

Kimberly G. Krupka

33 S. Seventh Street, P.O. Box 4060
Allentown, PA 18105
610/820-5450 • 610/820-6006
kkrupka@grossmcginley.com

ATTORNEYS

MALCOLM J. GROSS
PAUL A. MCGINLEY
HOWARD S. STEVENS
DONALD LaBARRE, JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
ANNE K. MANLEY
SUSAN ELLIS WILDT*
VICTOR F. CAVACINI
THOMAS E. REILLY, JR.
STUART T. SHMOOKLER
JAMES A. RITTER
JOHN F. GROSS
ALLEN I. TULLAR
RAYMOND J. DeRAYMOND
THOMAS A. CAPEHART
KIMBERLY G. KRUPKA
KIMBERLY A. SPOTTS-KIMMEL
LOREN L. SPEZIALE*†
CHARLES J. FONZONE
SAMUEL E. COHEN*
JENNIFER L. WEED Δ
ADRIAN K. COUSENS*
GRAIG M. SCHULTZ*
MICHAEL J. BLUM* *
ZACHARY R. FOWLER
NICOLE J. O'HARA*
CHRISTOPHER W. GITTINGER
CONSTANCE K. NELSON
SARAH HART CHARETTE*
SARAH M. MURRAY
RYAN L. STAUFFER*
KELLIE L. RAHL-HEFFNER

Of Counsel:
PATRICK J. REILLY
MARIANNE S. LAVELLE

*Also admitted in NY
*Also admitted in NJ
*Also admitted in DC
*Also admitted in MD
*Also admitted in MA
*Also admitted in TX
*Also admitted in NM

Allentown Office:
33 S. Seventh Street
P.O. Box 4060
Allentown, PA 18105
Phone: 610/820-5450
Fax: 610/820-6006

Easton Office:
101 Larry Holmes Drive, Suite 202
Easton, PA 18042
Phone: 610/258-1506
Fax: 610/258-0701

Emmaus Office
111 East Harrison Street, Suite 2
Emmaus, PA 18049
Phone: 610/967-1030
Fax: 610/967-0622

Lehigh Office
415 Mahoning Street
Lehigh, PA 18235
Phone: 610/377-0500

December 5, 2017

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

RE: Alfredo Caraballo v PPL Electric Utilities Corporation
Docket No: C-2017-2615246

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is PPL Electric Utilities Corporation's Replies to Exceptions of Complainant, Alfredo Caraballo.

Please note that this filing was eFiled with the Commission on the date indicated above.

Very truly yours,



KIMBERLY G. KRUPKA

KGK/ejm
Enclosure

cc: **Administrative Law Judge F. Joseph Brady (w/ enc.); Via Telefax Only**
Alfredo Caraballo (w/enc.)
Kimberly R. Hanson (w/enc.) via email only
Holly M. Groth (w/enc.) via email only
Shelbie Frederick Bayda (w/enc.) via email only

01063059.DOCX

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALFREDO CARABALLO,

COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. F-2017-2615246

**PPL ELECTRIC UTILITIES CORPORATION'S REPLIES
TO EXCEPTIONS OF COMPLAINANT, ALFREDO CARABALLO**

AND NOW, comes the Respondent, PPL Electric Utilities Corporation ("PPL Electric") by and through its attorney of record, Gross McGinley, LLP, and files the within Replies to Exceptions, alleging in support thereof as follows:

I. History and Background:

On or about July 18, 2017, Alfredo Caraballo filed a Complaint against Respondent, PPL Electric Utilities Corporation (hereinafter "PPL Electric" or "Respondent") pertaining to the electrical service provided to his residence. Complainant alleged that Respondent PPL Electric threatened to terminate his service for an unpaid balance and that he was seeking a payment agreement. In the form of "Relief", Complainant Caraballo requested a payment arrangement. Respondent, PPL Electric, filed its Answer on August 10, 2017, within 20 days of service of Complainant's Complaint and denied any allegations of improper threats to terminate and averred that Complainant's status as an enrollee of OnTrack re-enrollment provided him with the most advantageous payment arrangement. On August 15, 2017 written notice of a

hearing for October 6, 2017 was provided. Such hearing occurred on that date at 10:00 AM. Following a full hearing on the merits, ALJ Brady issued an Initial Decision on November 3, 2017. Thereafter Complainant filed Exceptions with the PUC and the Secretary of the Commission provided a copy of Complainant's Exceptions to PPL Electric. These Replies are offered in response thereto.

II. Replies to Complainant's Exceptions:

Initially, it must be noted that Complainant has not filed his Exceptions in numbered paragraph form and has not specifically identified any Findings of Fact or Conclusions of Law to which he excepts. For such reasons, the Exceptions should be dismissed. However, to the extent the Commission deems it appropriate to consider the Exceptions of Complainant, Respondent PPL Electric responds as follows:

1. Denied. PPL Electric denies that the ALJ erred in Finding of Fact number 9. The Court relied upon appropriate records and testimony in concluding that as of the date of the hearing, the Complainant's outstanding non-CAP balance was \$1,485.68. (See PPL Hearing Exhibit No. 1., page 7). By way of further response, there was absolutely no evidence of record presented that the electronic readings of Complainant's meter were incorrect.

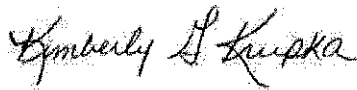
2. Denied. Complainant appears to except to "point 11 on page 6" of the Initial Decision, although no such numbered "point" is included on page 6. To the extent Complainant challenges his balance, the ALJ properly relied upon Complainant's account activity statement which details all charges and payments. (PPL Hearing Exhibit No. 1).

There is no evidence that such charges are inaccurate or that Complainant has made any payments not credited to his account.

3. Denied. As correctly found by the ALJ, PPL Electric worked with Complainant to enroll him in the OnTrack program. However, Complainant failed to comply with the terms of the program. Since the date that Complainant's eligibility in the CAP program ended in May 2017, he made only one payment of \$10.00. Further, Complainant could not offer to pay more than a maximum of \$150 per month which is often less than his actual usage. (PPL Hearing Exhibit No. 1). Accordingly, where Complainant has defaulted on prior payment arrangements, has been unable to complete the OnTrack program, and has stated an inability to comply with even a five year payment plan, the ALJ properly refused to provide Complainant with an additional payment arrangement. (See PPL Hearing Exhibit No. 3 for Complainant's past payment agreement history).

4. Denied. Respondent hereby incorporates its response to Exception Number 3, as if more fully set forth at length herein.

GROSS MCGINLEY, LLP



BY: _____

KIMBERLY G. KRUPKA, ESQUIRE; ID # 83071
Attorney for Respondent
PPL Electric Utilities Corporation
33 S. Seventh Street; P O Box 4060
Allentown PA 18105-4060
Ph. (610) 820-5450; Fx. (610) 820-6006

Date: December 5, 2017

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALFREDO CARABALLO,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. F-2017-2615246

CERTIFICATE OF SERVICE

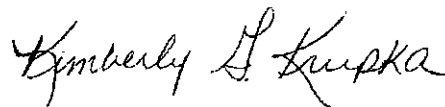
This is to certify that the Replies to Exceptions of Complaint on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record on behalf of Respondents by first class United States mail, postage on this the 5th day of December, 2017.

Administrative Law Judge F Joseph Brady

Via Telefax only: 215-560-3133

ALFRED CARABALLO
423 W CHERRY ST
SHENANDOAH PA 17976

GROSS MCGINLEY, LLP



BY: _____

KIMBERLY G. KRUPKA, ESQUIRE
Attorney ID # 83071
Attorney for Respondent
PPL Electric Utilities Corporation
33 S. Seventh Street; P O Box 4060
Allentown PA 18105-4060
Ph. (610) 820-5450; Fx. (610) 820-6006