

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deborah-Ann Sappah	:	
	:	
v.	:	F-2016-2577653
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Andrew M. Calvelli  
Administrative Law Judge

**INTRODUCTION**

This Decision denies a formal Complaint filed by a customer of an electric distribution company seeking: 1) to be included in the “Operation Help” program and to be given the maximum benefits to cover her arrears; 2) a full investigation of PPL Electric Utilities Corporation for alleged unethical and dishonest practices; and 3) an order holding PPL Electric Utilities Corporation fully accountable by law and punishing PPL Electric Utilities Corporation to the full extent of the law. The Complaint is denied because the Complainant has failed to demonstrate that the utility has violated the Public Utility Code or a Commission Order or Regulation with regard to the above issues.

**HISTORY OF THE PROCEEDING**

On November 22, 2016, Deborah-Ann Sappah (Ms. Sappah or Complainant) filed with the Pennsylvania Public Utility Commission (Commission) a formal Complaint against PPL Electric Utilities Corporation (PPL) at Docket Number F-2016-2577653. In her Complaint, Ms. Sappah is seeking: 1) to be included in the “Operation Help” program and to be given the

maximum benefits to cover her arrears; 2) a full investigation of PPL Electric Utilities Corporation for alleged unethical and dishonest practices; and 3) an order holding PPL Electric Utilities Corporation fully accountable by law and punishing PPL Electric Utilities Corporation to the full extent of the law. The Complaint was served on PPL electronically by the Commission's Secretary on November 30, 2016.<sup>1</sup>

On October 25, 2016, PPL filed an Answer with New Matter to Ms. Sappah's Complaint. In its Answer, PPL admitted or denied the various averments made by Ms. Sappah. PPL concluded its Answer by requesting that the Complaint be denied.

By Telephonic Hearing Notice dated January 19, 2017, an Initial Telephonic Hearing was scheduled in this matter for Friday, February 24, 2017, at 10:00 a.m. and I was assigned as the Presiding Officer. A Prehearing Order was issued on February 3, 2017 setting forth various rules that would govern the hearing.

The hearing convened on February 24, 2017 as scheduled. Ms. Sappah appeared *pro se*. Graig Schultz, Esquire appeared on behalf of PPL. Ms. Sappah testified but did not sponsor any exhibits. Mr. Schultz presented one witnesses and PPL did not sponsor any exhibits. A transcript of the hearing totaling 115 pages was made. The record in this proceeding closed on March 18, 2017 when the transcript was submitted to the Commission.

Ms. Sappah's Complaint is ready for disposition. For the reasons discussed below, the Complaint will be denied.

#### FINDINGS OF FACT

1. The Complainant in this case is Deborah-Ann Sappah.
2. The Respondent in this case is PPL Electric Utilities Corporation.

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<sup>1</sup> PPL has signed a waiver of the Section 702 requirements for service of formal complaints, 66 Pa.C.S. § 702, and has agreed to electronic service instead under the Commission's Waiver of 702 program.

3. The service address is 1406 Sherwood Forest Road, Saylorsburg, PA 18353.
4. Ms. Sappah stated that PPL had been dishonest with her when providing information about funds available through PPL's Operation Help Program. Tr. 16.
5. Ms. Sappah testified that PPL refused to provide her with the Operation Help phone number so that she could receive monetary assistance from Operation Help. Tr. 34.
6. Ms. Sappah testified that PPL representatives were rude and hung up on her. Tr. 26, 32, 24.
7. Ms. Sappah testified that PPL refused to try to help her obtain funds from Operation Help. Tr. 32, 34.
8. Holly Hankerson has been employed by PPL for 30 years and has worked in PPL's customer service department for the past 25 years. Tr. 61.
9. Ms. Hankerson investigated Ms. Sappah's Complaint and is familiar with Ms. Sappah's account history and contacts history with PPL. Tr. 62.
10. PPL representatives did not hang up on Ms. Sappah during any phone calls between Ms. Sappah and PPL. Tr. 84.
11. PPL representatives were not dishonest or unethical with Ms. Sappah during any phone calls between Ms. Sappah and PPL. Tr. 81, 82, 86.
12. Operation Help is a grant which is funded entirely by voluntary donations from members of the public, PPL employees and PPL. Tr. 66.
13. Once funds are placed into the Operation Help program, the money is administered by various county agencies. Tr. 72.

14. PPL does not administer the Operation Help program. Tr. 68.

15. The county agency that administers the Operation Help program in Ms. Sappah's county (Monroe) is the Pocono Alliance. Tr. 72, 73.

16. In Monroe County, the Pocono Alliance makes all eligibility decisions under the Operation Help program. Tr. 72, 73, 75.

17. When a county agency is out of Operation Help funds, it notifies PPL so that PPL can advise its customers who call to inquire about Operation Help assistance. Tr. 74, 75.

18. When a customer calls PPL to inquire about Operation Help assistance, PPL's customer service representatives look up the Operation Help funding for the particular county to see if funds are available. Tr. 74.

19. If funds are available in the county, the PPL customer service representative provides the county agency phone number to the customer and advises the customer to apply directly for Operation Help funds through the agency. Tr. 74.

20. If funds are not available in the county, the PPL customer service representative advises the customer that no funds are currently available. Tr. 74.

### DISCUSSION

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail. Patterson v. Bell Tel. Co. of Pa., 72 Pa. PUC 196 (1990). "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. Se-Ling Hosiery v. Margulies, 364 Pa. 54, 70 A.2d 854 (1950). The offense must

be a violation of the Public Utility Code, the Commission's regulations or an outstanding order of the Commission. 66 Pa.C.S. § 701. In this proceeding, Ms. Sappah contends that PPL provided unreasonable service by being dishonest and unethical in its dealings with her, most specifically in phone discussions regarding the Operation Help program and the application process. Ms. Sappah, therefore, has the burden of proof in this proceeding.

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on a complainant. Milkie v. Pa. Pub. Util. Comm'n, 768 A.2d 1217 (Pa.Cmwlth. 2001) (Milkie); *see also*, Burleson v. Pa. Pub. Util. Comm'n, 443 A.2d 1373 (Pa.Cmwlth 1982).

Any decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. Substantial evidence is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. 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. Pub. Util. Comm'n, 489 Pa. 109, 413 A.2d 1037 (1980); Erie Resistor Corp. v. Unemployment Comp. Bd. of Review, 194 Pa. Superior Ct. 278, 166 A.2d 96 (1961); and Murphy v. Comm., Dept. of Public Welfare, White Haven Center, 85 Pa. Cmwlth Ct. 23, 480 A.2d 382 (1984).

The statute at 66 Pa. C.S. §1501 governs any allegations of unreasonable or inadequate service. Pursuant to 66 Pa. C.S. §1501, the Commission has original jurisdiction over the reasonableness and adequacy of public utility service. Elkin v. Bell Telephone Co., 372 A.2d 1203 (Pa. Super. 1977) aff'd 420 A.2d 371 (Pa. 1977); Behrend v. Bell Telephone Co., 243 A.2d 346 (Pa. 1968). As a general proposition, neither the Public Utility Code nor the Commission's regulations require public utilities to provide constantly flawless service. The Public Utility Code at 66 Pa. C.S. §1501 does not require perfect service or the best possible service but does require public utilities to provide reasonable and adequate service. Analytical Laboratory

Services, Inc. v. Metropolitan Edison Co., Docket No. C-2006608 (Order entered December 21, 2007); Emerald Art Glass v. Duquesne Light Co., Docket No. C-00015494 (Order entered June 14, 2002); Re: Metropolitan Edison Co., 80 Pa. PUC 662 (1993); Robert L. Buskirk v. Metropolitan Edison Company C-2013-2354782 (Order entered October 16, 2013).

In this case, Ms. Sappah claims that PPL provided unreasonable service by being dishonest and unethical in its dealings with her during the parties' phone discussions regarding the Operation Help program and the application process. Ms. Sappah contends that PPL representatives were rude and hung up on her, that they provided false information regarding Operation Help, that they refused to assist her in obtaining Operation Help funds and that they told the Operation Help program administrators not to give her any funds. Tr. 16, 26, 32, 34.

Ms. Sappah's entire testimony was based upon statements allegedly made by people who were not present at the evidentiary hearing in this case. Upon proper objection by counsel for PPL, I excluded all of those statements from consideration in rendering this decision. Removing those statements from consideration, Ms. Sappah has produced no competent evidence to support her claims in this case. Accordingly, her Complaint must be denied.

I also note that in the event Ms. Sappah's testimony had been considered, PPL produced competent evidence to refute Ms. Sappah's claims. In that regard, Ms. Hankerson testified that PPL representatives did not hang up on Ms. Sappah during any phone calls between Ms. Sappah and PPL. Tr. 84. Ms. Hankerson further testified that PPL representatives were not dishonest or unethical to Ms. Sappah during any phone calls between Ms. Sappah and PPL. Tr. 81, 82, 86. Ms. Hankerson further testified that PPL representatives are trained to provide all customers with accurate information regarding Operation Help. Tr. 74, 75. Finally, Ms. Hankerson testified that PPL does not administer the Operation Help program, although PPL will advise a customer if Operation Help funds are available or not and will also provide the county agency phone number to the customer and advise the customer to apply directly for Operation Help funds through the agency. Tr. 74, 75.

Given that Ms. Sappah has failed to provide competent record evidence to show that PPL's actions violated the Public Utility Code, Commission Regulation or a Commission Order, the Complaint in this proceeding must be denied.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.

2. Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

3. "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. Se-Ling Hosiery v. Margulies, 364 Pa. 54, 70 A.2d 854 (1950).

4. Pursuant to 66 Pa.C.S. § 1501, public utilities are required to provide reasonable service to their customers.

5. Ms. Sappah has failed to satisfy her burden of proof in this proceeding to demonstrate that PPL failed to provide her with reasonable service or that PPL's actions violated the Public Utility Code, a Commission Order or Regulation or a Commission-approved tariff. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the formal Complaint filed by Deborah-Ann Sappah on November 22, 2016 with the Pennsylvania Public Utility Commission against PPL Electric Utilities Corporation at Docket Number F-2016-2577653 is hereby denied.
2. That the Secretary's Bureau shall mark this case as closed.

Dated: May 30, 2017

\_\_\_\_\_/s/  
Andrew M. Calvelli  
Administrative Law Judge