

CAPTION SHEET

CASE 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: 09/30/03
8. DOCKET NO: Z-01483977	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: WITWER, JAMES

RESPONDENT/APPLICANT: PPL ELECTRIC UTILITIES CORP

COMP/APP COUNTY: LANCASTER

UTILITY CODE: 110500

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE WANTS TO BE ON A PAYMENT PLAN FOR EACH MONTH AND THAT HE WILL PAY THE BUDGET AMOUNT PLUS \$15.00 EACH MONTH TILL THE BILL IS PAID IN FULL.

DOCKETED
OCT 21 2003

FORMAL COMPLAINT FORM
Pennsylvania Public Utility Commission

ST1483977

Please Print: 03 SEP 30 AM 9:07

Z-01483977

10-16-03

SECRETARY'S BUREAU

1. Your Name, Mailing Address and Telephone Number.

PP 0500

Name James Witwer

Street/P.O. Box 551 Lauschtown Road # 9

City Denver State PA. Zip 17517

County Lancaster Home Telephone-Area Code (717) 445-9223

Work Telephone-Area Code (717) 335-3833

2. Name of Company your complaint concerns: Pennsylvania Power & Light Co.

3. What is your complaint?

I want the Pennsylvania Power & Light Co.
that I will pay my budget amount
plus \$15.00 each month until my
balance is paid in full." I want to
be on a payment plan for each
month on my electric bill.

Thank You!

(If you need more space, use additional paper and attach to this form)

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4. What do you want the Public Utility Commission to do about your complaint?

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

James Witzer
Original Signature of complaining person

9-29-03
Date

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____
Street _____
City _____ State _____ Zip _____
Telephone Number-Area Code () _____

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: October 21, 2003

James Witwer
Complainant

VS.

PPL ELECTRIC UTILITIES
CORPORATION
Respondent

Complaint Docket
No: Z-01483977

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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, 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

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

DATE SERVED: October 21, 2003

Z-01483977

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

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by James Witwer. 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.

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October 21, 2003

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

ddi

ORIGINAL

GROSS, MCGINLEY, LABARRE & EATON, LLP

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

ATTORNEYS AT LAW
33 SOUTH SEVENTH STREET
P.O. BOX 4060
ALLENTOWN, PENNSYLVANIA 18105-4060

(610) 820-5450
TELEFAX (610) 820-6006
E-MAIL jgross@gmle.com
Direct number: (610) 871-1324

*Admitted in NY only

November 10, 2003

RECEIVED

NOV 10 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA FEDERAL EXPRESS

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

RE: James Witwer v. PPL Electric Utilities Corporation
Docket No. Z-01483977

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 to be deemed filed on November 10, 2003, which is the date it 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,


JOHN F. GROSS

JFG/jeh
Enclosures
cc Mr. James Witwer (w/ encs.)
Diedre L. Bilger (w/ encs.)
W:\BOX\CLIENTS\apl\puc\cust\00043075.DOC

DOCUMENT
FOLDER

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAMES WITWER,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET
NO. Z-01483977

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ANSWER OF PPL ELECTRIC UTILITIES CORPORATION

PPL Electric Utilities Corporation (hereafter "PPL"), by its attorney, hereby answers the Complaint in the above-captioned proceeding as follows:

1. Admitted.
2. Admitted.
3. Denied. PPL denies that it has been unreasonable in billing Complainant or in any other way in this matter.

By way of further answer, Complainant's current overdue balance is \$125.23. Complainant's payments on this account have been sporadic making only seven (7) payments in 2000, four (4) payments in 2001, six (6) payments in 2002, and four (4) payments in 2003. PPL has made numerous reasonable payment arrangements on this account and Complainant has defaulted on all of them.

PPL denies that Complainant is unable to pay \$140.00 to restore service and then the current budget bill in addition to \$30.00 a month towards the overdue balance, as indicated in

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the most recent BCS Decision. Complainant's service was disconnected for non-payment on September 8, 2003. After service was disconnected, Complainant filed this Complaint. PPL reconnected service on October 2, 2003 after Complainant paid in accordance with the BCS Decision.

PPL does not have sufficient information to either admit or deny Complainant's allegations regarding Complainant's ability to pay.

PPL does not have sufficient information to either admit or deny all other allegations in Complainant's Complaint. Therefore, all such allegations are denied.

Attached hereto as Exhibit A is a copy of the Bureau of Consumer Services Decision dated September 12, 2003 at Docket Number 1483977.

4. This paragraph constitutes a request for relief to which no answer is required.

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

Respectfully submitted,

PPL Electric Utilities Corporation

By: 
JOHN F. GROSS

Dated: November 10, 2003
at Allentown, Pennsylvania

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAMES WITWER,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET
NO. Z-01483977

CERTIFICATION OF SERVICE

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

Mr. James Witwer
551 Lauschtown Road, Lot 9
Denver, PA 17517

Dated this the 10th day of November, 2003.

GROSS, MCGINLEY, LABARRE & EATON, LLP

By: 

JOHN F. GROSS, ESQUIRE
Attorney for PPL Electric Utilities Corp.
33 South 7th Street, P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450 I
I.D. #82079

Mediations Formok.

Home

Decision Detail

- My Work (1)
- Case Search
- Reports
- New Mediations (1)
- Re-assign Mediations
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- Open - Longs (487)
- Open - Compliance (500)

General

BCS Case No.	1483977	CSS Account No.	8742110003
Customer Name	JAMES WITWER	Investigator Name	GONZALEZ,
Address 1	551 LAUSCHTOWN RD BX21	Service Class	RESIDENTIAL
Address 2		Case Origin	TELEPHONE
City, State Zip	DENVER, PA 17517	Head Date	09/19/2003
Service Restore Amount	140.00	Current Monthly Payment	
Service Continue Amount		Service Continue Date	
Decision Issue	Yes	Finding Monthly Payment	
Chapter		Oral/Written Written	
Section Rule		Violation	NO
Total Balance	215.03	Closed Date	09/16/2003
Reconnect Amount		Balance Date	09/12/2003
Special Budget Amount	75.00	Regular Budget Amount	45.00
Arrears Payment Plus	30.00	Final Monthly Payment	
Resolution	PAR		
Terms			
Letter Description	EGW OFF PAR/NO LPCS/DUDGET +		

Action Required Options

Action Required Yes No

WorkQ

Category

Sub

Category

Up Front

Up Front



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

IN REPLY PLEASE
REFER TO OUR FILE

December 29, 2003

In Re: Z-01483977

(SEE ATTACHED LIST)

James Witwer v. PPL Electric Utilities Corporation

Requests payment arrangements.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial telephonic hearing.
Date: Thursday, March 25, 2004
Time: 10:00 a.m.
Presiding: Special Agent Amanda Rumsey
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

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FOLDER

The special agent will be presiding as authorized by 52 Pa. Code §56.174.

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:

James Witwer	717.445.9223
John F. Gross, 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 Special Agent 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: Special Agent Amanda N. Rumsey
Dawn Reitenbach
Beth Plantz
Docket Section
Calendar File