

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG PENNSYLVANIA 17120

George Mandeville

Public Meeting May 4, 2017

v.

2512838 - OSA

PPL Electric Utilities Corporation

C-2015-2512838

MOTION OF COMMISSIONER DAVID W. SWEET

The case of *George Mandeville v. PPL Electric Utilities Corporation* comes to us through the exceptions of PPL to the Initial Decision of Administrative Law Judge Conrad Johnson, and the reply exceptions filed by the Complainant. Complainant challenged PPL's termination of his service by claiming that the bill sent to him was not his bill after PPL placed an arrearage of \$8,747.77 on his present account from a prior account.

Although Complainant did not include any details in his formal complaint, he testified at the evidentiary hearing that the arrearage in question had been discharged in bankruptcy and that he had not even lived in the PPL service territory for five or six years prior to when the amount was added to his bill. However, the Complainant did not provide any documentary evidence support either conclusion. Therefore, it is arguable that the Complainant did not make a *prima facie* case, which is the first requirement that must be met to satisfy the burden of proof.¹ On the other hand, the record shows that PPL presented no evidence of when the transferred charges accrued or at what address they accrued. Consequently, it does not appear that the current record in this case is adequate to render a decision on the arrearage in question.

Moreover, I do not believe PPL was given a meaningful opportunity to respond to all of the issues raised by the Complainant at the hearing. From the face of this formal complaint, the only two issues were that the Complainant believed that he was being asked to pay a bill which properly belonged to another customer, and that his service was either in danger of being terminated or had already been terminated. It is not unusual for a self-represented complainant to testify beyond the four corners of the formal complaint. There is no problem with allowing such testimony, as long as the respondent is given a full and fair opportunity to address the new allegations, even if this requires additional hearings.

In this case, the Complainant was permitted to provide testimony beyond what could reasonably have been contemplated by reading the complaint. PPL asked that it be given an opportunity to provide clarifying evidence on the Complainant's bankruptcy claim, and this request was denied. Furthermore, the Presiding Officer at hearing requested to PPL to get back to him on what the Complainant was being charged for before he wrote his decision. Tr. 47. However, the record was closed without PPL's having been given the opportunity to do so.

¹ Mere bald assertions, personal opinions or perceptions, when not substantiated by facts, do not constitute evidence. *Pa. Bureau of Corrections v. City of Pittsburgh*, 516 Pa. 74, 532 A.2d 12 (1987); *Mid-Atlantic Power Supply Assoc. v. Pa. Pub. Util. Comm'n*, 746 A.2d 1196, 1200 (Pa. Cmwlth. 2000).

Accordingly, this case should be remanded to the Office of Administrative Law Judge for additional proceedings as appropriate, including but not limited to an opportunity for an additional evidentiary hearing where PPL is given an opportunity to present an informed response to the testimony provided at the first evidentiary hearing by the Complainant. As always, the parties are encouraged to continue to work towards an amicable resolution to this dispute.

THEREFORE,

I MOVE:

1. That the Initial Decision of Administrative Law Judge Conrad Johnson be vacated.
2. That the matter of *George Mandeville v. PPL Electric Utilities Corporation*, filed at Docket No. C-2015-2512838, be remanded to the Office of Administrative Law Judge for proceedings consistent with this motion.
3. That the Office of Special Assistants prepare an appropriate Order.

Dated: May 4, 2017



David W. Sweet, Commissioner