

CAPTION SHEET

MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00 :
- 2. BUREAU: ALJ :
- 3. SECTION(S) : :
- 5. APPROVED BY: : 4. PUBLIC MEETING DATE:
- DIRECTOR: : 00/00/00
- SUPERVISOR: : :
- 6. PERSON IN CHARGE: : 7. DATE FILED: 11/02/04
- 8. DOCKET NO: C-20043944 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: SLUSSER BROTHERS

RESPONDENT/APPLICANT: PPL ELECTRIC UTILITIES CORP

COMP/APP COUNTY:

UTILITY CODE: 110500

ALLEGATION OR SUBJECT

COMPLAINANT STATES THAT THEY THEIR POWER SUPPLY HAS BEEN LOW FOR SIX YEARS AND THEY HAVE VOLTAGE DROPS. THEY WANT A STAY ON A DISCONNECTION OF SERVICE ORDER IN PUC CASE #1703610, AND PPL TO PROVIDE A MORE LASTING SOLUTION TO THE PROBLEM.

DOCUMENT  
FOLDER

**DOCKETED**  
NOV 19 2004

# ORIGINAL

C - 20043944

## Pennsylvania Public Utility Commission

RECEIVED

### Formal Complaint Form

NOV 02 2004

Please Print.

110500

PA PUBLIC UTILITY COMMISSION  
SECRETARY GENERAL

- Your name, mailing address, telephone number and utility account number.

Name SLUSSER Brothers

Street/P.O. Box 125 NORTH WARREN ST. Apt # \_\_\_\_\_

City West Hazleton State PA. Zip 18202

County LUZERNE

Area Code/Home Phone \_\_\_\_\_ Area Code/Work Phone 570-868-3716  
570-233-2054

Utility Account Number 74910-28013

If the above mailing address differs from the address where the utility service is provided, list this information below.

Name SLUSSER BROS TRUCKING + EXC.

Street/P.O. Box SMALL MOUNTAIN ROAD.

City WAPWALLOPEN State PA. Zip 18660

County LUZERNE

- Name of utility company your complaint concerns: PPL Electric Utilities Corp.

- Type of Utility (circle one):

GAS

WATER

MOTOR CARRIER

STEAM HEAT

**ELECTRIC**

SEWER

TELEPHONE - (LOCAL OR LONG DISTANCE)



# Slusser BROTHERS

125 North Warren Street West Hazleton, PA. 18202-3697  
Tel- 570-455-3961  
Fax 570-459-0322

- Heavy & Highway Construction
- Excavating & Site Development
- Asphalt Paving
- Aggregate
- Sand & Gravel
- Asphalt

NOV 9 2004

Additional Sheet supporting PUC formal complaint form

PUBLIC UTILITY  
SECURITY

Question 4. What is your complaint:

PPL are providing power to our stone crushing facility at Small Mountain Quarry with a voltage drop that we find to be unacceptable. Power supply to the site has been persistently low for over six years now and first occurred following conductor work that PPL performed on Interstate 80.

Question 5. What do you want the PUC to do about your complaint:

The first thing that we would like the PUC to do would be to place a stay on a disconnection of service order for service to Small Mountain Quarry currently in place relating to PUC case # 1703610.

Secondly we would like the PUC to place the onus on PPL to provide a more lasting solution to the issues relating to this service. We feel that PPL has not acknowledged that they have a voltage drop problem and despite the fact that new services have been added to this particular line downstream of the quarry PPL feels it is just to burden Small Mountain Quarry with the responsibility of resolving a problem it did not create.

It should be noted that Slusser Brothers understands the responsibilities of being a good corporate citizen and as an act of good faith has executed a number of action items in an effort to alleviate some of the service issues with this line. We replaced the main 12kV transformer at the site to a unit with a higher amp rating and a higher inductance rating. We have replaced the motor to our secondary crusher (the largest motor at the site) to a motor with a higher inductance rating. We have also investigated the possible installation of an adaptive VAR compensator unit at the request of PPL. However we find it extremely difficult to justify spending what would amount to somewhere in the region of \$200,000 to resolve a problem that one we did not create and two in a manner that may not be conclusive.

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

DATE SERVED: NOVEMBER 22, 2004

C-20043944

PPL ELECTRIC UTILITIES CORPORATION  
PAUL E RUSSELL GEN COUNSEL  
TWO N 9TH ST  
ALLENTOWN PA 18101-1179

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by SLUSSER BROTHERS. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

James J. McNulty  
Secretary

dbs

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: NOVEMBER 22, 2004

SLUSSER BROTHERS  
Complainant

VS.

PPL ELECTRIC UTILITIES  
CORPORATION  
Respondent

Complaint Docket  
No: C-20043944

DOCUMENT  
FOLDER

**DOCKETED**  
NOV 1 2004

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: PPL ELECTRIC UTILITIES CORPORATION

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.

James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

2. Article Number



7160 3901 9843 0007 2022

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

C-20043944  
PEL ELECTRIC UTILITIES CORPORATION  
PAUL E RUSSELL GEN COUNSEL  
TWO N 9TH ST  
ALLENTOWN PA 18101-1179

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

M. Reiss-Rooney

B. Date of Delivery

11-22-04

C. Signature

*M. Reiss-Rooney*

Agent  
 Addressee

D. Is delivery address different from item??

Yes  
 No

If YES, enter delivery address below:

Domestic Return Receipt

*Mitchell  
Gallagher*  
*Attorneys at Law*

RECEIVED

2004 DEC 14 AM 9:23

SECRETARY'S BUREAU  
of the  
Weber Mitchell (1919-1996)

C. Edward S. Mitchell  
Robert A. Gallagher  
Gary L. Weber  
Bret J. Southard  
Darryl R. Wishard

Email: glw@mungvsw.com

December 13, 2004

**ORIGINAL**

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

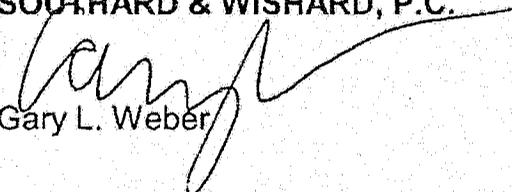
**RE: Slusser Brothers v. PPL Electric Utilities  
Corporation  
Docket No. C-20043944**

Dear Secretary McNulty:

Enclosed please find an original and three photocopies of the Answer of PPL Electric Utilities to Formal Complaint of Slusser Brothers for filing in the above-captioned case.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER  
SOUTHARD & WISHARD, P.C.**

  
Gary L. Weber

GLW:bgh

Enclosures

pc w/encs: Slusser Brothers  
Colleen Marx

**DOCUMENT  
FOLDER**

---

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgvsw.com

10 West Third Street, Williamsport, Pa. 17701-6513  
(570) 323-8404 Fax (570) 323-8585

18



or other equipment having widely fluctuating loads. The Company specifies the service characteristics at which such loads will be served and prescribes the maximum inrush or starting currents which can be permitted without interfering with the quality of service for other purposes or to other customers." Complainant failed to comply with this rule prior to installing stone crushing equipment, the operation of which is directly responsible for voltage fluctuations that affect other PPL customers. In addition, pursuant to REMSI Rule 23, in a case where a "customer installs motors that cause large voltage fluctuations, the customer must either correct the problem or pay the company to correct the problem."

It is denied that there any problems with the electric service provided to Complainant by PPL. To the extent that voltage fluctuations effect Complainant and Complainant's neighbors served by PPL, said fluctuations are solely the result of the failure of Complainant to comply with PPL's tariff and with rules and regulations that are designed to protect the quality of service that PPL is obligated to provide to all of its customers.

Denied that power to Complainant's site has been persistently low for over six years. To the contrary, the service voltage to Complainant's property has always been provided in accordance with PPL's tariff and the regulations of the Pennsylvania Public Utility Commission.

Denied that PPL undertook conductor work on Interstate 80 six years ago. Upon information and belief, Complainant is referring to a service call undertaken by a PPL crew to reinstall a fallen conductor. It is denied that the reinstallation of the conductor in any way affected Complainant's electric service, as suggested in the Complaint.

5. With respect to the relief demanded, no response is required. With respect to the factual averments set forth in this paragraph, PPL responds as follows:

Denied that PPL issued a disconnection of service order. To the contrary, in response to an informal complaint filed by William Taney with the Bureau of Consumer Services on June 28, 2004 (Case No.: 1703610), PPL advised the Bureau of Consumer Services that it intended to resolve Taney's complaint by working with Slusser Brothers to attempt to reduce the voltage flicker caused by the operation of Complainant's facility, but that if the issue could not be resolved, then PPL would terminate Complainant's service because of its obligation to provide unimpaired service to PPL's other electric service customers. See letter of October 20, 2004 attached hereto as Exhibit "A".

It is denied that PPL has a voltage drop, as set forth above in the response to Paragraph 4 of this Complaint. PPL admits that it is not acknowledging responsibility as there is no voltage drop caused by PPL. As set forth in Paragraph 4, any fluctuation in voltage is due solely to Complainant's conduct in failing to comply with the tariff and the applicable Rules for Electric Meter and Service Installation. It is denied that voltage fluctuations are in any way the result of installation of electric service downstream of Complainant's quarry. To the contrary, said service is primarily residential, which has a negligible impact on voltage and does not cause the fluctuations experienced by other customers in the vicinity of Complainant's facility; said fluctuations have resulted solely from the operation of Complainant's facility.

After reasonable investigation, PPL is without knowledge or information sufficient to form a belief as to whether Slusser Brothers understands its responsibilities to its

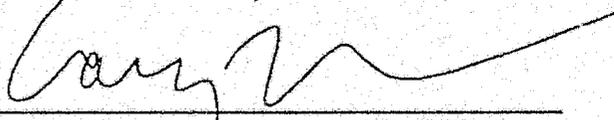
neighbors or whether it has acted in good faith in undertaking changes to its facility. Likewise, PPL is without knowledge or information sufficient to form a belief as to whether it took those actions intending to alleviate the voltage fluctuations which it is causing. Upon information and belief, the replacement of the main 12 kV transformer at the site was solely for the purpose of meeting Complainant's other electrical needs and was not intended to, and does not have the affect of, alleviating the voltage fluctuations caused by Complainant.

Admitted that Complainant replaced a motor on a piece of its equipment. Admitted that said replacement has reduced the magnitude of some voltage fluctuations. By way of further answer, said replacement has not eliminated the inappropriate voltage fluctuations and has not brought Complainant into compliance with the tariff and the rules governing its use of electricity. By way of further answer, prior to undertaking said change, PPL advised Complainant that said change was not likely to result in its compliance with the applicable tariff provisions and the rules.

Admitted that PPL recommended that Complainant install a VAR compensator to permanently correct the problem. It is denied that the cost of said piece of equipment would be \$200,000. It is denied that the installation of said equipment would not provide a conclusive resolution of the voltage fluctuation issue. It is denied that Complainant did not create the problem which it is being asked to correct.

WHEREFORE, PPL Electric Utilities Corporation requests the Commission to deny the relief requested by Complainant and to dismiss the Complaint.

MITCHELL MITCHELL GALLAGHER WEBER  
SOUTHARD & WISHARD, P.C.

BY: 

Gary L. Weber

ID #37648

Attorney for Respondent

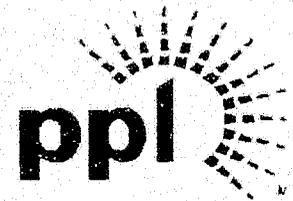
10 West Third Street

Williamsport, PA 17701

(570) 323-8404

(570) 323-8585 - FAX

glw@mmgsw.com



October 20, 2004

James Farley  
Pennsylvania Public Utility Commission  
P.O. BOX 3265  
Harrisburg, PA 17105-3265

Dear Mr. Farley,

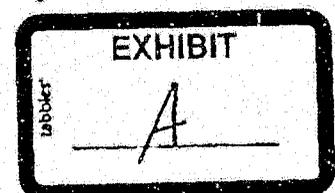
This letter is PPL Electric Utilities Corporation's ("PPL Electric") response to the informal complaint filed by Mr. William Taney with the Bureau of Consumer Services on June 28, 2004 (Case # 1703610). PPL Electric has determined that Mr. Taney has been experiencing the effects of high-frequency voltage fluctuations (voltage flicker) on his electric service line. This flicker is caused by the operation of rock crushers at Small Mountain Quarry in Dorrance Township. Small Mountain Quarry is owned and operated by Slusser Brothers Trucking & Excavating Company.

The voltage flicker caused by the operation of the equipment at the quarry has been measured and recorded, and PPL Electric has determined that the operation of this equipment is impairing the service of other customers supplied by the same electrical facilities. If the quarry wishes to continue to use the electric service provided by PPL Electric, it is the owner's (Slusser Brothers) responsibility to correct this voltage impairment.

PPL Electric has been working with Slusser Brothers to resolve this problem over the past two years. During this time, PPL Electric researched several alternatives that would correct this voltage impairment. Due to the high cost and the significant amount of time needed to implement other solutions, PPL Electric recommended that Slusser Brothers install an adaptive VAR compensator (AVC) to permanently correct this problem. A second alternative presented to the quarry owner was to supply the rock crushers at issue from a separate electric power source, such as a diesel generator. Slusser Brothers has made no progress toward implementing either of these solutions.

Alternatively, Slusser Brothers has decided to install a different motor in one of the rock crushers at issue. This motor has a larger shaft that will increase the total inertia of the crusher, and may reduce the voltage flicker that Mr. Taney is experiencing to acceptable levels. The installation of this motor was to be completed in early September 2004, but has been delayed. The current scheduled installation date is October 23, 2004. PPL Electric has not researched this particular alternative and, therefore, is not certain that the installation of this motor will produce any significant improvement in the voltage flicker produced at the quarry.

PPL Electric has provided ample time for Slusser Brothers to address and correct this voltage flicker problem. PPL Electric expects that Small Mountain Quarry will install its



proposed motor and perform any other work that may improve or resolve the voltage flicker produced at the site by Monday, October 25, 2004. If the problem is not resolved by that date, PPL Electric will work with the quarry to shut down individual pieces of equipment at the site to bring the voltage flicker to acceptable levels. If Small Mountain Quarry is unable to reduce the voltage flicker to acceptable levels by Monday, November 22, 2004, PPL Electric will discontinue electrical service to Small Mountain Quarry, as provided for under Rule 10B(2)(b) of PPL Electric's Tariff-Electric Pa. P.U.C. No. 201. PPL Electric considers termination of service to be its last resort and will continue to work closely with Slusser Brothers in an attempt to reduce the voltage flicker at Small Mountain Quarry.

Sincerely,

Paul J. Philpott  
Regional Project Manager  
PPL Electric Utilities Corporation

cc: Paul Yankanich  
Operations Manager  
Slusser Brothers Trucking & Excavating Co., Inc.

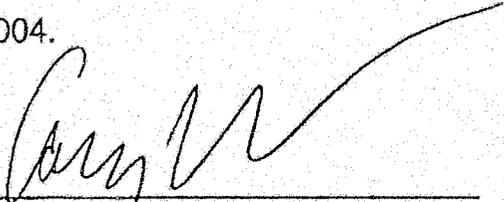


CERTIFICATE OF SERVICE

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

Slusser Brothers  
125 North Warren Street  
West Hazleton, PA 18202

Dated this 13<sup>th</sup> day of December, 2004.

  
\_\_\_\_\_  
Gary L. Weber  
Counsel for PPL Electric Utilities Corporation

RECEIVED  
2004 DEC 14 AM 9:23  
SECRETARY'S BUREAU

December 14, 2004

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

Re: Slusser Brothers Trucking & Excavating Co., Inc. v. PPL Electric Utilities Corporation; Docket No. C-20043944; **NOTICE OF APPEARANCE**

Dear Mr. McNulty:

Enclosed for filing please find the original and three (3) copies of the Notice of Appearance of Saul Ewing LLP on behalf of Slusser Brothers Trucking & Excavating Co., Inc. with regard to the above-referenced matter. Please substitute my name as counsel instead of Michael Finio.

Please date-stamp the extra copy and return with our messenger service. Thank you for your attention in this matter.

Sincerely,

*Louise A. Knight*  
Louise A. Knight

LAK:clj  
Enclosure

c: As Per Certificate of Service

**DOCUMENT  
FOLDER**

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DEC 14 2004  
11:38 AM  
COMMUNICATIONS BUREAU

81

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Slusser Brothers Trucking & Excavating Co.,  
Inc.,  
Complainant,  
v.

Docket No. C-20043944

PPL Electric Utilities Corporation,  
Respondent.

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DEC 14 2004  
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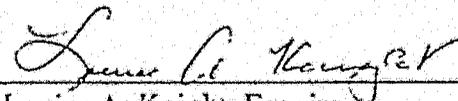
NOTICE OF APPEARANCE

Please add the appearance of Louise A. Knight in the above-designated matter on behalf of Complainant, Slusser Brothers Trucking & Excavating Co., Inc. Please delete the appearance of Michael Finio.

On the basis of this Notice, we request a copy of each document hereafter issued by the Pennsylvania Public Utility Commission in this matter.

Respectfully submitted,

DOCUMENT  
FOLDER



Louise A. Knight, Esquire  
Attorney ID No. 26167  
Saul Ewing LLP  
2 North Second Street, 7<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 238-7655

**DOCKETED**  
DEC 30 2004

Michael A. Finio, Esquire  
Attorney ID No. 38872  
Saul Ewing LLP  
2 North Second Street, 7<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 238-7671

Dated: December 14, 2004

Counsel for Slusser Brothers Trucking &  
Excavating Co., Inc.

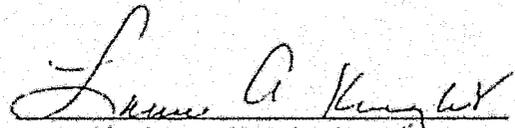
**CERTIFICATE OF SERVICE**

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

**FIRST CLASS MAIL**

Paul E. Russell  
General Counsel  
PPL Electric Utilities Corporation  
Two North Ninth Street  
Allentown, PA 18101-1179

Dated this 14<sup>th</sup> day of December, 2004.

  
Louise A. Knight, Esquire

SECRET  
BUREAU

DEC 14 11 31 AM '04