

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ruth Sanchez	:	
	:	
v.	:	F-2017-2626427
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Mark A. Hoyer
Deputy Chief Administrative Law Judge

INTRODUCTION

The formal complaint of Ruth Sanchez is denied for failure to prove the allegations of wrongful termination and harassment contained in the complaint.

HISTORY OF PROCEEDING

On September 25, 2017, Ruth Sanchez (Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL or Respondent), alleging that PPL had shut off her electric service when PPL knew “there was a medical emergency at home.”¹ Complainant further alleges that PPL had been harassing her every month threatening to shut off her service even though she was making payments every month. As relief, Complainant requested that the Commission order PPL to stop harassing her every month and to stop shutting off her service. On October 16, 2017, PPL filed an answer denying the material allegations of the complaint.

¹ Complainant timely appealed the decision of the Commission’s Bureau of Consumer Services in her informal complaint at BCS Case No. 3557590.

By Telephone Hearing Notice dated November 28, 2017, the parties were notified that an initial telephone hearing was scheduled for Thursday, January 11, 2018. On November 30, 2017, I issued a Prehearing Order advising the parties of the date and time of the scheduled hearing, and of the applicable procedural rules.

The initial telephone hearing convened as scheduled on Thursday, January 11, 2018. Ruth Sanchez appeared *pro se* and testified on her own behalf. She offered three exhibits that were marked and admitted as Complainant's Exhibits 1-3. Graig M. Schultz, Esq., appeared on behalf of Respondent and presented the testimony of one witness, Sherry Shaffer, a customer service representative with PPL. Counsel for PPL offered pre-marked PPL Exhibit 1 and PPL Exhibit 3. Both PPL exhibits were admitted. The record closed by interim order on February 9, 2018.

FINDINGS OF FACT

1. Complainant, Ruth Sanchez, is a residential electric utility customer of Respondent, PPL Electric Utilities Corporation, at 119 Snowshoe Court, Apartment 203, Mt. Pocono, Pennsylvania (the service address) (Tr. 9-10).
2. Complainant resides at the service address with her adult daughter and two minor children (Tr. 14).
3. Complainant has been a customer of Respondent at the service address since November 1, 1994 (Tr. 41).
4. Complainant uses electricity to heat the service address (Tr. 22).
5. On January 14, 2014, Complainant's account balance owed to Respondent was \$3,188.24 (Tr. 40-41; PPL Exhibit 1).

6. Complainant's account balance owed to Respondent has increased and has never been reduced below the amount owed on January 14, 2014 (\$3,188.24) (Tr. 41; PPL Exhibit 1).

7. On the date of the hearing, Complainant's account balance owed was \$7,054.73 (Tr. 43).

8. Complainant's gross income for the year 2017 was \$75,498.54 or \$6,291.55 monthly (Tr. 24; Complainant's Exhibit 1).

9. As of December 22, 2017, Complainant's adult daughter's gross annual income for 2017 was \$11,874.67, or \$989.56 monthly (Tr. 32).

10. Complainant's annual household gross income is \$87,373.21, or \$7,281.10 monthly (Tr. 24, 32; Complainant's Exhibit 1).

11. Complainant's budget billing amount was \$208 per month but it increased to \$220 in June 2017 (Tr. 63; PPL Exhibit 1).

12. Complainant's budget bill amount increased from \$220 to \$234 in November 2017 (Tr. 63; PPL Exhibit 1).

13. Complainant has continued to make payments in the amount of \$208 even though her budget billing amount has increased, and her account arrears continue to increase as a result (Tr. 63; PPL Exhibit 1).

14. Complainant defaulted on numerous payment arrangements with PPL between March 19, 2003 and October 18, 2017 (Tr. 43; PPL Exhibit 3).

15. PPL terminated Complainant's service twice in 2017 (Tr. 54).

16. PPL terminated service in May 2017 for non-payment (Tr. 54-55).
17. On or about May 18, 2017, after PPL terminated service, Complainant's physician provided PPL with a medical certification and PPL restored service (Tr. 54).
18. PPL's policy is to restore service within 24 hours after receiving a medical certification (Tr. 54-55).
19. PPL terminated service again in August 2017 for non-payment (Tr. 55).
20. On August 29, 2017, PPL received a medical certification and PPL restored service on August 30, 2017 (Tr. 55).
21. PPL did not terminate service to Complainant during the time period specified in a medical certification (Tr. 53-54).
22. Complainant received termination notices from PPL dated February 14, 2017, March 14, 2017, April 18, 2017 and July 18, 2017 (Tr. 18-19; Complainant's Exhibit 2).
23. Complainant received the termination notices in 2017 because she was not paying the required monthly amount (Tr. 49).

DISCUSSION

Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, provides 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." Here, Ms. Sanchez alleges that PPL terminated her electric service when PPL "knew there was a medical emergency

at home.” Ms. Sanchez further alleges that PPL has been harassing her every month by threatening to terminate her service, even though she has been making payments every month.²

As the party seeking affirmative relief from this Commission, Complainant bears the burden of proof. 66 Pa.C.S. § 332(a). Complainant bears the burden of proving by a preponderance of the evidence that 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). 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).

In addition to determining whether Complainant has satisfied her burden of proof, care must be exercised to ensure that the Commission’s decision is 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. Pub. Util. Comm’n, 489 Pa.109, 413 A. 2d 1037 (1980); Murphy v. Dept. of Public Welfare, 85 Pa. Cmwlth. 23, 480 A.2d 382 (1984).

In the instant case, Ms. Sanchez has failed to produce any evidence to substantiate the allegations raised in her complaint. With respect to her first allegation, that PPL terminated service when PPL “knew there was a medical emergency in the home,” Ms. Sanchez did not offer any evidence of such an occurrence. Section 1406(f) of the Public Utility Code provides that,

[a] public utility shall not terminate services to premises when a customer has submitted a medical certificate to the public utility. The customer shall obtain a medical certificate verifying the condition and shall promptly forward it to the public utility. The

² Ms. Sanchez did not request a payment arrangement in her complaint and at the hearing she indicated that she did not want a payment arrangement if it would result in “extremely high payments.” Tr. 69.

medical certification procedure shall be implemented in accordance with commission regulations.

66 Pa.C.S. § 1406(f). Service may not be terminated for the time period specified in a medical certification; the maximum length of the certification shall be 30 days. 52 Pa.Code § 56.114.

The only evidence presented regarding medical certificates for Complainant's household was presented by PPL. PPL terminated Complainant's service in May 2017 for non-payment. Tr. 54-55. On or about May 18, 2017, after PPL terminated service, Complainant's physician provided PPL with a medical certification and PPL restored service. Tr. 54. PPL terminated service again in August 2017 for non-payment. Tr. 55. On August 29, 2017, PPL received a medical certification and PPL restored service on August 30, 2017. Tr. 55. The credible evidence presented by PPL established that PPL did not attempt to terminate Complainant's service in violation of the law regarding medical certifications.

Complainant's second allegation in her complaint is harassment by PPL. She views the termination notices she received from PPL in 2017 for non-payment as harassment because she was paying PPL monthly.

Ms. Sanchez failed to produce any evidence to substantiate this second allegation of harassment. The evidence adduced at the hearing established that although Ms. Sanchez pays something each month she pays less than her budget amount and, consequently, her account balance continues to grow. The information contained in PPL Exhibit 1, Complainant's Account Activity Statement, demonstrates that Ms. Sanchez continuously pays less than the amount billed to her each month.

However Ms. Sanchez manages her household budget, she will have to pay PPL for the electricity she consumes. By law a public utility is entitled to receive payment for the service it provides. Scaccia v. West Penn Power Company, 55 Pa. PUC 637 (1982). Otherwise, customers' unpaid bills are included in the utility's uncollectibles expense and ultimately paid by the remaining ratepayers. Cf., Bolt v. Duquesne Light Co., 66 Pa. PUC 463 (1988); Thomas P. O'Toole v. Bell Telephone Co. of Pennsylvania, Docket No. C-923964 (Final Order entered August 20, 1992). It

must be remembered that many of the paying customers are struggling themselves to pay their families' living expenses, including public utility bills. All customers, regardless of financial means, have an obligation to pay for utility service.

Ms. Sanchez failed to prove that PPL violated the Public Utility Code, Commission regulations or any Commission orders in this proceeding. Accordingly, the complaint is denied in the ordering paragraphs to follow.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa.C.S. § 701.
2. Pursuant to 66 Pa.C.S. § 332(a), the burden of proof in this proceeding is on Complainant.
3. Complainant has not met her burden of proving that she is entitled to relief. 66 Pa.C.S. § 332(a).
4. The Responsible Utility Customer Protection Act, 66 Pa.C.S. § 1401, *et seq.*, applies to this proceeding.
5. Respondent is entitled to payment for its service. Scaccia v. West Penn Power Company, 55 Pa. PUC 637 (1982).
6. A public utility shall not terminate service to a premises when a customer has submitted a medical certificate to the public utility. The customer shall obtain a medical certificate verifying the condition and shall promptly forward it to the public utility. The medical certification procedure shall be implemented in accordance with Commission regulations. 66 Pa.C.S. § 1401.

