

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

Joseph Pearl, Jr. :

v. :

C-20030596

PPL Electric Utilities Corporation :

PREHEARING ORDER

On June 30, 2003, Joseph Pearl, Jr. (Pearl, Complainant or Customer) filed this formal complaint against PPL Electric Utilities Corporation (PPL or Company).

On July 28, 2003, the Company filed a timely Answer admitting and denying various allegations of the complaint.

On November 10, 2003, a hearing notice was issued scheduling an initial telephone hearing to be held on this case on Tuesday, January 13, 2004 at 10:00 a.m. The case has been assigned to ALJ Turner for hearing and initial decision.

The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a). The parties are directed to comply with the following requirements:

1. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

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§1.15. Extensions of time.

....

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on January 13, 2004), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. **If you do not appear at the hearing, and you have not obtained a continuance, the hearing may be held without you and you may lose this case.** Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing must be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and the phone number is (717) 787-1399. The scheduling officer for your case is Dawn Reitenbach. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your case is Administrative Law Judge Allison K. Turner.

3. **COMPLAINANT:** Please be aware that you have the burden of proof in this proceeding, and must show by a preponderance of the evidence that respondent has violated the Public Utility Code or a regulation or order of the Commission, and that you are entitled to

the relief requested in the Complaint. If this burden is not satisfied, the Complaint must be denied as a matter of law. Pursuant to 52 Pa. Code §§1.21 and 1.22, if you are an individual, you may be represented by an attorney or you may represent yourself. **If this is an adversarial proceeding and you are a partnership, corporation, trust, association or governmental agency or subdivision, you must be represented by an attorney.**

4. You must arrange to have those who intend to testify as witnesses on your behalf present with you at the time set for the hearing.

5. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), you must send the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself) by first class mail. 52 Pa. Code §5.409. These must be received one week before the hearing.

6. PLEASE BE AWARE THAT ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

7. Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents you file in this proceeding.

8. If the parties intend to conduct discovery, please note that 52 Pa. Code §5.331(b) provides, inter alia, that "[p]articipants shall endeavor to initial discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

9. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, the parties are urged to **discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by January 9, 2004 if an agreement is reached, and the hearing is not necessary.** If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.

Allison K. Turner

Allison K. Turner
Administrative Law Judge

Date: November 21, 2003



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

December 19, 2003

In Re: C-20030596

(See letter dated 11/10/03)

Joseph Pearl, Jr. v. PPL Electric Utilities Corporation

Billing dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial telephonic hearing on the above-captioned case previously scheduled for Tuesday, January 13, 2004 at 10:00 a.m. has been canceled, due to a scheduling conflict.

The hearing has been rescheduled as follows:

Type: Initial telephonic hearing.

Date: Wednesday, February 11, 2004

Time: 10:00 a.m.

Presiding: Administrative Law Judge Allison K. Turner
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

DOCUMENT

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

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At the above date and time, the Presiding Officer will contact the parties as follows:

Joseph Pearl, Jr.	610.866.7174
Kimberly G. Krupka, Esquire	610.820.5450

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Turner
Judy W. Springer
Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 2, 2004

In Re: C-20030596

(See letter dated 12/19/03)

Joseph Pearl, Jr. v. PPL Electric Utilities Corporation

Billing dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial telephonic hearing on the above-captioned case previously scheduled for Wednesday, February 11, 2004 at 10:00 a.m. has been canceled, due to a scheduling conflict.

The hearing has been rescheduled as follows:

Type: Initial telephonic hearing.

Date: Wednesday, April 14, 2004

Time: 10:00 a.m.

Presiding: Administrative Law Judge Allison K. Turner
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

DOCUMENT

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FEB 03 2004

At the above date and time, the Presiding Officer will contact the parties as follows:

Joseph Pearl, Jr.	610.866.7174
Kimberly G. Krupka, Esquire	610.820.5450

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pc: Judge Turner
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Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 6, 2004

In Re: C-20030596

(See letter dated 01/02/04)

DOCUMENT

Joseph Pearl, Jr. v. PPL Electric Utilities Corporation

Billing dispute.

Corrected Hearing Notice

This is to inform you that the initial telephonic hearing on the above-captioned case had the wrong phone number for the complainant. Below is a reprint of the notice with the correct phone number:

Type: Initial telephonic hearing.

Date: Wednesday, April 14, 2004

Time: 10:00 a.m.

Presiding: Administrative Law Judge Allison K. Turner
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

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FEB 04 2004

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

At the above date and time, the Presiding Officer will contact the parties as follows:

Joseph Pearl, Jr. 610.868.3287
Kimberly G. Krupka, Esquire 610.820.5450

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

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- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Turner
Judy W. Springer
Beth Plantz
Docket Section
Calendar File

Kimberly G. Krupka
Gross McGinley Labarre & Eaton
33 South Seventh Street
Allentown, Pennsylvania 18101
Phone: (610) 820-5450
Fax: (610) 820-6006

April 7, 2004

FEDERAL EXPRESS

The Honorable Allison K. Turner
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, Pennsylvania 19130

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APR 07 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Joseph Pearl, Jr. v.
PPL Electric Utilities Corporation
Docket No. C-20030596

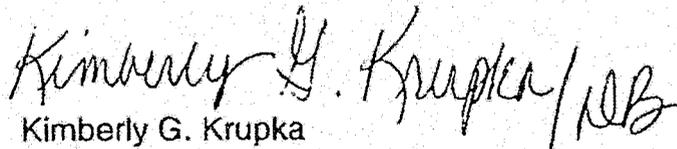
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Dear Judge Turner:

Enclosed please find in the above-referenced matter three (3) copies of PPL Hearing Exhibits Nos. 1, 2 and 3. Attorney John F. Gross will be attending this hearing on my behalf. Attorney Gross proposes to introduce these documents into evidence at the telephonic hearing scheduled for Wednesday, April 14, 2004 at 10:00 a.m. Attorney Gross can be reached at 1-800-975-3214 access code 1021# at the aforesaid date and time to participate in the hearing.

I have mailed copies of these exhibits to the Complainant.

Very truly yours,


Kimberly G. Krupka

Enclosures

cc: Joseph Pearl, Jr.
James J. McNulty, Secretary

Account Activity Statement

*** Account Information ***

Account Number: 13470-15035
 Mail To: WOODSIDE CUSTOM HOMES
 77 W BROAD ST UNIT 19
 BETHLEHEM PA 18018

Requested By: WOODSIDE CUSTOM HOMES
 16101368-3287 Extension:

*** Current Account Status ***

Payment Agreement: 50.00 Balance: 50.00
 Installment: 50.00
 Budget Bill Amortization: 50.00
 Installment: 50.00
 Current Rate: G51

DATE	TRANSACTION TYPE	QOE DATE	TRANSACTION AMOUNT	BALANCE FORWARD	ACTUAL BILLED	DEFERRED BALANCE	DEG DAY H/C	RDG/TYPE	DAYS USED	KWH	BILLED KW
02/10/2003	ELECTRIC SERVICE		\$194.32								
03/10/2003	Regular Bill	03/26	\$194.32				122370000	14061A	28	1621	10.0900
03/11/2003	ELECTRIC SERVICE		\$233.83								
03/11/2003	Regular Bill	03/27	\$194.32				11570000	16230A	29	2169	9.00
03/26/2003	ELECTRIC SERVICE		\$27.23								
03/26/2003	Regular Bill	04/11	\$194.32				023970000	164130	13	183	9.0000

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APR 15 2004

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APR 07 2004

PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

DOCUMENT

C-20030596

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APR 07 2004

Home

Decision Detail

Case Search

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

General

BCS Case No.	1361059	CSS Account No.	1347015035
Customer Name	WOODSIDE CUSTOM HOMES	Investigator Name	GILSON,
Address 1	77 W BROAD ST UNIT 21	Service Class	COMMERCIAL
Address 2		Case Origin	TELEPHONE
City, State Zip	BETHLEHEM, PA 18018	Head Date	
Service Restore Amount	0.00	Current Monthly Payment	0.00
Service Continue Amount	0.00	Service Continue Date	
Decision Issue	No	Ending Monthly Payment	0.00
Chapter		Oral/Written	
Section Rule		Violation	NO
Total Balance	455.38	Closed Date	06/19/2003
Reconnect Amount	0.00	Balance Date	
Special Budget Amount	0.00	Regular Budget Amount	0.00
Arrears Payment Plus	0.00	Final Monthly Payment	0.00

DOCUMENT

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APR 15 2004

Resolution

3/17/03 CO PERFORMED HBI WHICH REVEALED SPACE FURNISHED W/FURNITURE AND EQUIPMENT; SPACE HEATED BY ELEC FURNACE; BILLS BASED ON ACTUAL MTR RDGS; TOTAL ESTIMATED KWHS SHOWED THAT BILLS WERE IN LINE WITH THE ACTUAL KWHS BILLED; SVC DISC EFFECTIVE 3/24/03 PER CUST REQUEST AND CUST RESP FOR FINAL BILL FOR \$455.38. CUST RESP TO NCL AND REQUESTED FORMAL COMPLAINT FORMS - SENDING FORMS AT CUST REQUEST. VERBAL CLOSE.

Terms
Letter
Description

Action Required Options

Action Required C Yes C No

C-20030596

PPL EXHIBIT 2

Decision Detail

WorkQ Category

Sub Category

Up Front Amount

Up Front Due Date

Bill Type

Plus Amount

Beginning Date

Write-Off Amount

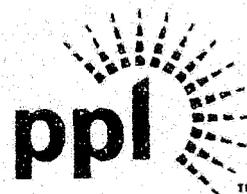
Comments

Processed By Conversion

Processed Date 9/30/2003 2:01:34 PM

[Return to Case](#)

**PPL ELECTRIC UTILITIES
UTILITY COMPANY REPORT
TO THE INFORMAL COMPLAINT UNIT**



Customer:	Woodside Custom Homes	BCS Investigator:	Gilson
Service Address:	77 W. Broad Street, Unit 21 Bethlehem, PA 18018	Case No.:	1361059
Mailing Address:	77 W. Broad Street, Unit 19 Bethlehem, PA 18018	Date Received:	04/16/03
Phone (Home)	610-866-7174	Time Received:	6:01 p.m.
Phone (Work)		Rate:	GS1
Bill Account No.:	13470-15035	Heating:	N/A

DETAILS OF THE COMPANY'S ORIGINAL INVESTIGATION

DOCUMENT

- 1/10/2003 Joseph Pearl, owner of building, called to connect the electric service in the name of Woodside Custom Homes effective 1/13/03. Customer was satisfied.
 - 2/12/2003 Joseph Pearl called and stated that he was not going to pay his electric bill for the period of 01/13/03 to 02/10/03 for 1621 kWh in the amount of \$194.32. He stated that the bill was too high for a vacant building. PPL's Customer Service Representative (CSR) issued a high bill investigation and placed a dispute on the customer's account.
 - 3/10/2003 PPL's Customer Contact Representative (CCR) tried to reach the customer twice by telephone and left messages for the customer to contact PPL.
 - 3/11/2003 CCR called and left another message for the customer to call him.
- PPL's CCR spoke to Joseph Pearl and set up an appointment for 3/17/03. An interim utility report was communicated verbally to the customer and a written report is on record.

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APR 15 2004

C-20030596



3/13/2003 Joseph Pearl called about his high bill complaint and stated that he thinks something is drastically wrong at the property. The customer stated that the meter serves 800 square feet of vacant building with the heat on at 55 degrees. PPL's CSR explained that an appointment was already set for 3/17/03 and the customer's account had been disputed. The customer understood.

3/17/2003 PPL's CCR met with the customer and went over the entire space. The space is still furnished with furniture and equipment. The total estimated kWh showed that it was in line with the actual kWh billed to the customer. When the CCR started to review the findings of the cost estimate, the customer became irate and started screaming and cursing at the CCR. The customer would not let the CCR speak. The CCR felt threatened by the customer so he communicated a verbal utility report to the customer (a written report is on record) and left.

<u>COST ESTIMATE</u>	
kWh	
	Lighting - Indoor
75	3 - 75 watt lights
160	16 - 4 ft fluorescent lights
350	2 Electric Water Heaters - Standby
	Miscellaneous
120	Spa for Pedicures
	Heating
1800	Electric Furnace
	Cooling
30	Fan
	SUMMARY
1621	Customer's Actual kWh Usage 01/13/03 TO 02/10/03
2535	TOTAL PROJECTED USAGE

03/17/2003 Joe Pearl called and stated that PPL's CCR had been at his property to complete the high bill investigation. He stated that the CCR had looked at the square footage and the equipment connected to the meter and determined that the total estimated kWh was in line with what we had billed the customer. The customer was not satisfied with the results of the high bill investigation and asked the CSR for the PUC telephone number, which the CSR supplied to the customer.

Customer Name: Woodside Custom Homes

Case No.: 1361059

3/21/2003 Joseph Pearl called and requested disconnection of the electric service effective 03/24/03. PPL's CSR issued the proper orders. Customer was satisfied.

4/11/2003 Customer was sent a reminder notice for the final bill amount of \$455.38.

4/17/2003 Customer called and filed a PUC Informal Complaint.

COMPANY'S FINAL POSITION TO THE CUSTOMER

- Total estimated kWh is in line with the actual kWh billed to the customer
- Bills are correct as rendered

CUSTOMER'S DISPUTE TO BCS

Billing Disputes. Customer has been trying to get company out to check meter. Company refuses. Customer stated that the bills are far too high for an unoccupied unit with no appliances in use. Customer stated that he wants PUC to investigate and have company check the meter. Customer wants company to verify physically that they are reading the correct meter, that it is operating correctly and that the bills are correct. Customer stated that only physical on-site verification will be acceptable.

DETAILS OF THE COMPANY'S INVESTIGATION AFTER BCS CONTACT

No further investigation.

COMPANY'S FINAL POSITION TO THE BCS

- On-site investigation was performed
- Total estimated kWh is in line with actual kWh billed to customer
- Space is heated by electric furnace
- Customer has been uncooperative in the past for other investigations
- Space is metered by three-phase meter...customer must pay appropriate fee to have meter tested
- Bills are correct as rendered
- Customer should pay final bill of \$455.38 within five days of this response

Prepared by: Karey A. Roberts

Phone: 484-634-3321

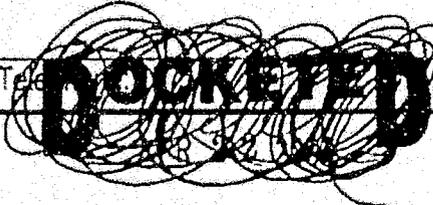
Date: 05/13/03

OALJ Hearing Report

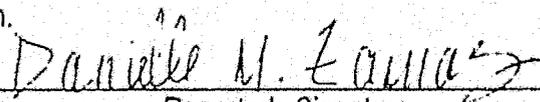
Please Check Those Blocks Which Apply

Docket No.:	C-20030596	YES	NO
Case Name:	Joseph Pearl, Jr. v. PPL Electric Utilities Corporation	Prehearing Held:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Location:	Philadelphia, PA	Hearing Held:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Date:	April 14, 2004	Testimony Taken:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ALJ:	Allison K. Turner	Transcript Due:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reporting Firm:	Sargents Court Reporting Service, Inc.	Hearing Concluded:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p align="center">DOCUMENT FOLDER</p>		Further Hearing Needed:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Estimated Add'l Days:	1
<p align="center">RECEIVED</p> <p align="center">APR 20 2004</p> <p align="center">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p>		RECORD CLOSED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Briefs to be Filed:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Bench Decision:	<input type="checkbox"/> YES <input type="checkbox"/> NO
		REMARKS	plumbing bills to be submitted

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

Name and Telephone Number	Address	Who are you representing?
JOHN GROSS	33 SOUTH 7TH ST ALLEN TOWN, PA 18101 <small>City State Zip</small>	PPL
JOSEPH PEARL	77 W BROAD ST BERKLEY PA 18015 <small>City State Zip</small>	
		
Telephone:	E-mail Address:	Fax Number:
Telephone:	E-mail Address:	Fax Number:

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


 Reporter's Signature

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