative Law Judge
PA Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

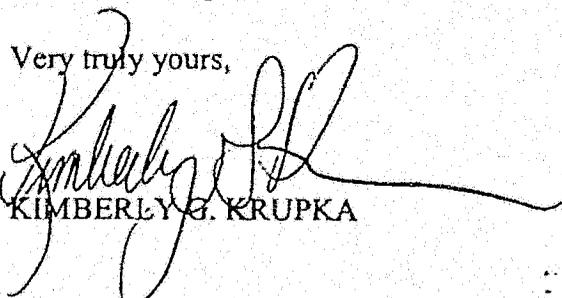
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RE: **Timothy P. Lehmier v. PPL Electric Utilities Corporation**
Docket No. C-20066052

Dear Administrative Law Judge Cocheres:

Enclosed please find in the above-referenced matter three (3) copies of PPL Hearing Exhibit Nos. 1-6. I propose to introduce these documents into evidence at the telephonic hearing scheduled for August 28, 2006 at 10:00 a.m. I can be reached at telephone number 1-888-339-2591 pass code 7765# at the aforesaid date and time to participate in the hearing.

I have federal expressed copies of these exhibits to the Complainants.

Very truly yours,

KIMBERLY G. KRUPKA

KGK/dm
Enclosures

cc: Mr. Timothy P. Lehmier (w/enclosures - via FEDERAL EXPRESS)
Ms. Michelle Lawall-Schmidt (w/enclosures)
Mr. Steven J. Durics (w/enclosures)

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11:43

August 16, 2006

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RECEIVED

Re: C-20066052

Administrative Law Judge Louis G. Cocheres
PO Box 3265
Harrisburg, PA 17105-3265

AUG 21 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Judge Cocheres,

This letter is in response to a notice I received from you dated 7/12/06 regarding a telephonic hearing between myself and PP&L Utilities Corp. In that notice you requested I send you a copy of any exhibits I intend to introduce at this hearing. I am sending you copies of every single payment I made to PP&L for my electric bills beginning with a copy of my very first electric bill dated May 11, 1982 for the first 43 days of electric usage from my hook up date of March 4, 1982 to April 16, 1982. From my very first bill you can clearly see I have been charged a PA sales tax by PP&L for being a landlord which I am not! I have lived in this house at 512 Golden Street, Lititz, Pa. from March of 1982 until the present time. This is my residence not a rental property. I will also send you a copy of a letter PP&L sent to my father's house addressed to Thomas Lehmier, 504 Golden St. Lititz, Pa. I lived with my father and mother at this address until March of 1982 when I moved to 512 Golden St. Lititz. You will clearly see the connection date of March 4, 1982 and my customer number 61-103-6289-2.

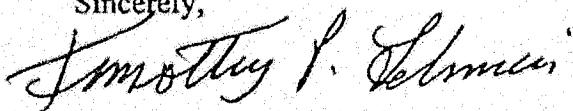
In February of this year PP&L was conducting a telephone survey of it's customers to check the accuracy of it's record pertaining to the address on the bill and who resided at this address. I informed the woman I spoke with that I have lived here since March of 1982. She informed me that I was listed as a landlord and I was being charged a PA sales tax. I told her I still had my very first electric bill and had records of every payment I made to PP&L until the present time and PP&L has always charged me a PA sales tax. I told her I wanted a full refund and she said that they wouldn't go back that far. I asked her if she had all my bills on record and she told me that they did in fact have all of the bills on microfilm. She then connected me with her supervisor and he informed me that she told me too much and that he wasn't going to change anything if at all until the survey was completed. The following month my bill had not changed and I was still being charged the PA sales tax. Again I phoned PP&L and was told again by the same supervisor the same thing as before, nothing would be done until the survey was completed and that could take months. I then contacted the PUC and filed a complaint against PP&L.

From the very first bill on 4/20/82 until the last bill on 3/7/06 PP&L had taken 5.67% in PA sales tax off the total of my electric bill because they had me listed as a landlord. I calculate the total sales tax that I paid from 4/20/82 to 3/4/06 to be \$727.99. I am asking the PUC to order PP&L to refund me this full amount because of their mistake. I never should have been required to pay this tax in the first place because I am not a landlord. I feel that in no way will this create a financial hardship for PP&L since in my estimation they have paid the law firm of Gross, McGinley, Labarre & Eaton more than double that amount to avoid a \$727.99 judgment.

I received a copy of a letter dated April 19, 2006 from Gross, McGinley, LaBarere & Eaton addressed to James J. McNulty, Secretary PUC. In my opinion, Kimberly Krupka and Robert Geneczko perjured themselves by stating PP&L is unable to admit or deny any allegation with regard to bills more than four years old and is without sufficient information to form a belief as to truth or falsity of all other allegations and the same are denied. This is completely contrary to what the PP&L receptionist told me during our telephone conversation when she clearly stated that all of my electric bills were on microfilm. She even confirmed my original connection date of 3/4/82.

I am looking forward to the Telephonic Hearing on 8/28/2006. The telephone number to contact me for the Telephonic Hearing is (717) 575-7678.

Sincerely,

A handwritten signature in cursive script that reads "Timothy P. Lehmier". The signature is written in dark ink and is positioned below the word "Sincerely,".

Timothy P. Lehmier

ORIGINAL

GROSS, MCGINLEY, LABARRE & EATON, LLP

MALCOLM J GROSS
PAUL A MCGINLEY
DONALD LABARRE, JR.
J JACKSON EATON, III
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*Also admitted in NY

EASTON OFFICE:
717 WASHINGTON ST
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August 29, 2006

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

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AUG 29 2006

PA PUBLIC UTILITY COMMISSION
EASTON, PA 18042

RE: Timothy P. Lehmier vs. PPL Electric Utilities Corporation
Case No: C-20066052

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.

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

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FOLDER

Very truly yours,

Kimberly G. Krupka
KIMBERLY G. KRUPKA

KGK/dm
Enclosures

cc: Ms. Deidre L. Bilger (w/enclosure)
Mr. Timothy P. Lehmier (w/enclosure)
Steven J. Durics (w/enclosure/via e-mail)
Administrative Law Judge Louis G. Cocheres (via facsimile)

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ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TIMOTHY P. LEHMIER

COMPLAINANT
VS.

PPL ELECTRIC UTILITIES CORPORATION,
RESPONDENT.

COMPLAINT DOCKET

NO. C-20066052

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AUG 29 2006

PA PUBLIC UTILITY COMMISSION
HARRISBURG, PA

CERTIFICATE OF SATISFACTION OF COMPLAINT

1. Complainant is Timothy P. Lehmier.
2. Respondent is PPL Electric Utilities Corporation (hereafter referred to as "PPL").
3. This Certificate of Satisfaction of Complaint is submitted pursuant to 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, 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, Timothy Lehmier, and Respondent, PPL, agree that a refund in the amount of \$199.19 will be provided to Complainant for reimbursement of Sales Tax. The refund will be accomplished by PPL providing an Affidavit and corresponding paperwork to Mr. Lehmier for completion and mailing to the Commonwealth for a 36 month refund of sales tax paid on Account No. 53850-96001. The difference between the \$199.19 and the amount refunded by the

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Commonwealth of Pennsylvania, will be provided to Complainant through a check issued by Respondent PPL to Complainant Lehmier.

(b) Complainant withdraws his Complaint with prejudice.

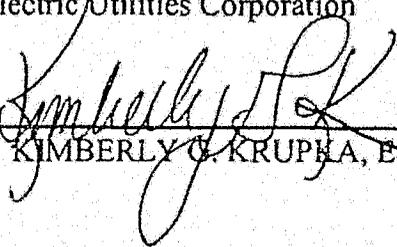
5. Respondent, PPL hereby notifies Respondent of the filing of this Certificate of Satisfaction, and that if Complainant objects or disagree with the terms of the Certificate of Satisfaction, Complainant must notify the Commission in writing of his objection and/or disagreement within ten (10) days of the date this Certificate of Satisfaction was signed and served, or the terms of the Certificate of Satisfaction will become final and binding.

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. KRUPLA, ESQUIRE

Dated: August 29, 2006
at Allentown, Pennsylvania

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TIMOTHY P. LEHMIER

COMPLAINANT
VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. C-20066052

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AUG 29 2006

PA PUBLIC UTILITY COMMISSION
HARRISBURG, PA 17104

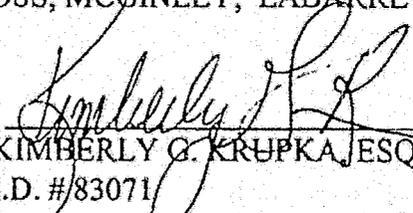
CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT CERTIFICATE OF SATISFACTION OF PPL ELECTRIC UTILITIES CORPORATION TO THE COMPLAINT OF TIMOTHY P. LEHMIER WAS MAILED TO COUNSEL/COMPLAINANT OF RECORD ON BEHALF OF COMPLAINANT BY FIRST CLASS UNITED STATES MAIL, POSTAGE ON THIS THE 29TH DAY OF AUGUST, 2006.

TIMOTHY P. LEHMIER
512 GOLDEN STREET
LITITZ, PA 17543

GROSS, MCGINLEY, LABARRE & EATON, LLP

BY:


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

COUNSEL FOR RESPONDENT,

PPL ELECTRIC UTILITIES CORPORATION
33 SOUTH 7TH STREET, P.O. BOX 4060
ALLENTOWN, PA 18105
PHONE (610) 820-5450
FAX (610) 820-6006

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: August 30, 2006
SUBJECT: C-20066052 Timothy P. Lehmier v. PPL Electric Utilities Corporation
TO: Wanda Zeiders
Docket Management
FROM: Susan Licon, ALJ Support Staff
Office of Administrative Law Judge

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On August 29, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, 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 Louis G. Cocheres
Beth Plantz
Case File

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OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20066052		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Timothy P. Lehmier v. PPL Electric Utilities Corp.	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	August 28, 2006			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	DATE:	8/28/06	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	The parties settled. A certificate of satisfaction will be filed.	

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SEP - 1 2006

PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

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Dene

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Timothy P. Lehmier 717-627-0192	512 Golden Street. Litz City PA 17543	
Kimberly Krupka 610-871-1325	33 South Seventh St. P.O. Box 4060 Allentown PA 18105	PPL Electric Utilities

Check this box if additional parties or attendees appear on back of form.

elf

Healey Keenan

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.