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Friday, June 9, 2017

**OVERNIGHT MAIL**

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

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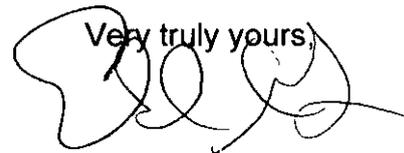
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: McGee vs PPL Electric Utilities Corporation**  
**Docket No. C-2016-2549952**  
**Our File No. 3994-18**

Dear Secretary:

Enclosed please find an original and nine copies of Complainant's Exceptions which are due on or before June 13, 2018, regarding the above captioned matter.

Feel free to contact me with any questions.

Very truly yours,  


Edward C. Greco

ECG:jms

Enclosure

cc: Honorable Conrad A. Johnson  
Kimberly Krupka, Esquire  
Office of Special Assistants  
John McGee

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN MCGEE,  
Complainant

\* COMPLAINT DOCKET

\*

\*

No. C-2016-2549952

\*

vs

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PPL ELECTRIC UTILITIES CORPORATION,  
Respondent

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EXCEPTIONS OF JOHN MCGEE

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dated: Friday, June 9, 2017

Edward C. Greco, Esquire  
Attorney For Complainant  
Pennsylvania ID No. 53011  
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Kulpmont, PA 17834  
[egreco@ptd.net](mailto:egreco@ptd.net)

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN MCGEE,  
Plaintiff

\* COMPLAINT DOCKET

\*  
\* No. C-2016-2549952  
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vs

PPL ELECTRIC UTILITIES CORPORATION,  
Respondent

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**I. INTRODUCTION**

On May 18, 2016, John McGee (Complainant or Mr. McGee), filed a Complaint with the Pennsylvania Public Utility Commission (Commission), against PPL Electric Utilities Corporation (PPL or Respondent), at Docket No. C-2016-2549952, alleging PPL repeatedly changed the billing name of the responsible party to him in error, by placing the outstanding prior delinquent bills of tenants into his name when the tenants moved into the service addresses. As relief, Complainant requested that the Commission order PPL to "apply the billing to the correct, responsible party."

On June 29, 2016, PPL filed an Answer, denying that electric service for Complainant's rental properties was improperly placed in his name and asserted; "By way of further response PPL Electric completed an in-person investigation, performed by PPL Electric's Customer Field Representative, which confirmed foreign wiring within the properties located at 1100 Centre Street, Ashland, Pennsylvania; 1001 Centre Street, Ashland, Pennsylvania; and 6 North 10<sup>th</sup> Street, Ashland, Pennsylvania". PPL further averred that at all relevant times, Complainant was the record owner of the properties. As relief, PPL requested that the Commission deny the Complaint.

Complainant, upon receipt of the notice of foreign load, took all necessary steps under Act 54 to fix the alleged foreign load and sent the required form back to PPL. To this date, PPL has not acknowledged receipt of the form, provided any relief to Complainant, nor sent a field representative to inspect any properties to make sure the foreign load was corrected.

## **II. MCGEE EXCEPTIONS**

**McGee Exception No. 1:** The ALJ erred in his conclusion that Complainant failed to establish there were incorrect charges on his bill and that PPL improperly transferred tenant accounts into his name. (Initial Decision, hereinafter "ID"). ID at 19.

In his ID, ALJ, Conrad A. Johnson, denies the claim of Complainant. However, the claim filed by Complainant related to electric utility service of PPL. In the ID, the ALJ stated "Mr. McGee failed to carry his burden proving that PPL in some manner violated the provisions of the Public Utility Code, the Commission regulations or an order in the course of billing him for the tenants' gas usage at the service address". ID at 19, 20. It is clear that the ALJ in this matter was not giving the correct ruling to the facts of this case and may have confused facts from other matters pending before him. This was not a dispute over gas usage, yet the ALJ used the reference in his conclusion.

**McGee Exception No. 2:** The ALJ in it's ruling, imposed an additional duty on the consumer landlord to prove information in the possession of the utility that the foreign load was corrected. ID at 19.

It is clear from Act 54 that once a foreign load is detected, the utility should put the tenant's electric bill in the landlord's name. Record Exhibit 3D9. Complainant testified that once he received notice of a foreign load, he rectified the problem, notified PPL and then waited for the utility to either change the billing back to the tenant or inspect the property. Record 28. Act 54 only required that the foreign load be fixed, tenant sign the notice and it be sent back to PPL. The notice is silent on requiring the consumer landlord to send it back certified mail or call the utility to come and verify the repairs were made.

Complainant testified that at the time repairs were made, many tenants were evicted, moved out and in one instance, passed away. Record 19, 21, 23, 26. Complainant could not get those individuals to sign the form to verify the repairs were made. In addition, there were two instances that Complainant obtained the tenant's signature, per Act 54 and sent it to PPL in the envelope provided by the utility but the bills remained in tenant's name. Record 19, 21. Record 3D-31. Upon receipt of the Act 54 form, it should be the burden on the utility to inspect and verify the repairs were performed, not place any additional burden on the consumer to contact PPL to request inspection.

The requirements that the ALJ is holding Complainant and all consumers similarly situated, is unjust and unprecedented. The transcripts, in fact, reflect testimony of Complainant that he mailed the notice to PPL. PPL took no action to acknowledge receipt of the Act 54 notice nor took any action to inspect the subject properties to verify the remedial action was taken. The representative of PPL testified that at one location, he was aware that PPL received the Act 54 Notice of Correction but continued to bill Complainant, despite compliance with Act 54 . Record 104.

Accordingly, the ALJ is imposing an undue burden on Complainant and all similarly situated consumers, that upon compliance with the Act 54 notice, they must take further action which is not set out in the notice.

**McGee Exception No. 3:** Although notice of foreign load was sent to wrong party, Complainant was still responsible for tenant bills.

The record showed that in one particular property owned by Complainant, notice was sent to a wrong party. Record 87. After almost a year, Complainant was sent the same notice for a particular property but could not have responded to the complaint of foreign load any earlier. However, the utility sent the entire bill to Complainant, despite the utility error in sending the notice. Complainant had no control over the subject property, did not collect rent and had no access to the property during the lapse of year of the notice. Record 16.

It is unjust to allow the bill that was incurred during that year to assess against Complainant since he had no opportunity to cure the alleged foreign load.

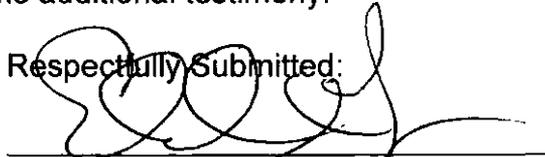
### III. CONCLUSION

For all the reasons discussed above, Complainant respectfully excepts to the ALJ's Initial Decision and asks that Complainant either be provided the relief requested or remand the matter back to the ALJ to take additional testimony.

Date:

6/9/17

Respectfully Submitted:



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Edward C. Greco  
Attorney for Complainant  
I. D. # 53011  
660 Chestnut Street  
Kulpmont, PA 17834  
(570) 373-3655

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN MCGEE,  
Complainant

\* COMPLAINT DOCKET  
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Respondent

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**CERTIFICATE OF SERVICE**

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

I, Edward C. Greco, Esquire, attorney for the Complainant, hereby certify that true and correct copies of Exceptions of Complainant was served via email and/or First-Class mail (unless otherwise noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Conrad A. Johnson  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place  
301 5<sup>th</sup> Avenue - Suite 220  
Pittsburgh, PA 15222  
(Hard copy)

Kimberly G. Krupka, Esquire, via email to:  
Gross McGinley LLP  
33 South 7<sup>th</sup> Street  
PO Box 4060  
Allentown, PA 18105  
[Kkrupka@grossmcginley.com](mailto:Kkrupka@grossmcginley.com)  
(Hard copy and email)

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Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120  
(Overnight mail)

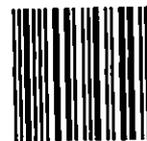
Commissioner's Office of  
Special Assistants  
(OSA) [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov)  
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Edward C. Greco, Esquire

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