

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer, Complainant

V.

Docket No. C-2015-2511904

PPL Electric Utilities Corporation, Respondent

**ANSWER OF JAY LARRY MOYER
TO THE MOTION FOR A STAY OF PROCEEDINGS
FILED BY PPL ELECTRIC UTILITIES CORPORATION
IN THE ABOVE COMPLAINT**

To: Administrative Law Judge Dennis J. Buckley:

A recent Opinion of the Pennsylvania Commonwealth Court determined that “the Alternative Energy Act confers no authority upon the PUC to adjudicate matters arising under the Alternative Energy Act.” (*Docket No. 1282 CD 2015, Sunrise Energy v. FirstEnergy Corp. and West Penn Power Company*, at 15)

In light of the Commonwealth Court ruling, Larry Moyer regards as invalid any further attempt by the Commission to adjudicate claims related to the “third” Formal Complaint which Mr. Moyer filed on October 29, 2015 (C-2015-2511904).

The integrity of the Record, however, demands that errors, distortions, and mis-leading statements in PPL’s Motion to Stay Proceedings (February 10, 2017)

be corrected. Those errors and mis-statements, with accompanying corrections are enumerated below:

1. In its cover letter, PPL Electric refers erroneously to “Mr. Moyer’s Appeal in the above-referenced proceeding”. The “above-referenced proceeding” is none other than the “third Complaint” (C-2015-2511904), which should not be confused with the two Complaints now under appeal before the Commonwealth Court (C-2011-2273645 and C-2014-2444864). Unless and until the Commonwealth Court (or another appeals Court) elects to consolidate them, the “above-referenced proceeding” must be regarded as separate and distinct from the two previous Complaints.
2. Item #13, page 4: When PPL states that Mr. Moyer “re-served the first set of interrogatories” (December 14, 2015), it ignores the revisions which appeared in the new request. The updated request of January 12, 2016, was a new, and different request, which added, for example, several new instances of harassment in the form of new dunning calls from PPL Electric’s representatives. The changes in the second set of interrogatories and the persistence of the dunning calls (numbering at least 14 over several months) are not acknowledged by PPL’s claim.
3. PPL’s disingenuous attempt, in Item # 16 (page 4), to fault Mr. Moyer for the stalled proceedings, speaks for itself. (The stay of Discovery, ordered by ALJ Dennis J. Buckley, was granted “pending a ruling on Preliminary Objections”, and such a ruling has not, even now, been issued.)
4. In Item #20 (page 5), PPL claims, wrongly, that Mr. Moyer’s Complaints are confined to the Net metering Rider. The issues raised by Mr. Moyer are not, and have never been, restricted to the Net Metering Rider, as PPL suggests. From the start, the issues, directly or indirectly, have involved questions about statutory construction of the AEPS Act and broader, associated regulations in the Public Utility Code.
5. In Item #23 (page 6), PPL makes an egregious mis-statement when it claims that “all of the issues raised and the relief requested in the Third Complaint were addressed in the Commission’s May 2016 Order ruling on the

Complainant's First and Second Complaints". Mr. Moyer's "third Complaint" raised new issues and sought relief for violations that had not previously been addressed. Specifically, the following new issues are raised in the third Complaint:

- a. All of the itemized charges in the third Complaint, from item # 16 to item #39, are entirely new.
- b. The Complaint specifically refers to "further evidence of misconduct on the part of PPL Electric". (Formal Complaint, Attachment 4, Statement #3)
- c. The Complaint cites PPL's threat to "terminate electric service". (Attachment 4, Statement #17)
- d. The Complaint charges PPL with threatening enforcement of an Initial Decision on Remand before that Initial Decision on Remand was released by ALJ Judge Cynthia W. Fordham. (Attachment 4, Statements #16 to #22)
- e. The Complaint charges PPL with making repeated false claims (by dunning representatives and the collections department via telephone) that Mr. Moyer's case had been closed. (Attachment 4, Statements #19, #20)
- f. The Complaint cites multiple claims by Company representatives (on or about October 7, 2015) that, even before release of the Initial Decision on Remand, PPL was in possession of written communication from the Commission confirming that Moyer's case had been "closed". (Attachment 4, Statements #21, #22)
- g. The Complaint cites contradictions between statements from PPL representatives and the PUC's Office of Special Assistants regarding communication with PPL. (Attachment 4, Statement #23 - #27)
- h. The Complaint cites a new, written "Shut-off notice" on October 19, nearly two weeks after PPL agreed to cancel the shut-off notice. (Attachment 4, Statement #28)

- i. The Complaint asserts that telephone harassment of Mr. Moyer continued, with at least six more dunning calls between October 22, 2015, and December 14, 2015. (See details in Moyer's Request for Discovery filed on January 12, 2016.)
6. Item #25: PPL misleads and distorts the facts by insinuating that the issues before the Commonwealth Court are identical with those in the third Complaint, calling them "the same issues"(Page 1; Page 6). While certain issues "regarding the Company's virtual meter aggregation program and billing practices" are, indeed, quite similar, the multiple charges regarding phone dunning, harassment, false claims about written communication from the PUC, and illegal shut-off notices are entirely new and cannot be resolved without further proceedings.

Wherefore, whether or not the Commission accepts the Commonwealth Court Opinion cited above, Larry Moyer requests that the PUC will, in any subsequent ruling on PPL's Motion to Stay Proceedings, acknowledge and confirm each of the six corrections delineated (with Arabic numerals) above.

Sincerely,

J. Larry Moyer
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February 15, 2017