

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer, Complainant

V.

Docket No. C-2017-2629683

PPL Electric Utilities Corporation, Respondent

**ANSWER OF LARRY MOYER TO THE
PRELIMINARY OBJECTIONS
FILED BY PPL ELECTRIC UTILITIES CORPORATION
IN THE ABOVE COMPLAINT**

TO THE PUBLIC UTILITY COMMISSION

Pursuant to 52 Pa. Code § 5.61, the Complainant hereby files the following Answer to the Preliminary Objections filed by PPL Electric Utilities Corporation in the above Complaint on November 7, 2017.

INTRODUCTION

PPL Electric, in its Preliminary Objections, does not dispute the allegations regarding errors in the bills which were submitted with the Formal Complaint.

Similar errors have proliferated for many years and have produced a billing record of confusion and disarray. Nevertheless, the errors in these recent bills are distinctive and new. PPL does not dispute the fact that the errors in these recent bills represent a new pattern and reflect a change in billing procedures and/or methodology.

In its Preliminary Objections, PPL does ask that the ALJ dismiss Larry Moyer's request for relief. Unfortunately, PPL also distorts Larry Moyer's request and mis-characterizes it as a request for "damages". In doing so, the Company misrepresents the nature of the relief which Larry Moyer seeks. The grounds for PPL's Preliminary Objections are untenable, and the Company's request should be denied.

By way of further comment, Larry Moyer submits, by numbered paragraphs, the following responses to PPL's Preliminary Complaint:

1. No response is required.
2. No response is required.
3. Denied - PPL has approved a small number of renewable systems under virtual meter aggregation (107 according to PPL). Larry Moyer denies, however, that PPL has given "active" support to renewable energy.

PPL's compliance with the purpose of the AEPS Act has been inconsistent, at best. In the context of 6,296 systems approved or pending,

the number of virtual metering systems (107) is insignificant. With the “two-mile” provision in the AEPS Act, virtual meter aggregation affords multiplied opportunities for renewable energy, but these opportunities have been squandered and/or undeveloped by PPL.

In light of that expanded potential for virtual meter aggregation, PPL’s mere handful of approvals suggests an active effort to suppress renewable energy by suppressing virtual meter aggregation. Evidence of this suppression can be found on PPL’s own website. There, a search of this provision of the AEPS Act (“virtual meter aggregation”) yields “no results”. Other related terms (“virtual”, “virtual metering”, and “virtual net metering”) produce the same response: “no results”. There are also no direct links for renewable energy and no specific phone numbers that would direct callers to renewable specialists. This is not evidence of “active support”.

Residential customers, in particular, are effectively excluded from virtual meter aggregation. PPL acknowledges elsewhere that “The majority of these [virtual metering] customers are mid-size commercial and up.” PPL’s claim of being an “active supporter of alternative energy” is highly suspect, except when it is on the Company’s own terms.

4. No response is required.
5. Denied

PPL misrepresents the nature of the relief that is being sought. Larry Moyer denies PPL's assertion that he is seeking "damages". He is not seeking "damages"; he is seeking proportional reparations for a consequential and acknowledged "error" on the part of PPL Electric. PPL Electric maintains that the initial approval of Larry Moyer's PV generating facility was an "error". PPL insists, further, that the only means of restoring that system to eligibility is through physical meter aggregation.

Mr. Moyer is seeking to remove the stigma and the shadow of having his PV system deemed "unqualified". He is seeking to restore the original, fully-qualified status which was torn from him arbitrarily by PPL.

The record shows unequivocally that PPL persists in regarding Larry Moyer's PV facility as "unqualified", even though the Company approved that system without condition and made interconnection to the grid in 2009.

Reconfiguring the system at the Company's expense does not constitute "damages". Rather, it constitutes just restitution for past "error", and it completes a restoration of the system to eligibility. In the present context, it is the one available action that will make Larry Moyer "whole".

6. Denied

Larry Moyer denies that his Complaint fails to conform to 52 Pa. Code § 5.10. He also denies any insinuation that the Complaint includes scandalous or impertinent matter.

7. No response is required.

8. No response is required.

9. No response is required.

10. Denied

The authority which PPL cites does not apply to the present Complaint. The relief being sought is not in the nature of “damages”. As described above, the relief being sought is in the nature of restitution for a self-acknowledged “error” committed by PPL Electric.

11. Denied

The relief which Larry Moyer seeks is proportional and highly relevant to the cause of action. Under advice from PPL Electric, Larry Moyer elected to install his alternative energy system under the provision of virtual meter aggregation. Since approving the facility on that basis and then reversing its position about eligibility, PPL Electric has repeatedly asserted that “[Moyer] still has the option of physical net meter aggregation.” PPL Rebuttal, March 6, 2015 at 26

Under ordinary circumstances, that option would be “at the customer-generator’s expense”, but these are not ordinary circumstances. The culpability and the obligation for relief falls entirely on PPL.

Having misled Larry Moyer in the first instance, and having reneged on its original commitment and approval, PPL faces an obligation to correct its “error” and to restore the PV system to its original, fully-qualified status.

Granting the requested relief would also permit aggregation by a single meter and would halt the recurrent billing aberrations such as those in the bills that are part of the above Complaint.

12. Denied

The relief which Larry Moyer seeks is directly pertinent to the cause of action. Given PPL’s unique, severe, and protracted stance regarding Larry Moyer’s renewable system, the appeal for relief cannot be regarded as a request for “damages”. The relief corresponds directly to the original action (the “error”) committed against Larry Moyer and the persistent attempts to absolve itself for that “error”.

PPL’s actions toward Larry Moyer are unparalleled. PPL took consequential actions toward Larry Moyer that it has not visited on any other customer-generator. The record of those actions includes the following circumstances that are unique to Larry Moyer and his renewable facility.

- a. Larry Moyer's PV solar generating system is the only facility in PPL's service area which was approved under virtual meter aggregation at a location which did not have a prior, operating meter.
- b. Larry Moyer's PV solar generating system is the only facility in PPL's service area for which PPL installed a new transformer at a new site and exclusively for a new residential PV system.
- c. Larry Moyer's PV solar generating system is the only facility in PPL's service area which was determined to be "unqualified" after interconnection was completed and after PPL began accepting generation from the system.
- d. Larry Moyer's PV solar generating system is the only approved facility in PPL's service area at which PPL discontinued generation credit without notice either to the Public Utility Commission or to the customer-generator.
- e. Larry Moyer's PV solar generating system is the only (known) facility in PPL's service area for which generation credit was restored under threat of litigation.
- f. Larry Moyer's PV solar generating system is the only facility in PPL's service area on which PPL imposed a binding "waiver" that thwarted litigation and rendered moot his subsequent appeals.
- g. The Proceedings in Complaints filed by Larry Moyer are the only ones which involve virtual meter aggregation and which are also cited by the PUC in its proposed rulemaking.

Any effort by PPL to deny the uniqueness of Larry Moyer's case is tantamount to admitting culpability on a wider scale.

WHEREFORE, in light of the above facts, the Respondent's request should be denied; the Complaint should proceed; and Larry Moyer's request for relief should be granted.

Respectfully submitted

November 13, 2017

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