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May 22, 2017

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Jay Larry Moyer v. PPL Electric Utilities Corporation
Docket No. C-2015-2511904

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of PPL Electric Utilities Corporation for Summary Judgment in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/jl
Enclosures

cc: Honorable Dennis J. Buckley
Certificate of Service

CERTIFICATE OF SERVICE
(Docket No. C-2015-2511904)

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

Jay Larry Moyer
370 West Johnson Street
Apartment C-1
Philadelphia, PA 19144

Date: May 22, 2017

A handwritten signature in black ink, appearing to read "Devin T. Ryan", written over a horizontal line.

Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer,

Complainant,

v.

PPL Electric Utilities Corporation,

Respondent.

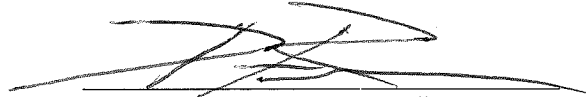
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Docket No. C-2015-2511904

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE §§ 5.102(b) AND 5.103(c), YOU MAY ANSWER THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Of Counsel:

Post & Schell, P.C.

Date: May 22, 2017

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer,	:	
	:	
Complainant,	:	
	:	
v.	:	
	:	Docket No. C-2015-2511904
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION
FOR SUMMARY JUDGMENT**

TO ADMINISTRATIVE LAW JUDGE DENNIS J. BUCKLEY:

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), by and through its attorneys, Post & Schell, P.C., and files this Motion for Summary Judgment pursuant to Section 5.102 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.102, and respectfully requests that the above-captioned Complaint be summarily dismissed in its entirety and with prejudice.¹

As explained herein, the issues raised by the above-captioned Complaint concerning PPL Electric’s virtual meter aggregation program and billing processes have been fully and finally adjudicated by the Commission and the Commonwealth Court of Pennsylvania. The Complainant previously filed two Complaints with the Commission that raised the same issues about the Company’s virtual meter aggregation program and billing processes as the instant

¹ On May 1, 2017, Administrative Law Judge Dennis J. Buckley (the “ALJ”) issued an Order affording the Company the opportunity to amend its previously filed Preliminary Objections in light of the Commonwealth Court’s March 13, 2017 Order affirming the Commission’s denial of the Complainant’s two prior complaints that raised the same issues presented in the above-captioned Complaint. Given the new factual and legal developments since the original Preliminary Objections were filed, PPL Electric submits that a Motion for Summary Judgment is procedurally appropriate.

Complaint. The two previous Complaints were fully litigated, and both the Commission and the Commonwealth Court ruled that PPL Electric's virtual meter aggregation program and billing processes are consistent with the Public Utility Code, the Commission's regulations, and the Company's tariff. As explained below, these rulings are final and binding on the Complainant and, therefore, the instant Complaint is barred by the doctrines of *res judicata* and collateral estoppel.

For these reasons, and as explained in more detail below, PPL Electric respectfully requests that the ALJ grant this Motion for Summary Judgment and summarily dismiss the instant Complaint with prejudice. In support thereof, PPL Electric states as follows:

I. BACKGROUND AND PROCEDURAL HISTORY

1. PPL Electric is a "public utility" and an "electric distribution company" ("EDC") as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2803, subject to the regulatory jurisdiction of the Commission.

2. On November 15, 2011, the Complainant, through counsel, filed a Formal Complaint at Docket No. C-2011-2273645 ("First Complaint") against PPL Electric regarding the billing and payments for virtual net metering electric service provided to the Complainant's house and solar panels connected to PPL Electric's distribution system at two separate locations in Klingerstown, Pennsylvania. In the First Complaint, the Complainant alleged that PPL Electric failed to properly aggregate his accounts under the virtual meter aggregation provisions of PPL Electric's Net Metering for Renewable Customer-Generators Rider ("Net Metering Rider") and that consequently he did not receive proper credits or payments for the electricity that was generated by his solar panels. As relief, the First Complaint requested that the Commission order PPL Electric to apply virtual meter aggregation to his two accounts, disclose

all credits and/or payments that have been made to him, and, if necessary, fully reimburse him for the electricity generated. A true and correct copy of the First Complaint is attached hereto as Appendix A.

3. An evidentiary hearing on the First Complaint was held on August 15, 2012, before Administrative Law Judge Cynthia Williams Fordham (“ALJ Fordham”). By Initial Decision issued February 22, 2013, ALJ Fordham dismissed the First Complaint.

4. On January 9, 2014, the Commission issued an Opinion and Order, vacating the Initial Decision and remanding the First Complaint to the Office of Administrative Law Judge for further proceedings as may be required to address the accuracy of the bills and credits provided by PPL Electric for the Complainant’s virtually net metered accounts. *Larry Moyer v. PPL Electric Utilities Corp.*, Docket No. C-2011-2273645, pp. 20-21 (Opinion and Order entered Jan. 9, 2014) (“*January 2014 Order*”).

5. On October 23, 2014, ALJ Fordham issued a Prehearing Order on Remand, scheduling a prehearing conference for the First Complaint on November 25, 2014.

6. On October 23, 2014, PPL Electric was served with a second Formal Complaint filed by the Complainant at Docket No. C-2014-2444864 (“Second Complaint”). In the Second Complaint, the Complainant alleged issues regarding the accuracy and content of PPL Electric’s billing processes for his virtual meter aggregation accounts and included all his bills to date since the First Complaint. The Second Complaint requested that the Commission order PPL Electric to develop and implement new automated billing procedures and processes and to issue a single bill for virtual meter aggregation accounts. A true and correct copy of the Second Complaint is attached hereto as Appendix B.

7. On January 14, 2015, ALJ Fordham issued Prehearing Order #3 on Remand, which established the litigation schedule and consolidated the First and Second Complaints at Docket Nos. C-2011-2273645 and C-2014-2444864.

8. A second evidentiary hearing was held before ALJ Fordham on April 21, 2015. At the hearing, PPL Electric and Complainant moved their respective written testimonies and exhibits into the record and conducted cross-examination.

9. After briefing by the parties, ALJ Fordham issued an Initial Decision in the consolidated First and Second Complaints at Docket Nos. C-2011-2273645 and C-2014-2444864 (“*Initial Decision*”), which was served by Secretarial Letter dated October 9, 2015. A true and correct copy of the *Initial Decision* is attached hereto as Appendix C.

10. The *Initial Decision* granted the First Complaint with respect to the compensation owed to the Complainant for credits earned between May 2010 and December 2010 (*i.e.*, the period he was removed from virtual meter aggregation service) and dismissed the First Complaint in all other respects. The *Initial Decision* also dismissed the Second Complaint in its entirety.

11. On November 6, 2015, PPL Electric was served with the above-captioned Formal Complaint (“Third Complaint”). Therein, Complainant again raises issues regarding PPL Electric’s virtual meter aggregation program and billing processes. As conceded in the Complaint, the issues presented in the Third Complaint are directly related to the allegations and claims asserted in the two, fully litigated Complaints at Docket Nos. C-2011-2273645 and C-2014-2444864. (*See* Third Complaint, Attachment 4, ¶ 1)

12. The Third Complaint also implies that Commission staff and PPL Electric engaged in impermissible *ex parte* communications regarding the *Initial Decision*. Specifically,

the Third Complaint alleges that PPL Electric obtained the recommendations in the *Initial Decision* before it was served on October 9, 2015. (*See* Third Complaint, Attachment 4, ¶ 34)

13. Finally, the Third Complaint alleges that PPL Electric violated the Complainant's rights when the Company issued termination notices on October 5 and 15, 2015, for non-payment of his electric bills that currently are in arrears and overdue. (*See* Third Complaint, Attachment 4, ¶ 39)

14. On November 24, 2015, PPL Electric filed an Answer and Preliminary Objections to the Third Complaint. The Complainant never filed an Answer to the Company's Preliminary Objections to the Third Complaint.

15. On May 19, 2016, the Commission entered its *Final Order* at Docket Nos. C-2011-2273645 and C-2014-2444864 adopting the *Initial Decision* with one minor modification—that the amount PPL Electric agreed to compensate the Complainant be adjusted to include interest up to the date of the *Final Order*. The Commission held that the Complainant failed to meet his burden of proof to demonstrate that PPL Electric violated a law that the PUC has jurisdiction to administer, a Commission regulation, or a Commission order. *See* 66 Pa. C.S. §§ 332(a), 701. A true and correct copy of the Commission's *Final Order* is attached hereto as Appendix D.

16. The Complainant subsequently filed a Petition for Review with the Commonwealth Court at Docket No. 882 C.D. 2016 challenging the Commission's *Final Order*.

17. On March 13, 2017, the Commonwealth Court issued its Order: (1) affirming the Commission's *Final Order*; and (2) denying two applications for relief related to the Commonwealth Court's decision in *Sunrise Energy, LLC v. FirstEnergy Corp.*, 148 A.3d 894 (Pa. Cmwlth. 2016) ("*Sunrise Energy*"). *See Moyer v. Pa. PUC*, Docket No. 882 C.D. 2016 (Pa.

Cmwlth. 2017) (“*Moyer Order*”). A true and correct copy of the Commonwealth Court’s *Moyer Order* is attached hereto as Appendix E.

18. On April 11, 2017, the Complainant, through counsel, filed a Petition for Allowance of Appeal with the Supreme Court of Pennsylvania at Docket No. 235 MAL 2017, seeking a discretionary appeal of the *Moyer Order* on the grounds that it conflicted with the Commonwealth Court’s decision in *Sunrise Energy*. Importantly, the only issues raised in the Complainant’s Petition were that the Commission lacked jurisdiction to adjudicate a person’s eligibility to participate in net metering under the Alternative Energy Portfolio Standards Act of 2004 (“AEPS Act”) and that the new Commission regulations’ requirement for customer-generators to have independent electric load in order to participate in net metering is, according to the Complainant, inconsistent with the AEPS Act. The Complainant did not challenge the Commonwealth Court’s rulings in the *Moyer Order* regarding PPL Electric’s virtual meter aggregation program and billing processes. A true and correct copy of the Complainant’s Petition for Allowance of Appeal (without exhibits) is attached hereto as Appendix F.

19. On April 28, 2017, PPL Electric filed an Answer in opposition to the Complainant’s Petition for Allowance of Appeal. The Complainant’s Petition for Allowance of Appeal is currently pending before the Pennsylvania Supreme Court.

20. On May 1, 2017, the ALJ issued an Order in this proceeding that granted the Company the opportunity to amend its Preliminary Objections in light of the Commonwealth Court’s March 13, 2017 Order (*Moyer Order*) affirming the Commission’s denial of the Complainant’s two prior complaints that raised the same issues presented in the above-captioned Complaint.

21. PPL Electric herein files this Motion for Summary Judgment and respectfully requests that the Third Complaint be dismissed in its entirety and with prejudice. As explained below, Third Complaint should be summarily dismissed because: (1) the Commission's and Commonwealth Court's decisions fully and finally adjudicated the virtual meter aggregation program and billing process allegations re-raised in the Third Complaint; (2) the Complainant's allegations and claims regarding the amount to be credited to his account are moot; (3) the Complainant's *ex parte* allegation fails to state a claim upon which relief can be granted; and (4) the Complainant's termination allegation is moot and fails to state a claim upon which relief can be granted.

II. STANDARD FOR SUMMARY JUDGMENT

22. Section 5.102 of the Commission's regulations provides the Commission's standard of review for a request for summary judgment:

(1) *Standard for grant or denial on all counts.* The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

(2) *Standard for grant or denial in part.* The presiding officer may grant a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law on one or more but not all outstanding issues.

52 Pa. Code § 5.102(d)(1), (2).

23. The Commission is granted discretion to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 66 Pa. C.S. § 703(b); 52 Pa.

Code § 5.21(d). A hearing is necessary only to resolve disputed questions of fact, and when the question presented is one of law, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993).

24. As explained below, this case pending before Your Honor does not involve disputed questions of fact. The questions presented are matters of well-settled law, particularly the Commission's and Commonwealth Court's final rulings regarding the same issues raised in the instant Complaint about PPL Electric's virtual meter aggregation program and billing processes. Therefore, a hearing in this matter would be a fruitless exercise. For these reasons and as more fully explained below, PPL Electric is entitled to summary judgment and the above-captioned Complaint should be summarily dismissed in its entirety and with prejudice.

III. ARGUMENT

A. The Third Complaint Must Be Dismissed Because the Virtual Meter Aggregation Program and Billing Process Allegations Are Barred by the Doctrines of *Res Judicata* and Collateral Estoppel

25. PPL Electric incorporates by reference Paragraphs 1 through 24 as if fully set forth herein.

26. The instant Complaint should be summarily dismissed because the Third Complaint attempts to re-litigate issues and claims that have been fully and finally adjudicated by the Commission and the Commonwealth Court.

27. The virtual meter aggregation program and billing process allegations and requests for relief raised in the Complainant's Third Complaint were previously raised in the Complainant's First and Second Complaints. Indeed, even the Complainant concedes that the issues presented in the Third Complaint are directly related to the allegations and claims asserted

in the First and Second Complaint proceedings at Docket Nos. C-2011-2273645 and C-2014-2444864. (*See* Third Complaint, Attachment 4, ¶ 1)

28. In the First Complaint, the Complainant alleged that PPL Electric failed to properly aggregate his accounts under the virtual meter aggregation provisions of PPL Electric's Net Metering Rider and that consequently he did not receive proper credits or payments for the electricity that was generated by his solar panels. As relief, the First Complaint requested that the Commission order PPL Electric to apply virtual meter aggregation to his two accounts, disclose all credits and/or payments that have been made to him, and, if necessary, fully reimburse him for the electricity generated. (*See* Appendix A)

29. In the Second Complaint, the Complainant raised issues regarding the accuracy and content of PPL Electric's bills and challenged the Company's manual billing process for virtual meter aggregation. The Second Complaint also contested the use of separately metered accounts for virtual meter aggregation and the issuance of two separate monthly bills, one for each metered account. As relief, the Second Complaint requested, among other things, that the Commission order PPL Electric to develop and implement new automated billing procedures and processes and to issue a single bill for his virtual meter aggregation accounts. (*See* Appendix B)

30. In the Third Complaint, the Complainant re-raises the very same issues and allegations regarding virtual meter aggregation, separately metered accounts for virtual meter aggregation, separate bills for each virtual meter aggregation account, and PPL Electric's billing process and procedures for virtual meter aggregation. (*See* Third Complaint, Attachment 4, ¶¶ 6-15, 31) In his request for relief, the Complainant requests, among other things, changes to PPL Electric's billing system and format for purposes of virtual meter aggregation. (*See* Third Complaint, Attachment 5, ¶¶ 1-4, 6)

31. The issues and requests for relief raised in the Third Complaint have already been fully and finally resolved by the Commission's *Final Order* and Commonwealth Court's decision in the *Moyer Order*. In those decisions, both the Commission and the Commonwealth Court rejected the Complainant's arguments and ruled that PPL Electric's virtual meter aggregation program and billing processes are consistent with the Public Utility Code, the Commission's regulations, and the Company's tariff. (See Appendix D, pp. 22-38; Appendix E, pp. 11-14)

32. Admittedly, the Complainant has filed a Petition for Allowance of Appeal with the Supreme Court of Pennsylvania seeking discretionary appellate review of the Commonwealth Court's *Moyer Order*. PPL Electric anticipates that the Complainant and his newly appointed counsel will argue that Summary Judgment cannot be granted because the matters raised in the Third Complaint are pending on appeal. This is not correct.

33. Importantly, the only issues raised in the Complainant's request for a discretionary appeal from the Commonwealth Court's *Moyer Order* concern the Commission's jurisdiction to adjudicate matters arising under the AEPS Act and whether the independent load requirement adopted in the Commission's regulations is lawful under the AEPS Act. (See Appendix F) His pending appeal does not challenge the Commonwealth Court's conclusion in the *Moyer Order* that the Company's virtual meter aggregation program and billing processes are lawful.

34. Because the Petition for Allowance of Appeal does not raise or challenge the Court's conclusion regarding PPL Electric's virtual meter aggregation program and billing processes, the Complainant has waived his right to appeal or otherwise challenge that ruling. See *Shoemaker v. Lehigh Twp.*, 676 A.2d 216, 220 n.3 (Pa. 1996) (stating that issues not raised in a

petition for allowance of appeal are waived) (citing *Dilliplaine v. Lehigh Valley Trust Co.*, 322 A.2d 114 (Pa. 1974)). Accordingly, the Commonwealth Court's decision regarding PPL Electric's virtual meter aggregation program and billing processes is final and binding on the Complainant.

35. As explained above, the issues and claims raised in the Third Complaint are the same issues and claims in the First and Second Complaints that have been fully and finally decided by the Commonwealth Court's *Moyer Order*. Thus, as a matter of law, the Third Complaint is barred by the doctrines of *res judicata* (claim preclusion) and collateral estoppel (issue preclusion). See *PMA Ins. Grp. v. Workmen's Comp. Appeal Bd. (Kelley)*, 665 A.2d 538 (Pa. Cmwlth. 1995) (technical *res judicata*, or claim preclusion, prevents a future suit between the same parties on the same cause of action after final judgment is entered on the merits of the action); see also *Fiore v. Commonwealth*, 508 A.2d 371, 374 (Pa. Cmwlth. 1986) (collateral estoppel, or issue preclusion, prevents re-litigation of an issue of fact or law between the same parties upon a different claim or demand). Indeed, if the Third Complaint were to proceed, the Complainant would be able to improperly re-litigate the same issues and requests for relief that the Commission and Commonwealth Court already fully and finally adjudicated and denied.

36. In the Third Complaint, the Complainant also asserts that he intends to introduce further evidence in support of the allegations and claims that were pending before the Commission in the First and Second Complaints at Docket Nos. C-20112273645 and C-2014-2444864. (See Third Complaint, Attachment 4, ¶ 3) However, the record in that proceeding closed on June 30, 2015 (see Appendix C, p. 13), and the Commission issued its *Final Order* regarding the First and Second Complaints over a year ago on May 19, 2016. The Complainant's alleged "further evidence" is untimely and procedurally improper. Moreover, the

Complainant's attempt at a proverbial "second bite at the apple" is precisely the reason for the doctrines of *res judicata* and collateral estoppel, which prevent litigants wasting courts' and parties' time and resources by re-litigating claims and issues that have already been fully and finally decided as against the same litigants.

37. Based on the foregoing, there are no material facts in dispute, and the Commission's *Final Order* and the Commonwealth Court's decision in the *Moyer Order* are dispositive of this case. The Commonwealth Court's conclusion that the Company's virtual meter aggregation program and billing processes are lawful is final and binding on the Complainant. For this reason alone, PPL Electric is entitled to judgment as a matter of law and, therefore, respectfully requests that the instant Complaint be dismissed in its entirety and with prejudice.

B. The Complainant's Allegations and Claims Regarding the Amount to Be Credited to His Account Are Moot

38. PPL Electric incorporates by reference Paragraphs 1 through 37 as if fully set forth herein.

39. In the Third Complaint, the Complainant asserts that his residential account has not been credited in the amount of \$738.98 as directed by the *Initial Decision*. (Third Complaint, Attachment 4, ¶¶ 37-38) As explained below, the Complainant's allegations are moot and must be dismissed.²

40. At the time he filed the Third Complaint, the Complainant's allegations and claims regarding credit and payment issues were pending before the Commission at Docket Nos. C-2011-2273645 and C-2014-2444864. Although the *Initial Decision* was served on October 9, 2015, recommended that PPL Electric be directed to credit the Complainant's residential account

² "[T]he mootness doctrine requires an actual case or controversy to be extant at all stages of a proceeding . . ." *Pilchesky v. Lackawanna Cnty.*, 88 A.3d 954, 964 (Pa. 2014).

in the amount of \$738.98, any credits or payments ordered by the *Initial Decision* would not have been paid out or credited unless and until the Commission issued a final order directing the payment/credit of the same. Thus, the Complainant's allegations in the Third Complaint regarding the credit to be applied to his residential account were premature.

41. On May 19, 2016, the Commission entered the *Final Order*. Therein, the Commission ordered PPL Electric to apply the \$738.98 credit to the Complainant's residential account, with interest.

42. In compliance with the Commission's *Final Order*, PPL Electric applied the \$738.98 credit, with interest, to the Complainant's residential account on May 24, 2016. PPL Electric also filed a letter with the Commission to demonstrate compliance with the credit requirement in the *Final Order*. See Letter Advising of Credit to Complainant's Account, Docket Nos. C-2011-2273645, C-2014-2444864 (May 25, 2016) (attached as Appendix G).

43. Based on the foregoing, the Complainant's allegations in the Third Complaint about the credit to his account are moot and must be dismissed.

C. The *Ex Parte* Allegations in the Third Complaint Fail to State a Claim upon which Relief May Be Granted

44. PPL Electric incorporates by reference Paragraphs 1 through 43 as if fully set forth herein.

45. In the Third Complaint, Complainant alleges, among other things, that PPL Electric improperly obtained information regarding the recommendations in the *Initial Decision* before it was served on October 9, 2015. (See Third Complaint, Attachment 4, ¶¶ 20-22, 34) As explained below, the Complainant's attempt to assert an *ex parte* claim in the Third Complaint fails to state a claim against PPL Electric for which relief may be granted.

46. The *ex parte* allegations in the Third Complaint are based on the Complainant's receipt of two termination notices on October 5 and October 15, 2015. (See Third Complaint, Attachment 4, ¶¶ 17-22) Because the October 5, 2015 termination notice was issued before the *Initial Decision* was issued on October 9, 2015, the Complainant surmises that PPL Electric had advance notice of the findings and conclusions in the *Initial Decision*.

47. The Complainant's receipt of the notice of termination letters on October 5 and October 15, 2015, was due to the inadvertent expiration of the time-based litigation hold on the Complainant's accounts. When PPL Electric personnel discovered the error, PPL Electric promptly contacted the Complainant on October 7, 2015, and notified the Complainant that he was not facing termination and that a final decision had not yet been rendered in his case. (See Appendix H)

48. Further, the allegations in the Third Complaint, which must be accepted as true for purposes of this Motion, confirm that the Commission did not engage in any *ex parte* communication with PPL Electric regarding the Initial Decision. Indeed, according to the allegations in the Third Complaint, an attorney from the Commission's Office of Special Assistants confirmed that there was no evidence of any communication from the Commission to PPL Electric regarding the status of the Complainant's First and Second Complaints at Docket Nos. C-2011-2273645 and C-2014-2444864. (See Third Complaint, Attachment 4, ¶¶ 24-26) The allegations in the Third Complaint further concede that the attorney from the Commission's Office of Special Assistants reported that the *Initial Decision* in Docket Nos. C-2011-2273645 and C-2014-2444864 had neither been issued, nor been made public. (Third Complaint, Attachment 4, ¶¶ 24-26) These statements are an admission against interest that, if true, establish that the Commission did not engage in any *ex parte* communication and that PPL

Electric was not served with and did not have access to the *Initial Decision* until October 9, 2015.

49. Even if the Complainant's allegation that PPL Electric had advance notice of the *Initial Decision* is accepted as true, which PPL Electric denies, the Complainant's allegation is fundamentally flawed and must be denied.

50. An Initial Decision of an Administrative Law Judge is not and does not become final unless and until the Commission issues a final order or the Initial Decision becomes final by operation of law in the absence of exceptions. *See* 66 Pa. C.S. § 335(h).

51. In this case, the *Initial Decision* at Docket Nos. C-2011-2273645 and C-2014-2444864 was issued on October 9, 2015, and the Complainant filed Exceptions on or about October 26, 2015. Thus, the *Initial Decision* was not and could not have become a final binding order until the Commission issued its *Final Order*.

52. Because the *Initial Decision* was not and could not have been a final order, PPL Electric could not rely on the findings and conclusions stated therein. Thus, even if PPL Electric had notice of the *Initial Decision* before it was issued, which it did not, at no time would the Company rely or otherwise take action based on the non-final and non-binding *Initial Decision*.

53. Based on the foregoing, there are no material facts in dispute, and the Complainant has failed to set forth a claim regarding *ex parte* communications upon which relief may be granted. Accordingly, PPL Electric respectfully requests that the instant Complaint be dismissed in its entirety and with prejudice.

D. The Termination Allegations in the Third Complaint Fail to State a Claim upon which Relief May Be Granted

54. PPL Electric incorporates by reference Paragraphs 1 through 53 as if fully set forth herein.

55. In the Third Complaint, the Complainant alleges a claim against PPL Electric for improper termination of service. The Complainant's improper termination of service claim is moot and must be dismissed.³

56. On October 5, 2015, the Complainant was mistakenly sent a notice of termination letter for the solar panels at 73 Woods Rd., Klingerstown, PA 17941. (Appendix H; Third Complaint, Attachment 4, ¶ 17) Subsequently, on October 15, 2015, the Complainant mistakenly received a notice of termination letter for his residential account. (Appendix H; Third Complaint, Attachment 4, ¶ 28)

57. The Complainant's receipt of the notice of termination letters on October 5 and October 15, 2015, was due to the inadvertent expiration of the time-based litigation hold on the Complainant's accounts. (Appendix H)

58. When PPL Electric personnel discovered the error, PPL Electric promptly contacted the Complainant on October 7, 2015. (Appendix H) The Complainant acknowledges that he received a voicemail from PPL Electric on October 7, 2015. (Third Complaint, Attachment 4, ¶ 19)

59. On October 7, 2015, the Complainant received notification from PPL Electric personnel that service to his accounts would **not** be terminated. (Third Complaint, Attachment 4, ¶ 27).

60. It is undisputed that the Complainant's accounts have **not** been terminated. Therefore, the Complainant's claim against PPL Electric for improper termination of service is moot.

61. Based on the foregoing, there are no material facts in dispute, and the Complainant has failed to state a claim against PPL Electric for improper termination of service.

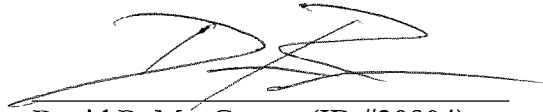
³ See *supra* note 3.

Therefore, PPL Electric respectfully requests that the instant Complaint be dismissed in its entirety and with prejudice.

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Honorable Administrative Law Judge Dennis J. Buckley enter an order granting the Motion for Summary Judgment and dismissing the above-captioned Complaint in its entirety and with prejudice.

Respectfully submitted,



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Of Counsel:

Post & Schell, P.C.

Date: May 22, 2017

Attorneys for PPL Electric Utilities Corporation

Appendix “A”

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: NOVEMBER 18, 2011

LARRY MOYER
Complainant

v.

PPL ELECTRIC UTILITIES CORP
Respondent

Complaint Docket
No: C-2011-2273645

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PPL ELECTRIC UTILITIES CORP

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 served is the mailing date appearing 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).

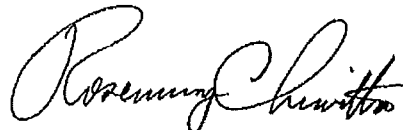
2. If you fail to either satisfy or settle this complaint, or to file an answer or other responsive pleading within twenty (20) days of the date served, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative 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. 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 or settle 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. 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. 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.



Rosemary Chiavetta
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



Citizens for Pennsylvania's Future
Regional Enterprise Tower
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15219-1853
P 412.258.6680 / 888.895.4843
F 412.258.6685
info@pennfuture.org
www.pennfuture.org

C-2011-2273645

November 15, 2011

VIA FEDEX

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

RECEIVED

NOV 15 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Formal Complaint

Dear Sir or Madam:

I have enclosed for filing with the Commission a Formal Complaint that I am submitting on behalf of Mr. Larry Moyer. Mr. Moyer is a customer of PPL Electric Utilities Corporation ("PPL/PLEU"); he has the following account numbers with PPL/PLEU: 67227-97002 and 06476-21001. The Complaint concerns PPL/PLEU's failure to properly aggregate Mr. Moyer's accounts as required by Supplement No. 102 to its tariff ("Net Metering for Renewable Customer-Generators").

Thanks for your attention to this. If you have any questions regarding it, please contact me at (412) 258-6684.

Very truly yours,

John K. Baillie
Senior Attorney

Encl.

80203

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print in ink or type.

C-2011-2273645

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name: Larry Moyer

Street/P.O. Box: 73 Woods Road

City: Klingerstown State: PA Zip: 17941

County: Schuylkill

Daytime Telephone Number Where We Can Contact You: (267) 693-2633

E-mail Address (optional): gtown73@hotmail.com

Utility Account Number: 67227-97002 and 06476-21001 (from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name _____ RECEIVED

Street/P.O. Box _____ NOV 15 2011

City _____ State _____ Zip _____ PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PPL Electric Utilities Corporation

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE (local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER (e.g., taxi, moving company, limousine)

4. **COMPLAINT** (check one)

A. **In general, what is your complaint?**

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other (explain).

B. **State the facts of your complaint.**

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

1. In early 2008, Larry Moyer ("Moyer") contacted PPL Electric Utilities Corporation ("PPLEU") regarding the installation of ground-mounted photovoltaic generation panels on his property near Klingerstown, PA. PPLEU informed Moyer that he could deliver electricity generated by the panels to PPLEU and might be eligible to have the meter associated with the solar panels aggregated with the meter on his house at the property for billing purposes, a process referred to as "virtual net metering."

2. PPLEU is required to file a tariff with the Pennsylvania Public Utility Commission (the "Commission") that provides for virtual net metering. 25 Pa. Code § 75.12. PPLEU has filed a rider to its tariff ("Net Metering for Renewable Customer-Generators" (Supplement 102, effective January 1, 2011 (the "Net Metering Rider"))) that governs virtual net metering in its service territory. A copy of the Net Metering Rider is attached hereto.

3. The Commission has approved PPLEU's tariff, including the Net Metering Rider. The Net Metering Rider states that "[v]irtual net metering is the combination of readings and billing for all meters, regardless of rate class, installed on properties owned, or leased and operated, by a customer-generator by use of the Company's billing process, rather than through physical rewiring of the customer-generator's owned or leased property for a physical single point of contact." Net Metering Rider, at 3. Under the Net Metering Rider, virtual net metering is to be provided for meters that are on properties within PPLEU's service territories and that are owned, or leased and operated, by a single customer-generator. In addition, the properties to be aggregated for virtual net metering must be within two miles of each other. *Id.*, at 2.

4. Moyer owns the property on which his house and solar panels are located. That property is within PPLEU's service territory, and the house and solar panels are located less than two miles apart.

5. PPLEU assigned account number 06476-21001 to the meter on Moyer's house and account number 6277-97002 to the meter associated with Moyer's solar panels.

6. In March 2009, Moyer's solar panels were mounted, inspected, and approved by PPLEU. The panels began delivering electricity to the PPLEU grid on March 11, 2009. Also in March 2009, Moyer and PPLEU discussed how PPLEU would compensate Moyer for the electricity generated by his solar panels that he delivered to PPLEU; PPLEU represented that it would track the electricity generated by the solar panels and reimburse Moyer for them annually.

7. Under the Net Metering Rider and the Commission's rules, Moyer is a customer-generator entitled to be credited at the full retail rate for each kilowatt-hour of solar generation up to the total amount of electricity that he uses during the billing period. See Net Metering Rider, at 3; 25 Pa. Code § 75.13(c).

8. Under the Net Metering Rider and the Commission's rules, Moyer is entitled to the virtual meter aggregation of accounts 06476-21001 and 67277-97002 because both account meters are on a property owned by Moyer, are located within two miles of the boundaries of Moyer's property and are located within PPLEU's service territory. See Net Metering Rider, at 2; 25 Pa. Code § 75.14(e).

9. Under the Net Metering Rider and the Commission's rules, Moyer must be credited monthly at the full retail rate for the solar power generated each month. The credit must be first applied to the meter associated with the solar system (account 6277-97002) at the full GS-1 retail rate, then through the meter connected to his house (account 06476-21001) at the full RS retail rate. See Net Metering Rider, at 3; 25 Pa. Code § 75.13(c).

10. Between April 2009 and February 2010, Moyer received a monthly bill from PPLEU for both account 06476-21001 and account 67227-97002. During that period, Moyer did not receive credits or payments for the electricity that was generated by his solar panels and delivered to PPLEU.

11. In February 2010, PPLEU represented that Moyer's two accounts would be reconciled each month, with a monthly generation credit from the solar panels (account 67277-97002) applied to the house account (account 06476-21001) on the subsequent month's bill.

12. In April 2010, Moyer received checks for \$436.90 and \$56.98 from PPLEU. However, neither check was accompanied by an accounting of meter readings, the rate per kWh, or any other information explaining the payment. Representatives of PPLEU were unable to provide any further explanation regarding the checks. Accordingly, Moyer does not know whether he was properly credited for the electricity generated by his solar panels and delivered to PPL between March 2009 and April 2010.

13. The May, June, and July 2010 bills for Moyer's house account (account 06476-21001), included "excess credits" in the amounts of \$151.54, \$143.09, and \$104.17, respectively. The bills did not explain those credits. The account associated with Moyer's solar panels (account (67277-97002) did not receive "excess credits" on any bills sent in May, June, July, or August 2010.

14. In June 2010, a representative of PPLEU informed Moyer that future generation credits would not be applied monthly, but rather annually.

15. Beginning with the bills for August 2010 and continuing through at least the bills for September 2011, PPLEU has not aggregated Moyer's accounts. Nor has it credited Moyer for the electricity generated by his solar panels and delivered to PPLEU.

16. From June 2010 to February 2011, Moyer contacted multiple offices at PPLEU regarding his outstanding net metering and billing issues. Moyer was referred to several additional offices at PPLEU. Moyer provided information about the aggregation of his accounts to PPLEU representatives, but the issues were not resolved.

17. In December 2010, Moyer filed an informal complaint with the Commission. In February 2011, a representative of the Commission informed Moyer that the issues in his case went beyond the jurisdiction of an informal complaint, and that he would need to file a formal complaint if he wished to pursue his case further.

18. By email and letter dated June 7, 2011, Moyer, by his attorney, contacted PPLEU again to demand that virtual net metering be applied to his accounts.

19. Following PPLEU's receipt of that letter, a PPLEU representative met with Moyer regarding the aggregation of his accounts. Upon information and belief, in early July 2011, that representative recommended to PPLEU's management that virtual net metering be applied to Moyer's accounts.

20. The September 2011 bill for Moyer's house account (account 06476-21001) included an "excess credit" of \$250.49. The bill did not explain that credit. The September 2011 bill for the account associated with Moyer's solar panels (account 67227-97002) did not include any "excess credits."

21. The chart following this attachment summarizes the charges and excess credits for Moyer's accounts since March 2009, when Moyer's solar panels became operational and began delivering electricity to PPLEU.

22. Since March 2009, PPLEU has not properly aggregated Moyer's accounts according to the virtual net metering provisions in PPLEU's Net Metering Rider by first crediting the account associated with Moyer's solar panels (account 67227-97002) for the electricity generated by those panels before crediting Moyer's house account (account 06476-21001).

23. PPLEU has not fully credited or reimbursed Moyer for all of the electricity generated by his solar panels and delivered to PPLEU since March 2009.

Bill Date	67227 - 97002		06476-21001	
	charges	"Excess Credits"	charges	"Excess Credits"
3/11/2009	\$ 11.54	\$ -	\$ 68.54	\$ -
4/9/2009			\$ 65.26	\$ -
4/15/2009	\$ 11.54	\$ -		
5/11/2009	\$ 12.14	\$ -	\$ 41.63	\$ -
6/10/2009	\$ 12.02	\$ -	\$ 42.11	\$ -
7/10/2009			\$ 28.30	\$ -
7/13/2009	\$ 12.14	\$ -		
8/11/2009	\$ 12.02	\$ -	\$ 38.43	\$ -
9/10/2009	\$ 12.14	\$ -	\$ 31.36	\$ -
10/9/2009	\$ 12.28	\$ -	\$ 42.40	\$ -
11/10/2009	\$ 12.28	\$ -	\$ 64.97	\$ -
12/10/2009	\$ 12.14	\$ -	\$ 54.71	\$ -
1/12/2010	\$ 12.62	\$ -	\$ 94.41	\$ -
2/10/2010			\$ 57.31	\$ -
2/11/2010	\$ 13.00	\$ -		
3/12/2010	\$ 12.86	\$ -	\$ 65.42	\$ -
4/13/2010			\$ 58.33	\$ -
4/15/2010	\$ 12.86	\$ 8.06		
5/12/2010			\$ 48.18	\$ 151.54
6/11/2010			\$ 38.92	\$ 143.09
5/17/2010	\$ 12.14	\$ 0.85		
7/13/2010			\$ 41.62	\$ 104.17
7/30/2010	\$ 12.14	\$ 0.13		
8/5/2010	\$ 12.72	\$ 0.13		
8/11/2010			\$ 36.20	\$ 62.55
8/17/2010	\$ 12.72	\$ 1.42		
9/10/2010			\$ 44.71	\$ 26.35
9/15/2010	\$ 12.71	\$ 0.70		
10/11/2010			\$ 45.33	\$ -
10/13/2010	\$ 12.85	\$ 0.84		
11/9/2010			\$ 52.71	\$ -
11/11/2010	\$ 12.99	\$ 0.98		
12/9/2010	\$ 13.12		\$ 59.11	\$ -
1/11/2011			\$ 127.58	\$ -
2/9/2011			\$ 92.39	\$ -
3/11/2011			\$ 81.08	\$ -
3/14/2011	\$ 43.44	\$ -		
4/11/2011			\$ 82.95	\$ -
4/12/2011	\$ 16.15	\$ -		
5/11/2011			\$ 64.12	\$ -
5/12/2011	\$ 14.80	\$ -		
6/10/2011			\$ 35.66	\$ -
6/13/2011	\$ 14.80	\$ -		
7/12/2011			\$ 45.35	

7/15/2011	\$	14.80	\$	-	
8/10/2011				\$	48.25
8/11/2011	\$	14.80	\$	-	
9/9/2011				\$	33.42
9/12/2011	\$	15.49		\$	250.49

5. **RELIEF**

How do you want your complaint to be resolved? Use additional paper if you need more space.

Moyer requests that the Commission order requiring PPLEU to: (i) apply virtual net metering to Moyer's two accounts by monthly at the full retail rate for the solar power generated each month first applying credits to the meter associated with the solar system (account 6277-97002) at the full GS-1 retail rate, then through the meter connected to his house (account 06476-21001) at the full RS retail rate on a monthly basis as required by PPLEU's Net Metering Rider and the Commission's rules; (ii) disclose the kilowatt hours ("kWh") of electricity that has been generated by Moyer's solar panels and delivered to PPLEU each month since March 2009; (iii) disclose all credits and/or payments for such electricity that have been made to Moyer, by amount and date of payment or credit; and (iv) if necessary, fully reimburse Moyer for any and all such electricity, at then-applicable tariff rate(s).

6. **PROTECTION FROM ABUSE**

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. **PRIOR UTILITY CONTACT**

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. **LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name: John K. Baillie

Street: Citizens for Pennsylvania's Future, 425 6th Avenue, Suite 2770

City: Pittsburgh State: PA Zip: 15219

Area Code/Phone Number: (412) 258-6684

E-mail Address (If Known): baillie@pennfuture.org

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I Jay Larry Mayer, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Jay Larry Mayer (Signature) October 12, 2011 (Date)
Owner
Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

NET METERING FOR RENEWABLE CUSTOMER-GENERATORS

(C)

PURPOSE

This Rider sets forth the eligibility, terms and conditions applicable to Customers with installed qualifying renewable customer-owned, generation using a net metering system.

APPLICABILITY

(C)

This Rider applies to renewable customer-generators served under Rate Schedules RS, GS-1, GS-3, and LP-4 who install a device or devices which are, in the Company's judgment, subject to Commission review, a bona fide technology for use in generating electricity from qualifying Tier I or Tier II alternative energy sources, pursuant to the Alternative Energy Portfolio Standards Act, 73 P.S. §§ 1648.1 – 1648.8 ("AEPS Act") or Commission regulations, and which will be operated in parallel with the Company's system. This Rider is available to installations where any portion of the electricity generated by the renewable energy generating system offsets part or all of the customer-generator's requirements for electricity. A renewable customer-generator is a non-utility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts, if installed at a residential service (RS), or not larger than 3,000 kilowatts at other customer service locations (Rate Schedules GS-1, GS-3 and LP-4), except for Customers whose systems are above 3 megawatts and up to 5 megawatts who make their systems available to operate in parallel with the Company during grid emergencies, as defined by the regional transmission organization, or where a microgrid is in place for the purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of the Company have been promulgated by the Institute of Electrical and Electronic Engineers ("IEEE") and the Commission.

Qualifying renewable energy installations are limited to Tier I and Tier II alternative energy sources, as defined by the AEPS Act and the Commission's regulations. The Customer's equipment must conform to the Commission's Interconnection Standards and Regulations, pursuant to the AEPS Act. This Rider is not applicable when the source of supply is service purchased from a neighboring electric utility under Borderline Service.

Service under this Rider is available upon request to renewable customer-generators on a first-come, first-served basis as long as the total rated generating capacity installed by renewable customer-generator facilities does not adversely impact service to other Customers and does not compromise the protection scheme(s) employed on the Company's electric distribution system.

METERING PROVISIONS

A Customer may select one of the following metering options in conjunction with service under applicable Rate Schedule RS, GS-1, GS-3, or LP-4.

1. A customer-generator facility used for net metering shall be equipped with a single bi-directional meter that can measure and record the flow of electricity in both directions at the same rate. A dual-meter arrangement may be substituted for a single bi-directional meter at the Company's expense.

RECEIVED

NOV - 7 2011

(Continued)

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

(C) Indicates Change

Issued: December 21, 2010

Effective: January 1, 2011

NET METERING FOR RENEWABLE CUSTOMER-GENERATORS (Continued)

(C)

2. If the customer-generator's existing electric metering equipment does not meet the requirements under Option (1) above, the Company shall install new metering equipment for the customer-generator at the Company's expense. Any subsequent metering equipment change necessitated by the customer-generator shall be paid for by the customer-generator. The customer-generator has the option of utilizing a qualified meter service provider to install metering equipment for the measurement of generation at the customer-generator's expense.

Additional metering equipment for the purpose of qualifying alternative energy credits owned by the customer-generator shall be paid for by the customer-generator. The Company shall take title to the alternative energy credits produced by a customer-generator where the customer-generator has expressly rejected title to the credits. In the event that the Company takes title to the alternative energy credits, the Company will pay for and install the necessary metering equipment to qualify the alternative energy credits. The Company shall, prior to taking title to any alternative energy credits, fully inform the customer-generator of the potential value of those credits and options available to the customer-generator for their disposition.

3. Meter aggregation on properties owned, or leased and operated, by a customer-generator shall be allowed for purposes of net metering. Meter aggregation shall be limited to meters located on properties within two (2) miles of the boundaries of the customer-generator's property. Meter aggregation shall only be available for properties located within the Company's service territory. Physical meter aggregation shall be at the customer-generator's expense. The Company shall provide the necessary equipment to complete physical aggregation. If the customer-generator requests virtual meter aggregation, it shall be provided by the Company at the customer-generator's expense. The customer-generator shall be responsible only for any incremental expense incurred by the Company to process the customer-generator's account on a virtual meter aggregation basis.

BILLING PROVISIONS:

(C)

The following billing provisions apply to customer-generators in conjunction with service under applicable Rate Schedules RS, GS-1, GS-3, or LP-4.

1. The customer-generator will receive a credit for each kilowatt-hour received by the Company up to the total amount of electricity delivered to the Customer by the Company during the billing period at the full retail rate consistent with Commission regulations. If a customer-generator supplies more electricity to the Company than the Company delivers to the customer-generator in a given billing period, the excess kilowatt hours shall be carried forward and credited against the customer-generator's usage in subsequent billing periods at the full retail rate. Any excess kilowatt hours will continue to accumulate until the end of the PJM planning period ending May 31 of each year. On an annual basis consistent with the PJM planning period, the Company will compensate the customer-generator for kilowatt-hours received from the customer-generator in excess of the kilowatt hours delivered by Company to the customer-generator during the preceding year at the Company's Price To Compare consistent with Commission regulations. The customer-generator is responsible for the customer charge, demand charge and other applicable charges under the applicable Rate Schedule.

(Continued)

NET METERING FOR RENEWABLE CUSTOMER-GENERATORS (Continued) (C)

2. If the Company supplies more kilowatt-hours of electricity than the customer-generator facility feeds back to the Company's system during the billing period, all charges of the appropriate rate schedule shall be applied to the net kilowatt-hours of electricity that the Company supplied. The customer-generator is responsible for the customer charge, demand charge and other applicable charges under the applicable Rate Schedule.
3. For customer-generators involved in virtual meter aggregation programs, a credit shall be applied first to the meter through which the generating facility supplies electricity to the Company's distribution system, then through the remaining meters (for the customer-generator's account) equally at each meter's designated rate under the applicable Rate Schedule. Virtual meter aggregation is the combination of readings and billing for all meters, regardless of rate class, installed on properties owned, or leased and operated, by a customer-generator by use of the Company's billing process, rather than through physical rewiring of the customer-generator's owned or leased property for a physical, single-point of contact. The customer-generators are responsible for the customer charge, demand charge and other applicable charges under the applicable Rate Schedule.
4. If a net metering Customer served on Rate Schedule GS-1, GS-3, or LP-4 generates electricity such that the self-generation results in a 10% or more reduction in the Customer's purchase of electricity through the Company's transmission and distribution network for any calendar year, when compared to the calendar year immediately prior to the installation of the generation, the net metering Customer shall be responsible for its share of stranded costs to prevent inter-class or intra-class cost shifting. The Company, upon determination that the customer has or will exceed the 10% limitation, will rebill the customer for CTC charge, in an amount equal to the charges in the calendar year immediately prior to the installation of the generation unless the customer-generator initiated self-generation prior to January 1, 1999, in which case the base year will be 1996. Such rebilling of CTC charge will be at the otherwise applicable CTC rates under the appropriate Rate Schedule.

NET METERING PROVISIONS FOR SHOPPING CUSTOMERS (C)

1. Customer-generators may take net metering services from EGSs that offer such services.
2. If a net-metering customer takes service from an EGS, the Company will credit the customer for distribution and CTC charges for each kilowatt hour produced by a Tier I or Tier II resource installed on the customer-generator's side of the electric revenue meter, up to the total amount of kilowatt-hours delivered to the customer by the Company during the billing period. If a customer-generator supplies more electricity to the electric distribution system than the EDC delivers to the customer-generator in a given billing period, the excess kilowatt hours shall be carried forward and credited against the customer-generator's usage in subsequent billing periods at the Company's distribution rates. Any excess kilowatt hours at the end of the PJM planning period will not carry over to the next year for distribution and CTC charge purposes. The customer-generator is responsible for the customer charge, demand charge and other applicable charges under the applicable Rate Schedule.

(Continued)

NET METERING FOR RENEWABLE CUSTOMER-GENERATORS (Continued) (C)

NET METERING PROVISIONS FOR SHOPPING CUSTOMERS (Continued) (C)

3. If the Company delivers more kilowatt-hours of electricity than the customer-generator facility feeds back to the Company's system during the billing period, all charges of the applicable rate schedule shall be applied to the net kilowatt-hours of electricity that the Company delivered. The customer-generator is responsible for the customer charge, demand charge and other applicable charges under the applicable Rate Schedule.
4. Pursuant to Commission regulations, the credit or compensation terms for excess electricity produced by customer-generators who are customers of EGSs shall be stated in the service agreement between the customer-generator and the EGS.
5. If a customer-generator switches electricity suppliers, the Company shall treat the end of the service period as if it were the end of the year.

APPLICATION

Customer-generators seeking to receive service under the provisions of this Rider must submit a written application to the Company demonstrating compliance with the Net Metering Rider provisions and quantifying the total rated generating capacity of the customer-generator facility.

MINIMUM CHARGE

The Minimum Charges under Rate Schedules RS, GS-1, GS-3, and LP-4 apply for installations under this Rider.

RIDERS

Bills rendered by the Company under this Rider shall be subject to the charges stated in any other applicable Rider.

Appendix “B”

Safford, Kimberly R

From: eServe@pa.gov
Sent: Thursday, October 23, 2014 3:22 PM
To: Russell, Paul E
Cc: Safford, Kimberly R
Subject: PA PUC eServe Notice

Importance: High

Dear Paul E Russell,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2014-2444864**. You may view this document at **Jay Larry Moyer vs PPL Electric Utilities Corporation**

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

Jay Larry Moyer
370 W. Johnson Street (C-1)
Philadelphia, PA 19144
267-693-2633
gtown73@hotmail.com

Ms. Rosemary Chiavetta,
Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

September 3, 2014

RE: Formal Complaint

RECEIVED
2014 SEP 15 AM 11:13
PA P.U.C.
SECRETARY'S BUREAU

Dear Ms. Chiavetta,

Please find enclosed a copy of a Formal Complaint being filed against PPL Electric Utilities, along with supporting materials. I look forward to hearing that you received the Complaint and ask that it be given prompt and careful attention.

Sincerely,



Larry Moyer

Encl: Formal Complaint
Attachment #4
Attachment #5
Selected bills for Acct. #06476-2100: May-August, 2014
Selected bills for Acct. #67277-97002: May-August, 2014

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an Informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name **Jay Larry Moyer**

Street: **370 W; Johnson Street Apt # C-1**

City: **Philadelphia** State: **PA** Zip: **19144**

County: **Philadelphia**

Telephone Number(s) Where We Can Contact You During the Day:

(267-693-2633) (home) **(267) 693-2633**(mobile)

E-mail Address (optional): **gtown73@hotmail.com**

Utility Account Number (from your bill) **06476-21001; 67277-97002**

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Street: **73 Woods Road**

City: **Klingerstown** State: **PA** Zip: **17941**

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PPL Electric Utilities

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3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
 GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
 WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
 STEAM HEAT

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- See Attachment 4, enclosed.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain). See Attachment 4, enclosed

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

See Attachment 5, enclosed.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES
NO X

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES X

This new complaint seeks redress for billing errors since January 9, 2014, when the PUC issued an Opinion and Order that addressed the period covered by an earlier complaint (C-2011-2273645). This present Complaint seeks to resolve the billing complaints in that case, which remains under appeal. That earlier

Complaint, as yet unresolved, also includes an appeal of a 2011 decision by the PUC's BCS (Case #2778513).

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at lawclinic@mail.widener.edu.

For additional information see Widener Harrisburg's Civil Law Clinic's website <http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>. Based on your income, legal representation may be available to you at no cost or a reduced fee.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name: NA

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept it.

Verification:

Jay Larry Meyer, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

J. Larry Meyer
(Signature of Complainant)

9-11-14
(Date)

FORMAL COMPLAINT OF LARRY MOYER
AGAINST PPL ELECTRIC UTILITIES CORPORATION

ATTACHMENT 4

RECEIVED
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Reply to #4

In spite of the Complainant's persistent efforts to call attention to billing errors, omissions, and discrepancies, PPL Electric continues to issue bills that are incoherent, incomplete, and inaccurate. These billing problems are specifically associated with virtual meter aggregation. They are punitive, and have had a detrimental impact on the Complainant, resulting in inaccurate credit and erroneous compensation for electricity generated by his PV system. It is clear that there are no apparent guidelines and/or enforcement mechanisms that assure consistency and accuracy in the billing practices for virtual meter aggregation.

It is apparent that a variety of factors contribute to the present disarray. First, the manual system of billing, which the Company acknowledges using, increases the risk of error each month; Second, the process of billing for virtual meter aggregation differs necessarily from that used for physical meter aggregation, which involves only one bi-directional meter; Third, uniform and explicit policies that would assure uniformity and fairness in billing for virtual meter aggregation are not forthcoming; Fourth, in the absence of clear, uniform billing policies, PPL Electric has proceeded, with impunity, to implement its own arbitrary billing procedures for virtual meter aggregation; Fifth, in spite of the Complainant's repeated appeals, there has been no independent, systematic, and detailed examination of the billing practices which PPL Electric uses for virtual meter aggregation.

Although the Company has agreed to pay the Complainant \$535.27 for past, uncompensated generation (see Docket # C-2011-2273645 -- Opinion and Order, January 9, 2014), that sum has not been forthcoming. Instead, the Complainant's bills show an "Amount Due" that continues to increase unfairly. Since 2009, the "billing process" has been cryptic, disordered and, in many cases, indecipherable. The current "billing process", as applied to virtual meter aggregation, continues to be confusing and incoherent. Because of the continuing disarray in the "billing process", the definitive, precise, and fair amount of compensation owed to the Complainant can be determined only with great difficulty, and may be impossible.

In addition to the monthly bills provided to the Complainant, PPL Electric has submitted three different, inconsistent versions of data (PPL Exhibit #5; PPL Exhibit #7; and the "Tabulation" or "Compilation" prepared in March, 2014, as directed by the Commission in its Opinion and Order of January 9, 2014.) Each version purports to explain the Company's system of billing. Some of that data is, indeed, accurate, but much, even of the accurate data, is "hidden" data and is

absent from the monthly bills. Until the monthly bills are revised to include complete and accurate information, the billing process will be unsatisfactory and the errors will be compounded.

It is the contention of the Complainant that the only legal, official record of the billing history consists of the regular bills which have been issued to him each month. The spreadsheets and "reconstructions" which PPL has produced (PPL Exhibit #5; PPL Exhibit #7; PPL's "Tabulation" ordered by the Commission and withheld from the record) cannot be allowed to displace, replace, or stand-in for the official monthly bills.

For unexplained reasons, PPL Electric decided to issue two different bills each month – one for the Complainant's house and one for the Complainant's PV generating system ("solar panels"). In doing so, PPL Electric adds a complication to virtual meter aggregation that is not present with physical meter aggregation and is entirely unnecessary.

Bills from four different months (eight sets of bills and sixteen separate documents) are included with this Complaint. These bills demonstrate clearly a) that the billing procedures do not comport with the law; b) that past errors and irregularities have not been corrected; and c) that the Complainant, even now, is not now being credited properly for generation by his PV solar system.

The bills included here are for May, June, July, and August, 2014, and have been issued since the Opinion and Order related to an earlier Complaint (Docket # C-2011-2273654). That Complaint raised similar concerns about the "billing process" which PPL Electric Utilities has used for virtual meter aggregation.

It is the monthly bills, themselves, the legal documents, that must be complete, accurate, and reliable. All data in them must be complete and verifiable. It has been 10 years since the AEPS Act became law, and during that time, PPL Electric has neglected to develop and implement a lawful and effective "billing process" that will accommodate customer-generators who select virtual meter aggregation. The Complainant is a residential customer-generator, and the problems enumerated here are those pertinent to residential customers. There is abundant evidence, however, that customer-generators in other rate schedules are subjected to similar errors, omissions, and inconsistencies if their generation systems are installed under provisions of virtual meter aggregation.

Some of the errors, omissions, and discrepancies in billing reflect a persistent pattern, while others are specific to an individual bill. Many involve clear violations of the AEPS Act and/or of the applicable Tariff. The most egregious irregularities, errors, and violations are itemized below.

1. The Complainant is a customer-generator who is being subjected to arbitrary, discriminatory billing procedures that PPL Electric has implemented for virtual meter aggregation.
2. PPL Electric has imposed on the Complainant's PV solar generating system a variety of billing procedures that have no basis or justification either in the law or in the applicable Tariff.
3. PPL Electric has systematically withheld from the Complainant's bills information that he is entitled by law to receive as part of the ordinary "billing process".
4. PPL Electric has withheld from the Complainant's solar bills data showing how much generation credit his system produces.
5. As a result of the Company's arbitrary billing procedures, PPL Electric has withheld from the Complainant the full amount of monetary benefit that he is entitled to receive.
6. PPL Electric continues to employ an incoherent manual system of billing for virtual meter aggregation, in spite of the pervasive errors, aberrations, discrepancies, and irregularities that result from the Company's billing methodology.
7. Without any basis in the AEPS Act or in the Tariff, PPL Electric has elected to require a separate account for the Complainant's "solar panels". This requirement is not imposed on customers with physical meter aggregation and discriminates against the Complainant, who has selected virtual meter aggregation. When referring to virtual meter aggregation, the plain language of the AEPS Act refers to the customer-generator's "account" in the singular and "meters" in the plural. The provisions in the AEPS Act for virtual metering clearly refer to "meter aggregation", not "account aggregation".
 - Cf. 75.12 (in the definition of virtual meter aggregation): "billing for all meters"
 - Cf. 75.14(e): "processing his account on a virtual meter aggregation basis"
8. PPL Electric has discriminated against the Complainant by imposing a monthly charge for an unnecessary new account (see #19-#24, below) that is not required of other residential customers or residential customer-generators who select physical meter aggregation.

- 52 PA 75.13(j): "An EDC may not charge a customer-generator a fee or other type of charge unless the fee or charge would apply to other customers that are not customer-generators."
 - 52 PA 75.13(i): "An EDC shall provide net metering at nondiscriminatory rates identical with respect to rate structure, retail rate components and any monthly charges to the rates charged to other customers that are not customer-generators."
9. Bills issued by PPL electric for the Complainant's "solar panels" show billing dates that are sharply inconsistent from month-to-month.
- See bills for "solar panel": May 15; June 24; July 22; August 12
10. PPL Electric has failed to include sequential (progressive) meter readings in the bills for the "solar panels". The same meter reading (94161) appears on every solar bill since June, 2012. (Compare PPL's "Tabulation", submitted to the Office of the ALJ on March 10, 2014, which shows sequential and decreasing numbers.)
- Cf. bills for "solar panels" (April-August, 2014)
11. PPL Electric billing procedures fail to carry forward the full value of excess generation to subsequent billing periods.
- 52 PA § 75.13.c: "the excess kilowatt hours shall be carried forward and credited against the customer-generator's usage in subsequent billing periods at the full retail rate"
 - 52 PA § 75.13(c) "For customer-generators involved in virtual meter aggregation programs, a credit shall be applied first to the meter through which the generating facility supplies electricity to the distribution system, then through the remaining meters for the customer-generator's account equally at each meter's designated rate. (NOTE: No reference to accounts.)
 - See Table A, below
12. PPL Electric repeatedly overbilled the Complainant by failing to apply full credit for generation, as specified in the AEPS Act (See notes to #11, above). In spite of unused

("banked") generation credits that are available (Col. G), the "Amount due" (Col. H) continues to increase in unexplained amounts.

Table A

A	B	C	D	E	F	G	H	I
Month	"full retail"*	Meter Rds**	gen (kWh)	Credit due	Credit applied*	"unused" credit	"Amount Due"*	Unexplained Increase
Apr., 2014		85,418					421.54	
May, 2014	11.97	85198	220	26.89	16.62	9.71	455.86	33.92
June, 2014	12.08	84,848	350	42.28	24.08	27.91	472.7	17.34
July, 2014	12.27	84,375	478	58.04	27.41	58.54	487.22	14.52
Aug., 2014	12.27	83,691	684	83.93	27.43	115.04	502.34	15.12
Sept., 2014								

*From the house bill
 ** From the PPL meter

- See house bills for May-August, 2014.
- **Note: Meter readings are not provided by PPL Electric in the Complainant's solar bills (cf. #10, above); these readings were taken by the Complainant from the PPL meter at the generation site on the following dates: May 11; June 15; July 7; and August 10.

13. Bills issued by PPL Electric for the Complainant's "solar panels" fall to include the generation credits which have been produced during the billing period.

- 56.15(7) a bill must state "the total amount of payments and other credits made to the account during the billing period." (emphasis added)
- 52 PA § 54.4(b)(3)(i)(A): "Generation charges shall be presented in a standard pricing unit for electricity in actual dollars or cents per kWh, actual average dollars or cents per kWh, kW or other Commission-approved standard pricing unit." (Though not explicitly named, the inclusion of accurate, standard pricing units would seem to apply to generation credits, as well.)
- See bills for the "solar panels"

14. Bills issued by PPL Electric for the Complainant's "solar panels" fail to specify the amount of generation credit he is entitled to receive in the current billing period.

15. Bills issued by PPL Electric for the Complainant's "solar panels" fail to show the specific period for which credit is being generated. In those months when "excess credit" is applied to the house account (Acct. # 06476-21001), there is no indication when that credit was generated or how much delay (if any) is involved in applying the new generation to the house account.

➤ 52 PA § 56.15(2); a bill "must state ... the beginning and ending meter readings for the billing period."

16. The two separate bills issued to the Complainant do not have corresponding dates. The billing period for "solar panels" does not correspond to the billing period for the house meter (Acct. # 06476-21001), where most of the credit is applied. It is imperative that the billing periods correspond if true "aggregation" is to occur.

➤ cf. June bills: house bill: June 11, 2014 vs. solar bill: June 24, 2014
cf. July bills: house bill: July 11, 2014 vs. solar bill: July 22, 2014

17. Bills for the "solar panels" fail to show the standard pricing unit for generation as required by the PA Code.

➤ 52 PA § 54.4(b)(3)(i)(A): "Generation charges shall be presented in a standard pricing unit for electricity in actual dollars or cents per kWh, actual average dollars or cents per kWh, kW or other Commission-approved standard pricing unit." (Though not specifying generation credits, the use of standard pricing units would seem to apply to them, as well.)

18. PPL Electric fails to combine meter readings "by means of the EDC's billing process" to achieve "meter aggregation".

➤ 52 PA § 75.12 (definitions): *virtual meter aggregation* -- "The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's billing process, rather than through physical rewiring..."

➤ Cf. all bills (Meter readings for the "solar panels" are not shown, and no "combination of readings" is evident.)

19. PPL Electric has chosen the cumbersome method of issuing two bills to the Complainant each month, although no such arrangement is suggested in the AEPS Act or in the Tariff. In the case of independent, unrelated meters, separate accounts might be suitable, but the aggregation of data from separate meters ("the combination of readings from and billing for all meters"), could be accomplished more efficiently by merging (aggregating) data in a single bill.
20. PPL has arbitrarily, improperly, and unlawfully designated the Complainant's PV generating system as a GS-1 facility. The Complainant's PV solar system was installed exclusively for residential use, and his PV system, like those with physical meter aggregation, should be designated RS.
- cf. bills for the "solar panels" (May-August, 2014) which specify the GS-1 rate schedule
21. PPL Electric has arbitrarily and improperly adopted the terms, "host account" and "satellite account", which have no basis or justification in the law or in the Tariff. No such distinction (burden/stigma?) exists for customer-generators with physical meter aggregation. (*One account, the pre-existing house account (Acct. # 06476-21001), is sufficient and primary and should serve as the one and only "anchor" account.*)
22. Since the requirement of a second "account" for the PV system has no basis in the AEPS Act or in the tariff, it is clear that the separate account serves only as an "occasion" for PPL Electric to reap the financial benefit of a second, unnecessary "customer charge".
23. By imposing additional monthly "charges" (currently \$17.46) on the Complainant, PPL Electric has explicitly imposed an unlawful and discriminatory "penalty" for virtual meter aggregation. (*Note: customer-generators with PV systems under provisions of physical meter aggregation are not subject to these charges.*)
- 52 PA § 75.14(e): "The customer-generator shall be responsible only for any incremental expense entailed in processing his account on a virtual meter aggregation basis."
24. By arbitrarily imposing "charges" (currently \$17.46/month) on the unwarranted account for virtual meter aggregation, PPL Electric has created for itself an unlawful benefit at the expense of the Complainant.

- 75.14(e) The customer-generator shall be responsible only for any incremental expense entailed in processing his account on a virtual meter aggregation basis. (Note: there is no suggestion of more than one account.)

25. Since December, 2010, PPL Electric has failed to include all of the "basic charges" (generation, transmission, distribution) on the bills for the "solar panels".

- 52 PA § 54.4(b)(2) "Charges for basic services must appear..." (i.e. Generation, Transmission, and Distribution are identified as "basic charges")

- See bills for "solar panels"

26. PPL Electric failed to apply interest credit for the repeated cases of overcharges that resulted from withheld credits. (cf. #11 and #12, above)

- 52 PA 56.262 (5) (iii) and § 56.411(3) (relating to ... "utility's duty to pay interest whenever overpayment found.")

27. Bills for the "solar panels" fail to include kWh of generation for the current billing period.

- See bills for the "solar panels" (enclosed)

28. Bills for the "solar panels" fail to include the kWh of "offset" generation credit that is being applied to offset electric use in current billing period.

- See bills for the "solar panels" (enclosed)

29. Bills for the "solar panels" fail to include the kWh of NEW "excess" generation credit (if any) in the current month that is being added to the carry-over ("banked") credit.

30. Bills for the "solar panels" fail to include the TOTAL kWh of "excess" (i.e. reserve) generation credit (if any) that is "banked" and is being carried forward to subsequent months.

- 52 PA § 75.13.c: "the excess kilowatt hours shall be carried forward and credited against the customer-generator's usage in subsequent billing periods at the full retail rate"

➤ See each of the bills for the "solar panels" (enclosed)

31. Bills fail to make any distinction between NEW generation credit and ACCUMULATED ("banked") generation credit.

32. Bills for the house meter fail to include the "full retail" rate, or any supporting data, on which "excess credit" is based, even when "excess credit" is applied to the house account.

➤ See bills for the house meter (Acct. # 06476-21001)

33. Bills issued to the Complainant fail to indicate the year-end status of generation credit (May "cash-out" date; the amount of year-end compensation (if any); and the price-to-compare on which the final "true-up" is based.)

September 10, 2014

RECEIVED

2014 SEP 15 AM 11:13

PA P.U.C.
SECRETARY'S BUREAU

Reply to #5

FORMAL COMPLAINT OF LARRY MOYER
AGAINST PPL ELECTRIC UTILITIES CORPORATION

ATTACHMENT 5

The Public Utility Commission a) should order PPL Electric to develop and implement new billing procedures ("billing process") that are appropriate for residential customer-generators who install renewable generation systems under terms of virtual meter aggregation; b) should order PPL Electric to generate complete, verifiable information that accounts for all of the data relevant to virtual meter aggregation; c) should assure that all procedures in the "billing process" comply with the AEPS Act and with applicable Tariffs; and d) should order PPL Electric Utility to issue, every month, to each residential customer-generator, a single, composite bill with complete, accurate, and transparent data showing how the Company has accomplished meter aggregation (i.e. "the combination of readings from and billing for all meters").

The single, composite, monthly bill should include, among other details, the following verifiable components:

1. A specified billing period, with beginning and ending dates, that is consistent for all aggregated meters
2. A specified, common date on which the meter readings for all aggregated meters are taken
3. Data showing the total kWh of use at each meter for the billing period
4. Data showing the total kWh of generation for the current billing period
5. Data showing the "full retail" value (in price-per-kWh) on which the generation credit is based.
6. The total value (in dollars and cents) for the electricity generated
7. The total kWh of "offset" generation applied to the use of electricity in the most recent billing period
8. The total value (in dollars and cents) of generation credit, during the most recent billing period, which is being applied to "offset" electric use on the primary account.
9. The total kWh of "excess" generation credit, during the most recent billing period, which is being added to the "banked" (carry-over) credit
10. The total kWh of the remaining "banked" (carry-over) generation credit which is being carried over to subsequent months
11. (At the end of the reporting year) The amount of "cash-out" and the supporting data (price-per-unit; kWh of credit; etc.) on which the "cash-out" is based.
12. A current and accurate account balance on the billing date.



PPL Electric Utilities

Questions? Please contact us by Apr 29. 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

Adjusted Bill

Page 1

Bill/Acct. No.	Due Date	Amount Due
67277-97002	Apr 29, 2014	\$67.57

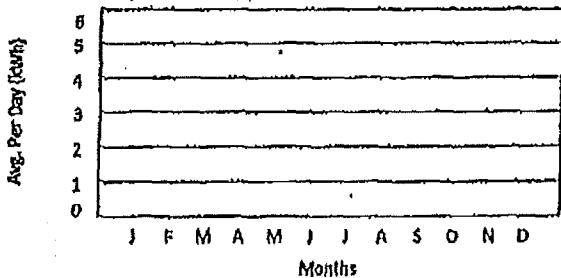
Your Electric Usage Profile

Service to:
LARRY MOYER
73 WOODS RD, SOLAR PANELS
KLINGERSTOWN, PA 17941

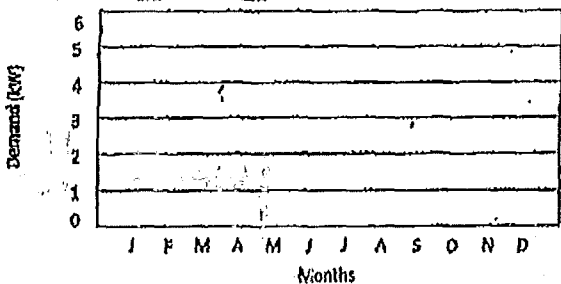
Your next meter reading is on or about May 12, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.

2013 2014



2013 2014



Billing Summary

(Billing details on back)

Balance as of Apr 11, 2014	\$50.18
Charges:	
Total PPL Electric Utilities Charges	\$17.99
Total Charges	\$67.57
Amount Due By Apr 29, 2014	\$67.57
Account Balance	\$67.57

PPL Electric Utilities' price to compare for your rate is \$0.10391 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oc.state.pa.us for supplier offers.

Your Message Center

- With paperless billing, you can receive and pay your PPL Electric Utilities bills online. The process is free, quick, convenient and secure. To learn more or sign up, visit pplelectric.com.
- Before digging around your home or property, you should always call the state's One Call notification system to locate any underground utility lines. You can do this by simply dialing 811, which will connect you to the One Call system. Be safe and call 811 before you dig.
- Save postage and late charges - sign up for Automated Bill Payment.

Payment Methods

Online at:
pplelectric.com

By phone: 1-800-342-5775
or call BillMatrix (service fee applies)
at 1-800-672-2413 to pay using Visa,
MasterCard, Discover or debit card.

By Mail:
2 North 9th Street
CPC-GENN1
Allentown, PA 18101-1175

Correspondence should be sent to:
Customer Services
827 Hausman Road
Allentown, PA 18104-9392

Other important information on the back of this bill →



PPL Electric Utilities

Return this part in the envelope provided with a check payable to PPL Electric Utilities.

Bill/Acct. No.	Due Date	Amount Due
67277-97002	Apr 29, 2014	\$67.57

Amount Enclosed:

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AB 01 003064 02880 B 13 B



LARRY MOYER
370 W JOHNSON ST UNIT C1
PHILADELPHIA, PA 19144-8119

PPL ELECTRIC UTILITIES
2 NORTH 9TH STREET CPC-GENN1
ALLENTOWN, PA 18101-1175



1 1800000675780000067574 6727797002

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:

PPL Electric Utilities
 Customer Services
 827 Hausman Rd
 Allentown, PA 18104-9392
 Phone: 1-800-342-5775
 (1-800-DIAL-PPL)
 pplelectric.com

Manage Your Account

Visit pplelectric.com for self-service options including:

- View your bill, payment, and usage history.
- Make a payment, set up a payment agreement.
- Start/stop service.
- Enroll in paperless billing, automatic bill pay, budget billing.
- Report an outage, check outage status, and more.

View your rate schedule at pplelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$0.07 of this bill to pay state taxes and about \$3.92 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Act 129 Compliance Rider - Charge to recover costs associated with Energy Efficiency and Conservation programs for customers as approved by the Public Utility Commission.

Competitive Enhancement Rider - Charge to recover costs related to implementing the Public Utility Commission's retail market enhancement programs, including certain consumer education costs.

Customer Charge - Monthly basic distribution charge to cover costs for billing, meter reading, equipment, maintenance and advanced metering when in use.

System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.

kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.

Billing Details - (Bill Acct. 67277-97002)

Page 2

Previous Balance	\$50.18
Balance as of Apr 11, 2014	\$50.18
Charges for - PPL Electric Utilities	
General Service Rate: GS1 for Mar 11 - Apr 10	
Distribution Charge:	
Customer Charge	16.00
Competitive Enhancement Rider	0.03
System Improvement Charge at 2.95%	0.38
PA Tax Adj Surcharge at -0.08500000%	-0.01
PA Sales Tax	0.99
Total PPL Electric Utilities Charges	\$17.39
Amount Due By Apr 29, 2014	\$67.57
Account Balance	\$67.57

kWh Use By Meter				
Reading Dates	Meter Number	Meter Constant	Meter Reading Previous/Present	Kilowatt Hours
Mar 11 Apr 10	10069153	1	94161 94161	0
Days Billed: 30			Total	0

State Tax Adjustment Surcharge - Charge or credit on electric rates to reflect changes in various state taxes included in your bill. The surcharge may vary by bill component.

Type(s) of Meter Readings:
Actual - Reading by distribution company.

*Federal I.D. 23-085959D



PPL Electric Utilities

Questions? Please contact us by Jun 2. 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

Adjusted Bill

Page 1

Bill Acct. No.	Due Date	Amount Due
67277-97002	Jun 2, 2014	\$84.96

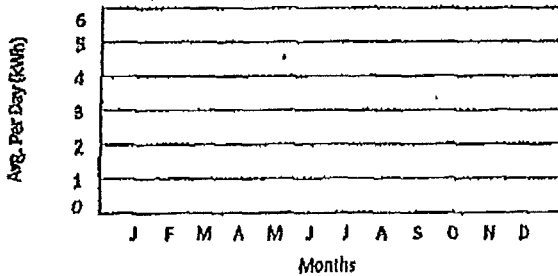
Your Electric Usage Profile

Service to: LARRY MOYER 73 WOODS RD, SOLAR PANELS KLINGERSTOWN, PA 17941

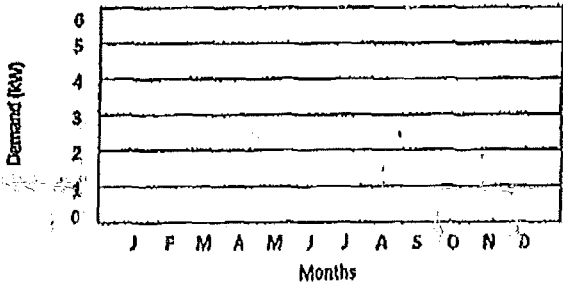
Your next meter reading is on or about Jun 11, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.

2013 2014



2013 2014



Billing Summary

(Billing details on back)

Balance as of May 15, 2014	\$67.57
Charges:	
Total PPL Electric Utilities Charges	\$17.39
Total Charges	\$84.96
Amount Due By Jun 2, 2014	\$84.96
Account Balance	\$84.96

PPL Electric Utilities' price to compare for your rate is \$0.10391 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oca.state.pa.us for supplier offers.

Your Message Center

- With paperless billing, you can receive and pay your PPL Electric Utilities bills online. The process is free, quick, convenient and secure. To learn more or sign up, visit pplelectric.com.
- Before digging around your home or property, you should always call the state's One Call notification system to locate any underground utility lines. You can do this by simply dialing 811, which will connect you to the One Call system. Be safe and call 811 before you dig.
- Save postage and late charges - sign up for Automated Bill Payment.

Payment Methods

Online at: pplelectric.com

By phone: 1-800-342-5775 or call BillMatrix (service fee applies) at 1-800-672-2413 to pay using Visa, MasterCard, Discover or debit card.

By Mail: 2 North 9th Street CPC-GENN1 Allentown, PA 18101-1175

Correspondence should be sent to: Customer Services 827 Hausman Road Allentown, PA 18104-9392

Other important information on the back of this bill →

Return this stub in the envelope provided with a check payable to PPL Electric Utilities.



PPL Electric Utilities

HB 01 005086 17667 B 20 B



LARRY MOYER 370 W JOHNSON ST UNIT 01 PHILADELPHIA, PA 19144-3110

Bill Acct. No.	Due Date	Amount Due
67277-97002	Jun 2, 2014	\$84.96

Amount Enclosed:

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PPL ELECTRIC UTILITIES 2 NORTH 9TH STREET CPC-GENN1 ALLENTOWN, PA 18101-1175



1 3000000849600000084964 6727797002

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:
 ☐ PPL Electric Utilities Phone: 1-800-342-5775
 Customer Services (1-800-DIAL-PPL)
 827 Hausman Rd
 Allentown, PA 18104-9392
 pplelectric.com

Manage Your Account

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 -Start/stop service.
 -Enroll in paperless billing, automatic bill pay, budget billing.
 -Report an outage, check outage status, and more.
 View your rate schedule at pplelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
 PPL Electric Utilities uses about \$0.10 of this bill to pay state taxes and about \$4.95 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Act 129 Compliance Rider - Charge to recover costs associated with Energy Efficiency and Conservation programs for customers as approved by the Public Utility Commission.
Competitive Enhancement Rider - Charge to recover costs related to implementing the Public Utility Commission's retail market enhancement programs, including certain consumer education costs.
Customer Charge - Monthly basic distribution charge to cover costs for billing, meter reading, equipment, maintenance and advanced metering when in use.
System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.
kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.

Billing Details - (Bill Acct. 67277-97002)

Previous Balance	\$67.57
Balance as of May 15, 2014	\$67.57
Charges for - PPL Electric Utilities	
General Service Rate: GS1 for Apr 10 - May 12	
Distribution Charge:	
Customer Charge	16.00
Competitive Enhancement Rider	0.03
System Improvement Charge at 2.95%	0.38
PA Tax Adj Surcharge at -0.08500000%	-0.01
PA Sales Tax	0.99
Total PPL Electric Utilities Charges	\$17.39
Amount Due By Jun 2, 2014	\$84.95
Account Balance	\$84.96

kWh Use By Meter						
Reading Dates		Meter Number	Meter Constant	Meter Reading		Kilowatt Hours
Previous	Present			Previous	Present	
Apr 10	May 12	10069153	1	94161	94161	0
Days Billed: 32				Total		0

State Tax Adjustment Surcharge - Charge or credit on electric rates to reflect changes in various state taxes included in your bill. The surcharge may vary by bill component.
Type(s) of Meter Readings:
 Actual - Reading by distribution company.

*Federal I.D. 23-0959590



PPL Electric Utilities

Questions? Please contact us by Jul 10, 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

Adjusted Bill

Page 1

Bill/Account No.	Due Date	Amount Due
67277-97002	Jul 10, 2014	\$102.35

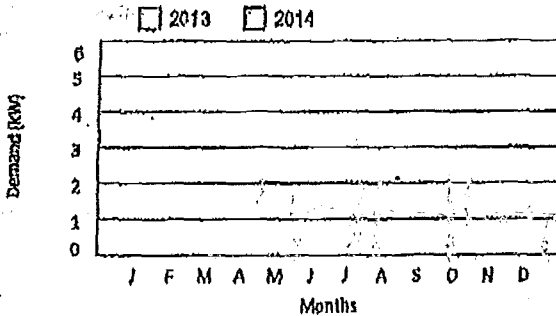
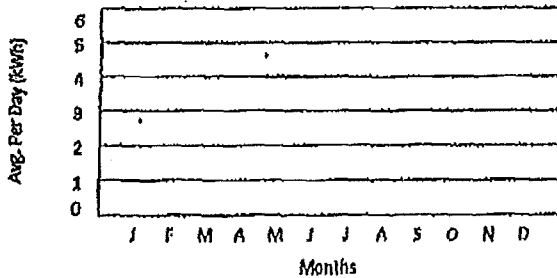
Your Electric Usage Profile

Service to:
LARRY MOYER
73 WOODS RD, SOLAR PANELS
KLINGERSTOWN, PA 17941

Your next meter reading is on or about Jul 11, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.

2013 2014



Billing Summary

(Billing details on back)

Balance as of Jun 24, 2014	\$84.96
Charges:	
Total PPL Electric Utilities Charges	\$17.39
Total Charges	\$102.35
Amount Due By Jul 10, 2014	\$102.35
Account Balance	\$102.35

PPL Electric Utilities' price to compare for your rate is \$0.09585 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oca.state.pa.us for supplier offers.

Your Message Center

- With paperless billing, you can receive and pay your PPL Electric Utilities bills online. The process is free, quick, convenient and secure. To learn more or sign up, visit pplelectric.com.
- Before digging around your home or property, you should always call the state's One Call notification system to locate any underground utility lines. You can do this by simply dialing 811, which will connect you to the One Call system. Be safe and call 811 before you dig.
- Save postage and late charges - sign up for Automated Bill Payment.

Payment Methods

Online at: pplelectric.com

By phone: 1-800-342-5775 or call BillMatrix (service fee applies) at 1-800-672-2413 to pay using Visa, MasterCard, Discover or debit card.

By Mail:
2 North 9th Street
CPC-GENN1
Allentown, PA 18101-1175

Correspondence should be sent to:
Customer Services
827 Hausman Road
Allentown, PA 18104-9392

Other important information on the back of this bill →

Return this stub in the envelope provided with a check payable to PPL Electric Utilities.



PPL Electric Utilities

Bill/Account No.	Due Date	Amount Due
67277-97002	Jul 10, 2014	\$102.35

Amount Enclosed:

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HB 01 003067 38039 8 16 A



LARRY MOYER
370 W JOHNSON ST UNIT C1
PHILADELPHIA, PA 19144-3119

PPL ELECTRIC UTILITIES
2 NORTH 9TH STREET CPC-GENN1
ALLENTOWN, PA 18101-1175



1 1800001023580000102354 6727797002

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:

PPL Electric Utilities
 Customer Services
 827 Hausman Rd
 Allentown, PA 18104-9392
 Phone: 1-800-342-5775
 (1-800-DIAL-PPL)
 pplelectric.com

Manage Your Account

Visit pplelectric.com for self-service options including:

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- Start/stop service.
- Enroll in paperless billing, automatic bill pay, budget billing.
- Report an outage, check outage status, and more.

View your rate schedule at pplelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$0.12 of this bill to pay state taxes and about \$5.98 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Act 129 Compliance Rider - Charge to recover costs associated with Energy Efficiency and Conservation programs for customers as approved by the Public Utility Commission.

Competitive Enhancement Rider - Charge to recover costs related to implementing the Public Utility Commission's retail market enhancement programs, including certain consumer education costs.

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System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.

kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.

Billing Details - (Bill Acct. 67277-97002)

Previous Balance	\$84.96
Balance as of Jun 24, 2014	\$84.96
Charges for - PPL Electric Utilities	
General Service Rate: GS1 for May 12 - Jun 11	
Distribution Charge:	
Customer Charge	16.00
Competitive Enhancement Rider	0.03
System Improvement Charge at 2.35%	0.38
PA Tax Adj Surcharge at -0.08500000%	-0.01
PA Sales Tax	0.99
Total PPL Electric Utilities Charges	\$17.39
Amount Due By Jul 10, 2014	\$102.35
Account Balance	\$102.35

kWh Use By Meter						
Reading Dates		Meter Number	Meter Constant	Meter Reading		Kilowatt Hours
Previous	Present			Previous	Present	
May 12	May 12	10069153	1	94161	94161	0
May 12	Jun 11	10069153	1	85192	85192	0
..Days Billed: 30					Total	0

State Tax Adjustment Surcharge - Charge or credit on electric rates to reflect changes in various state taxes included in your bill. The surcharge may vary by bill component.

Type(s) of Meter Readings:
 Actual - Reading by distribution company.

*Federal I.D. 23-0959590



PPL Electric Utilities

Questions? Please contact us by Aug 7. 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

Adjusted Bill

Page 1

Bill Acct. No.	Due Date	Amount Due
67277-97002	Aug 7, 2014	\$119.81

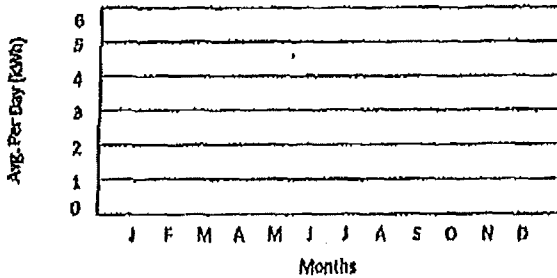
Your Electric Usage Profile

Service to:
LARRY MOYER
73 WOODS RD, SOLAR PANELS
KLINGERSTOWN, PA 17941

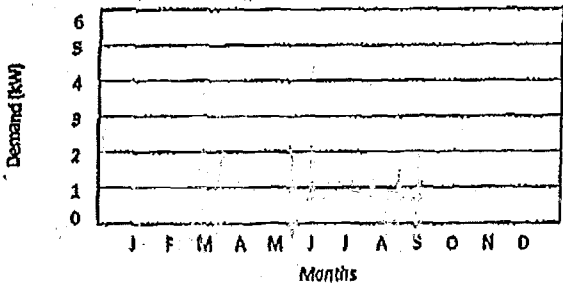
Your next meter reading is on or about Aug 11, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.

2013 2014



2013 2014



Billing Summary

(Billing details on back)

Balance as of Jul 22, 2014	\$102.35
Charges:	
Total PPL Electric Utilities Charges	\$17.46
Total Charges	\$119.81
Amount Due By Aug 7, 2014	\$119.81
Account Balance	\$119.81

PPL Electric Utilities' price to compare for your rate is \$0.09585 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oca.state.pa.us for supplier offers.

Your Message Center

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- Save postage and late charges - sign up for Automated Bill Payment.

Payment Methods

Online at: pplelectric.com

By phone: 1-800-342-5775 or call BillMatrix (service fee applies) at 1-800-672-2413 to pay using Visa, MasterCard, Discover or debit card.

By Mail: 2 North 9th Street CPC-GENN1 Allentown, PA 18101-1175

Correspondence should be sent to: Customer Services 827 Hausman Road Allentown, PA 18104-9392

Other Important Information on the back of this bill →

Return this stub in the envelope provided with a check payable to PPL Electric Utilities.



PPL Electric Utilities

HB 01 004382 61087 B 20 B



LARRY MOYER
370 W JOHNSON ST UNIT 01
PHILADELPHIA, PA 19144-3119

Bill Acct. No.	Due Date	Amount Due
67277-97002	Aug 7, 2014	\$119.81

Amount Enclosed:

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PPL ELECTRIC UTILITIES
2 NORTH 9TH STREET CPC-GENN1
ALLENTOWN, PA 18101-1175



1 3800001198160000119814 6727797002

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:

PPL Electric Utilities
 Customer Services
 827 Hausman Rd
 Allentown, PA 18104-9392
 Phone: 1-800-342-5775
 (1-800-DIAL-PPL)
 ppelectric.com

Manage Your Account

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- Make a payment, set up a payment agreement.
- Start/stop service.
- Enroll in paperless billing, automatic bill pay, budget billing.
- Report an outage, check outage status, and more.

View your rate schedule at ppelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$0.14 of this bill to pay state taxes and about \$7.01 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Act 129 Compliance Rider - Charge to recover costs associated with Energy Efficiency and Conservation programs for customers as approved by the Public Utility Commission.

Competitive Enhancement Rider - Charge to recover costs related to implementing the Public Utility Commission's retail market enhancement programs, including certain consumer education costs.

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System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.

kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.

Billing Details - (Bill Acct. 67277-97002)

Page 2

Previous Balance	\$102.35
Balance as of Jul 22, 2014	\$102.35
Charges for - PPL Electric Utilities	
General Service Rate: GS1 for Jun 11 - Jul 11	
Distribution Charge:	
Customer Charge	16.00
Competitive Enhancement Rider	0.03
System Improvement Charge at 2.79%	0.45
PA Tax Adj Surcharge at -0.08500000%	-0.01
PA Sales Tax	0.99
Total PPL Electric Utilities Charges	\$17.46
Amount Due By Aug 7, 2014	\$119.81
Account Balance	\$119.81

kWh Use By Meter						
Reading Dates		Meter Number	Meter Constant	Meter Reading		Kilowatt Hours
Previous	Present			Previous	Present	
Jun 11	Jul 11	10069153	1	85192	85192	0
Days Billed: 30					Total	0

State Tax Adjustment Surcharge - Charge or credit on electric rates to reflect changes in various state taxes included in your bill. The surcharge may vary by bill component.

Type(s) of Meter Readings:
 Actual - Reading by distribution company.

*Federal I.D. 23-0959590



PPL Electric Utilities

Questions? Please contact us by Aug 28. 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

Adjusted Bill

Page 1

Bill Acct. No.	Due Date	Amount Due
67277-97002	Aug 28, 2014	\$137.27

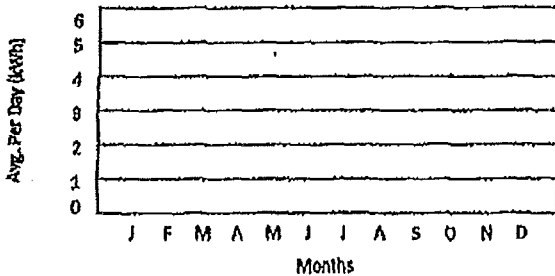
Your Electric Usage Profile

Service to:
LARRY MOYER
73 WOODS RD, SOLAR PANELS
KLINGERSTOWN, PA 17941

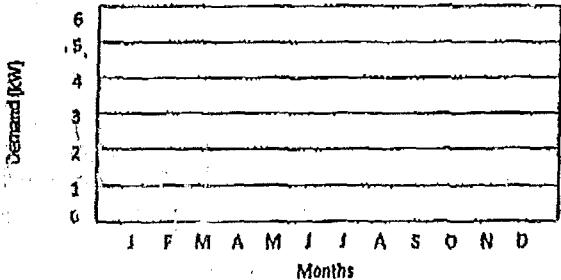
Your next meter reading is on or about Sep 10, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.

2013 2014



2013 2014



Billing Summary

(Billing details on back)

Balance as of Aug 12, 2014	\$119.81
Charges:	
Total PPL Electric Utilities Charges	\$17.46
Total Charges	\$137.27
Amount Due By Aug 28, 2014	\$137.27
Account Balance	\$137.27

PPL Electric Utilities' price to compare for your rate is \$0.09585 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oca.state.pa.us for supplier offers.

Your Message Center

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pplelectric.com

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at 1-800-672-2419 to pay using Visa,
MasterCard, Discover or debit card.

By Mail:
2 North 9th Street
CPC-GENN1
Allentown, PA 18101-1175

Correspondence should be sent to:
Customer Services
827 Hausman Road
Allentown, PA 18104-9392

Other important information on the back of this bill →

Return this stub in the envelope provided with a check payable to PPL Electric Utilities.



PPL Electric Utilities

HB 01 003892 62002 B 17 A



LARRY MOYER
370 W JOHNSON ST UNIT C1
PHILADELPHIA, PA 19144-3110

Bill Acct. No.	Due Date	Amount Due
67277-97002	Aug 28, 2014	\$137.27

Amount Enclosed:

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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PPL ELECTRIC UTILITIES
2 NORTH 9TH STREET CPC-GENN1
ALLENTOWN, PA 18101-1175



1 5800001372780000137274 6727797002

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:

PPL Electric Utilities
 Customer Services
 827 Hausman Rd
 Allentown, PA 18104-9392
 Phone: 1-800-342-5775
 (1-800-DIAL-PPL)
 ppelectric.com

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- Start/stop service.
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- Report an outage, check outage status, and more.

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General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$0.16 of this bill to pay state taxes and about \$8.04 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Act 129 Compliance Rider - Charge to recover costs associated with Energy Efficiency and Conservation programs for customers as approved by the Public Utility Commission.

Competitive Enhancement Rider - Charge to recover costs related to implementing the Public Utility Commission's retail market enhancement programs, including certain consumer education costs.

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kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.

Billing Details - (Bill Acct. 67277-97002)

Page 2

Previous Balance	\$119.81
Balance as of Aug 12, 2014	\$119.81
Charges for - PPL Electric Utilities	
General Service Rate: GS1 for Jul 11 - Aug 11	
Distribution Charge:	
Customer Charge	16.00
Competitive Enhancement Rider	0.03
System Improvement Charge at 2.79%	0.45
PA Tax Adj Surcharge at -0.08500000%	-0.01
PA Sales Tax	0.99
Total PPL Electric Utilities Charges	\$17.46
Amount Due By Aug 28, 2014	\$137.27
Account Balance	\$137.27

kWh Use By Meter						
Reading Dates		Meter Number	Meter Constant	Meter Reading		Kilowatt Hours
Previous/	Present			Previous/	Present	
Jul 11	Aug 11	10069158	1	85192	85192	0
Days Billed: 31				Total		0

State Tax Adjustment Surcharge - Charge or credit on electric rates to reflect changes in various state taxes included in your bill. The surcharge may vary by bill component.

Type(s) of Meter Readings:
 Actual - Reading by distribution company.

*Federal I.D. 23-0959590



PPL Electric Utilities

Questions? Please contact us by May 1. 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

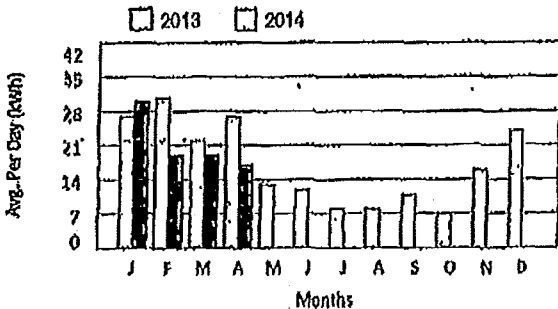
Bill Acct. No.	Due Date	Amount Due
06476-21001	May 1, 2014	\$421.54

Your Electric Usage Profile

Service to:
LARRY MOYER
73 WOODS RD
KLINGERSTOWN, PA 17941

Meter: 49749430
Your next meter reading is on or about May 12, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.



Monthly Comparison	Days Billed	kWh	Average kWh/Day	Average Temp.
Apr 2014	30	517	17	88F
Apr 2013	30	797	27	99F

Billing Period	Type	Reading
Apr 10	Actual	48584
Mar 11	Actual	48067
30 Days	kWh Billed	517

Yearly Comparison	Total Use	Avg. Monthly
May 2013 - Apr 2014	5603	467
May 2012 - Apr 2013	6140	512

Billing Summary

(Billing details on back)

Balance as of Apr 10, 2014	\$356.70
Charges:	
Total PPL Electric Utilities Charges	\$64.84
Total Charges	\$421.54
Amount Due By May 1, 2014	\$421.54
Account Balance	\$421.54

PPL Electric Utilities' price to compare for your rate is \$0.08754 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.pca.state.pa.us for supplier offers.

Your Message Center

- With paperless billing, you can receive and pay your PPL Electric Utilities bills online. The process is free, quick, convenient and secure. To learn more or sign up, visit pplelectric.com.
- Information about appliance energy use and tips on saving energy are available through the Energy Library on our Web site, pplelectric.com/e-power
- Before digging around your home or property, you should always call the state's One Call notification system to locate any underground utility lines. You can do this by simply dialing 811, which will connect you to the One Call system. Be safe and call 811 before you dig.

Payment Methods

Online at: pplelectric.com

By phone: 1-800-342-5775 or call BillMatrix (service fee applies) at 1-800-672-2413 to pay using Visa, MasterCard, Discover or debit card.

By Mail: 2 North 9th Street CPC-GENN1 Allentown, PA 18101-1175

Correspondence should be sent to: Customer Services 827 Hausman Road Allentown, PA 18104-9992

Other important information on the back of this bill →



PPL Electric Utilities

Return this part in the envelope provided with a check payable to PPL Electric Utilities.

Bill Acct. No.	Due Date	Amount Due
06476-21001	May 1, 2014	\$421.54

Amount Enclosed:

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AB 01 003400 02405 B 15 B



LARRY MOYER
370 W JOHNSON ST UNIT C1
PHILADELPHIA, PA 19144-3119

PPL ELECTRIC UTILITIES
2 NORTH 9TH STREET CPC-GENN1
ALLENTOWN, PA 18101-1175



1 9500004215450000421542 0647621001

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:

PPL Electric Utilities
 Customer Services
 827 Hausman Rd
 Allentown, PA 18104-9392
 Phone: 1-800-342-5775
 (1-800-DIAL-PPL)
 pplelectric.com

Manage Your Account

Visit pplelectric.com for self-service options including:

- View your bill, payment, and usage history.
- Make a payment, set up a payment agreement.
- Start/stop service.
- Enroll in paperless billing, automatic bill pay, budget billing.
- Report an outage, check outage status, and more.

View your rate schedule at pplelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$0.51 of this bill to pay state taxes and about \$25.56 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Customer Charge - Monthly basic distribution charge to cover costs for billing, meter reading, equipment, maintenance and advanced metering when in use.

Distribution Charge - Charge for the use of local wires, transformers, substations and other equipment used to deliver electricity to end-use consumers from the high voltage transmission lines.

System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.

Generation Charge - Charge for the production of electricity.

kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.

Rate RS - Rate for service to a private home.

Billing Details - (Bill Acct. 06476-21001)

Page 2

Previous Balance	\$356.70
Balance as of Apr 10, 2014	\$356.70
Charges for - PPL Electric Utilities	
Residential Rate: RS for Mar 11 - Apr 10	
Distribution Charge:	
Customer Charge	14.12
517 kWh at 3.20166500¢ per kWh	16.55
System Improvement Charge at 2.85%	0.72
PA Tax Adj Surcharge at -0.08500000%	-0.03
Transmission Charge:	
517 kWh at 0.91100000¢ per kWh	4.71
Generation Charge:	
Capacity and Energy	40.55
517 kWh at 7.84300000¢ per kWh	
Total PPL Electric Utilities Charges	\$76.62
Other Charges for PPL Electric Utilities	
Excess Credit	-11.78
Total of Other Charges	-\$11.78
Amount Due By May 1, 2014	\$421.54
Account Balance	\$421.54



PPL Electric Utilities

Questions? Please contact us by Jun 2, 1-800-DIAL-PPL (1-800-342-5775) M-F 8am to 5pm

Visit us online at pplelectric.com

Bill Acct. No.	Due Date	Amount Due
06476-21001	Jun 2, 2014	\$455.36

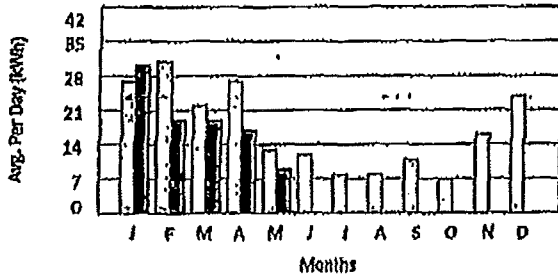
Your Electric Usage Profile

Service to: LARRY MOYER 73 WOODS RD KLINGERSTOWN, PA 17941

Meter: 49749430 Your next meter reading is on or about Jun 11, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.

2013 2014



Monthly Comparison	Days Billed	kWh	Average kWh/Day	Average Temp.
May 2014	32	299	9	59F
May 2013	30	388	13	54F

Billing Period	Type	Reading
May 12	Actual	48863
Apr 10	Actual	48564
32 Days	kWh Billed	299

Yearly Comparison	Total Use	Avg. Monthly
Jun 2013 - May 2014	5514	460
Jun 2012 - May 2013	6181	515

Billing Summary (Billing details on back)

Balance as of May 12, 2014	\$421.54
Charges:	
Total PPL Electric Utilities Charges	\$93.82
Total Charges	\$455.36
Amount Due By Jun 2, 2014.	\$455.36
Account Balance	\$455.36

PPL Electric Utilities' price to compare for your rate is \$0.08754 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.pca.state.pa.us for supplier offers.

Your Message Center

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- Before digging around your home or property, you should always call the state's One Call notification system to locate any underground utility lines. You can do this by simply dialing 811, which will connect you to the One Call system. Be safe and call 811 before you dig.

Payment Methods

- Online at: pplelectric.com
 - By phone: 1-800-342-5775 or call Bill Matrix (service fees apply) at 1-800-672-2413 to pay using Visa, MasterCard, Discover or debit card.
 - By Mail: 2 North 9th Street CPC-GENN1 Allentown, PA 18101-1175
- Correspondence should be sent to: Customer Services 827 Hausman Road Allentown, PA 18104-9892

Other Important Information on the back of this bill ->

Return this stub in the envelope provided with a check payable to PPL Electric Utilities.



PPL Electric Utilities

HB 01 005205 16897 B 22 B



LARRY MOYER 370 W JOHNSON ST UNIT C1 PHILADELPHIA, PA 19144-3119

Bill Acct. No.	Due Date	Amount Due
06476-21001	Jun 2, 2014	\$455.36

Amount Enclosed:

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PPL ELECTRIC UTILITIES 2 NORTH 9TH STREET CPC-GENN1 ALLENTOWN, PA 18101-1175



1 9900004553690000455362 0647621001

006205 37

18

15

0267

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:

PPL Electric Utilities Phone: 1-800-342-5775
 Customer Services (1-800-DIAL-PPL)
 827 Hausman Rd
 Allentown, PA 18104-9392
 pplelectric.com

Manage Your Account

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- Start/stop service.
- Enroll in paperless billing, automatic bill pay, budget billing.
- Report an outage, check outage status, and more.

View your rate schedule at pplelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$0.56 of this bill to pay state taxes and about \$27.84 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Customer Charge - Monthly basic distribution charge to cover costs for billing, meter reading, equipment, maintenance and advanced metering when in use.

Distribution Charge - Charge for the use of local wires, transformers, substations and other equipment used to deliver electricity to end-use consumers from the high voltage transmission lines.

System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.

Generation Charge - Charge for the production of electricity.

kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.

Rate RS - Rate for service to a private home.

Billing Details - (Bill Acct. 06476-21001)

Previous Balance	\$421.54	
Balance as of May 12, 2014		\$421.54
Charges for - PPL Electric Utilities		
Residential Rate: RS for Apr 10 - May 12		
Distribution Charge:		
Customer Charge	14.12	
299 kWh at 3.21500000¢ per kWh	9.61	
System Improvement Charge at 2.35%	0.56	
PA Tax Adj Surcharge at -0.08500000%	-0.02	
Transmission Charge:		
299 kWh at 0.91100000¢ per kWh	2.72	
Generation Charge:		
Capacity and Energy		
299 kWh at 7.84300000¢ per kWh	23.45	
Total PPL Electric Utilities Charges		\$50.44
Other Charges for PPL Electric Utilities		
Excess Credit	-16.62	
Total of Other Charges		\$-16.62
Amount due by Jun 2, 2014		\$455.36
Account Balance		\$455.36

State Tax Adjustment Surcharge - Charge or credit on electric rates to reflect changes in various state taxes included in your bill. The surcharge may vary by bill component.

Transmission Charge - Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.

Type(s) of Meter Readings:
Actual - Reading by distribution company.





PPL Electric Utilities

Questions? Please contact us by Jul 2, 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

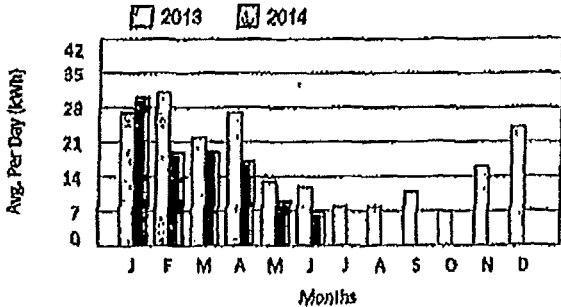
Bill Acct. No.	Due Date	Amount Due
06476-21001	Jul 2, 2014	\$472.70

Your Electric Usage Profile

Service to:
LARRY MOYER
73 WOODS RD
KLINGERSTOWN, PA 17941

Meter: 49749430
Your next meter reading is on or about Jul 11, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.



Monthly Comparison	Days Billed	kWh	Average kWh/Day	Average Temp.
Jun 2014	30	222	7	64F
Jun 2013	32	374	12	63F

Billing Period	Type	Reading
Jun 11	Actual	49105
May 12	Actual	48883
30 Days	kWh Billed	222

Yearly Comparison	Total Use	Avg. Monthly
Jul 2013 - Jun 2014	5362	447
Jul 2012 - Jun 2013	6274	523

Billing Summary

(Billing details on back)

Balance as of Jun 11, 2014	\$455.86
Charges:	
Total PPL Electric Utilities Charges	\$17.84
Total Charges	\$472.70
Amount Due By Jul 2, 2014	\$472.70
Account Balance	\$472.70

PPL Electric Utilities' price to compare for your rate is \$0.09036 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oca.state.pa.us for supplier offers.

Your Message Center

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- Before digging around your home or property, you should always call the state's One Call notification system to locate any underground utility lines. You can do this by simply dialing 811, which will connect you to the One Call system. Be safe and call 811 before you dig.

Payment Methods

Online at pplelectric.com

By phone: 1-800-342-5775 or call BillMatrix (service fee applies) at 1-800-672-2418 to pay using Visa, MasterCard, Discover or debit card.

By Mail: 2 North 9th Street, CPC-GENN1 Allentown, PA 18101-1175

Correspondence should be sent to: Customer Services 827 Hausman Road Allentown, PA 18104-9392

Other important information on the back of this bill →

Return this stub in the envelope provided with a check payable to PPL Electric Utilities.



PPL Electric Utilities

MB 01 003906 28430 B 16 C



LARRY MOYER
370 W JOHNSON ST UNIT 01
PHILADELPHIA, PA 19144-3119

Bill Acct. No.	Due Date	Amount Due
06476-21001	Jul 2, 2014	\$472.70

Amount Enclosed:



PPL ELECTRIC UTILITIES
2 NORTH 9TH STREET OPC-GENN1
ALLENTOWN, PA 18101-1175



1 1900004727090000472702 0647621001

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:
 ☐ PPL Electric Utilities Customer Services
 827 Hausman Rd
 Allentown, PA 18104-9392
 Phone: 1-800-342-5775
 (1-800-DIAL-PPL)
 pplelectric.com

Manage Your Account

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 -Start/stop service.
 -Enroll in paperless billing, automatic bill pay, budget billing.
 -Report an outage, check outage status, and more.
 View your rate schedule at pplelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
 PPL Electric Utilities uses about \$0.59 of this bill to pay state taxes and about \$29.31 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Customer Charge - Monthly basic distribution charge to cover costs for billing, meter reading, equipment, maintenance and advanced metering when in use.
Distribution Charge - Charge for the use of local wires, transformers, substations and other equipment used to deliver electricity to and use consumers from the high voltage transmission lines.
System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.
Generation Charge - Charge for the production of electricity.
kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.
Rate RS - Rate for service to a private home.

Billing Details - (Bill Acct. 06476-21001)

Previous Balance	\$455.96
Balance as of Jun 11, 2014	\$455.96
Charges for - PPL Electric Utilities	
Residential Rate: RS for May 12 - Jun 11	
Distribution Charge:	
Customer Charge	14.12
222 kWh at 3.22086500¢ per kWh	7.15
System Improvement Charge at 2.35%	0.50
PA Tax Adj Surcharge at -0.08500000%	-0.02
Transmission Charge:	
222 kWh at 0.96966500¢ per kWh	2.15
Generation Charge:	
Capacity and Energy	
222 kWh at 7.88773200¢ per kWh	17.52
Total PPL Electric Utilities Charges	\$41.42
Other Charges for PPL Electric Utilities	
Excess Credit	-24.08
Total of Other Charges	\$-24.08
Amount Due By Jul 2, 2014	\$472.70
Account Balance	\$472.70

State Tax Adjustment Surcharge - Charge or credit on electric rates to reflect changes in various state taxes included in your bill. The surcharge may vary by bill component.
Transmission Charge - Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.
Type(s) of Meter Readings:
 Actual - Reading by distribution company.

3.2208
 .9696
 7.8877



PPL Electric Utilities

Questions? Please contact us by Aug 1: 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

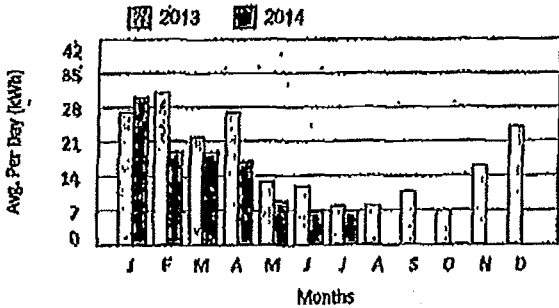
Bill Acct. No.	Due Date	Amount Due
06476-21001	Aug 1, 2014	\$487.22

Your Electric Usage Profile

Service to: LARRY MOYER 73 WOODS RD KLINGERSTOWN, PA 17941

Meter: 49749430 Your next meter reading is on or about Aug 11, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.



Monthly Comparison	Days Billed	kWh	Average kWh/Day	Average Temp.
Jul 2014	30	222	7	71F
Jul 2013	30	258	8	72F

Billing Period	Type	Reading
Jul 11	Actual	49327
Jun 11	Actual	49105
30 Days	kWh Billed	222

Yearly Comparison	Total Use	Avg. Monthly
Aug 2013 - Jul 2014	5931	444
Aug 2012 - Jul 2013	6291	524

Billing Summary

(Billing details on back)

Balance as of Jul 11, 2014 \$472.70

Charges: Total PPL Electric Utilities Charges \$14.52

Total Charges \$487.22

Amount Due by Aug 1, 2014 \$487.22

Account Balance \$487.22

PPL Electric Utilities' price to compare for your rate is \$0.09036 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oca.state.pa.us for supplier offers.

Your Message Center

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- Before digging around your home or property, you should always call the state's One Call notification system to locate any underground utility lines. You can do this by simply dialing 811, which will connect you to the One Call system. Be safe and call 811 before you dig.

Payment Methods

Online at: pplelectric.com

By phone: 1-800-342-5775 or call BillMatrix (service fee applies) at 1-800-672-2413 to pay using Visa, MasterCard, Discover or debit card.

By Mail: 2 North 9th Street CPC-GENN1 Allentown, PA 18101-1175

Correspondence should be sent to: Customer Services 827 Hausman Road Allentown, PA 18104-9392

Other important information on the back of this bill ->

Return this stub in the envelope provided with a check payable to PPL Electric Utilities.



PPL Electric Utilities

HB 01 004181 46331 B 19 C

LARRY MOYER 370 W JOHNSON ST UNIT C1 PHILADELPHIA, PA 19144-3119

Bill Acct. No.	Due Date	Amount Due
06476-21001	Aug 1, 2014	\$487.22

Amount Enclosed:

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PPL ELECTRIC UTILITIES 2 NORTH 9TH STREET CPC-GENN1 ALLENTOWN, PA 18101-1175

1 7800004872280000487222 0647621001

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:
 PPL Electric Utilities
 Customer Services
 827 Hausman Rd
 Allentown, PA 18104-9892
 Phone: 1-800-342-5775
 (1-800-DIAL-PPL)
 ppelectric.com

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General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
 PPL Electric Utilities uses about \$0.61 of this bill to pay state taxes and about \$30.36 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Customer Charge - Monthly basic distribution charge to cover costs for billing, meter reading, equipment, maintenance and advanced metering when in use.
Distribution Charge - Charge for the use of local wires, transformers, substations and other equipment used to deliver electricity to end-use consumers from the high voltage transmission lines.
System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.
Generation Charge - Charge for the production of electricity.
kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.
Rate RS - Rate for service to a private home.

Billing Details - (Bill Acct. 06476-21004)

Previous Balance	\$472.70
Balance as of Jul 11, 2014	\$472.70
Charges for - PPL Electric Utilities	
Residential Rate: RS for Jun 11 - Jul 11	
Distribution Charge:	
Customer Charge	14.12
222 kWh at 3.23100000¢ per kWh	7.17
System Improvement Charge at 2.79%	0.59
PA Tax Adj Surcharge at -0.08500000%	-0.02
Transmission Charge:	
222 kWh at 1.07100000¢ per kWh	2.38
Generation Charge:	
Capacity and Energy	
222 kWh at 7.96500000¢ per kWh	17.68
Total PPL Electric Utilities Charges	\$41.92
Other Charges for PPL Electric Utilities	
Excess Credit	-27.40
Total of Other Charges	\$-27.40
Amount Due By/Aug 11 2014	\$487.22
Account Balance	\$487.22

7.965
1.071



PPL Electric Utilities

Questions? Please contact us by Sep 2. 1-800-DIAL-PPL (1-800-342-5775) M-F: 8am to 5pm

Visit us online at pplelectric.com

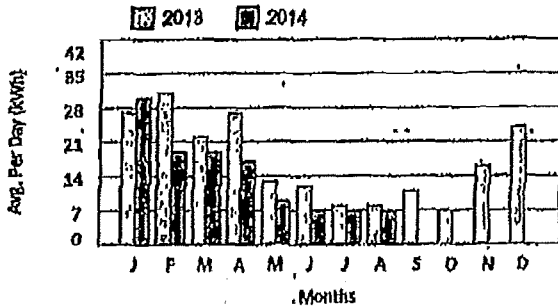
Bill Acct. No.	Due Date	Amount Due
06476-21001	Sep 2, 2014	\$502.34

Your Electric Usage Profile

Service to:
LARRY MOYER
73 WOODS RD
KLINGERSTOWN, PA 17941

Meter: 49749430
Your next meter reading is on or about Sep 10, 2014.

This section helps you understand your year-to-year electric use by month. Meter readings are actual unless otherwise noted.



Monthly Comparison	Days Billed	kWh	Average kWh/Day	Average Temp.
Aug 2014	31	227	7	70F
Aug 2013	29	222	8	72F

Billing Period	Type	Reading
Aug 11	Actual	49554
Jul 11	Actual	49327
31 Days	kWh Billed	227

Yearly Comparison	Total Use	Avg. Monthly
Sep 2013 - Aug 2014	5336	445
Sep 2012 - Aug 2013	6214	518

Billing Summary

(Billing details on back)

Balance as of Aug 11, 2014	\$487.22
Charges:	
Total PPL Electric Utilities Charges	\$15.12
Total Charges	\$502.34
Amount Due By Sep 2, 2014	\$502.34
Account Balance	\$502.34

PPL Electric Utilities' price to compare for your rate is \$0.09036 per kWh. This changes the 1st of Mar, Jun, Sept, and Dec. Visit papowerswitch.com or www.oca.state.pa.us for supplier offers.

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By Mail: 2 North 9th Street CPC-GENN1 Allentown, PA 18101-1175

Correspondence should be sent to: Customer Services 827 Hausman Road Allentown, PA 18104-9392

Other important information on the back of this bill →

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PPL Electric Utilities

HB 01 004487 81398 0 20 A



LARRY MOYER
370 W JOHNSON ST UNIT C1
PHILADELPHIA, PA 19144-3119

Bill Acct. No.	Due Date	Amount Due
06476-21001	Sep 2, 2014	\$502.34

Amount Enclosed:



PPL ELECTRIC UTILITIES
2 NORTH 9TH STREET CPC-GENN1
ALLENTOWN, PA 18101-1175



1 7300005023430000502342 0647621001

Your Default Supplier Contact Info.

For questions regarding the generation and transmission portions of this bill, please contact your supplier at:
 ☒ PPL Electric Utilities Customer Services
 827 Hausman Rd Allentown, PA 18104-9392
 Phone: 1-800-342-5775 (1-800-DIAL-PPL)
 pplelectric.com

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 -Make a payment, set up a payment agreement.
 -Start/stop service.
 -Enroll in paperless billing, automatic bill pay, budget billing.
 -Report an outage, check outage status, and more.
 View your rate schedule at pplelectric.com/rates or call 1-800-342-5775 to request a copy.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
 PPL Electric Utilities uses about \$0.63 of this bill to pay state taxes and about \$31.25 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Customer Charge - Monthly basic distribution charge to cover costs for billing, meter reading, equipment, maintenance and advanced metering when in use.
Distribution Charge - Charge for the use of local wires, transformers, substations and other equipment used to deliver electricity to end-use consumers from the high voltage transmission lines.
System Improvement Charge - A charge used to recover costs for repairing, improving, or replacing distribution facilities in order to provide safe, reliable, and efficient service.
Generation Charge - Charge for the production of electricity.
kWh (Kilowatt-hour) - The basic unit of electric energy for which most customers are charged. The amount of electricity used by ten 100-watt lights left on for 1 hour. Consumers are usually charged for electricity in cents per kilowatt-hour.
Rate RS - Rate for service to a private home.

Billing Details - (Bill Acct. 06476-21001)

Previous Balance	\$487.22
Balance as of Aug 11, 2014	\$487.22
Charges for - PPL Electric Utilities	
Residential Rate: RS for Jul 11 - Aug 11	
Distribution Charge:	
Customer Charge	14.12
227 kWh at 9.23419200¢ per kWh	7.34
System Improvement Charge at 2.79%	0.60
PA Tax Adj Surcharge at -0.08500000%	-0.02
Transmission Charge:	
227 kWh at 1.07100000¢ per kWh	2.43
Generation Charge:	
Capacity and Energy	18.08
227 kWh at 7.96500000¢ per kWh	
Total PPL Electric Utilities Charges	\$42.55
Other Charges for PPL Electric Utilities	
Excess Credit	-27.43
Total of Other Charges	\$-27.43
Amount Due By Sep 2, 2014	\$502.34
Account Balance	\$502.34

Full Retail = 17.27

17

Compilation

<u>2013</u>	Rdg	Gen(Kwh)	per-unit	Credits
Apr	89334	480	10.381	49.83
May	88747	587	10.381	40.28
June	88141	606	11.08	0
July	87586	555	11.08	69.47
Aug	87041	545	11.08	24.60
Sept.	86444	597	11.641	41.79
Oct.	85933	511	11.659	22.97
<hr/>		3401		
NOV.	85820			
DEC.	85745			

Bank - 2014

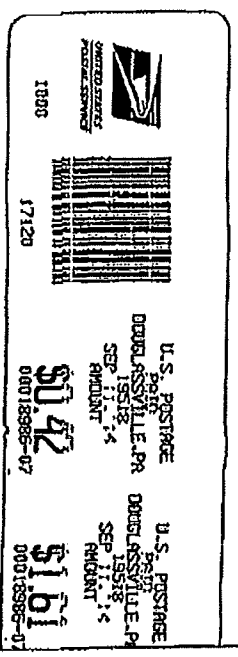
May	- 9.71
June	18.20
July	30.63
Aug	56.50
Sept.	

GATS

Apr	495
May	595
June	637
July	672
Aug	572
Sept	488

Larry Meyer
370 W. Johnson St (c-1)
Phila., PA 19144

Ms. Rosamary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North St.
Harrisburg, PA 17120



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Appendix “C”

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer	:	
	:	
v.	:	C-2011-2273645
	:	C-2014-2444864
PPL Electric Utilities Corporation	:	

INITIAL DECISION ON REMAND

Before
Cynthia Williams Fordham
Administrative Law Judge

This proceeding involves two formal complaints filed by Jay Larry Moyer regarding the billing process and payments for virtual meter aggregation electric service provided to Mr. Moyer's house and detached solar facility. In the first complaint, Docket No. C-2011-2273645, Mr. Moyer alleges that PPL Electric failed to aggregate his accounts under its virtual net meter aggregation tariff and that he did not receive proper credits or payments for the electricity that was generated by his solar panels. In the second complaint, Docket No. C-2014-2444864, Mr. Moyer alleges that PPL Electric's billing processes were inaccurate and that information was missing from the bills for his virtual net meter aggregation accounts. Mr. Moyer requests that the Commission require PPL Electric to automate the billing process for its virtual metering customers.

Mr. Moyer failed to prove that PPL Electric did not aggregate his accounts in compliance with its tariff and the Commission's regulations. PPL Electric has presented compelling reasons for not automating the billing process for virtual metering customers. Mr. Moyer has failed to provide additional evidence to outweigh PPL Electric's argument. The first complaint is granted with respect to compensation for credits "earned" between May and December 2010 and to allow Mr. Moyer's facilities to be regarded as a virtual metering facility

unless there is a change in the law or PPL Electric's tariff. The other allegations in the complaints are dismissed.

HISTORY OF THE PROCEEDING

On November 15, 2011, Jay Larry Moyer ("Moyer" or the "Complainant"), through his counsel, filed a formal complaint with the Pennsylvania Public Utility Commission ("Commission") against PPL Electric Utilities Corporation ("PPL" or the "Respondent") regarding electric service to 73 Woods Road in Klingerstown, PA. This complaint ("first complaint") was docketed at Docket No. C-2011-227345. The Complainant alleged, among other things, the following: 1) that the Complainant contacted the Respondent regarding the installation of solar panels at his property; 2) that the Respondent assigned account number xxxxx-21001 to the meter on the Complainant's house and assigned account number xxxx-97002 to the meter associated with the Complainant's solar panels; 3) that the solar panels were mounted, inspected and approved by the Respondent in March 2009; 4) that the Complainant did not receive credits or payments for the electricity that was generated by his solar panels between April 2009 and February 2010; 5) that the checks that he received since April 2010 did not have an accounting or explanation of the payment; and 6) that the Respondent has failed to properly aggregate the Complainant's accounts according to the virtual net metering provisions in the Respondent's Net Metering Rider. The Complainant requested that the Commission order the Respondent to apply virtual net metering to the Complainant's two accounts; disclose all credits and/or payments that have been made to the Complainant; and, if necessary, fully reimburse the Complainant for the electricity generated.

On December 8, 2011, the Respondent filed an Answer. The Respondent requested that the complaint be dismissed. The Respondent stated that the Commission's mediation process was an appropriate forum to address the issues set forth in the complaint. In the Answer, the Respondent admitted that the Complainant contacted it regarding the installation of solar panels at his property. The Respondent explained that for purposes of net and virtual metering, the account associated with the Complainant's solar panels is called the host account and the account associated with the Complainant's house is called the satellite account. The

Respondent admitted that the Complainant's solar panels were mounted, inspected and approved by the Respondent in March 2009. The Respondent admitted that it did not aggregate the excess, uncredited kilowatt hours generated from the Complainant's solar panels with the usage at the Complainant's residence from March 2009 through December 2009. However, the Respondent averred that it aggregated the excess, uncredited kilowatt hours generated from the Complainant's solar panels with the usage at the Complainant's residence from January 2010 through May 2010. The Respondent denied that it failed to compensate the Complainant for the excess generation produced by the solar panels. The Respondent explained that it would apply its virtual meter aggregation program to qualifying host and satellite accounts in accordance with all applicable laws and the Respondent's electric tariff.

On March 12, 2012 John K. Baille, Esquire, withdrew as counsel for the Complainant.

The matter was referred to the Mediation Unit. By mediation notice dated March 22, 2012, a mediation session was scheduled for April 10, 2012.

By hearing notice dated May 29, 2012, a hearing was scheduled for July 10, 2012, and the matter was assigned to the undersigned.

At the request of the Complainant, the July 10, 2012 hearing was rescheduled for August 15, 2012. The hearing notice was dated June 4, 2012.

A Prehearing Order was sent to the parties on July 19, 2012.

A hearing was held in this matter in the Philadelphia Regional Office on August 15, 2012, before Administrative Law Judge Cynthia Williams Fordham. The Complainant, Jay Larry Moyer, and two witnesses¹: Charles Reichner, the owner of Heat Shed;

¹ The Respondent's attorney objected to the direct testimony of Donald Kohn, another PPL customer with a PV solar system. The Complainant indicated that Mr. Kohn was prepared to testify about his experience with obtaining records from the Respondent (1 Tr. 79-80). Since Mr. Kohn did not have direct knowledge of the

and Ron Celentano, a solar photovoltaic industry consultant, testified in support of the complaint and sponsored eighteen exhibits.

Complainant's Exhibits 1 and 2-pictures of the solar system and the light on the pole;
Complainant's Exhibits 3, 4, 5 and 6 were not admitted into the record (1 Tr. 120-123);²
Complainant's Exhibit 7 - credits applied to the satellite account;
Complainant's Exhibits 8 and 9 were withdrawn (1 Tr. 126, 127, 133);
Complainant's Exhibit 10 - net metering regulations;
Complainant's Exhibit 11 - register;
Complainant's Exhibit 12 - June, July, August and September 2011 bills;
Complainant's Exhibit 13 - June and July 2012 bills;
Complainant's Exhibits 14 and 15 were not admitted into the record (1 Tr. 135-137);
Complainant's Exhibit 16 - Mr. Reichner's e-mail, dated June 21, 2008, to the Complainant;
Complainant's Exhibits 17 and 18 were not admitted (1 Tr. 137, 138, 142).

PPL presented the following PPL Cross Exhibits:

PPL Cross Exhibit 1 - e-mail from Heather Yoder, Consumer Liaison from the Office of Consumer Advocate, to the Complainant about having non-generational load;
PPL Cross Exhibit 2 - the Complainant's record of his conversation with George Beam from PPL was marked but not offered into evidence; and
PPL Cross Exhibit 3 - was withdrawn.

Christopher T. Wright, Esquire, represented PPL Electric Utilities Corporation.

The Respondent presented two witnesses: Keith Erney, a communications specialist for the Respondent, and Aloysius Cannon, a financial planning business specialist for the Respondent, who sponsored eight exhibits:

PPL Exhibit 1 - PPL's tariff for Rate Schedule GS-1 Small General Service at Secondary Voltage effective Jan. 1, 2011-Host Account Rate Schedule;
PPL Exhibit 2- Rate Schedule RS Residential Service effective June 1, 2012-Satellite Account Rate Schedule;
PPL Exhibit 3 - 2007 Net and Virtual Metering Tariffs;
PPL Exhibit 4 - 2011 Net and Virtual Metering Tariffs effective January 1, 2011;

Complainant's interactions with the Respondent and Mr. Kohn was not a party to this matter, he was not allowed to testify (1 Tr. 82-84).

² Transcript from the 2012 hearing ("1 Tr.")

PPL Exhibit 5 - the Chart of Credits to Host Account;
PPL Exhibit 6 - Complainant's Bureau of Consumer Services' ("BCS") informal complaint and the BCS decision dated February 2, 2011;
PPL Exhibit 7 - April 2009 to May 2012 worksheets; and
PPL Exhibit 8 - computation of the difference between the credits that were applied and the credits that should have been applied to the Complainant's accounts.

The Complainant presented the following Complainant's Cross Exhibits:

Complainant's Cross Exhibit 1 - e-mail dated April 29, 2011 from Mr. Erney regarding the Complainant's complaint;
Complainant's Cross Exhibit 2 - e-mail dated July 12, 2011, from Mr. Erney regarding the Complainant's net metering application.

The record consisted of a 254-page transcript of the hearing and nineteen exhibits. The record closed on September 7, 2012, when the transcript was received.

By Initial Decision dated January 23, 2013, the undersigned stated that the Complainant failed to prove by a preponderance of the evidence that the Respondent failed to aggregate the Complainant's accounts according to the virtual net metering provisions in the Respondent's Net Metering Rider or that the Respondent failed to fully reimburse the Complainant for the electricity generated. Accordingly, the undersigned dismissed the first complaint.

On March 15, 2013, the Complainant filed Exceptions to the Initial Decision with a Request for Oral Argument. In the Exceptions, the Complainant reiterated his concerns regarding the Respondent's billing process and disagreed with the interpretation of the Respondent's tariff for virtual net metering and the amount of compensation the Complainant should receive. The Respondent filed Reply Exceptions on March 29, 2013, refuting the exceptions, especially the exceptions regarding the billing process and the accuracy of the credits that the Complainant received. Subsequently, the Complainant filed numerous requests to reopen the record and submit additional information in support of his first complaint. The Respondent filed responsive pleadings.

On January 9, 2014, the Commission issued an Opinion and Order, vacating the Initial Decision and remanding the complaint at Docket No. C-2011-2273645 to the Office of Administrative Law Judge for further proceedings as may be required to address the accuracy of the bills and credits provided by the Respondent for the Complainant's virtually net-metered accounts. *Larry Moyer v. PPL Electric Utilities Corporation*, Docket No. C-2011-2273645, at 20-21 (Opinion and Order entered Jan. 9, 2014) ("*January 2014 Order*"). The Commission ordered the following, among other things: 1) that Mr. Moyer's Request to Reopen the Record was granted for the limited purpose of further developing the record with regard to the bills and credits received by Mr. Moyer from PPL Electric Utilities Corporation; 2) that within sixty days PPL Electric Utilities Corporation shall file with the Office of Administrative Law Judge, the Commission Secretary and Mr. Larry Moyer, a tabulation that reflects the specific *actual* information on a monthly basis between March 2009 and the last full monthly billing periods for the two accounts at issue in this proceeding that ended prior to the entry date of this Opinion and Order; 3) that PPL Electric Utilities Corporation shall utilize the relevant data to demonstrate the amount of credits and cash-out payments Complainant should have received between April 2009, and the monthly billing periods ending prior to the entry date of this Opinion and Order; 4) if the parties are unable to reach an agreement, Mr. Moyer may request that the Office of Administrative Law Judge schedule further hearings, but he must delineate specific errors in the bills, credits and payments rendered by PPL Electric; and 5) PPL Electric shall permit the Complainant to virtually aggregate his two existing metering accounts from March 2009 and prospectively, subject to changes in applicable laws or tariffs.. *Larry Moyer v. PPL Electric Utilities Corporation*, Docket No. C-2011-2273645, at 20-21 (Opinion and Order entered Jan. 9, 2014) ("*January 2014 Order*") Ordering Paragraphs 6-9.

On January 17, 2014, the Complainant filed a Motion for Certification of Interlocutory Order for Immediate Appeal of the complaint at Docket No. C-2011-2273645. On January 30, 2014, the Respondent filed an Answer in Opposition to the Motion. On February 14, 2014, the Commission entered an Opinion and Order granting, in part, and denying, in part, the Motion filed by the Complainant on January 17, 2014. Specifically, the Commission concluded that an immediate appeal of the *January 2014 Order* would not advance the termination of this proceeding and, therefore, denied the Complainant's request to permit an immediate appeal from

the *January 2014 Order*. The Commission, however, granted, in part, the Complainant's alternative request that the Commission establish a deadline for the Law Bureau to provide a status report to the Commission regarding whether the net metering regulations need to be clarified.³

On March 10, 2014, the Respondent submitted the tabulation that reflects the specific *actual* information on a monthly basis between March 2009 and the last full monthly billing periods for the two accounts at issue in this proceeding that ended prior to the entry date of the Commission Order.

Subsequently, the Complainant filed two separate Petitions for Review with the Commonwealth Court at Docket Nos. 390 CD 2014 and 448 CD 2014. By Orders dated May 14, 2014, and July 21, 2014, the Commonwealth Court quashed the Complainant's two Petitions for Review.

By correspondence dated September 26, 2014 and October 7, 2014, the Complainant requested a further hearing on the complaint at Docket No. C-2011-2273645. The Complainant explained his intent to introduce evidence regarding the Respondent's billing practices for virtual net metering. It is noted that the Complainant's requests for further hearings on the complaint at Docket No. C-2011-2273645 failed to "delineate *specific* errors in the bills, credits and payments rendered by PPL Electric" as required by the Commission's *January 2014 Order*. See *January 2014 Order*, Ordering Paragraph 8 (emphasis in original). Nevertheless, by correspondence dated October 14, 2014, the Respondent agreed that further hearings should be scheduled and requested that a prehearing conference be held to establish a litigation and hearing schedule and to address any other matters that would facilitate resolution of the matter.

³ By Order entered February 20, 2014, the Commission requested comments on the Proposed Rulemaking Order amending Chapter 75 of the Commission's regulations, 52 Pa.Code §§ 75.1, *et seq.*, to further comply with the Alternative Energy Portfolio Standards Act of 2004, 73 P.S. §§ 1648.1 – 1648.8 and 66 Pa.C.S. § 2814. The Proposed Rulemaking Order was published in the *Pennsylvania Bulletin* on July 5, 2014. See 44 Pa.B. 4179. The stated purpose of the Proposed Rulemaking Order is to update the existing portfolio standards, interconnection, and net metering rules to provide guidance and clarify certain issues of law, administrative procedure, and policy in accordance with the intent of the AEPS Act. Comments have been filed to the proposed regulations, which remain pending before the Commission.

On October 23, 2014, the undersigned issued a Prehearing Order on Remand, regarding the first complaint.

On October 23, 2014, the Respondent was served with a second formal complaint filed by the Complainant at Docket No. C-2014-2444864 ("second complaint"). In the second complaint, the Complainant alleged issues regarding the accuracy and content of the Respondent's billing processes for the Complainant's virtual net metering accounts. In the second complaint, the Complainant requested that the Commission order the Respondent to develop and implement new billing procedures and processes for virtual net metering accounts using a single bill for both accounts to be virtually aggregated.

By hearing notice dated November 5, 2014 a prehearing conference was scheduled for November 25, 2014.

On November 5, 2014, the Respondent filed an Answer and Preliminary Objections to the second complaint. In the Preliminary Objections the Respondent requested that the second complaint be dismissed pursuant to 52 Pa.Code § 5.101(a)(6), because the allegations, issues, and relief requested in the second complaint would be fully addressed by the parties and the Commission through the first complaint proceeding. In the alternative, the Respondent requested that the second complaint be consolidated with the first complaint.

The Complainant filed an Answer to the Preliminary Objections on November 12, 2014. In the Answer to the Preliminary Objections, the Complainant requested that the Preliminary Objections be dismissed and that the two complaints continue to proceed separately.

On November 13, 2014, the undersigned issued Prehearing Order #2 on Remand, directing the parties to submit prehearing memorandum on or before November 21, 2014.

Both parties submitted Prehearing Memoranda by November 21, 2014.

The prehearing conference was held as scheduled in the Philadelphia Regional Office on November 25, 2014. During the prehearing conference, a procedural schedule was established.

By Prehearing Order #3, dated January 14, 2015, the undersigned memorialized the procedural schedule, denied the Respondent's Preliminary Objections and granted the Respondent's Motion to Consolidate the First and Second Complaints. The cases docketed at C-2011-2273645 and C-2014-2444864 were consolidated pursuant to 52 Pa.Code § 5.81.

On February 2, 2015, the Complainant served his written direct testimony ("Moyer Direct") in the above-captioned consolidated proceeding.

On March 4, 2015, the Respondent served Interrogatories, Requests for Production of Documents, and Requests for Admission Propounded on Jay Larry Moyer - Set I on Remand ("Moyer Set I").

The Respondent submitted PPL Electric Statement No. 1- the rebuttal testimony of Mr. Aloysius P. Cannon, Jr. on March 6, 2015.

By correspondence dated March 9, 2015, the Complainant renewed his request to present evidence during the hearing using PowerPoint software. He noted that the undersigned denied this request during the prehearing conference.

By correspondence, dated March 13, 2015, the Respondent, through its counsel, responded to the Complainant's correspondence. The Respondent stated that the request is improper and should be rejected.

By letter dated March 13, 2015, the Complainant served via first class mail the Complainant's Objections to Interrogatories, Requests for Production of Documents and Requests for Admission Set I and some of his answers to PPL to Moyer Set I.

By Order #4 on Remand dated March 16, 2015, the undersigned ruled that the Complainant's request to present a Power Point presentation during the hearings to be held on April 21 and 22, 2015, was denied. The parties were directed to continue to comply with the procedural schedule.

On March 24, 2015, counsel for the Respondent, contacted the Complainant in an effort to resolve the objections to discovery without the need for formal motions. The Complainant refused to resolve any of the objections.

On March 24, 2015, the Respondent filed the Motion of PPL Electric Utilities Corporation to Dismiss Objections and Compel Responses to Discovery Propounded on Jay Larry Moyer - Set I on Remand. The Respondent stated that pursuant to 52 Pa.Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. The Respondent requested that the Motion be granted and that the Complainant be ordered to answer fully Moyer-Set I, Nos. 1-6, 8-9, and 11.

By correspondence dated March 26, 2015, the Complainant filed a response indicating that the Respondent's Motion was untimely because his objections were filed and received by the Commission on March 13, 2015, and the Motion to Compel was filed on March 24, 2015. (The undersigned received the Complainant's correspondence on March 30, 2015.) The Complainant requested that the Motion to Compel be dismissed.

The Complainant submitted his Surrebuttal Testimony ("Moyer Surrebuttal") on April 3, 2015.

By Prehearing Order #5 on Remand, dated April 7, 2015, the Motion of PPL Electric Utilities Corporation to Dismiss Objections and Compel Responses to Discovery Propounded on Jay Larry Moyer - Set I on Remand was granted.

The hearing on remand in Docket No. C-2011-2273645 and the initial hearing in Docket No. C-2014-2444864 were held on Wednesday, April 21, 2015. The hearing scheduled

for April 22, 2015 was cancelled. The Complainant, Larry Moyer, appeared *pro se*. Mr. Moyer preserved Moyer Direct and Moyer Surrebuttal. The Complainant was cross-examined during the hearing.

The following exhibits were attached to the Complainant's direct and surrebuttal testimony:

- JLM-1 - email dated May 7, 2007 to the Complainant from R. Johnson PPL;
- JLM-2 - emails dated October 2008 regarding solar interconnection;
- JLM-3 - PPL Electric Exhibit 6- Bureau of Consumer Services Decision (#2778513) dated February 2, 2011;
- JLM-4 - PPL's Reply Exceptions Docket No. C-2011-2273645;
- JLM-5 - Final Rulemaking Order L-00050174 EGS net Metering;
- JLM-6 - Final Rulemaking Order L-00050174 EGS net Metering;
- JLM-7 - not admitted;
- JLM-8 - not admitted;
- JLM-9 - PPL's Reply Exceptions Docket No. C-2014-2444864;
- JLM-10 - April 28, 2011 email regarding complaint;
- JLM-11 - July 12, 2011 email regarding net metering application;
- JLM-12 - not admitted;
- JLM-13 - Final Rulemaking Order L-00050174 EGS net Metering;
- JLM-14 - not admitted;
- JLM-15 - PPL email July 12, 2011;
- JLM-16 - not admitted;
- JLM-17 - PPL email March 4, 2014;
- JLM-18 - Virtual Metering Application (PPL)
- JLM-19 - Interconnection Application/Agreement
- JLM-20 - Final Acceptance to Interconnect
- JLM-21 - System Inspection
- JLM-22 - PPL Preliminary Objections to formal complaint C-2014-2444864
- JLM-23 - PPL Reply to formal complaint C-2014-2444864 p. 6
- JLM-24 - PPL Reply to formal complaint C-2014-2444864 p. 3
- JLM-25 - PPL email July 12, 2011 regarding Moyer net metering application;
- JLM-26 - PPL Reply to Exceptions C-2011-2273645;
- JLM-27 - Reimbursement check (#0011004286-April 1, 2010);
- JLM-28 - Reimbursement check (#0011007090-April 28, 2010);
- JLM-29 - PPL Reply to Exceptions C-2011-2273645;
- JLM-30 - Penn Future Letter dated June 7, 2011;
- JLM-31 - Cash out check (#22808-June 13, 2012-\$20.18);
- JLM-32 - Cash out letter (June 8, 2012);
- JLM-33 - Cash out check (#22808-June 13, 2012-\$20.18);
- JLM-34 - Cash out letter (May 15, 2013);
- JLM-35 - PPL Compilation 3 pages;
- JLM-36 - Chart Applied Credit;

JLM-37 - Chart Meter Readings;
JLM-38 - Miscellaneous PPL emails meter changes;
JLM-39 - PPL Original Exhibit 6 informal case;
JLM-40 - PPL's Reply to formal complaint C-2011-2273645 p. 5;
JLM-41 - PPL's Reply Exceptions Docket No. C-2011-2273645 p.13;
JLM-42 - Document omitted;
JLM-43 - Document omitted;
JLM-44 - PPL email Worthington January 6, 2011;
JLM-45 - Document omitted;
JLM-46 - Document omitted;
JLM-47 - not admitted;
JLM-48 - JLM-53 - 1-page documents;
JLM-54- not admitted;
JLM-55 - Virtual metering worksheet;
JLM-56 - JLM-79 - omitted;
JLM-80 - PPL Original Exhibit 5;
JLM-81 - PPL Original Exhibit 7;
JLM-82 - PPL Year End Calculation Sheets (2013?);
JLM-83 - JLM-84 - 1-page documents;
JLM-85 - JLM-100 - omitted;
JLM-101 - 170 - Bills associated with the Complainant's solar panels' account;
JLM-171 - JLM-201 - omitted;
JLM-202 - 267 - Bills associated with the Complainant's house account.

The following exhibits were admitted: JLM - 1-6, 9 - 11, 13, 15, 17 - 41, and 44, 48-53, 55, 80-84, 101-170 and 202-267.

The Respondent, PPL Electric Utilities Corporation, was represented by Christopher T. Wright, Esquire, and Devin Ryan, Esquire. The Respondent preserved PPL Electric Statement No. 1-rebuttal testimony of Mr. Aloysius P. Cannon, Jr. with PPL Exhibits AFC-1 through AFC 5. Mr. Cannon was cross-examined during the hearing.

AFC-1 - PPL's net metering tariff effective January 1, 2013;
AFC-2 - PPL's procedures for the monthly calculation of the virtual metering analysis and credit calculations;
AFC-3 - 2007 Net and Virtual Metering Tariffs;
AFC-4 - 2011 Net and Virtual Metering Tariffs effective January 1, 2011; and
AFC-5 - spreadsheet that provides a breakdown of the aggregation and billing history for Mr. Moyer's host and satellite accounts.

The Complainant filed his main brief on June 4, 2015. The Respondent's counsel filed the reply brief on June 29, 2015.

The record consists of a 238-page transcript of the hearing on remand (“Tr.”), the Complainant’s testimony, Moyer Direct and Moyer Surrebuttal, and the testimony of the Respondent’s witness, PPL Electric Statement No. 1, the Complainant’s 180 exhibits, and the Respondent’s 5 exhibits, the Complainant’s main brief and the Respondent’s reply brief. The record closed on June 30, 2015, after the reply brief was filed.

FINDINGS OF FACT

1. The Complainant is Jay Larry Moyer who resides at 370 West Johnson Street, Philadelphia, PA 19144.
2. The Respondent in this proceeding is PPL Electric Utilities Corporation.
3. The two formal complaints concern service at the Complainant’s property at 73 Woods Road, Klingerstown, PA 17941 (Moyer Direct at 3).
4. Net metering is the process by which an eligible renewable customer-generator’s account is credited for generating electricity from a qualifying Tier I or Tier II alternative energy source (PPL St. No. 1 at 5).
5. Net metering allows customer-generators to use the electricity produced from eligible alternative energy systems to offset all or a portion of the customer-generator’s electric usage (PPL St. No. 1 at 5).
6. If a customer-generator supplies more electricity to the electric distribution system than the electric distribution company delivers to the customer-generator in a billing period, the excess generation is carried forward and credited against the customer-generator’s usage in subsequent billing periods at the full retail rate, which includes the distribution charge, transmission service charge, generation supply charge, and any riders applicable to the customer rate schedule (PPL St. No. 1 at 5-6).

7. Any excess, unused generation continues to accumulate until the end of the PJM Interconnection LLC (“PJM”) Planning Period, May 31 of each year, and is then cashed out at the electric distribution company’s applicable Price-to-Compare (“PTC”) and paid to the customer-generator (PPL St. No. 1 at 6).

8. Meter aggregation is the process by which an eligible renewable customer-generator is able to aggregate the meters on the properties he or she owns or leases and operates for purposes of net metering (PPL St. No. 1 at 7).

9. For meter aggregation, the properties must be located within two miles of the boundaries of the renewable customer-generator’s property and located within the Company’s service territory (PPL St. No. 1 at 7).

10. There are two types of meter aggregation: (1) physical meter aggregation; and (2) virtual meter aggregation (PPL St. No. 1 at 7).

11. For physical meter aggregation, a customer-generator, at his or her expense, physically connects the generating facilities to his or her single meter (PPL St. No. 1 at 7).

12. Virtual meter aggregation is when the customer-generator’s generating facilities and other property are not physically connected to the same meter (PPL St. No. 1 at 7).

13. For virtual meter aggregation, the Respondent measures the electricity generated and used at the generating facilities (host account) and aggregates that with the customer’s usage at his or her other property (satellite account) (PPL St. No. 1 at 7).

14. In this case, for virtual meter aggregation the Respondent measures the electricity generated and used at the Complainant’s solar facility (host account) and aggregates it with the customer’s usage at his residential property (satellite account) (PPL St. No. 1 at 7).

15. With virtual meter aggregation, there are two meters with two different points of interconnection: (1) a bidirectional meter at the generating facilities that measures both usage and generation of electricity; and (2) a standard smart meter at the usage account (typically a residence) that measures the customer's usage (PPL St. No. 1 at 7, 10).

16. Since virtual net meter aggregation requires two separate meters, the customer-generator receives two separate bills, one for each metered account (PPL St. No. 1 at 7).

17. The Complainant contacted the Respondent in 2007 and talked to Robert Johnson at PPL Electric about installing a PV solar generating system (Moyer Direct at 5).

18. The PPL Net and Virtual Metering Tariffs, which became effective on July 2007, were the tariff provisions in effect when the Complainant installed his solar array (PPL. Ex. AFC-3).

19. In March 2009, Heat Shed, which was owned by Charles Reichner, installed a PV solar generating system at the service address. (Moyer Direct at 6).

20. The Complainant is currently a customer-generator participating in the Respondent's virtual meter aggregation program (Moyer Direct at 4; PPL St. No. 1 at 18).

21. The Complainant's PV solar system is a 4.75-kilowatt system designed and sized to provide power to the Complainant's home in Schuylkill County (Moyer Direct at 3).

22. The Complainant's system is located on a hillside six hundred yards north of the Complainant's house (Moyer Direct at 6).

23. Physical meter aggregation (rooftop solar) is not suitable for the Complainant's house because it receives limited sunlight (Moyer Direct at 6).

24. Physical meter aggregation is not practical because the Complainant's house and the solar panels are separated by a ravine, a stream and a wooded area (Moyer Direct at 6).

25. The installation of the Complainant's solar system, the inspection and the interconnection were completed on March 10, 2009 (Moyer Direct at 6).

26. The Complainant's host account is on rate schedule GS-1 (PPL St. No. 1 at 26).

27. The Complainant's satellite account is on rate schedule RS, the residential rate (PPL St. No. 1 at 26).

28. The Complainant was one of the first customer-generators to request virtual meter aggregation on the Respondent's system, originally being permitted to participate in March 2009 (Moyer Direct at 4; PPL St. No. 1 at 18)

29. The Complainant began participating in the program when the Company was learning how to implement virtual meter aggregation and how to overcome the hurdle of its billing system's inability to aggregate virtual meter aggregation customer-generators' accounts on an automated basis (PPL St. No. 1 at 10; Tr. 208).

30. PPL applied virtual metering to Mr. Moyer's accounts from March 2009 through December 2009 (PPL. Ex. AFC-5).

31. There was no requirement for monthly aggregation between March 2009 and December 2009 (PPL. Ex. AFC-5).

32. In March 2009, there was no monthly crediting, and Mr. Moyer's account was cashed out after the December 2009 billing period (PPL. Ex. AFC-5).

33. Mr. Moyer received a cash-out of \$493.71, which was the value of excess generation produced from March 2009 through December 2009,⁴ plus an additional 512 kWhs that were on a meter that was replaced (PPL Ex. AFC-5).

34. The bank of credits was zeroed after the December 2009 billing period (PPL St. No. 1 at 22; PPL Ex. APC-5).

35. From January 2010 through May 2010, PPL Electric continued virtual net meter aggregation and applied a credit of \$151.54 in May 2010 (PPL St. No. 1 at 22; PPL Ex. APC-5).

36. In May 2010, the Respondent determined that the Complainant's alternative energy system did not qualify for virtual meter aggregation because it did not have load independent of the alternative energy system, which is often referred to as "non-generational load."⁵ (PPL St. No. 1 at 19).

37. The only additional load at the generating facilities was a light that would not exist if the generating facilities were not present (PPL St. No. 1 at 19).

38. The Complainant was removed from virtual meter aggregation effective June 2010 (PPL St. No. 1 at 18).

39. The \$151.54 credit applied in May 2010 remained on the Complainant's bills and was carried forward and credited against the total bill as a dollar amount in the subsequent months until the negative balance was exhausted (PPL St. No. 1 at 23; PPL Ex. APC-5).

⁴ Under the tariff in effect at the time, the annual cash out period was on a calendar year basis, and credits were cashed out at the full retail rate rather than the PTC.

⁵ The requirement for load independent of the alternative energy system was recently reiterated in the Commission's Proposed Rulemaking Order issued on February 20, 2014, at Docket No. L-2014-2404361, and the Commission's *Advanced Notice of Final Rulemaking Order* issued on April 23, 2015, at Docket No. L-2014-2404361.

40. The Respondent did not apply any credits between June 2010 and December 2010, because the Respondent determined that the Complainant did not qualify as a net or virtual metering customer (PPL Ex. AFC-5).

41. On or about December 16, 2010, the Complainant filed an informal complaint with the Bureau of Consumer Services, BCS Case No. 2778513, about his removal from virtual meter aggregation (PPL St. No. 1 at 18).

42. The Bureau of Consumer Services dismissed the informal complaint by decision, dated February 2, 2011 (PPL St. No. 1 at 18).

43. To settle the dispute, the Respondent agreed in June 2011 to allow the Complainant to participate in virtual meter aggregation (PPL St. No. 1 at 18).

44. PPL Electric applied credits to Mr. Moyer's account in September 2011 for the excess generation produced by his solar facility since January 2011, *i.e.*, since the time he filed his informal complaint (PPL St. No. 1 at 18).

45. PPL Electric again applied credits to Mr. Moyer's account in December 2011 (PPL Ex. AFC-5).

46. In December 2011, the Respondent shifted to crediting on a monthly basis. Each month thereafter, PPL Electric credited Mr. Moyer's bill on a monthly basis and, when applicable (PPL Ex. AFC-5).

47. In net metering accounts, usage is measured by a bidirectional meter, which goes in forward or reverse directions depending on what is occurring at the time (PPL St. No 1 at 6).

48. The bidirectional meter does not record either total usage or total generation, it only records the net difference between total usage and total generation (PPL St. No. 1 at 6).

49. The Complainant's two accounts did not qualify for virtual metering under the terms of PPL's tariff because there was no non-generational load (PPL St. No. 1 at 9).

50. The Respondent's tariff for Rate Schedule GS-1 Small General Service at Secondary Voltage and its Net and Virtual Metering Tariffs were revised effective January 1, 2011 (PPL Ex. AFC-5).

51. Beginning in January 2011, the Respondent's tariff required the annual cash out for net metering customers to occur in May, at the end of the PJM planning year (PPL Ex. AFC-5).

52. According to the Respondent's tariff, the value of the cash out is determined based on the price to compare based on the rate of the host account (PPL Ex. AFC5).

53. According to the Respondent's tariff, on a monthly basis any unused kilowatt-hours are carried forward and applied to any subsequent billing periods to offset future usage (PPL Ex. St. 1 at 22).

54. In May of each year, the Respondent pays for the unused kilowatt-hours at the price to compare (PPL Ex. AFC-5).

55. In or around June 2011, the Respondent made an exception to allow the Complainant to qualify for virtual metering (PPL Ex. AFC-5).

56. Although the Complainant did not have an independent load during the period of June 2010 through December 2010, PPL Electric has agreed to fully compensate the Complainant for the value of any credits he would have but did not receive for the excess generation produced since March 2009, when his system initially began participating (PPL St. No. 1 at 20).

57. The Respondent calculated the amount owed as \$559.95, which with interest is \$738.98 (PPL St. No. 1 at 24; PPL Ex. APC-5).

58. Since the exception was implemented in September 2011, the Respondent has applied virtual metering to the Complainant's accounts on a monthly basis since December 2011 (Tr. 170, 171).

59. There was a cash-out for the Complainant at the end of the 2012 PJM planning period in May 2012 for excess, unused generation remaining on the host account that was not consumed by either the host or the satellite.

60. The cash-out was based on the full retail rate of the Price to Compare of the host account pursuant to PPL Ex. 4 (Tr. 171).

61. Although the Complainant's cash outs are not reflected on his bills, the Complainant did receive checks for those cash outs (Moyer Exhibits JLM-27 and JLM-28).

62. The Respondent utilizes an inexpensive manual process to track and record the generation facility account's generation in excess of its usage (i.e., "excess generation") and aggregates it with the other account's usage (PPL St. No. 1 at 11; Tr. 188).

63. The customer-generator's usage and generation is tracked, offset, banked, and cashed out (PPL St. No. 1 at 9-10).

64. For virtual meter aggregation customer-generators, the Respondent uses computer software to track, record, store, and calculate the excess generation produced, the credits applied, and the cash outs paid (PPL St. No. 1 at 11).

65. For each virtual net meter aggregation customer, the Respondent maintains a computer generated spreadsheet that tracks, on a monthly basis, the excess

generation at the generation facility account and the allocation of excess kWh to each usage account (PPL St. No. 1 at 11).

66. After it submitted rebuttal testimony in 2015, the Respondent tried and was unable to modify its billing system to implement automated virtual meter aggregation as requested by the Complainant (Tr. 223).

67. The Complainant takes electricity from and puts electricity back onto the system at the interconnection point for his solar account, and he takes electricity from the system at the interconnection point for his residential account (Tr. 95-96, 117-18).

68. The Complainant's own facilities provide him with information on the electricity he generates (Moyer Direct at 44).

69. The Complainant's independent side meter has recorded the generation produced at his detached solar array since it began operating in 2009, and the detached solar facility's "own inverter tracks generation and stores data showing kilowatt hours of generation." (Moyer Direct at 44).

70. The Respondent provides the following other avenues for its virtual meter aggregation customer-generators to access information on their accounts: PPL Electric's energy analyzer is a web-based product that any of its customer-generators can access and examine their electric use daily; and there is a virtual net meter aggregation post where a customer-generator participating in that program can see the generation facility account's generation hour by hour each day (PPL St. No. 1 at 34-35).

71. After the end of the PJM planning year, the Company provides a calculation sheet to determine the monthly credits upon customer request (PPL St. No. 1 at 35).

72. The Company has offered to provide the Complainant with the monthly calculation sheets that it uses to calculate and apply the credits to his accounts, which contain all of the information requested by the Complainant (Tr. 181-82, 190, 200, 218-220).

73. The Complainant has refused to accept these calculation sheets (Tr. 111).

74. The Complainant's solar facilities are separately metered, have none of the characteristics of a "dwelling," and receive single-phase electric service at secondary voltage (PPL St. No. 1 at 28).

75. The distribution charges imposed on the Complainant's solar account are the same charges that apply to other customers that are not customer-generators. *See* Supp. No. 125 to Electric Pa. P.U.C. No. 201, Twenty-Sixth Revised Page No. 24.

76. The customer charge is designed to recover costs associated with connecting a customer to the system regardless of the customer usage (PPL St. No. 1 at 29-30).

77. Although PPL Electric has 98 virtual meter customers, the Complainant is the only one who has complained about the manual billing (Moyer Brief at 21; PPL St. No. 1 at 37-39).

DISCUSSION

Pursuant to section 332(a) of the Public Utility Code, 66 Pa.C.S. §332(a), the burden of proof is on the proponent of a rule or order. In this proceeding, the Complainant is the proponent of a rule or order. Therefore, the Complainant bears the burden of proving by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or order of the Commission. *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). The Complainant must show that the utility is responsible or accountable for the problem described in the complaint. *Feinstein v. Philadelphia Suburban Water Company*, 50 Pa. PUC 300 (1976).

The record in this proceeding must be reviewed to determine whether the Complainant has satisfied his burden of proof. If the burden of proof has been satisfied, the burden of going forward with the evidence, sometimes called the burden of persuasion, to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied his burden of proof. The Complainant must present additional evidence to rebut the Respondent's evidence. *Morrissey v. Pa. Dept. of Highways*, 424 Pa. 87, 225 A.2d 895 (1967). *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983). While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

The Commission's decision must be supported by substantial evidence. 2 Pa.C.S. § 704. Various Pennsylvania courts have defined the term "substantial evidence" as such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. Substantial evidence is more than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. P.U.C.*, 489 Pa.109, 413 A. 2d 1037 (1980); *Murphy v. Dept. of Public Welfare*, 85 Pa. Cmwlth. 23, 480 A.2d 382 (1984).

1. PPL Electric's Meter Aggregation Program and Billing Process

a. Manual versus Automated Billing Process

First, the Complainant avers that the Company should be directed to upgrade its billing system to permit automated billing. The Complainant describes the billing process as a "shifting, unreliable manual process that is fraught with irregularities" (Moyer Brief at 12).

The Respondent contends that no applicable law or regulation requires an automated billing process to be used for virtual meter aggregation. The Respondent's position is that its billing system, as currently configured, cannot process virtual meter aggregation customer-generators' accounts on an automated basis. As a result, in accordance with Commission precedent, the Respondent developed and utilizes a manual billing process for

virtual meter aggregation. The Respondent contends that its personnel have fine-tuned this inexpensive manual billing process, and that it accurately calculates and applies credits for the electricity generated by virtual meter aggregation customer-generators as required by 52 Pa.Code § 75.12. Therefore, the Respondent submits that it should not be required to upgrade the Company's billing system to permit automation for virtual meter aggregation (PPL Electric Brief at 10, 11).

The Respondent explained that, in contrast to traditional net metering and physical meter aggregation, virtual meter aggregation requires multiple meters because there are two points of interconnection with the electric system. Net Metering for Renewable Customer Generators PPL Electric Utilities Corporation Supplement No. 125 Electric Pa. P.U.C. No. 201, Fifth Revised Page No. 19L.4, Canceling Third and Fourth Revised Page No. 19L.4 (AFC Ex. 1). There is a meter at the generating facilities and a meter at the usage account (PPL St. No. 1 at 10). Consequently, PPL Electric must "virtually" aggregate the excess generation measured from the generating facility meter with the usage measured from the usage account meters (PPL St. No. 1 at 10). Unlike the single bidirectional meters used for traditional net metering and physical meter aggregation, the Respondent's billing system currently is not capable of aggregating these two separate accounts through an automated process for two reasons (PPL St. No. 1 at 10-11; Tr. 218). First, the billing system cannot currently transfer and aggregate data among separate meters, data from the generating facility to the usage account or vice versa (PPL St. No. 1 at 10). Second, the generating facilities often generate more electricity than they use. Therefore, the meter will run backwards and produce a negative meter read (i.e., negative usage). However, PPL Electric's billing system cannot accommodate negative meter reads (PPL St. No. 1 at 10-11). For these reasons, the Respondent utilizes an inexpensive manual process to track and record the generation facility account's generation in excess of its usage (i.e., "excess generation") and aggregates it with the other usage account's usage (PPL St. No. 1 at 11; Tr. 188). The customer-generator's usage and generation is tracked, offset, banked, and cashed out as appropriate and required by the Commission's regulations at 52 Pa.Code § 75.12 (PPL Brief at 40; PPL St. No. 1 at 9-10).

Under PPL Electric's manual billing process for virtual meter aggregation, the meters for the generation facility account and usage account(s) are read on the same day (PPL St. No. 1 at 11). The Respondent measures the generation at the generation facility account and aggregates it with the usage at the other account (PPL St. No. 1 at 11). The excess generation is applied up to the usage metered at each other account (PPL St. No. 1 at 11). This allocation is done on a one-to-one kWh basis, meaning that one kWh generated at the generation facility account is applied as one kWh at the satellite account (PPL St. No. 1 at 11). The excess generation being applied appears as an "excess credit" on the other account's bill (PPL St. No. 1 at 33; *see, e.g.*, Moyer Exhibit JLM-266). The "excess credit" is a dollar amount that equals the value of the excess generation being applied times the other account's full retail rate during the applicable billing cycle (PPL St. No. 1 at 33). Any unused excess generation that remains after applying the excess credit is then banked in kWhs and carried forward to offset usage in subsequent billing cycles (PPL St. No. 1 at 13). Any banked generation remaining at the end of the PJM planning year (May 31st of each year) is then cashed out at the PTC for the generation facility account (PPL Electric Brief at 25; PPL St. No. 1 at 13).

The Respondent uses computer software to track, record, store, and calculate the excess generation produced, the credits applied, and the cash outs paid for virtual meter aggregation customer-generators. For each virtual net meter aggregation customer, the Respondent maintains a computer generated spreadsheet that tracks, on a monthly basis, the excess generation at the generation facility account and the allocation of excess kWh to each usage account.⁶ (PPL St. No. 1 at 11).

The Respondent's witness testified that after he submitted his rebuttal testimony in 2015, the Respondent tried and was unable to modify its billing system to implement automated virtual meter aggregation as requested by the Complainant (Tr. 223).

⁶ PPL Electric has a manual that details the process for its staff to access, update, and post the spreadsheet (PPL Ex. APC-2). As seen in Exhibit APC-2, PPL Electric's personnel retrieve the relevant meter readings from the generation account and then input the meter readings from the generation account into the spreadsheet (PPL St. No. 1 at 11-12). Next, the employee obtains the total usage in kWh for each usage account and inputs those values into the spreadsheet (PPL St. No. 1 at 12). The formulas in the spreadsheet then automatically calculate the credits owed for that billing cycle (PPL St. No. 1 at 12).

The Respondent further argues that the upgrade to an automated system would benefit only ninety-eight customer-generators. The Complainant is the only one who has filed a formal complaint about the manual billing process. Accordingly, the Respondent maintains that its decision to continue using the manual system instead of undertaking a costly upgrade to automate the virtual meter aggregation clearly is reasonable (PPL Electric Brief at 37, 58).

b. Single bill

The Complainant explains that the option of physical meter aggregation is clearly untenable for him. The house and the solar panels are separated by a ravine, a stream and a wooded area. Therefore, bringing wires across this area to his house would be “possible,” but impractical and prohibitively expensive. Should PPL Electric agree to re-wire the system at its expense, the Complainant might reconsider that option. In the meantime, the Complainant is a residential customer-generator who elected virtual meter aggregation and who remains in a “two-meter situation.” He objects to incurring double charges for access to PPL’s infrastructure. Both of the bills issued by the Respondent (solar bills and house bills) include “distribution charges.” (Moyer Brief at 7, 8).

The Respondent explains that nothing in its Commission-approved tariff or any applicable laws or regulations requires a single account or single bill for virtual meter aggregation customer-generators’ accounts. It established two separate accounts (one for the residence and one for the detached solar facilities) because each property possesses a separate meter and separate point of interconnection. The Respondent’s policy is to institute a separate account for each meter that has a different point of interconnect. Moreover, each property uses PPL Electric’s electric distribution system in different ways, with the residence only receiving electricity from PPL Electric’s system, and the detached solar array both receiving electricity from and supplying electricity to the system. As a result, PPL Electric, in accordance with the requirements of its Commission-approved tariff, instituted two separate accounts for the Complainant’s residence and detached solar array (PPL Electric Brief at 15).

c. Rate RS

The Complainant believes that his detached solar array should receive service under Rate Schedule RS, not Rate Schedule GS-1, and that PPL Electric should not impose distribution charges on the account for his detached solar array.

The Respondent explains that its Commission-approved tariff outlines several conditions for a customer's property to qualify for Rate Schedule RS. The tariff states that Rate Schedule RS applies to single phase electric service for: (1) a single family dwelling and detached buildings when the detached buildings are served at the customer's expense through the same meter as the single family dwelling; (2) a separate dwelling unit in an apartment house; (3) a single farm dwelling and general farm uses when general farm uses are served at the customer's expense through the same meter as the single farm dwelling; or (4) a building previously wired for single meter service which is converted to not more than eight separate dwelling units served through one meter (PPL St. No. 1 at 27; Supplement No. 102 to Electric Pa. P.U.C. No. 201, Eighteenth Revised Page No. 20A - Rate Schedule RS Residential Service Application Rate Schedule RS).

According to the tariff, a customer qualifies for Rate Schedule GS-1 if the property will receive small general single-phase non-residential service at secondary voltage (PPL St. No. 1 at 27). Secondary voltage is the voltage after one standard transformation at the point of delivery from the line voltage (PPL St. No. 1 at 28). For example, in the case of the Complainant's detached solar facilities, the Company must perform one standard transformation to step down the voltage of the distribution line from 240 volts to 120 volts in order to provide service to his solar array (PPL St. No. 1 at 28; Supplement No. 125 to Electric Pa. P.U.C. No. 201, Twenty-Sixth Revised Page No. 24 - Rate Schedule GS-1 Small General Service At Secondary Voltage Application Rate Schedule GS-1).

The Respondent maintains that the Complainant's detached solar facilities do not qualify for Rate Schedule RS under the tariff for several reasons. First, the solar facilities are separately metered, and the Company's Commission-approved tariff requires them to be served

through the same meter as the Complainant's residence to qualify for Rate Schedule RS (PPL St. No. 1 at 28). Second, the Complainant's detached solar array has none of the characteristics of a "dwelling" as defined by the Company's tariff (PPL St. No. 1 at 28). Third, the detached solar array receives single-phase electric service at secondary voltage, thereby placing it under Rate Schedule GS-1 (PPL St. No. 1 at 28). As explained previously, PPL Electric has to step down the voltage of the distribution line from 240 volts to 120 volts in order to provide service to his detached solar array (PPL St. No. 1 at 28). For all of these reasons, the Complainant's detached solar array does not qualify for Rate Schedule RS and properly qualifies for Rate Schedule GS-1.

PPL Electric explains that it is required by law to adhere to its tariff. The Respondent's tariff sets out specific requirements for a customer's facilities to qualify for Rate Schedule RS, and the Complainant's solar facilities fail to satisfy those requirements. The Complainant's detached solar array meets all of the qualifications for Rate Schedule GS-1. PPL Electric's Commission-approved tariff also sets forth the distribution charges that are to be imposed on Rate Schedule GS-1 accounts. All customers that have multiple accounts are required to pay the distribution charges for each account. Therefore, the Respondent must adhere to its tariff and impose these distribution charges on the Complainant's account for his detached solar array.

d. Information in bill/Separate spreadsheet

The Complainant also avers that numerous line items of additional information should appear on his bills. He requested that the credits for excess generation, the kilowatt usage for the solar account and information regarding the cash out checks he received be on the bills he receives (Moyer Brief at 12-14).

The Respondent contends that nothing in its Commission-approved tariff or any applicable law or regulation requires PPL Electric to present all of the information requested by the Complainant. Moreover, it is uncontested that PPL Electric has offered to provide the monthly calculation sheets that it uses to determine and apply the Complainant's credits for excess generation on a monthly basis. These calculation sheets contain all of the information

requested by the Complainant. However, the Complainant maintains that his concerns will only be satisfied if the information is presented on the bill.

The Respondent states that to the extent there have been alleged inconsistencies in the information presented on the Complainant's bills, the Respondent has explained or refuted those inconsistencies.

In the *January 2014 Order*, the Commission ordered the Respondent to provide additional information regarding the Complainant's billing, credits and payments.

Since the Complainant may not be in possession of all of the information necessary to definitively resolve the issues regarding his billing, credits and payments, we shall direct PPL to file additional information on the record within sixty days of the entry of this Opinion and Order. Specifically, we shall direct PPL to file a revised version of Exhibit No. 7 that contains actual data for the period from March 2009 to the last monthly billing periods for each of Mr. Moyer's two accounts that ended prior to the entry date of this Opinion and Order. This information should be presented in a format that enables the Parties to directly associate the monthly bills with the credits and cash-out payments. Accordingly, we shall grant the Complainant's Exceptions regarding the accuracy of PPL's records, billing and payments to the extent that we are remanding this proceeding to the OALJ for the further development of the record. We shall also vacate the Initial Decision to the extent that it found that PPL properly provided credits to the Complainant.
January 2014 Order at 20.

In response to the Commission's request, the Respondent provided JLM - 35.

Subsequently, the Respondent updated the information and submitted PPL Electric Exhibit APC-5 to show how the manual billing process has been used to aggregate, credit, and bill the Complainant's accounts. PPL Electric Exhibit APC-5 demonstrates that using the manual billing process, the Respondent has calculated and applied credits appropriately from when the Complainant began participating in virtual meter aggregation in March 2009 to February 2015 (PPL St. No. 1 at 21). PPL Electric Exhibit APC-5 catalogs all of the relevant information for each of the Complainant's monthly bills from March 2009 to February 2015:

- Column A - The applicable billing date.
- Column B - The meter reading for the solar account (solar facilities) as registered on the single bidirectional meter used at the solar account.
- Column C - The excess generation (kWh) produced at the solar account, determined from the meter reading at the solar account. This is determined from the difference between the meter reading in the current billing cycle and the meter reading from the prior billing cycle. For example, for excess kWh hours for May 2009 is the difference between the April 2009 meter read (20017) and the May 2009 meter read (19448) = 569 kWh.⁷
- Column D - The full retail rate applicable to the residential account (in cents per kWh) used to calculate the value of the excess generation produced by the solar account.
- Column E - The monthly value of the excess generation in dollars. This is calculated by multiplying the total excess generation for the month (Column C) by the full retail rate applicable during that month (Column D).
- Column F - The meter reading at the residential account.
- Column G - The usage (kWh) at the residential account. This is determined from the difference between the meter reading in the current billing cycle and the meter reading from the prior billing cycle.
- Column H - The credits (kWh) applied (if any) to the residential account. This column reflects that credits that were actually applied to the Complainant's account.
- Column I - The dollar value of any credits applied to the residential account (Column H) at the full retail rate (Column D).
- Column J - The balance of any remaining net excess generation (kWh) that is banked at the solar account, carried forward, and applied to offset usage in subsequent billing cycles. This is determined from the balance of any credits due in the prior month (Column J) plus the excess generation produced during the monthly billing cycle (Column C) minus any usage at the residential account (Column G).
- Column K - The cents per kWh used to calculate the cash-out.

⁷ If the bidirectional meter is running backward (a lower meter read than the month before), then the alternative energy system is producing more electricity than it is consuming, *i.e.*, excess generation. If, however, the bidirectional meter is running forward (a higher meter read than the month before), then the alternative energy system is consuming more electricity than it is producing.

- Column L - The value of the cash-out in dollars actually issued to the Complainant.
- Column M - The available residential account balance shown on the Complainant's bill.
- Column N - Comments to help explain what occurred during that period.

PPL Electric Exhibit APC-5 shows how the Respondent has calculated and applied credits for the Complainant's excess generation. For example, in January 2015, the Complainant had excess generation of 221 kWh at his solar account (Column C). His bank at the end of the prior billing cycle (December 2014) contained net excess generation of 707 kWh (Column J). Therefore, he had a maximum of 928 kWh that he could use to offset his usage in the January 2015 billing cycle. The Complainant only used 907 kWh at his residential account. Thus, the full 907 kWh of usage at the residential was offset, and the Complainant received a credit of \$117.08 to that effect (i.e., 907 kWh multiplied by the full retail rate of 12.909 cents per kWh). It should be noted, however, that the credit of \$117.08 does not appear on the January 2015 bill; rather, due to the one-month delay, it appears on the February 2015 bill. The remaining 21 kWhs for January 2015 were then banked at the solar account for use in a subsequent billing cycle (PPL Electric Brief at 22).

In addition, the Complainant objects to certain terminology used by the Respondent in its bills. He objects to the Respondent's witness stating that the Respondent will first "post" the credit before the bill is "rendered". The Complainant states that the terms "post" and "rendered" are inconsistent with the Public Utility Code and that their meanings are obscure. The Complainant states that the Respondent refers to the credit applied to the Complainant's account as "excess credit." The Complainant believes that the phrase "excess credit" is ambiguous and misleading (Moyer Brief at 16-17).

The Respondent states that no applicable law or regulation prohibits the use of this terminology. Moreover, the Respondent utilizes this terminology to help convey the complex concepts involved with virtual meter aggregation to customer-generators. The

Respondent's position is that nothing is ambiguous about these terms and that their meaning has been explained (PPL Electric Brief at 32-36).

Disposition

The Complainant has asked the Commission to require the Respondent to do the following: automate the bills for virtual metering customers; give him a single bill for his net metering accounts with all the pertinent information included; refrain from using certain terminology; and apply Rate RS to his net metering accounts.

The Complainant has established a *prima facie* case regarding the issues of automating the bills for virtual metering customers and providing a correct single bill with pertinent information included.

The Respondent has presented information to show that it has an automated system for net metering accounts with physical aggregation (one meter) and the customers receive one bill. However, the Complainant has a virtual metering account with two meters. One is at his residence and the other is 600 yards away from his residence. Since there is a generating facility and a usage facility, there are two accounts. Therefore, there will be two bills. Furthermore, the Respondent's automated billing process cannot process two meters on the same bill.

Although there are ninety-eight customers that are involved in virtual metering, the Complainant is the only one who has complained about the manual billing process. The Respondent has made a business decision that it is not reasonable to expend resources to automate the virtual metering accounts for less than one hundred people. Instead, the Respondent has improved its manual billing process. Although all of the information that the Complainant requested is not on the bill, it is on the separate spreadsheet that the Respondent prepares each month. The Complainant has rejected the Respondent's offer to receive this information each month.

The Respondent provided reasonable explanations for its decision to continue manual billing. Furthermore, it is clear that with virtual meter aggregation there will be two meters and two accounts. Consequently, there will be two bills. The Respondent showed that the information that the Complainant wants on the bills is available on a separate document that it has offered to give the Complainant.

Therefore, the Respondent has rebutted the evidence presented by the Complainant concerning automating the bills for virtual metering customers and providing a correct single bill with pertinent information included.

The Complainant did not present evidence to refute the evidence provided by the Respondent to show that the requested information is either on the bill or on the spreadsheet. In addition, the Complainant failed to demonstrate that the information on PPL Exhibit AFC-5 was incorrect or inadequate. The Complainant referred to JLM - 35, a document previously submitted by the Respondent.

The Complainant did not present proof that the terminology used by the Respondent was inaccurate or confusing. In addition, the Complainant did not show that both of his accounts should be under the RS rate.

Although the Complainant did not sustain his burden of proof initially, the Respondent presented evidence to demonstrate that the terminology was not inaccurate or confusing. In addition, the Respondent explained the RS and the GS rates as set forth in the Commission approved tariff. Based on the tariff, the generating facility does not comply with the requirements for the RS rate.

The Complainant has failed to sustain his burden of proof on the issues of automating the bill for virtual metering customers, changing the content of the bills, changing the terminology used by the Respondent, allowing him to use the RS rate for both accounts and instituting a single billing system for virtual metering customers. Accordingly, the Respondent did not violate the applicable statutes, regulations or its tariff.

2. Respondent made exception for Complainant-virtual metering.

Although the Complainant does not have the independent load, in June 2011, the Respondent made an exception to allow the Complainant to qualify for virtual metering. The exception was implemented in September 2011. PPL went back to January 6, 2011, and credited the Complainant as a virtual metering customer from that time forward. PPL started applying virtual metering on a monthly basis in December 2011. PPL has applied virtual metering to the Complainant's accounts on a monthly basis since December 2011.

The tariff provision entitled Net Metering for Renewable Customer Generators was revised and the new tariff provision became effective on January 1, 2011, Electric Pa. P.U.C. No. 201, Third Revised Page No. 19L.2 (PPL Ex. 4). Under the billing provisions portion, the tariff indicated the following:

1. The customer-generator will receive a credit for each kilowatt-hour received by the Company up to the total amount of electricity delivered to the Customer by the Company during the billing period at the full retail rate consistent with Commission regulations. If a customer-generator supplies more electricity to the Company than the Company delivers to the customer-generator in a given billing period, the excess kilowatt-hours shall be carried forward and credited against the customer-generator's usage in subsequent billing periods at the full retail rate. Any excess kilowatt-hours will continue to accumulate until the end of the PJM planning period ending May 31 of each year. On an annual basis consistent with the PJM planning period, the Company will compensate the customer-generator for kilowatt hours received from the customer-generator for kilowatt hours received from the customer-generator in excess of the kilowatt hours delivered by the Company to the customer-generator during the preceding year at the Company's Price to Compare consistent with Commission regulations. The customer-generator is responsible for the customer charge, demand charge and other applicable charges under the applicable Rate Schedule.

The evidence in the record demonstrates that the Respondent compensated the Complainant pursuant to its revised tariff. The record shows that the Respondent credited the Complainant's accounts in compliance with its tariffs.

PPL provided the Complainant with a cash out at the end of the 2012 PJM planning period in May 2012 for excess, unused generation remaining on the host account that was not consumed by either host or satellite. It was based on the full retail rate of the Price to Compare of the host account pursuant to PPL Ex. 4 (Tr. 171).

Since the Respondent did not apply credits between June 2010 and December 2010, the Respondent prepared a document, which tracks the maximum benefit that the complainant would have received if he qualified for virtual metering during the period from March 2009 through February 2015, Mr. Moyer's alternative energy system generated a total of approximately 28,485 kWh and his residential property used a total of approximately 31,592 kWh, which means that Mr. Moyer used a total of approximately 3,107 kWh more than his alternative energy system generated (PPL Ex. AFC-5). The total full retail rate value for the total excess kWh produced by Mr. Moyer's alternative energy system between March 2009 and February 2015 is \$3,340.73. This is the total amount of credits and cash outs that Mr. Moyer could have received if his alternative energy system was eligible and participated in virtual net meter aggregation between March 2009 and February 2015. The total credits actually applied to Mr. Moyer's satellite account was \$2,245.37, and Mr. Moyer was actually issued a total of \$535.41 in cash-outs, which means that Mr. Moyer actually received a total of \$2,780.78 of credits and cash-outs during the time period from March 2009 through February 2015. The difference in what Mr. Moyer actually received and what he could have received if his alternative energy system was eligible and participated in virtual net meter aggregation during the entire time period from March 2009 through February 2015 is \$559.95. With interest, the amount owed to Mr. Moyer if his alternative energy system were eligible and participated in virtual net meter aggregation between March 2009 and February 2015 is \$738.98. The Respondent agreed to pay the Complainant \$738.98 (PPL Electric Brief at 20; PPL St. No. 1 at 24; PPL Ex. APC-5).

3. Damages and civil penalties

Although the undersigned does not find that the Respondent violated the Public Utility Code, AEPS Act, the Commission's net metering regulations or its tariff, the positions of

the parties regarding damages and civil penalties will be addressed in this Remand proceeding. In the *January 2014 Order* in this proceeding, the Commission requested additional information from the Respondent and vacated the Initial Decision.

In his Main Brief, the Complainant presents additional requests for relief. First, the Complainant requests that the Commission award “a reasonable estimate of appropriate compensation” in addition to his claim for a refund of demand/customer charges and compensation of credits allegedly owed for the period of June 2010 through December 2010. Second, the Complainant requests that the Commission impose civil penalties for alleged violations of the Public Utility Code, AEPS Act, and the Commission’s net metering regulations. Third, the Complainant proposes, for the first time in his Main Brief, a plan to implement his requested changes to PPL Electric’s virtual meter aggregation program and billing process. Fourth, the Complainant requests that his solar facilities be permanently qualified for virtual meter aggregation (Moyer Brief at 23-26).

The Complainant requests that the Commission award “a reasonable estimate of appropriate compensation” in addition to his claim for a refund of demand/customer charges and compensation of credits allegedly owed for the period of June 2010 through December 2010. (Moyer Brief at 23-24)

The Respondent contends that the Complainant’s request is nothing more than a claim for monetary damages. It is well established that the Commission does not have the jurisdiction to order a public utility to pay monetary damages. *See Byer v. Peoples Natural Gas Co.*, 380 A.2d 383 (Pa. Super. 1977) (holding that the Commission does not have the authority to award damages); *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977) (holding that the Commission does not have the authority to award damages), *DeFrancesco v. Western Pennsylvania Water Company*, 499 Pa. 374, 453 A.2d 595 (1982); *Elkin v. Bell of Pa.*, 491 Pa. 123, 420 A.2d 371 (1980). Therefore, the Complainant’s request for damages must be denied.

The Complainant also requests that the Company be fined \$98,000 (which represents the 98 virtual net metering customers) and assessed a further \$1,000 civil penalty (Moyer Brief at 24, 26).

The Respondent requests that the Complainant's request for civil penalties be denied. The Respondent explained that under § 69.1201 of the Commission's regulations, the Commission considers several factors and standards in determining whether a fine for violating a Commission order, regulation, or statute is appropriate, and if so, the amount of such fine (i.e., the *Rosi* standards). See 52 Pa.Code § 69.1201; see also *Rosi v. Bell – Atlantic Pa., Inc.*, Docket No. C-00992409 (Order Entered Mar. 16, 2000). However, when evaluating the *Rosi* standards here, a fine is not appropriate in this case (PPL Electric Brief at 53).

First, the conduct was not of a "serious nature." 52 Pa.Code § 69.1201(c)(1). There is nothing in the record to demonstrate that PPL Electric's virtual meter aggregation and billing processes have violated any provisions of the Public Utility Code, the AEPS Act, the Commission's regulations, or PPL Electric's tariff. The Respondent maintains that it has strictly adhered to the language set forth in its Commission-approved tariff and charged the Complainant appropriately. Therefore, PPL Electric should not be penalized for complying with its Commission-approved tariff.

Second, the resulting consequences of the Company's conduct were not "of a serious nature." *Id.* § 69.1201(c)(2). PPL Electric's actions resulted in no personal injury or property damage. In addition, the Respondent has agreed to credit the Complainant's account for \$738.98 for the period during which he was not participating in the virtual meter aggregation program.

Third, the Commission evaluates whether the utility's conduct was "intentional or negligent." *Id.* § 69.1201(c)(3). The record demonstrates that PPL Electric always has been operating pursuant to its reasonable interpretation of the Commission's regulations, the AEPS Act, the Public Utility Code, and its Commission-approved tariff. PPL Electric cannot be subject to penalties because it was only enforcing its Commission-approved tariff. See 66 Pa.C.S.

§ 3303. Therefore, the Respondent submits that it did not intentionally or negligently violate the applicable laws, regulations or its tariff.

Fourth, the Company has “made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future.” *Id.* § 69.1201(c)(4). As explained previously, the Company has made several modifications over the years to improve its manual billing process for virtual meter aggregation, but eventually developed an accurate and consistent billing process (PPL St. No. 1, at 15). Further, it is undisputed that PPL Electric has repeatedly offered to provide all of the information that the Complainant requests on a monthly basis. (Tr. 181-82, 190, 200, 218-220; Moyer Brief, at 24-25). PPL Electric also now offers year-end worksheets to its virtual meter aggregation customer-generators so that they may better verify the Company’s calculation and application of credits to their accounts (PPL St. No. 1, at 35).

Fifth, the number of customers affected by the Company’s conduct is only one. 52 Pa.Code § 69.1201(c)(5). The Complainant proposes that the Company should “be fined in the amount of \$98,000.00 which represents the 98 virtual net metering customers who have been subjected to the same flawed ‘manual billing process’ used for the Complainant.” (Moyer Brief at 26). Only the Complainant has brought a complaint against the Company regarding its use of a manual billing process. Calculating such a penalty based upon the number of other virtual meter aggregation customer-generators, who have not filed any formal complaints or otherwise complained about the manual billing process, is unreasonable (PPL St. No. 1 at 37).

Sixth, if a violation is found, the Commission should consider PPL Electric’s compliance history and note this case as an “isolated incident from an otherwise compliant utility.” 52 Pa.Code § 69.1201(c)(6).

Seventh, PPL Electric has fully cooperated with the Commission directives and policies. 52 Pa.Code § 69.1201(c)(7). Although this case is not a Commission investigation, PPL Electric has cooperated and fully participated in the Commission’s formal mediation

process. PPL Electric also submitted the additional data as directed by the Commission's *January 2014 Order* § 5.231.

Eighth, the Commission considers the deterrence effect of a civil penalty or fine. *See Id.* § 69.1201(c)(8). There is nothing of record to demonstrate that PPL Electric has violated the Public Utility Code, the AEPS Act, Commission regulations or orders, or PPL Electric's tariff. Thus, there is nothing to deter. PPL Electric has a legal obligation to comply with applicable laws and regulations and the Commission's orders. The Company will continue to comply with the Commission's directives on its virtual meter aggregation program regardless of the amount of any such civil penalty or fine.

Ninth, the Commission considers its past decisions in similar situations. *See id.* § 69.1201(c)(9). The Commission has encouraged public utilities to use manual processes when automated ones are not readily available. *See, e.g., Petition of Duquesne Light Co. for a Waiver of the Three Business Days Switching Requirements under 52 Pa.Code § 57.174*, Docket No. P-2014-2448863, at 8, 10 (Order Entered Dec. 4, 2014). Consequently, the Company should not be penalized for taking actions consistent with the Commission's prior decisions.

Tenth, the Commission should consider other relevant factors. 52 Pa.Code § 69.1201(c)(10). At all times material to this proceeding, PPL Electric has acted in good faith when implementing virtual meter aggregation. Indeed, PPL Electric has gone above and beyond trying to accommodate the Complainant, including, but not limited to: (1) made numerous attempts to settle and resolve the Complainant's concerns; (2) allowed him to participate in virtual meter aggregation despite the lack of independent load at his detached solar facilities; (3) agreed to fully compensate him \$738.98 for the period during which he was not participating in virtual meter aggregation; and (3) offered to provide him with the calculation sheets that the Company uses to determine and apply his generation credits on a monthly basis, which contain all of the information that he seeks (PPL St. No. 1 at 18-20, 24; Tr. 181-82, 190, 200, 218-220; Moyer Brief at 24-25). Imposing a civil penalty under these circumstances could send the wrong message about making reasonable and prudent efforts to settle with customer complainants. Finally, and importantly, it is undisputed that PPL Electric's billing system simple cannot do

what the Complainant demands. PPL Electric should not be penalized for something it cannot do (PPL Electric Brief at 54-57).

Disposition

It is well established that the Commission does not award damages to parties. Thus, the Complainant is not entitled to damages.

The Complainant did not address the *Rosi* standards. If the Commission finds that the Respondent violated the Public Utility Code, AEPS Act, and the Commission's net metering regulations, the Respondent has made a compelling case, which is unrefuted. Therefore, no civil penalty is warranted.

4. Virtual Meter Eligibility

In its *January 2014 Order*, the Commission stated the following:

With respect to Mr. Moyer's prospective eligibility for net metering or virtual meter aggregation, consistent with the waiver discussed, *supra*, we shall order PPL to continue to permit Mr. Moyer to utilize net metering and virtual meter aggregation for his existing 4.75 kW solar array and residence in the future (subject to future changes in applicable laws or tariffs). Because we have determined that it is not necessary to address this issue in this proceeding and due to the fact that we are vacating the Initial Decision, we shall refer the legal issue raised by this proceeding to the Commission's Law Bureau to consider whether our regulations need to be clarified.

Order at 20.

In its *January 2014 Order*, the Commission ordered PPL Electric Utilities Corporation to permit Mr. Moyer to net meter his 4.75 kW solar array and virtually aggregate his two existing metering accounts from when Mr. Moyer's solar array was first connected to PPL Electric Utilities Corporation's system in March 2009, and prospectively, subject to changes in applicable laws or tariffs. *January 2014 Order* Ordering paragraph 9.

Accordingly, the first complaint is granted with respect to compensation for credits “earned” between May and December 2010 and, in accordance with Ordering paragraph 9 of Opinion and Order entered January 9, 2014, *January 2014 Order*, to allow Mr. Moyer’s facilities to be regarded as a virtual metering facility unless there is a change in the law or PPL Electric’s tariff.

The following allegations in the complaints are dismissed: that the Respondent has failed to properly aggregate the Complainant’s accounts according to the virtual net metering provisions in the Respondent’s Net Metering Rider; that the Respondent failed to fully reimburse the Complainant for the electricity generated; that the Respondent is not providing accurate information regarding the credits and payments; that the Respondent should automate the bills for virtual metering customers; that the Respondent should provide a correct single bill with additional information included; that the Complainant should have one account for virtual metering; and that the Respondent should refrain from using certain terminology.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter in this proceeding. 66 Pa.C.S. § 701.
2. That the Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).
3. The Alternative Energy Portfolio Standards Act (73 P.S. §§ 1648.1-1648.8). AEPS Act, the Public Utility Code, or the Commission’s regulations do not require electric distribution companies to use an automated billing process for virtual meter aggregation.
4. The Commission encourages public utilities to utilize manual processes when automated processes are unavailable, too costly, or incapable of performing the necessary functions. *Petition of Duquesne Light Co. for a Waiver of the Three Business Days Switching*

Requirements under 52 Pa.Code § 57.174, Docket No. P-2014-2448863, at 8, 10 (Order Entered Dec. 4, 2014).

5. The regulation at 52 Pa.Code § 75.13(c) does not prohibit an electric distribution company from applying the amount of the credit in the next billing cycle.

6. PPL Electric's virtual meter aggregation manual billing process properly combines the readings and billing of customer-generators by aggregating their usage and generation appropriately, as required by 52 Pa.Code § 75.12.

7. Public utilities must strictly adhere to the language in their tariffs, and Commission-approved tariffs have the force and effect of law. See *PPL Elec.*, 912 A.2d 386, 402 (citing 66 Pa.C.S. § 1303 and *Pa. Elec. Co. v. Pa. PUC*, 663 A.2d 281, 284 (Pa. Cmwlth. 1995)).

8. A public utility's tariff is "binding on the customer as well as the utility." *Id.* (citing *Pa. Elec. Co. v. Pa. PUC*, 663 A.2d 281, 284 (Pa. Cmwlth. 1995)).

9. PPL Electric's Commission-approved tariff requires the Company to place the Complainant's solar facilities under Rate Schedule GS-1, not Rate Schedule RS (PPL St. No. 1 at 28).

10. Relieving any customer-generator of its responsibility to pay customer charges or demand related charges would create an unjust and unreasonable burden on all other ratepayers." *Pa. PUC v. PPL Electric Utilities Corp.*, Docket Nos. R-2010-2161694, 2010 Pa. PUC LEXIS 2001 at *85 (Order Entered Dec. 21, 2010).

11. The Commission is without jurisdiction to award damages; accordingly, the Complainant's request for "a reasonable estimate of appropriate compensation" is a claim for monetary damages that is denied. See *Byer v. Peoples Natural Gas Co.*, 380 A.2d 383 (Pa. Super. 1977); *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977); *DeFrancesco v.*

Western Pennsylvania Water Company, 499 Pa. 374, 453 A.2d 595 (1982); *Elkin v. Bell of Pa.*, 491 Pa. 123, 420 A.2d 371 (1980).

12. It is well-established that parties are not permitted to present new arguments or proposals for the first time in the briefing stage. *Pa. PUC v. Pa. Power and Light Co.*, Docket Nos. R-822169, et al., 55 P.U.R.4th 185, 57 Pa. PUC 559, 596-97 (Order Entered Aug. 19, 1983); *Enron Capital & Trade Res. Corp. v. Peoples Natural Gas Co.*, Docket No. R-00973928C0001, 1997 Pa. PUC LEXIS 178, at *10-11 (Nov. 13, 1997) (Recommended Decision), affirmed, 1998 Pa. PUC LEXIS 199 (Order Entered Aug. 24, 1998); *Pa. PUC v. Columbia Gas of Pa., Inc.*, Docket Nos. R-2014-2407345, C-2014-2410197, C-2014-2415136, at 65 (Aug. 22, 2014) (Recommended Decision).

13. PPL Electric's virtual meter aggregation manual billing process properly combines the readings and billing of customer-generators by aggregating their usage and generation appropriately, as required by 52 Pa.Code § 75.12.

14. The Complainant's request for a refund of the customer and demand charges is barred by the Commission-made rates doctrine. See *Cheltenham & Abington Sewage Co. v. Pa. PUC*, 344 Pa. 366, 25 A.2d 334, 338 (1942); *West Penn Power Co. v. Pa. PUC*, 100 A.2d 110, 114 (Pa. Super. 1953); *Peoples Natural Gas Co. v. Pa. PUC*, 34 A.2d 375 (Pa. Super. 1943).

15. An Electric Distribution Companies cannot be subject to penalties as a result of enforcing its Commission-approved tariff. See 66 Pa.C.S. § 3303.

16. The Complainant has not met his burden of proof to demonstrate that PPL Electric's virtual meter aggregation program and billing process violates the Public Utility Code, AEPS Act, Commission regulations, or PPL Electric's tariff.

17. The Complainant has not met his burden to demonstrate that his detached solar array should be under Rate Schedule RS.

18. The Complainant has not met his burden to demonstrate that he should not pay the customer and demand charges associated with his detached solar array.

19. The Complainant has not met his burden to establish he is entitled to the refunds, damages, and civil penalties requested.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the complaint filed by Jay Larry Moyer against the PPL Electric Utilities Corporation at Docket C-2011-2273645 is dismissed in part and granted in part. It is granted with respect to compensation for credits “earned” between May and December 2010 as set forth in Ordering Paragraph 4. In addition, Mr. Moyer’s facility will be regarded as a virtual metering facility as set forth in Ordering Paragraph 3. The complaint is dismissed with respect to all other allegations.

2. That the Complaint filed by Jay Larry Moyer against PPL Electric Utilities Corporation at Docket No. C-2014-2444864 is dismissed in its entirety.

3. That PPL Electric Utilities Corporation, as directed by the Pennsylvania Public Utility Commission in its Opinion and Order entered January 9, 2014, at Docket No. C-2011-2273645, shall continue to permit the Complainant to virtually aggregate his two existing metering accounts, subject to changes in applicable laws or tariffs.

4. That as agreed by PPL Electric Utilities Corporation on the record, the Company shall credit Jay Larry Moyer’s residential account \$738.98.

Appendix “D”

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held May 19, 2016

Commissioners Present:

Gladys M. Brown, Chairman
Andrew G. Place, Vice Chairman
John F. Coleman, Jr.
Robert F. Powelson

Jay Larry Moyer

C-2011-2273645
C-2014-2444864

v.

PPL Electric Utilities Corporation

OPINION AND ORDER

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BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions filed by Jay Larry Moyer (Complainant) on October 26, 2015, to the Initial Decision on Remand (I.D.R) of Administrative Law Judge (ALJ) Cynthia Williams Fordham, issued on October 9, 2015, in the above-captioned proceeding. PPL Electric Utilities Corporation (PPL) filed Replies to Exceptions on November 9, 2015. For the reasons stated herein, we shall deny the Exceptions, in part, find them moot, in part, and adopt the ALJ's Initial Decision on Remand, as modified herein.

I. History of the Proceeding

On November 15, 2011, the Complainant, through counsel, filed a Formal Complaint (*2011 Complaint*) against PPL regarding the billing and payments for electric service to his house in Philadelphia, Pennsylvania and his solar panels connected to PPL's distribution system at a separate location in Klingerstown, Pennsylvania. The Complainant alleged, *inter alia*, the following:

- that he contacted PPL regarding the installation of solar panels at his property;
- that PPL assigned an account number to the meter on his house (satellite account, residential account, or residence) and also assigned an account number to the meter associated with his solar panels (host account, solar facility, or solar array);
- that the solar panels were mounted, inspected, and approved by PPL in March 2009;
- that he did not receive credits or payments for the electricity that was generated by his solar panels between April 2009 and February 2010;

- that the checks that he received since April 2010 related to credit for his solar generation did not have an accounting or explanation of the payment;
- that PPL failed to properly aggregate his accounts according to the virtual net metering provisions in the Company's Net Metering for Renewable Customer-Generators Rider; and
- that PPL did not fully credit him for all of the electricity generated by his solar panels and delivered to PPL since March 2009.

2011 Complaint at 6-8. As relief, the Complainant requested that the Commission order PPL to apply virtual net metering to his two accounts, disclose all credits and/or payments that have been made to him, and, if necessary, fully reimburse him for the electricity generated. *Id.* at 9.

On December 8, 2011, PPL filed an Answer to the *2011 Complaint (2011 Answer)* wherein it requested that the *2011 Complaint* be dismissed. Notwithstanding its request for dismissal, PPL averred that the Commission's mediation process would be an appropriate forum to address and resolve the issues raised in the *2011 Complaint*. Therefore, PPL requested that the *2011 Complaint* be assigned to the Mediator of the Office of Administrative Law Judge (OALJ) pursuant to our Regulations at 52 Pa. Code § 69.392(b)(2). *2011 Answer* at 1.

In responding to the Complainant's allegations, PPL acknowledged that it failed to aggregate the excess, uncredited kilowatt-hours (kWh) generated from the Complainant's solar panels with the usage at his residence for the months of March 2009 through December 2009. *2011 Answer* at 5. PPL also addressed, *inter alia*, the payments it made to the Complainant for the excess generation produced by the Complainant's solar panels and the credits that were applied to his residential account between January 2010 and August 2011. *Id.* at 6-8.

The matter was referred to the Commission's Mediation Unit, and a mediation session was held as scheduled on April 10, 2012. Subsequent to the mediation session, it was determined that the case was no longer appropriate for mediation and mediation was terminated.

On August 15, 2012, a hearing (2012 Hearing) was held. The Complainant appeared *pro se*, testified on his own behalf, and presented two witnesses. The Complainant introduced twenty exhibits, ten of which were admitted into the evidentiary record. PPL presented two witnesses and introduced ten exhibits, nine of which were admitted. The hearing resulted in a transcript of 254 pages. The record was closed upon the receipt of the transcript on September 7, 2012.

On February 22, 2013, we issued the Initial Decision of ALJ Fordham in which she dismissed the Complaint.

On March 15, 2013, the Complainant filed Exceptions to the Initial Decision (2013 Exceptions) wherein he reiterated his concerns regarding PPL's billing process and disagreed with the ALJ's interpretation of PPL's tariff for virtual net metering and with her findings regarding the amount of compensation the Complainant should receive.¹ Also on March 15, 2013, the Complainant filed a Request for Oral Argument. PPL filed Replies to Exceptions on March 29, 2013 (2013 Replies to Exceptions).

On May 8, 2013, the Complainant filed a Petition to Reopen the Record (Petition) as well as additional information in support of his *2011 Complaint*. PPL filed an Answer to the Petition on May 20, 2013, requesting that the Petition be denied. On

¹ The Complainant did not serve PPL the 2013 Exceptions. By letter dated March 19, 2013, the Commission's Secretary transmitted a copy of the 2013 Exceptions to PPL and established a deadline of March 29, 2013, for Replies to Exceptions.

May 21, 2013, and July 14, 2013, the Complainant again filed additional information in support of his *2011 Complaint*. PPL filed responsive pleadings on May 21, 2013, and August 1, 2013, requesting that we deny the Complainant's additional attempts to reopen the record.

On January 9, 2014, we issued an Opinion and Order (*January 2014 Order*) addressing the Complainant's 2013 Exceptions, Petition, and Request for Oral Argument. With respect to the issues the Complainant raised regarding the accuracy of the net metering credits that he received from PPL, we, *inter alia*:

- determined that the record was insufficient to determine whether PPL properly credited the Complainant for his solar generation and remanded the proceeding to the OALJ for further development of the record;
- directed PPL to file the Complainant's actual data for the period April 2009 through May 2013;
- encouraged the parties to meet and attempt to resolve the Complainant's concerns;
- directed the Complainant to present all of his monthly bills and statements from April 2009 through the entry date of the *January 2014 Order*;
- stated that, if the Complainant's concerns were not resolved through the informal discussions with PPL, the Complainant could request further hearings and submit his monthly bills into the record;
- granted the Complainant's Petition to Reopen the Record, in part, to include this additional information; and
- denied the Petition in all other respects.

We vacated the ALJ's Initial Decision to the extent she found that PPL properly provided credits to the Complainant. *January 2014 Order* at 6-7, 16. We also denied the Complainant's request for oral argument. *Id.* at 7-8.

In his *2011 Complaint*, the Complainant raised a legal issue regarding whether his solar array was eligible for net metering. The Complainant's 4.75kW solar array is located approximately 600 yards from his residence, and is interconnected to PPL's distribution system through a dedicated meter (host account meter), separate from the Complainant's meter at his residence (satellite account meter). Other than a lighting fixture installed at the solar array, there is no load served through the host account meter. Rather, the Complainant's load is all served through a meter that is interconnected at his residence. The legal question that arose was whether the readings and billings from the two meters should be eligible for virtual meter aggregation and net metering in the absence of independent, or non-generational, load interconnected through the host account meter. We determined that it was not necessary to address the issue given PPL's waiver of its objections to the Complainant's eligibility for net metering as part of its effort to settle the issues raised in the *2011 Complaint*. Consistent with PPL's waiver, we directed PPL "to continue to permit [the Complainant] to utilize net metering and virtual meter aggregation for his existing 4.75 kW solar array and residence in the future." *January 2014 Order* at 20. We also referred "the legal issue raised by this proceeding to the Commission's Law Bureau to consider whether our regulations need to be clarified." *Id.* Specifically, the Law Bureau was directed to "advise the Commission on whether our Regulations need to be clarified to address the issues raised in [the *2011 Complaint*]." *Id.* at 23, Ordering Paragraph No. 10.

On January 17, 2014, the Complainant filed a Motion for Certification of Interlocutory Order for Immediate Appeal of the *2011 Complaint* (Complainant's Motion). On January 30, 2014, PPL filed an Answer in Opposition to the Complainant's Motion. On February 14, 2014, we entered an Opinion and Order granting the Complainant's Motion, in part, and denying it, in part. Specifically, we concluded that an immediate appeal of the *January 2014 Order* would not advance the resolution of this proceeding and, therefore, denied the Complainant's request to permit an immediate appeal from the *January 2014 Order*. However, we, granted, in part, the Complainant's

alternative request that we establish a deadline for the Law Bureau to provide a status report to the Commission regarding whether the net metering regulations needed to be clarified.²

On March 10, 2014, PPL submitted a tabulation reflecting the specific *actual* information on a monthly basis between March 2009 and the last full monthly billing periods for the two accounts at issue in this proceeding that ended prior to the entry date of the *January 2014 Order*.

Subsequently, the Complainant filed two separate Petitions for Review with the Commonwealth Court at Docket Nos. 390 CD 2014 and 448 CD 2014. By Orders dated May 14, 2014, and July 21, 2014, the Commonwealth Court quashed the Complainant's two Petitions for Review.

By correspondence dated September 26, 2014, and October 7, 2014, the Complainant requested a further hearing. The Complainant explained his intent to introduce evidence regarding PPL's billing practices for its virtual meter aggregation program. On October 14, 2014, PPL filed a response to the Complainant's request for a further hearing. PPL argued that the Complainant's request failed to "delineate *specific*

² By Order entered February 20, 2014, we issued a Notice of Proposed Rulemaking and requested comments on the Proposed Rulemaking Order amending Chapter 75 of our Regulations, 52 Pa. Code §§ 75.1, *et seq.*, to further comply with the Alternative Energy Portfolio Standards Act of 2004, 73 P.S. §§ 1648.1 – 1648.8 and 66 Pa.C.S. § 2814 (*AEPS Act*). The stated purpose of the Proposed Rulemaking Order was to update the existing portfolio standards, interconnection, and net metering rules to provide guidance and clarify certain issues of law, administrative procedure, and policy in accordance with the intent of the *AEPS Act*. Various parties, including the Complainant, filed Comments to the proposed regulations. On February 11, 2015, we issued a Final Rulemaking Order (*AEPS Final Rulemaking Order*) that addressed these Comments and set forth proposed changes to our existing Regulations, including the addition of clarifying language to address the legal question posed by our *January 2014 Order*. The proposed changes to our Regulations are now pending before the Independent Regulatory Review Commission (IRRC).

errors in the bills, credits and payments rendered by PPL Electric” as required by our *January 2014 Order*. See *January 2014 Order*, Ordering Paragraph 8 (emphasis in original). Nonetheless, PPL agreed that further hearings should be scheduled and requested that a prehearing conference be held to establish a litigation and hearing schedule and to address any other matters that would facilitate resolution of the matter.

On October 23, 2014, PPL was served a second Formal Complaint (*2014 Complaint*) wherein the Complainant raised issues regarding the accuracy and content of PPL’s billing processes for his virtual net metering accounts. As relief, the Complainant requested that we order PPL to develop and implement new billing procedures and processes for virtual net metering accounts using a single bill for both accounts to be virtually aggregated. *2014 Complaint* at Attachments 4-5.

On November 5, 2014, PPL filed an Answer (*2014 Answer*) and Preliminary Objections to the *2014 Complaint*. In its Preliminary Objections, PPL requested that the *2014 Complaint* be dismissed pursuant to our Regulations at 52 Pa. Code § 5.101(a)(6); because the allegations, issues, and relief requested in the *2014 Complaint* would be fully addressed by the Parties and the Commission through the *2011 Complaint* proceeding. In the alternative, PPL requested that the *2014 Complaint* be consolidated with the *2011 Complaint*.

On November 12, 2014, the Complainant filed an Answer in which he requested that PPL’s Preliminary Objections they be dismissed and that his two complaints continue to proceed separately.

In a Prehearing Order dated January 14, 2015, the ALJ denied PPL’s Preliminary Objections and granted PPL’s motion to consolidate the *2011 Complaint* and the *2014 Complaint* pursuant to our Regulation at 52 Pa. Code § 5.81.

On February 2, 2015, the Complainant served his written Direct Testimony. On March 6, 2015, PPL served its Rebuttal Testimony. On April 3, 2016, the Complainant served his Surrebuttal Testimony.

On April 21, 2015, a hearing on remand (2015 Hearing) was held in this consolidated matter. The Complainant appeared *pro se* and submitted his Direct and Surrebuttal Testimony, which were admitted into the record. The Complainant also proffered 267 additional exhibits, 179 of which were admitted into the record. PPL was represented by counsel and submitted the Rebuttal Testimony of its witness, along with five additional exhibits, all of which were admitted into the record. The 2015 Hearing generated a transcript of 238 pages.

On June 4, 2015, the Complainant filed Main Briefs. On June 29, 2015, PPL filed Reply Briefs.

On October 9, 2015, we issued the Initial Decision on Remand of ALJ Fordham wherein she granted the *2011 Complaint*, in part, and dismissed it, in part, and dismissed the *2014 Complaint* in its entirety.

As previously noted, the Complainant filed Exceptions to the Initial Decision on Remand on October 26, 2015. PPL filed Replies to Exceptions on November 9, 2015.³

³ We note that on December 14, 2015 the Complainant filed correspondence with our Secretary's Bureau attempting to introduce additional information, which he classified as "material evidence" that was not part of the record in this proceeding. On December 22, 2015, PPL filed a response requesting that the Commission not consider this extra-record evidence. We shall grant PPL's request. It is axiomatic that we base our decisions on the evidence in the record, and we are prohibited from looking beyond the record for evidence not previously supplied to support a desired finding of fact or conclusion of law. 52 Pa Code §5.431.

II. Discussion

A. Legal Standards

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Pennsylvania Public Utility Code (Code). 66 Pa. C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant must show that PPL is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 529 Pa. 654, 602 A.2d 863 (1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by PPL. *Selling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, this Commission's decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to PPL. If the evidence presented by PPL is of co-equal value or "weight," the burden of proof has not been satisfied. The Complainant now has to provide some additional evidence to rebut that of PPL. *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983).

While the burden of going forward with the evidence may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always

remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

As a preliminary matter, we note that any issue or Exception that we do not specifically address has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider, expressly or at length, each contention or argument raised by the parties. *Consolidated Rail Corporation v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *also see, generally, Univ. of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

ALJ Fordham made seventy-seven Findings of Fact and reached nineteen Conclusions of Law. I.D.R. at 13-22, 41-44. The Findings of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order. As discussed below, the ALJ granted the Complainant's *2011 Complaint* with respect to his request that he be compensated for credits "earned" between May and December 2010 and that he be permitted to participate in PPL's virtual meter aggregation program unless there is a change in PPL's tariff or the applicable law. The ALJ dismissed the *2011 Complaint* in all other aspects. Further, the ALJ dismissed the *2014 Complaint* in its entirety. I.D.R. at 41

B. Complainant's Issues with PPL's Virtual Meter Aggregation Program and Manual Billing Process

1. Positions of the Parties

a. The Complainant

The Complainant alleged that from the outset of the connection of his solar facility to PPL's distribution system in 2009, PPL has utilized a manual billing process for virtual meter aggregation that has resulted in his bills being incomplete, inconsistent,

inaccurate, and indecipherable. Complainant Main Brief (M.B.) at 5. According to the Complainant, PPL has routinely omitted or withheld pertinent information from his bills including, *inter alia*, the kWh generated at his solar facility, the kWh used to offset his energy consumption at his residence, the kWh of excess generation carried forward each month, and credit data for excess generation expressed in terms of kWh. In addition, the Complainant argued that the beginning and ending meter readings listed for each billing period were frequently identical on his solar bills. *Id.* at 12-14. Moreover, the Complainant contended that PPL Exhibit APC-5, a separate tabulation which PPL prepared in accordance with our *January 2014 Order*, highlights the flaws that are present in PPL's manual billing process because this exhibit does not accurately depict the credits he received or the payments he made, and therefore cannot be reconciled with his bills.

The Complainant submitted that the flaws in PPL's manual billing process are further exacerbated by the fact that since 2012, there has been a constant one-month lag between when the credit for the electric generation produced by his solar facility is earned and when it is applied. The Complainant contended that this violates our Regulations and also leads to incorrect billing. In this regard, the Complainant argued that this one-month lag resulted in PPL not fully cashing out his banked net excess generation at the end of each PJM planning year.⁴ As an example, the Complainant noted that the credit he received in May 2013, prior to the annual cash-out, was not applied until June 2013, which is after the annual cash-out at the end of the PJM planning year. The Complainant further alleged that this incorrect billing was compounded each quarter when the full retail rate was adjusted. Complainant M.B. at 15-16.

Additionally, the Complainant noted that as a result of its manual billing process, PPL issues him two bills each month: one for his host account and one for his satellite account. As a result, the Complainant argued he improperly receives a customer

⁴ The PJM Planning year runs from June 1 to May 31.

charge for each account.⁵ The Complainant pointed out that customers enrolled in physical meter aggregation do not receive this “double charge.” Further, the Complainant argued that neither the bills for his host account nor those for his satellite account make any reference to meter aggregation. Complainant M.B. at 8, 18.

In light of the above, the Complainant argued that the Commission should direct PPL to implement an automated billing process for its customers that are enrolled in virtual meter aggregation and should instruct PPL to issue him a single bill that lists all pertinent information from both accounts. Complainant M.B. at 20-21. Specifically, the Complainant characterized the following information as being “pertinent,” and argued that PPL should be instructed to list it on his bills:

- a specified, common billing period with beginning and ending dates for all aggregated meters
- a specified, common meter read date for all aggregated meters
- the total kWh used at each meter during the billing cycle
- the total kWh generated for the billing cycle
- the full retail value in price per kWh that is used to calculate the generation credit
- the total value (in price per kWh) for electricity generated
- the total kWh of generation used to offset usage at each meter
- the total value (in price per kWh) of generation being credited during that billing cycle
- the total kWh of excess generation that are being banked
- the total kWh of banked generation

⁵ This issue is addressed in Part C of our Discussion, *infra*.

- in the final bill of the PJM planning year, the amount of the cash-out and the data supporting the calculation of the cash-out
- a current account balance

Id. at 24-25.

b. PPL

PPL submitted that, at present, the design of its billing system is such that it is unable to utilize an automated billing process for its customers that are enrolled in its virtual meter aggregation program. PPL explained that, unlike net metering,⁶ which

⁶ The *AEPS Act* and our Regulations define “net metering” as follows:

The means of measuring the difference between the electricity supplied by the electric utility and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator’s requirements for electricity. Virtual meter aggregation on properties owned or leased and operated by a customer-generator and located within two miles of the boundaries of the customer-generator’s property and within a single electric distribution company’s service territory shall be eligible for net metering.

utilizes one meter, virtual meter aggregation employs two meters at different locations. PPL asserted that its billing system is unable to associate two separate accounts that are read and billed independently. Specifically, PPL clarified that its billing system cannot currently transfer and aggregate data among separate meters, either data from a host account to the associated satellite account or vice versa, nor is it capable of accommodating the negative meter readings that are often associated with a generating facility at a host account. Further, according to PPL, it would not be possible to upgrade its billing system to implement an automated billing process without undertaking a costly upgrade. PPL argued that even if it were to undertake this costly upgrade, doing so would be impractical because, at present, it only has ninety-eight customers enrolled in its virtual meter aggregation program. PPL Reply Brief (R.B.) at 10-11, 16-17, 37-38.

The *AEPS Act* and our Regulations define “customer-generator” as follows:

A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations, except for customers whose systems are above three megawatts and up to five megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an electric distribution company, electric cooperative or municipal electric system have been promulgated by the Institute of Electrical and Electronic Engineers and the Pennsylvania Public Utility Commission.

See 73 P.S. § 1648.2; 52 Pa. Code § 75.12.

As an alternative, PPL claimed that it has developed and utilized a manual billing process that is inexpensive and that accurately calculates and applies credits for the electricity generated by its virtual meter aggregation customer-generators, in accordance with Section 75.13 of our Regulations. As background, PPL described its manual billing process by explaining that it uses computer software to track, record, store, and calculate the excess generation produced, the credits applied, and the cash-outs paid. PPL stated that for each of its customers enrolled in virtual meter aggregation, it maintains a computer generated spreadsheet that tracks, on a monthly basis, the excess generation at the host account and the allocation of excess kWh to each satellite account. PPL R.B. at 17-18. PPL explained that it reads the meters for the host account and the satellite account on the same day, measures the generation at the host account, and aggregates it with the usage at the satellite account by recording it on the spreadsheet. PPL noted that it applies the excess generation up to the usage metered at each satellite account by applying a kWh to the satellite account for each kWh generated by the host account. The excess generation appears on the bill for the satellite account as an excess credit. This excess credit is applied at the full retail rate that was in effect during the applicable billing cycle. PPL indicated that any unused excess generation that remains after this application is banked in kWh and is carried forward and applied in future billing cycles. At the end of each PJM Planning year, PPL explained that it “cashes out” any remaining banked generation at the host account’s Price-to-Compare (PTC). PPL R.B. at 17-18.⁷

PPL argued that, contrary to the Complainant’s assertion, it has properly calculated and applied his credits for generating electricity using its manual billing process. PPL contended that its Exhibit APC-5 represents an accurate record of the crediting and billing history of the Complainant’s accounts. PPL asserted that it has

⁷ PPL also noted that prior to January 1, 2011, its tariff provided that it would credit a customer for its generation up to the kWh of usage during that billing cycle. Any net excess generation in a billing cycle would be banked and then cashed out at the end of the calendar year based on the full retail value for all energy produced. PPL St. 1.0 at 15.

explained the inconsistencies that the Complainant alleged were present on his bills. PPL R.B. at 26-32. PPL acknowledged the Complainant's argument that there is a one-month lag between when credits are earned and when they are applied to virtual meter aggregation customer-generators' accounts. However, PPL asserted that this is solely the result of the time it takes PPL's employees to input the data into the spreadsheet for it to perform the necessary calculations regarding the credits to be applied. Nonetheless, PPL averred that this one-month lag does not cause any harm. In this regard, PPL pointed out that a customer-generator still receives the full amount to which it is entitled to under our Regulations, *i.e.* the full retail value at the time the excess kWh are generated. PPL emphasized that it always applies the credit based upon the full retail rate at the time the electricity is generated, and not when it is applied. Moreover, PPL asserted that this one-month lag does not violate any of our Regulations because its manual billing process still banks the net excess generation in kWh, carries it forward, and uses it to offset the customer-generator's usage in the subsequent billing cycle, in accordance with the terms of its Commission-approved tariff and the requirements of Section 75.13(c) of our Regulations. *Id.* at 34-37.

Finally, PPL argued that because the Complainant has two meters, each with a separate point of interconnection and a separate account, it is appropriate that he receive a bill associated with each account. PPL contended that it is not required under the Code, the *AEPS Act*, our Regulations, or its tariff to provide all of the information requested by the Complainant on the bills it issues to him. PPL asserted that it has offered to provide the Complainant with all of the information he has requested on a separate spreadsheet, but that the Complainant has refused this offer. PPL R.B. at 39-44.

2. ALJ's Initial Decision

The ALJ found that in raising the issues of whether PPL should be required to implement an automated billing process for its customers that are enrolled in virtual

meter aggregation and whether PPL should be required to provide such customers with all pertinent information on a single bill, the Complainant established a *prima facie* case. Nonetheless, the ALJ ruled that PPL successfully rebutted the evidence the Complainant presented. Specifically, the ALJ found PPL's testimony that its billing system is not able to process the readings of two separate meters on the same bill to be persuasive. The ALJ pointed out that because the Complainant has elected virtual meter aggregation, he has a meter located at his solar facility and a separate meter located at his residence, and an account associated with each meter. Therefore, the ALJ found it reasonable to conclude that the Complainant will receive a bill for each account. I.D.R. at 32-33.

The ALJ also concluded that PPL provided a satisfactory explanation for its decision to continue utilizing a manual billing process for its virtual meter aggregation program. Specifically, the ALJ noted that PPL made a business decision not to automate billing for this program on the basis that only ninety-eight of its customers out of its entire customer base are enrolled in virtual metering. Nonetheless, the ALJ pointed out that PPL made an effort to modify its billing system to attempt to implement an automated billing process for virtual meter aggregation, but was not able to do so. Further, the ALJ noted that while the additional information the Complainant sought was not on his bill, PPL offers such information on a spreadsheet on a monthly basis. The ALJ highlighted that the Complainant rejected PPL's offer to receive this spreadsheet. I.D.R. at 32-33.

Additionally, the ALJ found that the Complainant failed to set forth evidence to refute the evidence PPL provided with regard to the content of his bills. In this regard, the ALJ found that that the Complainant failed to demonstrate that the information PPL presented was incorrect or inadequate. As such, the ALJ ruled that PPL did not violate any Statutes, Commission Regulations, or its tariff. I.D.R. at 33.

3. Exceptions and Replies to Exceptions

a. Complainant's Exceptions

The Complainant disputes the ALJ's findings and maintains that by utilizing its manual billing process for virtual meter aggregation, as opposed to implementing an automated process, PPL has failed to provide him with bills that are current, complete, accurate, and transparent. The Complainant argues that the majority of the billing issues he has raised originate from the question of whether the monthly bills PPL issues to him should contain information that is current and complete and which reflects the activity on his accounts during the most recent period. In the Complainant's view, the ALJ either found irrelevant or failed to consider the inability of PPL's manual billing process for virtual meter aggregation to, *inter alia*, (1) transfer and aggregate data from separate meters; (2) accommodate the negative usage resulting from the energy generated at his solar account or to indicate the associated number of kWh; (3) depict actual meter readings and reflect cash-outs on the Complainant's bills; and (4) automate virtual meter aggregation. Further, the Complainant submits that the ALJ failed to address the complications PPL's manual billing process creates with respect to the one-month lag in the application of credit for excess generation. Complainant Exceptions (Exc.) at 9-10.

The Complainant also finds fault with the ALJ's findings that PPL is not able to implement an automated billing process for virtual meter aggregation and that the manual billing process PPL currently has in place is inexpensive. Complainant Exc. at 15-16. The Complainant alleges that the ALJ failed to recognize contradictory claims PPL has made about its ability to implement automated billing. Specifically, the Complainant contends that at the 2012 Hearing, PPL's witness testified that automated billing would be possible, but that at the 2015 Hearing, PPL's witness stated that PPL attempted to modify its billing system but was unable to do so. Therefore, the

Complainant posits that the Commission should confer with IT experts for the purpose of determining the feasibility of automating the billing process for virtual meter aggregation. *Id.* at 12-13, 18.

Additionally, the Complainant excepts to the ALJ's finding that PPL calculated and applied his credits appropriately. The Complainant asserts that he presented detailed evidence delineating specific omissions, inconsistencies, and irregularities in PPL's records, but that the ALJ failed to discuss these submissions. Complainant Exc. at 5. The Complainant maintains that the information on PPL's Exhibit APC-5 does not accurately depict the credits he received or the payments he made, and, therefore, cannot be reconciled with his bills. Further, the Complainant takes issue with the ALJ's Finding of Fact No. 72, which states that "[t]he Company has offered to provide the Complainant with the monthly calculation sheets that it uses to calculate and apply the credits to his accounts, which contain all of the information requested by the Complainant." I.D.R. at 22. The Complainant opines that it is inadequate for PPL to provide information via a separate monthly spreadsheet and as opposed to including this information on his actual bills. The Complainant contends that the absence of crucial information on the bills themselves makes it impossible for him to verify the charges, credits, and adjustments listed on his bills. Complainant Exc. at 11.

To remedy the above, the Complainant submits that the Commission should modify the ALJ's Initial Decision on Remand by directing PPL to cease using its manual billing process and to implement, within a reasonable amount of time, an automated billing system for its virtual meter aggregation program that is capable of performing real-time aggregation and producing data from both his meters on a single bill. Complainant Exc. at 13. In the alternative, the Complainant contends that the Commission should direct PPL to include on his separate bills critical information that does not currently appear, including the number of kWh generated at his solar account, credits for his excess generation, and the excess kWh carried forward. Further, the

Complainant contends that the Commission should clarify that he is not required to accept PPL's spreadsheets in place of actual printed bills. *Id.* at 23.

b. PPL's Reply

PPL rejoins that in excepting to the ALJ's ruling, the Complainant incorrectly portrays the fundamental issue. According to PPL, the primary issue in this proceeding is not whether PPL *should* implement an automated billing process for its virtual meter aggregation program, but whether PPL is *legally required* to do so. PPL submits that nothing in the Code, the *AEPS Act*, or our Regulations requires it to implement an automated billing process. Further, PPL argues that the Commission endorses the use of a manual billing process if an automated process is unavailable, is too costly, or is not capable of performing the required functions. PPL contends that although the Complainant excepts to the ALJ's findings that PPL is not able to automatically aggregate his meter readings and that PPL's manual billing process is inexpensive, PPL presented evidence in support of its position. PPL notes that the Complainant did not dispute this evidence during this proceeding and argues that the Complainant cannot do so now that the record has closed. PPL Replies to Exceptions (R. Exc.) at 5, 9.

PPL maintains that unless it undertakes a costly upgrade, its current billing system is not capable of automating virtual meter aggregation. PPL cites its testimony at the 2015 Hearing wherein it asserted that after it submitted rebuttal testimony in this proceeding, it attempted unsuccessfully to modify its billing system. PPL R. Exc. at 9, citing Tr. at 223. Nonetheless, PPL avers that its manual billing process accurately calculates and applies the credits for customer-generators who have elected virtual meter aggregation, thereby negating the need for it to upgrade its billing system to accommodate automatic billing. Additionally, PPL reiterates that even if it were to upgrade its billing system, doing so would only benefit the ninety-eight customer-

generators who have elected virtual meter aggregation. PPL points out that the Complainant is the only one of these customer-generators to take issue with its manual billing process. Therefore, PPL submits that it would not be reasonable to shift the costs of developing and implementing an automated billing process onto all of PPL's ratepayers. Further, PPL argues that the Complainant's request that the Commission confer with IT experts to determine the feasibility of implementing an automated billing system would exceed the Commission's authority. PPL R. Exc. at 8-10.

PPL also rebuts the Complainant's assertion that the information on his bills is inaccurate and cannot be reconciled with PPL's spreadsheets. PPL argues that it set forth detailed evidence regarding how its Exhibit APC-5 matches up with the Complainant's bills. Referring to its argument in its Reply Brief at pages 26-32, PPL claims that it explained any alleged discrepancies or inconsistencies highlighted by the Complainant. PPL also asserts that it has offered to provide the Complainant with all information necessary to verify his bills. Specifically, PPL states that it has offered to provide the Complainant with the exact same calculation sheets it used in its billing process. PPL avers that these sheets would provide the Complainant with all of the information he has requested be present on his bills. Additionally, PPL points out that the Complainant has several tools available to him, which would enable him to verify the information presented on his bills. PPL R. Exc. at 6-7, 10.

Moreover, PPL cites to the Complainant's own testimony in which he stated that his own independent side meter has tracked the energy generated at his solar facility. PPL R. Exc. at 10 (citing Complainant St. 1.0 at 44). PPL points out that the Complainant acknowledged that his detached solar array's inverter tracks and stores data showing the kWh of generation at his host account. Therefore, PPL asserts that it is clear that the Complainant has all of the information he needs to verify his bills either already in his possession or readily available to him. PPL R. Exc. at 10.

4. Disposition

On review and consideration of the positions of the Parties and the record evidence, we shall deny this Exception consistent with the discussion below.

a. **Should PPL be directed to implement an automated billing process for its virtual meter aggregation program?**

As an initial matter, we concur with PPL that nothing in the *AEPS Act*, the Code, or our Regulations mandates that virtual meter aggregation be done via an automated billing process or prohibits the use of a manual billing process. For example, virtual meter aggregation is defined in our Regulations, as follows:

Virtual meter aggregation—The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's billing process, rather than through physical rewiring of the customer-generator's property for a physical, single point of contact. Virtual meter aggregation on properties owned or leased and operated by the same customer-generator and located within 2 miles of the boundaries of the customer-generator's property and within a single electric distribution company's service territory shall be eligible for net metering.

52 Pa. Code § 75.12.⁸ In a similar fashion, PPL’s Commission-approved tariff describes virtual meter aggregation as “the combination of readings and billing for all meters, regardless of rate class, installed on properties owned, or leased and operated, by a customer-generator by use of the Company’s billing process, rather than through physical rewiring of the customer-generator’s owned or leased property for a physical, single-point of contact.” See Supplement No. 194 to PPL’s Tariff Electric Pa. P.U.C. No. 201, effective January 1, 2016, at 19L.4. Thus, while virtual meter aggregation is attained through the electric distribution company’s (EDC’s) billing process, the specific billing process is not prescribed.

The record affirms that PPL’s billing system currently is unable to transfer and aggregate data from two separately-metered accounts. Additionally, PPL’s billing

⁸ In our *AEPS Final Rulemaking Order* we added clarifying language to this definition. While we do not rely on this proposed change for purposes of our resolution of the instant case, if this language is approved by IRRC, Virtual Meter Aggregation will be defined in our Regulations as follows:

Virtual Meter Aggregation-The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's billing process, rather than through physical rewiring of the customer-generator's property for a physical, single point of contact. Virtual meter aggregation on properties owned or leased and operated by the same customer-generator and located within 2 miles of the boundaries of the customer-generator's property and within a single EDC's service territory shall be eligible for net metering. *Service locations to be aggregated must be EDC service location accounts, held by the same individual or legal entity, receiving retail electric service from the same EDC and have measureable electric load independent of the alternative energy system. To be independent of the alternative energy system, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system.*

AEPS Final Rulemaking Order at Annex A (new language in italics).

system is unable to accommodate negative meter readings that result when a generation facility produces more electricity than it uses. As such, PPL must use a manual billing process for its virtual meter aggregation program. PPL R.B. 16-17. The record also affirms that PPL presented detailed evidence explaining how it uses its manual billing process to calculate and apply credits owed to its virtual meter aggregation customer-generators. Although the Complainant excepts to the ALJ's finding that PPL's manual billing process is accurate and inexpensive, we agree with PPL that he has not offered any credible evidence to rebut this finding.

As noted above, the ALJ also found reasonable PPL's explanation why it continues to utilize a manual billing process for its customer-generators that are enrolled in its virtual meter aggregation program. We agree. The Complainant has not offered any evidence to rebut PPL's assertion that, at present, there are only ninety-eight participants in its virtual metering program and that the Complainant is the only one of these customer-generators that has taken issue with PPL's manual billing process. Therefore, we find PPL's argument persuasive that given the small number of its customers that are enrolled in virtual meter aggregation and the cost that would be necessary to upgrade its billing system, automating its billing process would not be a prudent expense at this time. Specifically, we concur with PPL that it would not be reasonable for it to shift the costs of developing and implementing an automated billing process for its virtual meter aggregation program, which would only benefit a small portion of its customer base, on to all of its ratepayers. Accordingly, we shall deny the Complainant's request that we direct PPL to implement an automated billing process for its customer-generators that are enrolled in virtual meter aggregation.

b. Should PPL be directed to issue the Complainant a single bill for his two accounts?

In light of the limitations of PPL's manual billing process and the costs that would be associated with upgrading to an automated billing process, we are of the opinion that the Complainant's argument that PPL should be mandated to issue him a single bill is also without merit. As previously noted, the Complainant's solar facility and his residence are connected to PPL's distribution system at different locations and different points of interconnection. Therefore, the Complainant has two separate accounts: a host account and a satellite account. Because PPL's manual billing process is unable to aggregate the data associated with these separate accounts, we agree with the ALJ's finding that it is reasonable for PPL to issue the Complainant a bill for each account. Moreover, the record indicates that PPL is not required under the Code, the *AEPS Act*, our Regulations, or the terms of its tariff to issue the Complainant a single bill for his two accounts. Consequently, we shall deny the Complainant's request that we direct PPL to issue the Complainant a single bill that combines both his host and satellite accounts.

c. In the alternative, should PPL be directed to list all of the information the Complainant requests on his bills?

Similarly, we shall deny the Complainant's alternative request that we mandate that PPL include additional information that he characterizes as "critical" on his separate bills. As noted, *supra*, the Complainant argues that PPL should list on his bills, *inter alia*, the amount of electricity generated by his solar facility, the per-unit value of generation, and the amount of credit expressed in kWh. However, PPL is not obligated under the Code, the *AEPS Act*, our Regulations, or its tariff to list such information on his bills. With respect to residential customers, our Regulations mandate that the following information be listed on a customer's bill:

§ 56.15. Billing information.

A bill rendered by a utility for metered residential utility service must state clearly the following information:

- (1) The beginning and ending dates of the billing period.
- (2) If applicable, the beginning and ending meter readings for the billing period. If a bill is estimated, it must contain a clear and conspicuous marking of the word “Estimated.”
- (3) The due date on or before which payment shall be made or the account will be delinquent.
- (4) The amount due for service rendered during the current billing period, specifying the charge for basic service, the energy or fuel adjustment charge, State tax adjustment surcharge if other than zero, State Sales Tax if applicable and other similar charges. The bills should also indicate that a State Gross Receipts Tax is being charged and a reasonable estimate of the charge. A Class A utility shall include a statement of the dollar amount of total State taxes included in the current billing period charge. For the purpose of this paragraph, a Class A utility shall also include a Class A telephone utility as defined under § 63.31 (relating to classification of public utilities).
- (5) Amounts due for reconnection charges.
- (6) Amounts due for security deposits.
- (7) The total amount of payments and other credits made to the account during the current billing period.
- (8) The amount of late payment charges, designated as such, which have accrued to the account of the customer for failure to pay bills by the due date of the bill and which are authorized under § 56.22 (relating to accrual of late payment charges).
- (9) The total amount due.
- (10) A clear and conspicuous marking of estimates.

(11) A statement directing the customer to “register any question or complaint about the bill prior to the due date,” with the address and telephone number where the customer may initiate the inquiry or complaint with the utility.

(12) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill and an explanation, in plain language, of the various charges, if applicable, is available for inspection in the local business office of the utility and on the utility’s web site.

(13) A designation of the applicable rate schedule as denoted in the officially filed tariff of the utility.

52 Pa. § 56.15. However, as outlined in Part C of our discussion, the Complainant’s solar facility is a commercial account. Our Regulations do not require that this specific information or level of information be included on a commercial customer’s bill. Similarly, PPL is not required under the terms of its tariff to list all of the information the Complainant requests on the bill for his solar facility.

We acknowledge the Complainant’s assertion that in response to Section 52.15(2) above, PPL regularly lists the same beginning and ending meter reading on each month’s solar facility bill. However the record clearly indicates that this is a result of PPL’s billing system and its inability to accommodate the negative meter readings that result from the Complainant’s solar facility generating more electricity than it consumes. Also, even though the above Regulation is not applicable to commercial customers, our review of the bills the Complainant submitted as evidence indicates that they contain the information, where applicable, that we require for residential accounts. *See* Complainant

Exh. JLM 101-170, 202-267.⁹ Moreover, the record indicates that if PPL were to include the additional information the Complainant requests, it would not fit on a standard bill. PPL R.B. at 42 n.18.

We also recognize that the limitations of PPL's manual billing system may present a difficulty to its customers enrolled in virtual meter aggregation with regard to their ability to determine the impact of the net generation from a host account on a satellite account from their individual monthly bills for each account. Nonetheless, the record indicates that PPL offers tools to its customers enrolled in virtual meter aggregation to aid them in understanding their bills. As noted above, after the end of the 2012 PJM planning year, PPL began sending to its virtual meter aggregation customers, upon request, a calculation spreadsheet which depicts their monthly credits. PPL has continued this practice after the end of each PJM planning year. Further, PPL has offered to provide the Complainant with a spreadsheet that is updated monthly, which outlines the data PPL uses to calculate his bills and credits. Tr. at 218-20. Therefore, the evidence affirms that while PPL is not required to present the additional information the Complainant requests on the Complainant's bills, PPL has made this information available to the Complainant by other means.

In his Exceptions, the Complainant argues that such information is inadequate and requests that we clarify that he is not required to accept the supplemental information PPL has offered. Although we shall grant this request and acknowledge the evidence that shows the Complainant's receipt of this additional information is optional,

⁹ As noted above, the Complainant argues that the full retail rate in price per kWh is omitted from his bills, but should appear. In its Rebuttal Testimony, PPL pointed out that this rate does, in fact, appear on his bills. PPL explained that the full retail rate is the total rate it charges for a customer's distribution, transmission, and generation, as well as any applicable riders. PPL asserted that the bills the Complainant received for his satellite account, *i.e.* Exhibits JLM 202-267, show the price per kWh for distribution, transmission, and generation. PPL St. 1.0 at 33. Our review of the record corroborates PPL's assertion.

the record also reflects that such information would likely prove useful in aiding the Complainant in understanding his bills and in verifying his generation credits.

d. Did the ALJ err in finding that that PPL calculated and applied the Complainant's credits appropriately?

Although we note the complexity of PPL's Exhibit APC-5, we are not persuaded by the Complainant's contention in his Exceptions that the ALJ erred in finding that PPL calculated and applied his credits accurately. As noted, *supra*, in our *January 2014 Order*, we concluded that we were unable to determine whether the Complainant was properly credited for his solar generation because there was not sufficient information in the record to tie the Complainant's monthly bills to the amounts credited on his satellite account and the cash-out payments made to the Complainant.

Accordingly, we remanded this proceeding and instructed PPL to prepare a tabulation containing the Complainant's actual data for his two accounts dating back to the commencement of his participation in virtual meter aggregation in 2009 and instructed the Complainant to present all of his monthly bills and statements for his two accounts dating back to April 2009. *January 2014 Order* at 16. Therefore, PPL compiled a tabulation which it placed on the record as PPL Exhibit APC-5. Likewise, the Complainant placed Exhibits JLM 101-170 (solar account bills) and 202-267 (satellite account bills) on the record. Our review of these exhibits corroborates PPL's assertion that it demonstrated how its tabulation of the Complainant's actual data for the two accounts since 2009 reconciles with the Complainant's bills, and that it explained any alleged inconsistencies in the Complainant's bills. This affirms the ALJ's conclusion that the Complainant was appropriately billed for his usage and credited for his generation. In particular, we note the following explanations offered by PPL:

- PPL provided a description for each of the columns in its Exhibit APC-5 along with an explanation regarding how it calculated and applied credits for the Complainant's excess generation. PPL R.B. at 20-22; *see also* I.D.R. at 30-31.

- The Complainant took issue with the value PPL used for his annual cash-outs. Complainant St. 1.0 at 32. PPL explained that it has always calculated the cash-outs in accordance with its tariff provisions in effect at the time. Therefore, PPL calculated the Complainant's cash-outs in December 2009 and May 2010 based upon the full retail rate at the Complainant's satellite account as required by the provisions of its tariff in effect at that time period. On the other hand, PPL calculated the cash-outs in May 2012, May 2013, and May 2014 based upon the PTC for the Complainant's host account as required by its current tariff provisions. PPL St. 1.0 at 25. PPL provided further comments regarding each of these cash-outs on its Exhibit APC-5.¹⁰
- PPL explained that the Complainant enrolled in virtual meter aggregation during a time period in which PPL was still learning how to implement virtual meter aggregation and overcome the inability of its billing system to aggregate virtual meter aggregation customer generators' accounts on an automated basis. Consequently, PPL initially experienced difficulties in finding the optimal method to process the billing for such customer-generators, leading to some inconsistencies in how often the credits were applied to the customer generators' accounts, *i.e.* monthly or annually. PPL R.B. at 26. PPL also pointed out that prior to 2011, it was not required under the terms of its tariff to apply credits for excess generation on a monthly basis. Tr. at 147.
- PPL demonstrated that it has refined its manual billing process and that, with the exception of credits earned by the Complainant in June 2013, it has consistently applied credits on a monthly basis since 2012 in accordance with the present terms of its tariff. PPL demonstrated that the one-month delay in the application of credits was solely the result of the limitations of its manual billing process and ultimately had no negative effects on the Complainant. PPL R.B. at 26-27; Tr. at 147-53; PPL Exh. APC-5.¹¹

¹⁰ As noted elsewhere in this Opinion and Order, PPL removed the Complainant from its virtual meter aggregation in May 2010 after determining that there was no non-generational load present at his host account. Therefore, PPL did not apply any credits or cash-outs between June and December 2010. Thereafter, PPL agreed to make an exception to permit the Complainant to participate in virtual net metering. Although PPL did not credit the Complainant for the excess generation produced at his solar account between June and December 2010, it has agreed to do so. In addition to providing this information elsewhere in the record, PPL provided comments regarding these events on its Exhibit APC-5.

¹¹ On review of this evidence, we find PPL's assertion to be persuasive.

- The Complainant noted that no credit appeared on his satellite bill in July 2013 to reflect the credits he earned in June 2013. Complainant M.B. at 16. PPL explained that this was due to human error and that it reprimanded the employee responsible for this error. Further, PPL highlighted that it corrected this omission by issuing two credits to the Complainant in August 2013. PPL R.B. at 28-29; PPL Exh. APC-5.

Based on the forgoing, we find no merit in the issues the Complainant has raised. Accordingly, this Exception is denied.

C. Appropriate Rate Schedule for the Complainant's Solar Facility

1. Positions of the Parties

a. The Complainant

The Complainant submitted that his solar facility exists solely to provide electricity to his residence and is not used for any commercial or business purpose. Therefore, the Complainant argued that PPL wrongly designated his detached solar array as a commercial facility subject to PPL's Rate Schedule GS-1. In the Complainant's view, PPL should treat his solar facility as a residential facility under PPL's Rate Schedule RS (residential service). The Complainant reasoned that although his solar panels are detached and are ground-mounted, they function in a manner that is identical to rooftop solar panels that would be attached to a residence for which the customer has elected physical meter aggregation. Complainant M.B. at 10-12, 23.

b. PPL

PPL countered that under the terms of its Commission-approved tariff, the Complainant's detached solar facility simply does not qualify for service under Rate

Schedule RS. According to PPL, its tariff mandates that the Complainant's solar facility must receive service under its commercial GS-1 rates because the facility receives small general single phase non-residential service at secondary voltage. PPL pointed out that the Complainant voluntarily elected to participate in virtual meter aggregation and that he always had the option of physically connecting his detached solar facility to his residence at his own expense and becoming a physical meter aggregation customer-generator. PPL R.B. at 44-47.

2. ALJ's Initial Decision

The ALJ ruled that the Complainant did not meet his burden of proving that his host account should be considered a residential account. The ALJ pointed to PPL's explanation regarding its RS and GS-1 Rate Schedules as set forth in its tariff. The ALJ found that based on PPL's tariff, the Complainant's solar facility does not meet the requirements necessary to be considered a residential facility or to qualify for service under PPL's RS rates. I.D.R. at 33

3. Exceptions and Replies to Exceptions

a. Complainant's Exceptions

In his Exceptions, the Complainant remains of the opinion that his solar facility should be treated strictly as a residential facility subject to service under Rate Schedule RS. The Complainant argues that the ALJ failed to address his position, and thereby accepted PPL's position that his solar facility should be considered a commercial account under Rate Schedule GS-1. The Complainant reiterates that despite the evidence that the vast majority of PPL's virtual meter aggregation customer-generators are mid-size commercial customers or larger, there is no commercial activity at his solar facility. According to the Complainant, nothing in our Regulations or the *AEPS Act* mandates

that customer-generators who are purely residential in nature and who have elected virtual meter aggregation must be considered commercial customers subject to service under a commercial rate schedule. In the Complainant's view, requiring that such customers pay GS-1 rates is akin to imposing a penalty. The Complainant reasons that residential customer-generators who elect physical meter aggregation are not charged commercial rates nor are they required to pay two different customer charges. Therefore, the Complainant submits that, with respect to virtual metering customers who have no commercial operations, the Commission should recognize their residential status and place them on par with residential customers who elect physical meter aggregation by serving them under Rate Schedule RS and by requiring them to only pay a single customer charge. Complainant Exc. at 20-22.

b. PPL's Reply

In its Replies to Exceptions, PPL retorts that it is required to adhere strictly to the terms of its Commission-approved tariff, which mandates that it serve the Complainant's detached solar array under its Rate Schedule GS-1 and that it assess the Rate Schedule GS-1 customer charge on this account. PPL explains that its tariff provisions specify that its Rate Schedule RS applies to single phase electric service for, *inter alia*, a single family dwelling, a separate dwelling in an apartment house, a single farm dwelling, or a building previously wired for single meter service that is converted to not more than eight separate dwelling units served through a single meter. In contrast, PPL notes that its tariff provisions stipulate that a customer be served under Rate Schedule GS-1 if the customer's property will receive small general single phase non-residential service at secondary voltage. PPL explains that secondary voltage is voltage that results from one standard transformation at the point of delivery from the line voltage. PPL R. Exc. at 16.

PPL argues that the Complainant's detached solar facility does not qualify for service under Rate Schedule RS because it is separately metered, is not a "dwelling" as defined by its tariff, and receives single phase electric service at secondary voltage. According to PPL, it must perform one standard transformation to step down the distribution line's voltage from 240 volts to 120 volts in order to provide service to the Complainant's solar facility. Additionally, PPL points out that the Complainant does not attempt to demonstrate that his solar facility meets the requirements necessary to be assessed under PPL's Rate Schedule RS. PPL R. Exc. at 16-17.

PPL further contends that its tariff specifies that customer-generators must pay the customer charge, the demand charge, and other applicable charges applicable under the appropriate rate schedule. PPL claims that, in the Complainant's case, the applicable customer charge on his solar account is the charge under Rate Schedule GS-1. PPL reasons that if it were to exempt the Complainant from paying the customer charge on his solar facility's account, it would potentially be granting the Complainant an undue preference over other GS-1 customers, in violation of Section 1304 of the Code.¹² PPL R. Exc. at 17.

Additionally, PPL refutes the Complainant's assertion that virtual meter aggregation customer-generators should be treated in the same manner as physical meter aggregation customer-generators. PPL argues that these two types of customer-generators are treated differently because of the methods by which their solar generating facilities are configured and utilize PPL's distribution system. PPL emphasizes that virtual meter aggregation customer-generators have two separate accounts, meters, and points of interconnection with PPL's distribution system. As a result, PPL submits that virtual meter aggregation customer-generators must pay a customer charge for each metered account. PPL contrasts this by noting that because physical meter aggregation customer-generators have only one account, one meter, and one point of interconnection

¹² Section 1304 of the Code prohibits rate discrimination.

with PPL's system, they pay only one customer charge. PPL further highlights the contrasts between the two types of customer-generators by noting that virtual meter aggregation customer-generators receive electricity and put electricity back on to PPL's distribution system at both their host and satellite accounts, as opposed to the single location of the physical meter aggregation customers. Finally, PPL asserts that the customer charge is part of the distribution rate design required under a Commission-approved rate schedule that is intended to recover the costs associated with connecting a customer to the electric distribution system regardless of the customer's usage. PPL R. Exc at 18-19.

4. Disposition

The Complainant's frustration is understandable. There is no evidence to suggest that he is using his solar facility to engage in any commercial activity. Therefore, his explanation that his solar facility exists for the sole purpose of generating electricity for use at his residence is plausible. Further, the Complainant is correct that nothing in the *AEPS Act* or our Regulations explicitly mandates that a residential customer-generator receive service under a commercial rate schedule for his host account if he elects virtual meter aggregation. Nonetheless, as both PPL and the ALJ correctly observed, the current terms of PPL's Commission-approved tariff simply do not permit the Complainant's solar facility to be billed under PPL's Rate Schedule RS nor does the construct of the Complainant's virtual net metering impose the same burdens on or uses of PPL's infrastructure as do physical meter aggregation customers.

As a utility's contract with its customers, a tariff states the terms and conditions under which the utility will serve its customers, and the responsibilities of both the company and the customer in this provision of this service. The tariff is a legal document that is binding on both the utility and its customers. *Pennsylvania Electric Co.*

v. *Pa. PUC*, 663 A.2d 281 (Pa. Cmwlth. 1995). Therefore, PPL is bound by law to abide by the terms, conditions, and rates outlined in its tariff.

PPL's tariff states that its Rate Schedule RS is applicable to single phase electric service for the following:

- (a) A single family dwelling and detached buildings when the detached buildings are served at the customer's expense through the same meter as the single family dwelling
- (b) A separate dwelling unit in an apartment house.
- (c) A single farm dwelling and general farm uses when general farm uses are served at the customer's expense through the same meter as the single farm dwelling.
- (d) A building previously wired for single meter service which is converted to not more than 8 separate dwelling units served through one meter.

See Supplement No. 194 to PPL's Tariff Electric Pa. P.U.C. No. 201, effective January 1, 2016, at 20B. PPL's tariff defines a dwelling as "a living space consisting of at least permanent provisions for shelter, dining, sleeping, and cooking, with provisions for permanent electric, water, and sanitation services." *Id.*

The Complainant's solar facility is simply an array of mounted solar panels located several hundred yards away from the Complainant's residence. The Complainant does not use this solar facility for shelter, dining, sleeping, or cooking. Additionally, this detached solar facility is served on a separate meter from the meter located at the Complainant's residence. *See* Complainant St. 1.0 at 6; PPL St. 1.0 at 28. Therefore, the evidence supports PPL's position that Complainant's solar facility does not share any of the characteristics of a dwelling as defined above.

We note that the section of PPL's tariff regarding its Rate Schedule RS also contains the following provision:

(3) Where any use of service at a residence or on a farm is not eligible for the application of this Rate Schedule, customer has the option to provide separate circuits so that the portion that is applicable can be metered and billed separately hereunder and the remaining portion can be billed under the applicable general service rate schedule. When separate circuits are not provided, the entire service is billed under the applicable general service rate schedule.

Id. Similarly, our Regulations define Residential Service as “[p]ublic utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.” 52 Pa. Code §.56.2. Because the Complainant is billed separately for his two accounts, we find that this tariff provision and this provision of our Regulations each lends additional support to PPL's position that the Complainant's solar facility does not qualify for service under Rate Schedule RS. Further, as PPL correctly observed, the Complainant did not offer any evidence to prove how his solar facility satisfies the requirements to qualify for service under Rate Schedule RS.

Based on the above, we agree with the ALJ, and with PPL, that the Complainant's solar facility must instead be served under PPL's Rate Schedule GS-1. PPL's tariff states that this rate schedule is applicable to “single phase non-residential service at secondary voltage and **other applications outside the scope of the Residential Rate Schedule.**” See Supplement No. 194 to PPL's Tariff Electric Pa. P.U.C. No. 201, effective January 1, 2016 (emphasis added). The Complainant offered no evidence to refute the evidence set forth by PPL that in order to provide service to the Complainant's solar facility, PPL must perform one standard transformation to step down the distribution line's voltage from 240 volts to 120 volts at the point of delivery.

Moreover, although the Complainant contends that he is at a disadvantage vis-à-vis a residential customer that has elected physical meter aggregation, the record indicates that he voluntarily elected to enroll in PPL's virtual meter aggregation program and was not forced to do so by the Company. PPL R.B. at 46.

We likewise find persuasive PPL's position that the Complainant is responsible for paying the customer charge on both his host and satellite accounts. The record is clear that because the Complainant is a virtual meter aggregation customer-generator, his host account and his satellite account are each served at separate points of interconnection on PPL's system and on separate meters. Thus, these accounts are separate and will have separate customer charges associated with them. The customer charge is applicable to all customers regardless of whether they are enrolled in net metering. *See* Tr. at 226. As a result, the customer charge cannot be waived.

For all of the above reasons, this Exception is denied.

D. Complainant's Eligibility for Net Metering

1. Background

In our *January 2014 Order*, we noted PPL's position that because the Complainant did not have any non-generational, load (*i.e.* load independent of that which is generated for the grid) at his host account, he did not qualify for net or virtual metering as required under the *AEPS Act* and PPL's Commission-approved tariff. Therefore, PPL removed the Complainant from its virtual meter aggregation program in June of 2010. Nonetheless, in an effort to settle the issues and concerns raised by the Complainant, PPL agreed to waive its objection to the Complainant's participation in its virtual meter aggregation program. Accordingly, we directed PPL to continue permitting the Complainant to utilize net metering and virtual meter aggregation for his existing solar

facility and residence in the future, subject to future changes in PPL's tariff and the applicable laws. As noted, *supra*, we also referred the legal issue regarding the Complainant's eligibility for virtual meter aggregation to the Law Bureau to consider whether our Regulations needed to be clarified. *January 2014 Order* at 17-20. This matter was addressed in our *AEPS Final Rulemaking Order*.

2. ALJ's Initial Decision

The ALJ pointed out that although the Complainant does not have independent, non-generational load at his solar facility, PPL made an exception to permit him to qualify for participation in its virtual meter aggregation program. The ALJ found that on a monthly basis since December 2011, PPL compensated the Complainant pursuant to its revised tariff that became effective January 1, 2011. The ALJ ruled that PPL credited the Complainant's account in accordance with its tariff. I.D. at 34-35.

The ALJ explained that because PPL did not apply credits between June 2010 and December 2010, it prepared a document to track the maximum benefit that the Complainant would have received if he had qualified for virtual metering during the entire period between March 2009 and February 2015. This document indicated that the difference between what the Complainant actually received and what he could have received if his solar energy facility were eligible and he had participated in virtual net metering during this entire period would have been \$559.95. When interest was applied, the amount PPL owed to the Complainant would have been \$738.98. The ALJ emphasized that PPL agreed to pay this amount to the Complainant. I.D.R. at 35 (citing PPL Exh. APC-5). Therefore, as previously noted, the ALJ sustained the Complainant's *2011 Complaint* to the extent that PPL should compensate the Complainant for credits earned between May and December 2010 and to the extent that the Complainant should be permitted to participate in virtual net metering barring a change in the law or in PPL's tariff. I.D.R. at 41.

3. Exceptions and Replies to Exceptions

a. Complainant's Exceptions

The Complainant excepts to ALJ Fordham's Finding of Fact No. 49, which states that "[t]he Complainant's two accounts did not qualify for virtual metering under the terms of PPL's tariff because there was no non-generational load." I.D.R. at 19. The Complainant continues to oppose the requirement that in order to participate in virtual metering, a customer-generator must have non-generational load present at his host account. The Complainant submits that the Commission should remove this requirement from our Regulations and declare his photovoltaic solar generating facility fully qualified for virtual meter aggregation. Further, the Complainant argues that PPL should be issued fines and penalties for having removed him from its virtual meter aggregation program in 2010. Complainant Exc. at 13-15.

b. PPL's Reply

PPL responds that the ALJ correctly stated that the Complainant's host account must have non-generational load in order for the Complainant to participate in virtual meter aggregation. PPL emphasizes that this requirement is outlined in its Commission-approved tariff, which has the force and effect of law. PPL further points out that because our *January 2014 Order* instructed PPL to permit the Complainant to participate in PPL's virtual meter aggregation program, subject to changes in applicable laws or tariffs, the Complainant's concerns are moot. As such, PPL asserts that the Commission does not need to declare that the Complainant's solar facility qualifies for virtual meter aggregation because it already has done so under our *January 2014 Order*. PPL R. Exc. at 11-13.

4. Disposition

We shall deny this Exception, in part, and find it moot, in part, consistent with the following discussion. As an initial matter, we shall reject the Complainant's request that we levy fines and penalties on PPL for having removed him from its virtual meter aggregation program from May 2010 to December 2010. The record indicates that PPL did so in accordance with the provisions of the *AEPS Act* and its Commission-approved tariff, each of which requires that non-generational load be present at a host account in order for the customer-generator to qualify for virtual meter aggregation. Therefore, as PPL has not violated any provisions of the Code, our Regulations, or its Commission-approved tariff, the Complainant's request is not warranted.

In a similar fashion, we shall also deny the Complainant's request that we remove the non-generational load requirement from our Regulations. As noted above, we referred to our Law Bureau the legal issue whether an interconnected alternative energy system qualifies for net or virtual metering if there is no non-generational load at the interconnection point. In our recent *AEPS Final Rulemaking Order*, issued after the Complainant filed his Exceptions, we addressed this issue. In disposing of this issue, we maintained the requirement that independent, *i.e.* non-generational, load must be present and permanent for a customer-generator to obtain and maintain net metering status. We explained that to be independent, the electric load must have a purpose other than to support the operation, maintenance, or administration of the alternative energy system. We reasoned that in the absence of independent load, the alternative energy system would simply be a generator. We noted that this requirement is currently implied in the definition of net metering in the *AEPS Act*, *supra*, which states that net metering is "the means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by the customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity." We also noted that this

requirement is implied in Section 75.13(a) of our Regulations, as currently written, where this section states that “EDCs shall offer net metering to customer-generators that generate electricity on the customer-generator’s side of the meter.” *AEPS Final Rulemaking Order* at 29-30, 33-35. Upon consideration of the comments of interested parties, we proposed to add the following clarifying language to our Regulations:

§ 75.13. General provisions.

(a) EDCs **and DSPs** shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter using Tier I or Tier II alternative energy sources, on a first come, first served basis. **To qualify for net metering, the customer-generator shall meet the following conditions:**

(1) Have electric load, independent of the alternative energy system, behind the meter and point of interconnection of the alternative energy system. To be independent of the alternative energy system, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system.

AEPS Final Rulemaking Order at Annex A (emphasis in original indicating amendments).¹³ In light of the above, we must deny this portion of the Complainant’s Exceptions.

On the other hand, we concur with PPL that the balance of the Complainant’s Exception is moot. As the ALJ observed, PPL has agreed to fully compensate the Complainant, with interest, for the value of all of the credits and cash-outs that he would have received for his excess generation if he had been deemed

¹³ As previously noted, the proposed clarifying language to our Regulations is currently pending before IRRC.

qualified for virtual meter aggregation during the entire period between March 2009 and February 2015. Moreover, as previously noted, in an effort to resolve the issues in this proceeding, PPL has agreed to permit the Complainant to continue to participate in its virtual meter aggregation program despite the fact that there is no non-generational load at his solar facility. In our *January 2014 Order*, we directed PPL to continue to permit the Complainant to do so, subject to future changes in PPL's tariffs or the applicable law. We reinforce this direction here.¹⁴

Notwithstanding the above, although we agree with the ALJ's finding that PPL should fully compensate the Complainant for the value of all of the credits and cash-outs he would have received for his excess generation had he been deemed qualified for virtual meter aggregation for the entire period since his enrollment in 2009, we also are mindful of the time that has elapsed since the close of the record in this proceeding. Accordingly, we shall modify the ALJ's Initial Decision on Remand by directing PPL to adjust the amount it has agreed to pay the Complainant to account for interest accrued through the entry date of this Opinion and Order. We shall direct PPL to apply interest at the legal rate as specified in 41 P.S. § 202.

¹⁴ We note that while future changes in the law or in PPL's tariff may alter the waiver PPL has agreed to, our *AEPS Final Rulemaking Order* proposed additional clarifying language to reinforce the already existing provisions of our AEPS Regulations which requires a customer-generator to have independent, non-generational load to be eligible to participate in net metering. Therefore, our issuance of the *AEPS Final Rulemaking Order* does not disturb our prior direction that PPL permit the Complainant to participate in its virtual meter aggregation program, which we reinforce here.

E. Complainant's request that PPL be directed to pay damages and civil penalties

1. Positions of the Parties

a. The Complainant

The Complainant contended that PPL should be directed to pay fines and civil penalties. The Complainant also submitted that, in addition to requiring PPL to compensate him for credits owed from June 2010 to December 2010 and to refund him for the customer and demand charges assessed on his host account, the Commission should instruct PPL to pay him reasonable compensation for the time he spent attempting to have his Complaint resolved. In the Complainant's view, such action is appropriate due to, *inter alia*, PPL's persistent failure to implement a suitable billing process for virtual meter aggregation and its alleged repeated violations of our Regulations and the *AEPS Act*. Complainant M.B. at 24

b. PPL

PPL argued that the Complainant's request for additional compensation was akin to requesting that he be awarded monetary damages. PPL pointed out that the Commission lacks the jurisdiction to award such damages. Additionally, PPL asserted that it should not be ordered to pay any civil penalty with respect to this matter. In support of this claim, PPL argued the following:

- PPL complied with its Commission-approved tariff and should not be penalized for doing so.
- PPL was enforcing its Commission-approved tariff and should not be subject to penalties.

- PPL made efforts to modify internal practices by offering year-end worksheets to its virtual meter aggregation customer-generators, including the Complainant, to enable them to better verify PPL's calculation and application of credits to their accounts.
- The Complainant is the lone PPL customer that has filed a formal complaint, or any complaint, with the Commission concerning PPL's manual billing process.

PPL R.B. at 52-59.

2. ALJ's Initial Decision

The ALJ agreed with PPL's position that it is well established that the Commission does not have the authority to award damages to parties. Therefore, the ALJ ruled that the Complainant is not entitled to damages. With respect to the Complainant's argument that PPL should be subject to fines and civil penalties, the ALJ found that PPL presented unrefuted evidence for why the imposition of such fines and civil penalties is not warranted. I.D.R at 40.

3. Exceptions and Replies to Exceptions

a. Complainant's Exceptions

The Complainant finds fault with the ALJ's decision not to impose any fines or civil penalties on PPL for not having implemented an automated billing process for its virtual meter aggregation program and for having temporarily removed him from this program in 2010. The Complainant submits that in doing so, the ALJ ignores the duration of PPL's misconduct and ignores the seriousness of PPL's flawed billing. The Complainant maintains that PPL has repeatedly violated our Regulations regarding virtual meter aggregation and has disregarded the *AEPS Act* and should be punished accordingly. Complainant Exc. at 19-20.

b. PPL's Reply

PPL replies that the Complainant has failed to meet his burden of proving that PPL violated any provision of its tariff, the *AEPS Act*, our Regulations, or the Code. PPL reiterates its position that no applicable law or regulation obligates it to implement an automated billing process for virtual meter aggregation or to provide the Complainant with a single bill for his two accounts. PPL also points out that it attempted to mitigate the Complainant's concerns despite the limitations of its billing system. PPL restates that none of its other customer-generators who have elected virtual meter aggregation have filed any complaints or have taken issue with PPL's manual billing process. Therefore, PPL submits that the Complainant's request that the Commission impose fines or penalties is unreasonable and should be rejected. PPL R. Exc. at 13-15.

4. Disposition

We have previously established that PPL was not legally required to implement an automated billing process for virtual meter aggregation or issue the Complainant a single bill for his two accounts. Additionally, we have determined that PPL was acting in accordance with its Commission-approved tariff and the applicable law when it temporarily removed the Complainant from its virtual meter aggregation program in 2010. Further, as previously discussed, the evidence supports PPL's assertion that it made an effort to mitigate the Complainant's concerns by attempting to modify its billing system, making an exception to permit the Complainant to participate in virtual meter aggregation, and agreeing to reimburse the Complainant, with interest, for the difference between the credit amount he has already received for his excess generation and the credit amount he could have received if he had been enrolled in virtual meter aggregation for the entire time period covered by this proceeding. Based on the above, we are not persuaded by the Complainant's argument that the ALJ erred by declining to

levy fines and penalties on PPL. As PPL correctly points out, the Complainant has not demonstrated that PPL has violated any provision of its tariff, the *AEPS Act*, our Regulations, or the Code that would warrant a fine or penalty. Therefore, we shall deny this Exception.

III. Conclusion

Based upon the foregoing discussion, we shall deny the Complainant's Exceptions, in part, and find them moot, in part, and adopt the Initial Decision on Remand, as modified, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Exceptions of Jay Larry Moyer that were filed on October 26, 2015, to the Initial Decision on Remand of Administrative Law Judge Cynthia Williams Fordham are denied, in part, and rendered moot, in part, consistent with this Opinion and Order.

2. That the Initial Decision on Remand of Administrative Law Judge Cynthia Williams Fordham issued on October 9, 2015, is adopted, as modified, consistent with this Opinion and Order.

3. That the Complaint of Jay Larry Moyer against PPL Electric Utilities Corporation at Docket No. C-2011-2273645 is sustained, in part, and dismissed, in part, consistent with this Opinion and Order.

4. That the Complaint of Jay Larry Moyer against PPL Electric Utilities Corporation at Docket No. C-2014-2444864 is dismissed, consistent with this Opinion and Order.

5. That PPL Electric Utilities Corporation, as directed by the Pennsylvania Public Utility Commission in its Opinion and Order entered January 9, 2014, at Docket No. C-2011-2273645, shall continue to permit the Complainant to virtually aggregate his two existing metering accounts, subject to changes in applicable laws or tariffs.

6. That PPL Electric Utilities Corporation shall credit Jay Larry Moyer's residential account in the amount agreed to on the record, adjusted for interest accrued through the entry date of this Opinion and Order.

7. That the proceeding at Docket No. C-2011-2273645 be marked closed.

8. That the proceeding at Docket No. C-2014-2444864 be marked closed.

BY THE COMMISSION



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: May 19, 2016

ORDER ENTERED: May 19, 2016

Appendix “E”

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jay Larry Moyer,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 882 C.D. 2016
	:	SUBMITTED: November 23, 2016
Public Utility Commission,	:	
	:	
Respondent	:	

BEFORE: HONORABLE P. KEVIN BROBSON, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
 SENIOR JUDGE LEADBETTER**

FILED: March 13, 2017

This case involves a long ongoing dispute between petitioner, Jay Larry Moyer, and his electric supplier, PPL Electric Utilities Corporation (PPL), and the Public Utility Commission (PUC). Before us for disposition is Moyer's *pro se* petition for review of the final order of the PUC ruling on two consolidated complaints (2011 and 2014 complaints) that he filed against PPL (intervenor here). Moyer challenged PPL's billing under a virtual net meter aggregation program for accounts associated with solar panels that he installed on a hillside approximately 600 yards from his farmhouse in Klingerstown, PA.

In its brief, PPL explains the concepts involved as follows:

Net metering enables customer-generators to use the electricity produced from their eligible alternative energy sources, such as solar panels, to offset all or a portion of their electric usage. The crediting is done

on a one-to-one basis: for every kilowatt-hour ("kWh") of electricity generated, one kWh of electricity is credited to the account up to the total amount of electricity used in the monthly billing period. *See* 52 Pa. Code § 75.13(c).

Under traditional net metering, such as a solar panel mounted on the roof of the customer's residence, the alternative energy system is wired directly with the customer's home or business. [T]he customer-generator has a single bidirectional meter that measures and records the flow of electricity in both directions, meaning that it runs forward when electricity is used and runs backward when electricity is generated to produce a single "net" meter read each month.

In contrast, meter aggregation enables a customer-generator to aggregate multiple locations for the purposes of net metering. (PPL St. No. 1, p. 7) These properties must be within two miles of the customer-generator's property and located within the electric utility's service territory. Two types of meter aggregation exist: (1) physical meter aggregation; and (2) virtual meter aggregation.

Under physical meter aggregation, the customer-generator connects the alternative energy source directly to the single meter at the customer's home or business. (PPL St. No. 1, p. 7) For example, solar facilities located in a field could be directly connected to the meter at a nearby residence by extending an electrical conductor/conduit between the solar facility and the residence. Physical meter aggregation functions like traditional net metering because the facilities are physically connected to a single bidirectional meter....

On the other hand, virtual meter aggregation "virtually" aggregates separate meters that are not physically connected. (PPL St. No. 1, p. 7) For example, the meter at a residence can be "virtually"

aggregated with the meter for a solar facility located 'in a nearby field without a physical connection to the residence. (PPL St. No. 1, p. 7) To accomplish this result, the electric utility measures the electricity used and generated at the meter for the generating facilities (such as Mr. Moyer's solar array) and aggregates that with the customer-generator's usage from the meter at his or her other property (such as Mr. Moyer's residence). Under this scenario, there are two different meters with two entirely different points of interconnection with the electric system: (1) a bidirectional meter at the generating facilities (referred to as the host account) to measure usage and generation of electricity; and (2) a standard meter at the other property (referred to as the satellite account) that measures the customer's electric usage.... Consequently, PPL Electric must [manually] virtually aggregate the generation and usage measured from the meter for the generating facilities with the usage measured from the meter for the customer's home or business.

(Brief for PPL at 9-12) (Record citations deleted).

The relevant procedural history of this case is as follows. In November 2011, Moyer filed a complaint against PPL alleging that he contacted it regarding the installation of solar panels on his property and that a representative inspected and approved them in March 2009.¹ He further alleged that for the period of April 2009 to February 2010, PPL failed to credit him for the electricity that was generated by those solar panels and delivered to PPL and that the checks that he had received since April 2010 lacked any accounting for the credits. Further, alleging that PPL failed to properly aggregate his accounts in accordance with the virtual-net metering provisions in its Net Metering for Renewable

¹ At that time, Moyer was represented by counsel. Since counsel's March 2012 notice of withdrawal, however, Moyer has been proceeding *pro se*.

Customer-Generators Rider, Moyer averred that PPL failed to credit him for all of the electricity generated by his solar panels since March 2009. Accordingly, Moyer requested that the PUC order PPL to apply virtual net meter aggregation to his two accounts, disclose all credits and/or payments that PPL made to him and, if necessary, fully reimburse him for the electricity generated.

In response, PPL acknowledged that for a discreet period it failed to aggregate the excess generation produced by the solar panels generated with the usage at Moyer's residence. It maintained, however, that it made payments to him for that excess generation and applied credits to his residential account. In any event, following failed mediation, Administrative Law Judge Cynthia Williams Fordham (ALJ) conducted an August 2012 evidentiary hearing at which time Moyer testified, presented two witnesses, and introduced twenty exhibits into the record, ten of which were admitted. PPL presented two witnesses and introduced ten exhibits, nine of which were admitted. In February 2013, the ALJ issued her initial decision dismissing the 2011 complaint.

In January 2014, the PUC vacated the ALJ's initial decision to the extent that she found that PPL properly credited Moyer for his solar generation. Concluding that the record was insufficient to make such a determination, the PUC remanded the case to the ALJ for further development of the record. In so doing, the PUC granted Moyer's petition to reopen the record to include the following additional information: (1) PPL to provide Moyer's actual data for the period of April 2009 to May 2013; and (2) Moyer to provide all of his monthly bills and statements for the period of April 2009 to January 9, 2014. Further, the PUC encouraged the parties to meet and attempt to resolve Moyer's concerns and

advised him that, if informal discussions with PPL did not result in a resolution, he could request further hearings.

In September 2014, before a second hearing could be held, Moyer filed a new complaint raising issues concerning the accuracy and content of PPL's billing processes for his virtual-net metering accounts and requesting that the PUC order PPL to develop and implement new billing procedures and processes for such accounts using a single bill for both accounts being virtually aggregated. In January 2015, the ALJ consolidated the 2011 and 2014 complaints.

At an April 2015 hearing, Moyer submitted his direct and surrebuttal testimony and proffered 267 additional exhibits, 179 of which were admitted into the record. PPL submitted rebuttal testimony and five additional exhibits, all of which were admitted into the record. In October 2015, the ALJ issued her initial decision on remand in which she (1) dismissed the 2014 complaint in its entirety; and (2) sustained the 2011 complaint to the extent that PPL was to compensate Moyer for credits earned for the electricity generated from his solar panels between May and December 2010, and that PPL permit Moyer to participate in its virtual-meter aggregation program, as earlier during the litigation it had agreed to do, subject to changes in PPL's tariffs or the applicable law, but dismissed the 2011 complaint in all other respects.

On May 19, 2016, the PUC entered its final opinion and order, adopting the ALJ's decision on remand, finding that PPL correctly billed and credited Mr. Moyer's accounts but modified that decision to require PPL to pay additional interest through the date of its order. Further, although the PUC opined that the accounts did not qualify for virtual-meter aggregation under the terms of PPL's tariff because he failed to show the existence of an independent, non-

generational load² at his generation facility, the PUC reiterated the order that Moyer be allowed to virtually aggregate his two accounts because PPL had agreed to a waiver of the load requirement in an effort to resolve the issues. See PUC's May 19, 2016, Opinion at 30 n.10, 38-39, 43, and 48.

In addition to Moyer's petition for review, we have the following three applications before us for disposition with the merits: (1) the PUC's November 1, 2016, application to strike the *amicus curiae* brief filed by Sunrise Energy, LLC, (Sunrise) via its principal and majority shareholder David N. Hommrich; (2) Moyer's October 20, 2016, application for relief, asserting, *inter alia*, that this Court's decision in *Sunrise Energy, LLC, v. FirstEnergy Corporation*, 148 A.3d 894 (Pa. Cmwlth. 2016) (*en banc*),³ has immediate

² The regulation defining "virtual meter aggregation" provides:

The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's [electric distribution company] billing process, rather than through physical rewiring of the customer-generator's property for a physical, single point of contact. Virtual meter aggregation on properties owned or leased and operated by a customer-generator and located within 2 miles of the boundaries of the customer-generator's property and within a single electric distribution company's service territory shall be eligible for net metering.

52 Pa. Code § 75.12. An additional regulation then in effect, which the PUC asserts implicitly required an independent, non-generational load, provides that electric distribution companies shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter. 52 Pa. Code § 75.13(a). The PUC asserts that its proposed rulemaking at Commission Docket L-2014-2404361, which has now been made part of its regulations at 52 Pa. Code § 75.13, makes explicit what was previously implied.

³ On December 12, 2016, we denied the application of FirstEnergy Corporation and West Penn Power Company for reargument/reconsideration *en banc* of the *Sunrise* decision. On January 12, 2017, they filed a petition for allowance of appeal to our Supreme Court at No. 25 WAL Docket 2017.

implications for his case and that, pursuant thereto, the PUC's adjudication in his case is rendered null and void;⁴ and (3) Moyer's November 23, 2016, application for relief asserting, *inter alia*, that the PUC's final proposed rulemaking on November 19, 2016, makes the issue of the independent-load requirement for virtual-meter aggregation ripe for review. For the reasons that follow, we grant the PUC's application to strike the purported *amicus curiae* brief, deny both of Moyer's applications for relief, and affirm the PUC's final order on the merits.

In considering the PUC's application to strike the purported *amicus curiae* brief filed by Mr. Hommrich on behalf of Sunrise, as joined by PPL, we note that, in addition to the untimeliness of the brief,⁵ it does not appear as though Mr. Hommrich is an attorney licensed to practice law in the Commonwealth. In that regard, in *Moyer v. Public Utility Commission*, (Pa. Cmwlth. No. 336 C.D. 2016, filed July 26, 2016), wherein this Court granted the PUC's motion to quash Moyer's petition for review of a PUC final rulemaking order, we dismissed Sunrise as an intervenor due to Mr. Hommrich's failure to file a copy of the certificate of organization and docketing statement on file for Sunrise with the Department of State, Bureau of Corporations and Charitable Organizations, or to have a member of the Pennsylvania Bar enter an appearance on Sunrise's behalf. In light of

⁴ This Court ruled that, "to the extent that the application raises the applicability of this court's recent decision in [*Sunrise Energy, LLC*], the application and the answer thereto will be treated as supplemental briefs." In addition, we ordered that, "[t]o the extent [Moyer] seeks any additional relief in his application, the application is denied." November 1, 2016, Commonwealth Court Order at 1.

⁵ In an August 30, 2016, order rejecting Sunrise's initial August 23, 2016, brief for noncompliance with the Pennsylvania Rules of Appellate Procedure, this Court directed that, unless a conforming brief was filed on or before September 29, 2016, Sunrise would be precluded from filing a brief. Our docket entries indicate that Sunrise's brief was filed on September 30, 2016.

Sunrise's recent inability and/or failure to comply with this Court's directive and the fact that Mr. Hommrich represents only that he is principal and majority shareholder of the company, which is not represented by counsel, we grant the PUC's application to quash Sunrise's brief. *See* 20 West's Pa. Prac., Pa. Appellate Practice § 102.11 at 281 (2015) (providing that a corporation must be represented by counsel and that the failure to have such counsel may result in dismissal). We turn now to Moyer's October 20, 2016, application for relief and the effect of this Court's decision in *Sunrise Energy, LLC*.

In *Sunrise Energy, LLC*, solar power generator Sunrise initiated its complaint in the court of common pleas against one public utility/electric distribution company (West Penn Power Company) and one non-public utility (FirstEnergy Corporation), alleging a breach of contract and seeking declaratory relief arising from a contract dispute over West Penn Power Company's purchase of excess energy from Sunrise. The defendants filed preliminary objections based on primary jurisdiction, seeking dismissal and/or transfer of certain counts to the PUC. After common pleas dismissed the preliminary objections and permitted an interlocutory appeal, which this Court granted, we affirmed the court's order, ruling that neither the doctrine of exclusive nor that of primary jurisdiction required it to transfer certain issues to the PUC. Specifically, we held that common pleas had jurisdiction to decide eligibility for net metering pursuant to the Alternative Energy Portfolio Standards Act (AEPS), Act of November 30, 2004, P.L. 1672, *as amended*, 73 P.S. §§ 1648.1-1648.8, and that it did not err in refusing to cede jurisdiction to the PUC. Contrary to Moyer's position herein, *Sunrise Energy, LLC*, does not affect the jurisdictional validity of the PUC's order in this case.

In the present case, Moyer through his then counsel, filed a complaint with the PUC challenging PPL's billing procedures and its practices for virtual-meter aggregation and PPL's assignment, based on its tariff, of its commercial GS-1 rate to Moyer's host (solar panel) account. Before the PUC entered its final order, the issue of Moyer's eligibility for virtual meter aggregation became moot when PPL agreed to allow Moyer to participate in the program. At a minimum, the remaining issues were within the PUC's jurisdiction. See Section 701 of the Public Utility Code, 66 Pa. C.S. § 701 (providing, in pertinent part, that "any person . . . may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission") and *PPL Elect. Util. Corp. v. Pa. Pub. Util. Comm'n*, 912 A.2d 386, 400 (Pa. Cmwlth, 2006) (holding that the PUC is responsible for regulating utility rates and evaluating tariffs over which it has the particular expertise). *Sunrise Energy, LLC*, therefore, is distinguishable from the present case and the PUC had jurisdiction to decide the issues before it. Accordingly, we deny Moyer's October 20, 2016, application for relief.

Finally, in his November 23, 2016, application for relief, Moyer asserted, *inter alia*, that the PUC's final proposed rulemaking on November 19, 2016 (*see supra* n.2), makes his challenge to the independent-load requirement for virtual-meter aggregation ripe for review. However, as noted above, the PUC ordered that Moyer continue to be allowed to participate in net metering because of PPL's waiver of the independent-load requirement in Moyer's case. Thus, the instant appeal does not encompass the issue of whether Moyer is subject to the independent-load requirement, nor is the final rulemaking (which occurred more

than a year after the record closed in this case) at issue here.⁶ At any rate, a final rulemaking order is not an appealable order. *Moyer v. Pub. Util. Comm'n*, (Pa. Cmwlth. No. 336 C.D. 2016, filed July 26, 2016) [citing *Popowsky v. Pub. Util. Comm'n*, 701 A.2d 277, 278-79 (Pa. 1997) and *Pub. Advocate v. Brunwasser*, 22 A.3d 261, 269 (Pa. Cmwlth. 2011)]. Accordingly, we will not consider it here.

Turning to the merits of Moyer's petition for review, the cognizable issues are follows:⁷ (1) whether the PUC erred in determining that PPL's manual billing procedures for its virtual-meter aggregation customers were sufficient; (2)

⁶ Mindful that it directed PPL in a January 2014 order to continue permitting Moyer to participate in PPL's virtual-meter aggregation program despite the fact that there is no independent, non-generational load at his solar facility, the PUC observed as follows regarding Moyer's waiver:

[W]hile future changes in the law or in PPL's tariff may alter the waiver PPL has agreed to, our *AEPS [Alternative Energy Portfolio Standards] Final Rulemaking Order* proposed additional clarifying language to reinforce the already existing provisions of our AEPS Regulations which requires a customer-generator to have independent, non-generational load to be eligible to participate in net metering. Therefore, our issuance of the *AEPS Final Rulemaking Order* does not disturb our prior direction that PPL permit [Moyer] to participate in its virtual meter aggregation program, which we reinforce here.

May 19, 2016, PUC's Opinion at 43 n.14. Accordingly, because the independent-load requirement at 52 Pa. Code § 75.13 is not being applied to Moyer's facility, its validity is not properly before this Court, and we must decline Moyer's request that we issue an advisory opinion. In that regard, "an actual case or controversy must be extant at all stages of review. . . ." *Pap's A.M. v. City of Erie*, 812 A.2d 591, 600 (Pa. 2002).

⁷ It is well established that an appellate court may only consider a question on appeal that was previously raised before the PUC. Section 703(a) of the Administrative Agency Law, 2 Pa. C.S. § 703(a); *Wheeling & Lake Erie Ry. Co. v. Pa. Pub. Util. Comm'n*, 778 A.2d 785, 794 (Pa. Cmwlth. 2001). All other issues are waived. Accordingly, to the extent that Moyer has raised issues that were not raised before the PUC, we decline to consider them on appeal. Moreover, to the extent that Moyer attempts to raise issues concerning the independent-load requirement, we also decline to consider them on appeal. *See supra* n. 6.

whether there is substantial evidence to support the PUC's finding that PPL's records for Moyer's accounts do not contain inconsistencies and irregularities or reflect that there are omissions; and (3) whether the PUC erred in determining that PPL followed the law and its tariff in assigning the host (solar panel) account PPL's commercial GS-1 rate.⁸ We turn first to the PUC's determination regarding PPL's manual billing procedures.

In determining that PPL could use manual billing and was not required to implement an automated billing process for its virtual-meter aggregation program, the PUC construed the Public Utility Code and its regulations as well as the AEPS, and determined that nothing mandated that PPL implement an automated billing process and nothing prohibited PPL from using a manual billing system. In addition, the PUC took into consideration the evidence that PPL presented regarding the relatively small number of customers enrolled in virtual-meter aggregation, ninety eight, and the cost for upgrading PPL's billing system. The PUC concluded, therefore, that manual billing was sufficient and that there was nothing requiring PPL to implement automated billing.⁹ PUC's May 19, 2016, Opinion at 22-24. We conclude that the PUC did not err in rendering that determination. *See City of Phila. v. Pa. Pub. Util. Comm'n*, 829 A.2d 1241, 1243 (Pa. Cmwlth. 2003) (holding that the PUC's interpretation of a utility law and

⁸ Pertinent here, we are limited on appeal to determining whether an error of law occurred and whether necessary findings of fact are supported by substantial evidence. *Popowsky v. Pa. Pub. Util. Comm'n*, 910 A.2d 38, 48 (Pa. 2006). Substantial evidence means more than a mere trace of evidence or suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037, 1047 (Pa. 1980).

⁹ In this regard, we note the PUC's acknowledgment of PPL's efforts to provide its customers enrolled in virtual-meter aggregation with the tools to better understand their bills. PUC's May 19, 2016, Opinion at 28.

regulations is to be given great deference). We turn now to addressing whether there is substantial evidence for the PUC's determination regarding the accuracy and adequacy of PPL's records for Moyer's accounts.

In addressing the sufficiency of PPL's records for Moyer's accounts, the PUC's relied on PPL's Exhibit APC-5. In reviewing that exhibit, the PUC noted that PPL provided a description for each of the columns and an explanation as to how it calculated and applied credits for Moyer's excess generation. PUC's May 19, 2016, Opinion at 29. In addition, the PUC noted that it also considered Moyer's Exhibits JLM 101-170 (solar/host account bills) and 202-267 (satellite/residential account bills) and concluded that they "corroborate[d] PPL's assertion that it demonstrated how its tabulation of [Moyer's] actual data for the two accounts since 2009 reconciles with [his] bills, and that it explained any alleged inconsistencies in [his] bills." *Id.* The PUC stated that, "[t]his affirms the ALJ's conclusion that [Moyer] was appropriately billed for his usage and credit for his generation." *Id.*

Moreover, beyond generally asserting that PPL's tabulation reflecting specific actual information on a monthly basis did not correspond to the actual bills mailed to him, Moyer has failed to identify any evidence in the record indicating that PPL's records were inconsistent or irregular, or reflect that there may have been omissions. In that regard, the party seeking affirmative relief from the PUC bears the burden of proving its claims by competent evidence. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217, 1220 (Pa. Cmwlth. 2001). Further, even where it exists, evidence that supports a different result than that reached by the PUC is irrelevant as long as the record contains substantial evidence to support its decision. *Wheeling & Lake Erie Ry. Co. v. Pa. Pub. Util. Comm'n*, 778 A.2d 785,

794-95 (Pa. Cmwlth. 2001). Accordingly, we conclude that the evidence that the PUC relied upon constituted substantial evidence to support its determination.

Finally, in rejecting Moyer's argument that the host account should be assigned PPL's residential RS rate, the PUC acknowledged that there was no evidence indicating that he was using his solar facility to engage in commercial activity and that there was nothing in the AEPS or PUC regulations explicitly mandating that a residential customer-generator electing virtual-meter aggregation receive service under a commercial rate schedule for his host account. PUC's May 19, 2016, Opinion at 35. Nonetheless, the PUC determined that, "the current terms of PPL's Commission-approved tariff simply do not permit [Moyer's] solar facility to be billed under PPL's Rate Schedule RS nor does the construct of [his] virtual net metering impose the same burdens on or uses of PPL's infrastructure as do physical meter aggregation customers." *Id.*

Specifically, in support of its determination that Moyer did not meet PPL's tariff specifications for its residential RS rate applicable to single-phase electric service, the PUC reviewed the relevant criteria:

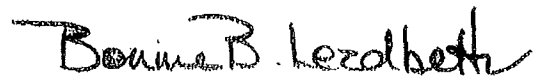
- (a) A single family dwelling and detached buildings when the detached buildings are served at the customer's expense through the same meter as the single family dwelling;
- (b) A separate dwelling unit in an apartment house;
- (c) A single farm dwelling and general farm uses when general farm uses are served at the customer's expense through the same meter as the single farm dwelling;
- (d) A building previously wired for single meter service which is converted to not more than 8 separate dwelling units served through one meter.

Id. at 36. In concluding that Moyer's solar facility did not meet the above criteria, the PUC observed that Moyer's solar facility was "simply an array of mounted

solar panels located several hundred yards away from [his] residence[,]” that he “did not use it for shelter, dining, sleeping, or cooking[,]” and that it was served by a separate meter from the one located at his residence. *Id.*

Moreover, in determining that Moyer was properly subject to PPL’s commercial rate, the PUC reviewed PPL’s tariff for rate schedule GS-1, which provides, in relevant part, that it is applicable to “single phase non-residential service at secondary voltage and *other applications outside the scope of the Residential Rate Schedule.*” *Id.* at 37 (emphasis in original). In support of its determination, the PUC noted that Moyer offered no evidence to refute PPL’s evidence that, in order to provide service to his solar facility, PPL had to perform one standard transformation to step down the distribution line’s voltage from 240 volts to 120 volts at the point of delivery. *Id.* Accordingly, mindful that a public utility’s tariff has the force and effect of law and is binding on both the customer and the utility,¹⁰ we conclude that the PUC did not err in determining that PPL properly assigned a commercial rate to Moyer’s host account. *See PPL Elec. Util. Corp.*, 912 A.2d at 400 (holding that the PUC is responsible for regulating utility rates and evaluating tariffs over which it has the particular expertise).

For the above reasons, therefore, we grant the PUC’s application to strike the purported *amicus curiae* brief, deny both of Moyer’s applications for relief, and affirm the PUC’s final order on the merits.



BONNIE BRIGANCE LEADBETTER,
Senior Judge

¹⁰ *PECO Energy Co. v. Twp. of Upper Dublin*, 922 A.2d 996, 1004 (Pa. Cmwlth. 2007).

Appendix “F”

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

No. ____MAL 2017

JAY LARRY MOYER,

Petitioner

v.

PUBLIC UTILITY COMMISSION and PPL ELECTRIC UTILITIES CORPORATION,

Respondents

**PETITION FOR ALLOWANCE OF APPEAL
OF JAY LARRY MOYER**

Petition for Allowance of Appeal from the Opinion and Order of the Commonwealth Court, No. 882 C.D. 2016, entered March 13, 2017, Affirming the Order of the Public Utility Commission entered on May 19, 2016, and Denying Petitioner's October 20, 2016, and November 23, 2016 Applications for Relief PUC No. C-2011-2273645 and No. C-2014-2444864.

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Dated: April 11, 2017

Received in Supreme Court

APR 11 2017

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 B. Whether a requirement of independent, non-generational load at the generating site as a condition of eligibility, as demanded and invoked by the Commission and PPL to preclude participation in net metering, contravenes the express terms of the Alternative Energy Portfolio Standards Act. 2

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I. REFERENCE TO THE OPINIONS DELIVERED IN THE COURT AND AGENCY BELOW

The Commonwealth Court's Opinion and Order entered March 13, 2017, affirming the order of the Public Utility Commission and denying Petitioner's applications for relief, *Jay Larry Moyer v. Public Utility Commission*, No. 882 C.D. 2016 (Pa. Cmwlth. March 13, 2017), is an unreported Memorandum Opinion of a three-judge panel of the Commonwealth Court of Pennsylvania. The court's Memorandum Opinion and Order is attached hereto as Appendix A.

The Pennsylvania Public Utility Commission's ("Commission") Opinion and Order, entered May 19, 2016, denying Petitioner's exceptions to the Initial Decision on Remand of the Administrative Law Judge, *Jay Larry Moyer v. PPL Electric Utilities Corporation*, Docket Nos. C-2011-2273645 and C-2014-2444864 (Pa. PUC, May 19, 2016), is attached hereto as Appendix B. The Initial Decision on Remand of the Administrative Law Judge entered October 9, 2015, is attached hereto as Appendix C.

II. TEXT OF THE ORDER IN QUESTION

AND NOW, this 13th day of March, 2017, the order of the Public Utility Commission is hereby AFFIRMED. Further, Respondent's application to strike the purported *amicus curiae* brief filed by Sunrise Energy, LLC, is hereby GRANTED.

Finally, both Petitioner's applications for relief, filed October 20, 2016, and November 23, 2016, are hereby DENIED.

BONNIE BRIGANCE LEADBETTER,
Senior Judge

III. QUESTIONS PRESENTED FOR REVIEW

- A. Whether the Commonwealth Court erred as a matter of law in denying Moyer's application for relief and affirming the Commission where, based upon the court's *en banc* decision in *Sunrise Energy v. First Energy Corp. and West Penn Power Company*, the Public Utility Commission lacks jurisdiction to adjudicate the question of eligibility to participate in virtual meter aggregation and net metering under the Alternative Energy Portfolio Standards Act.

Suggested answer: *In the affirmative.*

- B. Whether a requirement of independent, non-generational load at the generating site as a condition of eligibility, as demanded and invoked by the Commission and PPL to preclude participation in net metering, contravenes the express terms of the Alternative Energy Portfolio Standards Act.

Suggested answer: *In the affirmative.*

IV. STATEMENT OF THE CASE

Petitioner Jay Larry Moyer ("Moyer") is a PPL Electric Utilities Corporation ("PPL") customer for electric service for Moyer's property in Klingerstown, Pennsylvania. In 2008, Moyer obtained PPL's approval to install and operate a 4.75K "small scale solar project" on his property under the provisions of virtual meter aggregation. Moyer's solar project consists of a small array of solar panels

located in a field across a stream and several hundred yards from his home. Moyer's system was installed in March 2009 and was interconnected with the electric grid by PPL at that time. The solar panel system included an electric light fixture and an exterior electric receptacle that is used occasionally for powering auxiliary equipment, operating power tools, or charging portable devices.

When his system was approved, Moyer took service from PPL pursuant to a net metering arrangement involving virtual meter aggregation. Since March, 2009, Moyer has been a "customer-generator" as defined by the AEPS Act. Under the Alternative Energy Portfolio Standards Act, 73 P.S. §§ 1648.1 – 1648.8 (the "AEPS Act"), net metering is the "means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity." 73 P.S. § 1648.2. Traditionally, a customer-generator participating in net metering will have a solar panel located where it is taking service (e.g., a roof mounted solar panel) and a single, bidirectional meter recording and measuring electricity generated and consumed on the property. Net metered customer-generators are statutorily entitled to receive "full retail value" for excess kilowatt hours of power that they produce on an annual basis. *See* 73 P.S. § 1648.5.

The AEPS Act also specifies that “[v]irtual meter aggregation . . . shall be eligible for net metering.” 73 P.S. § 1648.2. Virtual meter aggregation permits a customer-generator to aggregate multiple locations within certain geographic limits for purposes of net metering. Virtual meter aggregation occurs where, for example, a customer-generator’s residence is separately metered from the customer’s alternative energy system and not wired through a single point of contact. *See* 52 Pa. Code § 75.12.

Moyer’s system was approved and installed with one meter at the solar panel system and one meter at his residence. Virtual meter aggregation was, therefore, necessary for Moyer because his residence was surrounded by trees and ill-suited for roof-top solar panels. In June 2010, without any prior notice to Moyer, PPL discontinued all generation credit to Moyer’s renewable generation system. About that time, Moyer had become distressed by the absence of credits showing on the bills PPL issued to him for his two meters. Moyer was concerned generally with PPL’s billing practices and the means by which PPL monitored the meters at his home and at his solar array. Moyer discovered that PPL had discontinued credits to Moyer based upon its position that his system was not eligible for credits under the AEPS Act due to a lack of “independent load.”

On December 16, 2010, when credit still failed to appear on his bills, Moyer filed an Informal Complaint with the Commission regarding PPL removing him

from virtual meter aggregation. At that time, PPL confirmed that it had removed Moyer from virtual meter aggregation service because he did not qualify to receive credits from PPL due to the generation meter not being a load-bearing meter. PPL acknowledged that it had terminated credits to Moyer in June 2010 after it determined that Moyer's system did not qualify for virtual meter aggregation. The reason for termination, according to PPL, was that the system did not have load independent of the alternative energy system, i.e., "non-generational load" or "independent load." The Commission's Bureau of Consumer Services issued a "Decision Detail" agreeing with PPL that independent load was required for eligibility in virtual meter aggregation. The Commission further advised Moyer of his right to file a formal complaint.

In November 2011, Moyer filed a formal complaint with the Commission at Docket No. C-2011-2273645 (the "2011 Complaint"). Upon being informed of Moyer's plans to file the 2011 Complaint, PPL implemented a "waiver" or "exception" of the independent load requirement with respect to Moyer's system, though PPL continued to insist that Moyer's system was ineligible for virtual meter aggregation. In the 2011 Complaint, Moyer charged that PPL improperly failed to credit him for electricity generated by his system and that the checks he received from PPL lacked any accounting for credits. Moyer sought an order requiring PPL

to apply virtual meter aggregation to his two accounts, to disclose all credits and payments PPL made to him, and to reimburse him for any credits withheld.

On January 23, 2013, following a hearing, the Commission's Administrative Law Judge ("ALJ") issued an Initial Decision agreeing with PPL that independent load was required. The ALJ dismissed Moyer's 2011 Complaint. The Commission, however, vacated the Initial Decision in January 2014, concluding that the record was inadequate to make the ALJ's determination. The Commission, remanded the case to the ALJ for further development of the record. The Commission also referred the issue of "non-generational load" to the Commission's Law Bureau. The Commission, however, also acknowledged that PPL had waived the independent load eligibility requirement as to Moyer and ordered that PPL continue to permit Moyer to use net metering and virtual meter aggregation for his existing system in the future.

In September 2014, Moyer filed a new complaint with the Commission challenging the accuracy and content of PPL's billing process for his virtual net metering accounts (the "2014 Complaint"). In the 2014 Complaint, Moyer contended that PPL needed to develop and implement new billing procedures and processes that use a single bill for both accounts subject to virtual aggregation. The Commission consolidated the 2011 Complaint and the 2014 Complaint.

In October 2015, after a hearing, the ALJ issued an Initial Decision on Remand. The ALJ dismissed the 2014 Complaint entirely and sustained the 2011 Complaint to the extent PPL was required to compensate Moyer for credits earned under the virtual meter aggregation program, ordering also that PPL continue to permit Moyer to participate in virtual meter aggregation pursuant to its earlier agreement to exempt Moyer from the alleged independent load requirement, subject to changes in PPL's tariffs or applicable law. The balance of the 2011 Complaint was dismissed.

On May 19, 2016, the Commission entered its final Opinion and Order adopting the ALJ's initial decision on remand. The Commission concluded that PPL properly billed and credited Moyer with the exception of certain interest payments that were required. Additionally, the Commission opined in detail that Moyer's system was not eligible for virtual meter aggregation because it lacked independent, non-generational load. The Commission, however, continued to allow Moyer to participate in virtual meter aggregation upon PPL's waiver of the non-generational load requirement for him, absent a change in PPL's tariff or a change in applicable law.

Moyer then filed a timely, *pro se* Petition for Review in the Commonwealth Court. During the pendency of Moyer's appeal to the Commonwealth Court, the Commonwealth Court received, *inter alia*, two applications for relief from Moyer

and an application to strike an *amicus curiae* brief filed by the Commission. In Moyer's first application for relief, he argued that intervening case law, *Sunrise Energy v. First Energy Corp. and West Penn Power Company*, 148 A.3d 894 (Pa. Cmwlth. 2016), had an immediate effect on his case and the Commission's jurisdiction over the question of eligibility for virtual meter aggregation and net metering. In his second application for relief, Moyer asserted that a Commission final proposed rulemaking related to independent, non-generational load, rendered the question of eligibility for virtual meter aggregation ripe for the Court's review.

On March 13, 2017, a three-judge panel of the Commonwealth Court issued its Memorandum Opinion and Order. The Commonwealth Court affirmed the Commission's Opinion and Order, granted the Commission's application to strike the *amicus curiae* brief, and denied both of Moyer's applications for relief. Moyer now files this Petition for Allowance of Appeal.

V. STATEMENT OF REASONS FOR ALLOWANCE OF APPEAL

Review of the Commonwealth Court's Opinion and Order lies within the sound judicial discretion of this Honorable Court. The Pennsylvania Rules of Appellate Procedure closely define the reasons for which a petition for allowance of appeal may be granted. Pa.R.A.P. 1114(b) states that a petition for allowance of appeal may be granted where, *inter alia*: (1) the holding of the intermediate appellate court conflicts with another intermediate appellate court opinion; or (2) the question

presented is one of such substantial public importance as to require prompt and definitive resolution by the Pennsylvania Supreme Court.

- A. The questions presented are issues of substantial public importance on which the intermediate appellate court has issued two conflicting opinions that will have a significant statewide impact on utility customers maintaining alternative energy systems engaged in net metering and virtual meter aggregation.

In enacting the AEPS Act, Pennsylvania's General Assembly sought to encourage investment in renewable resources and alternative energy systems. The General Assembly, therefore, supplied certain incentives for such investment including the statutory right to engage in net metering and virtual meter aggregation. This right was extended to "residential service" and to "other customer service locations." Accordingly, the determination of whether a particular alternative energy system is eligible to take net metered service and participate in virtual meter aggregation is critical and of statewide import for investors in such systems, like Moyer. Equally vital is the question of jurisdiction to determine that eligibility.

In the instant appeal, however, the Commonwealth Court's three-judge panel Opinion and Order conflicts with its holding in *Sunrise Energy v. First Energy Corp. and West Penn Power Company*, 148 A.3d 894 (Pa. Cmwlth. 2016) (*en banc*), which directly addressed the net metering eligibility query. The Commonwealth Court's entry of conflicting opinions results in uncertainty regarding the Commission's

authority to adjudicate a customer-generator's eligibility and effectively makes the utility, PPL here, the sole arbiter of eligibility.

In *Sunrise*, a case decided while the instant appeal was pending before the Commonwealth Court, the court held that the Commission lacked jurisdiction to adjudicate matters of eligibility for net metering under the AEPS Act. *Sunrise*, a solar power generator, sued certain utility companies in the court of common pleas. *Sunrise* raised breach of contract and declaratory judgment claims related to the utilities' denial of *Sunrise's* eligibility for net metering due to a lack of "sufficient 'native retail load.'" *Sunrise*, 148 A.3d at 897. The utilities filed preliminary objections to *Sunrise's* complaint and sought dismissal, arguing that the Commission had exclusive or primary jurisdiction over the question of eligibility for net metering under the AEPS Act. The trial court dismissed the preliminary objections and permitted an interlocutory appeal.

On appeal, the Commonwealth Court concluded that the AEPS Act lacks an enforcement provision that would provide a remedy to customer-generators rebuffed by an electric distribution company or an electric generation supplier. *Id.* at 901. The court, noting that the AEPS Act "does not authorize the PUC to conduct hearings to resolve disputes between two private parties engaged in a net metering arrangement," affirmed the trial court. The court agreed that the "[AEPS] Act confers no authority upon the PUC to adjudicate matters arising under the [AEPS]

Act.” *Id.* at 904. More specifically, the Commonwealth Court held that the “PUC does not have the power to adjudicate the subject matter of the amended complaint, *i.e.*, whether Sunrise Energy meets the statutory definition of ‘customer-generator.’” *Id.* at 905. Neither the doctrine of exclusive jurisdiction, nor the doctrine of primary jurisdiction required the trial court to transfer the relevant issues to the Commission for disposition. Rather, the court concluded that the Commission’s “limited authority” under the AEPS Act to develop “technical and net metering interconnection rules,” “does not give the PUC jurisdiction to decide eligibility for net metering.” *Id.* at 908.

Because the Commonwealth Court’s holding in *Sunrise* came during the pendency of the instant appeal, Moyer filed a prompt Application for Relief in the Commonwealth Court, arguing that *Sunrise* involved the precise questions at issue before the Court in the instant case, *i.e.*, eligibility under the AEPS Act and the imposition of an independent load requirement. (*See* Appendix F). Moyer contended that *Sunrise* rendered the Commission’s adjudication of his case null and void. (*See id.*).

In its Opinion and Order, the Commonwealth Court denied Moyer’s Application for Relief and affirmed the Commission’s determination of the eligibility question. The court reasoned that *Sunrise* did “not affect the jurisdictional validity of the PUC’s order in this case,” relying solely upon the conclusion that

Moyer's eligibility for virtual net meter aggregation was moot because PPL waived the independent load requirement for Moyer. (Appendix A at 8-9). The Commonwealth Court concluded that the balance of issues Moyer raised on appeal, including the Commission's rulings related to PPL's billing practices, were within the Commission's jurisdiction and that *Sunrise* was distinguishable. The court's holding was contrary to its conclusion in *Sunrise*, which did not preserve any authority in the Commission, including any partial authority, to adjudicate Moyer's eligibility arising under the AEPS Act.

The lower court also failed to account both for the full scope of the Commission's Opinion and Order on the question of eligibility that the court affirmed, and for the conflict and confusion that would result from its failure to apply its holding in *Sunrise*. In addressing Moyer's eligibility under the AEPS Act, the Commission concluded that PPL removed Moyer from its virtual meter aggregation program because the AEPS Act and PPL's Commission-approved tariff each "require[] that non-generational load be present at a host account in order for the customer-generator to qualify for virtual meter aggregation." (Appendix B at 41). The Commission firmly sided with the utility on the question of eligibility requiring independent load under the AEPS Act as it currently existed and more expressly under an AEPS Final Rulemaking Order pending at the time of the Commission's Opinion and Order. (See Appendix B at 41). Accordingly, the Commission first

denied any exception raised by Moyer to the Initial Decision on Remand related to an unlawful requirement of independent load for eligibility for virtual meter aggregation under the AEPS Act. Only after reiterating at length the Commission's position agreed with PPL on the independent load requirement did the Commission then invoke the waiver PPL granted to Moyer to conclude that Moyer's objections were moot.

On appeal, the Commonwealth Court affirmed, improperly ignoring *Sunrise*, honoring the Commission's adjudication of Moyer's eligibility, and creating confusion on this critically important question. The court in *Sunrise* held, unequivocally, that the Commission lacks jurisdiction to determine a party's eligibility for net metering and virtual meter aggregation under the AEPS Act. The Commonwealth Court panel below, however, sanctioned the Commission's adjudication of Moyer's eligibility for virtual meter aggregation, resulting in two Commonwealth Court decisions, one by a panel and the other *en banc*, that directly conflict.

As noted, the Commonwealth Court echoed the Commission's conclusion that PPL's waiver for Moyer rendered the eligibility issue moot. The court avoided ruling upon the important eligibility question, affirmed the Commission's opinion, and condoned the Commission's approval of PPL's *ad hoc* waiver of its unlawful eligibility criteria, despite the clear mandates of *Sunrise*.

Moyer consistently raised the important eligibility question throughout this proceeding, disagreeing with the position of the utility and the Commission, and urging the Commission and the Commonwealth Court to address it. Moyer repeatedly argued that the plain language of the AEPS Act contains no “independent load” requirement for eligibility for virtual meter aggregation and requires only that the properties aggregated: (1) be owned, leased, or operated by the customer-generator; (2) be located within two miles of each other; and (3) be within the same utility service territory. *See* 73 P.S. § 1648.2. PPL ignored the lack of a load requirement in the statute and imposed unlawful eligibility standards on Moyer. When challenged, PPL waived the unlawful criteria and invoked mootness. The Commission opportunistically endorsed the criteria applied by PPL and sought to insulate that question from further review by also relying on mootness. Although Moyer raised these issues repeatedly and pointed to the inconsistencies with *Sunrise*, the Commonwealth Court affirmed and refused to address the problem.

Importantly, the Commonwealth Court has not hesitated to rule upon such critical issues in the past despite the presence of mootness concerns. For example, in *West Penn Power Co. v. Pennsylvania Public Utility Commission*, 521 A.2d 75 (Pa. Cmwlth. 1987), a ratepayer filed a complaint with the Commission regarding a utility’s unlawful use of electricity termination letters in collecting security deposits from customers. On appeal to the Commonwealth Court, the utility argued that it

had withdrawn its request for the security deposit from the ratepayer who filed the complaint, rendering the case moot. The court, however, acknowledged that the utility had “repeatedly used collection procedures which were in violation of Commission regulations.” *See West Penn Power*, 521 A.2d at 78. While recognizing that it generally would not decide moot cases, the court employed an exception “where the conduct complained of is capable of repetition, yet will evade future review.” *Id.* Were the Court to dismiss the appeal as moot, the utility would be left to “continue its tactics of unjustifiably demanding security deposits and withdrawing its requests for such deposits only when challenged by ratepayers” *Id.* Effectively, the Commonwealth Court condoned PPL’s analogous conduct with respect to Moyer and permits PPL to continue its tactic of imposing unlawful eligibility criteria upon customer-generators, only to waive those criteria in the face of a challenge.

Inexplicably, the court passed over this issue of substantial importance under circumstances analogous to *West Penn Power*. Instead, acting contrary to *Sunrise*, the Commonwealth Court permitted the Commission to rule upon eligibility issues, and to sanction PPL’s eligibility determinations and arbitrary waivers of manufactured eligibility criteria not found in the statute. Until the Commonwealth Court’s decision in *Sunrise*, all parties presumed that the Commission had authority over the matter of statutory eligibility to engage in net metering generally, and virtual

meter aggregation specifically. In light of *Sunrise*, however, the Commission has no role with respect to such issues. But, the Commonwealth Court below, in denying Moyer's Application for Relief, seems to have preserved some role for the Commission in determining whether a customer-generator qualifies for virtual meter aggregation under the AEPS Act.

At the very least, uncertainty now exists regarding the Commission's authority to decide questions of a utility customer's eligibility to participate in statutory programs. Moreover, the Commonwealth Court has ensured that PPL will be permitted to continue making its own eligibility determinations under the AEPS Act and to grant waivers when challenged so as to avoid a judicial determination of the true eligibility of ratepayers for net metering and virtual meter aggregation as it has for Moyer. The Commission is apt to accept such determinations and to continue to impermissibly adjudicate eligibility.

Effectively, due to the conflict between its panel Opinion and Order below and its *en banc* opinion in *Sunrise*, the Court has ceded to PPL the authority that it denied to the Commission in *Sunrise*. Problematically, on the issue of eligibility, the record revealed that PPL has exercised authority in an arbitrary fashion since 2009. What results is a confusing tangle, and authority over the AEPS Act itself is uncertain.

From the time PPL approved Moyer's installation in 2009, Moyer has been subject to the shifting winds of PPL's policy. After approving his renewable system under virtual meter aggregation in 2009, PPL revoked its approval and, in 2010, determined that the system did not qualify, and terminated all credit to the system. PPL again reversed its position in 2011 and agreed to restore the approval, along with generation credit. Throughout that period, PPL decided and implemented policy, and in every case, the policy regarding eligibility, however inconsistent, was impermissibly endorsed by the Commission despite the Commission's lack of jurisdiction over eligibility determinations.

Since 2010, Moyer has sought a clear determination regarding the eligibility of his photovoltaic system. Nevertheless, after seven years of litigation, the Commonwealth Court refused to decide that issue. The shifting winds of PPL policy have already been noted. Because these shifting policies are never announced, Moyer has been subject again and again to their vagaries. The consequences of this uncertainty have been devastating to Moyer and will have far reaching effects for others who employ alternative energy systems seeking to participate in net metering.

Unfortunately, the Commonwealth Court's Opinion and Order does not account for the significant history of Moyer's case or the centrality of the eligibility question despite the fact that, as noted, Moyer has consistently raised the issue at each phase of this litigation, and he did so once again in response to the decision in

Sunrise. Moyer's challenge was not simply about PPL's billing practices and procedures; the true impetus was PPL's termination of his credits. PPL's erratic billing processes, though indeed suspect, were mere symptoms, or extensions, of PPL's unsettled policies regarding eligibility. The disarray in the bills simply compounded the effect of the shifting policies. The central injustice of this case is that the Commission and utilities that it regulates (i.e., PPL) can continue to exercise authority to determine statutory eligibility to participate in a program, even after that authority was unequivocally withdrawn from the Commission under *Sunrise*.

Respectfully, this Court must now act to remove the conflict and confusion created by the Commonwealth Court by its decision below.¹

¹ The import and significance of the *Sunrise* decision and the question of eligibility under the AEP SA is further illustrated by the pending Petition for Allowance of Appeal filed by the utilities in *Sunrise* that is currently pending before this Court at Docket No. 25 WAL 2017.

VI. CONCLUSION

Accordingly, for the reasons set forth above, Petitioner Jay Larry Moyer respectfully requests that the Supreme Court of Pennsylvania grant his Petition for Allowance of Appeal of the Commonwealth Court's Memorandum Opinion and Order of March 13, 2017.

Respectfully Submitted,



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May 25, 2016

VIA ELECTRONIC FILING

Rosemary Chiavetta
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Re: Jay Larry Moyer v. PPL Electric Utilities Corporation
Docket Nos. C-2011-2273645, C-2014-2444864

Secretary Chiavetta:

On May 19, 2016, the Pennsylvania Public Utility Commission ("Commission") entered an Opinion and Order in the above-captioned matters. In Ordering Paragraph No. 6, the Commission directed PPL Electric Utilities Corporation ("PPL Electric") to credit Jay Larry Moyer's residential account in the amount agreed to on the record, adjusted for interest accrued through the entry date of the Opinion and Order.

Please be advised that on May 24, 2016, PPL Electric posted a credit of \$783.61 to Jay Larry Moyer's residential account, which includes the amount agreed to on the record (\$739.98) plus interest accrued through the entry date of the Opinion and Order. This credited amount has been applied to Mr. Moyer's residential account, and will be reflected on Mr. Moyer's next monthly residential bill to be issued on or about June 11, 2016.

PPL Electric hereby submits this letter to notify the Commission that it has fully complied with Ordering Paragraph No. 6. A copy of this letter has been served as indicated on the attached certificate of service. Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Rosemary Chiavetta
May 25, 2016
Page 2

Respectfully submitted,



Christopher T. Wright

CTW/

cc: Certificate of Service

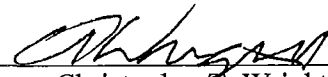
CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Jay Larry Moyer
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Date: May 25, 2016



Christopher A. Wright

Appendix “H”



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November 9, 2015

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Re: Jay Larry Moyer v. PPL Electric Utilities Corporation
Docket Nos. C-2011-2273645, C-2014-2444864

Secretary Chiavetta:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) submits this letter in response to the letters of Mr. Jay Larry Moyer dated October 13, 2015, and October 20, 2015.

In his letters, Mr. Moyer avers that he is facing termination of service for his solar panel and residential accounts. However, Mr. Moyer’s accounts are not currently facing termination. Mr. Moyer received the shut-off notices for his accounts because the time-based litigation hold on his accounts had inadvertently expired. It is important to recall that this matter has been in litigation for over four years, which contributed to PPL Electric’s personnel inadvertently not renewing the time-based litigation hold. When PPL Electric discovered the error, it promptly contacted Mr. Moyer on October 7, 2015, clarified that he was not facing termination, and explained that no decision had been rendered in his case yet.

In addition, contrary to Mr. Moyer’s claims, PPL Electric had no advance notice of the outcome in the Initial Decision on Remand. Mr. Moyer received the shut-off notices due to an inadvertent error by the Company as described above, not because PPL Electric learned the disposition of the Initial Decision on Remand prior to its release. PPL Electric only discovered the outcome of the Initial Decision on Remand when the decision was served on all parties.

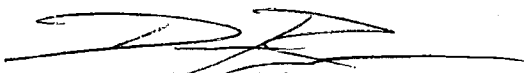
Finally, Mr. Moyer’s erroneously contends that his October 15, 2015 shut-off notice and his bill due by October 30, 2015, which were both attached to his October 20, 2015 letter, show

Rosemary Chiavetta
November 9, 2015
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conflicting past due amounts. The shut-off notice indicates that the past due amount for Mr. Moyer's residential account was \$788.32. As seen on the October 30, 2015 bill, Mr. Moyer's past due balance as of October 9, 2015, was \$837.96. However, the bill also shows that an excess generation credit of \$49.64 was applied to Mr. Moyer's account. Therefore, after subtracting the \$49.64 excess generation credit from the \$837.96, the past due balance equals \$788.32.

In conclusion, PPL Electric appreciates this opportunity to respond to Mr. Moyer's letters and clarify the inaccuracies contained therein.

Respectfully submitted,



Devin Ryan

DTR/jl

cc: Jay Larry Moyer
Honorable Cynthia Williams Fordham
Jonathan M. Nase

