

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Talitha Bradley	:	
	:	
v.	:	C-2017-2619994
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Mary D. Long
Administrative Law Judge

INTRODUCTION

A formal complaint of a customer of an electric distribution company is dismissed because she did not prove that there were incorrect charges on her bills or that her payments had not been properly credited to her balance.

HISTORY OF THE PROCEEDINGS

On August 8, 2017, Talitha Bradley (Complainant) filed a formal complaint against PPL Electric Utilities Corporation (PPL), alleging that PPL was improperly holding her responsible for service rendered on an account at 421 Maclay Street in Harrisburg. The Complainant contends that she never resided at 421 Maclay Street and that she should not be responsible for those bills. PPL filed an answer on September 7, 2017, denying the material allegations of the complaint.

A hearing convened on December 13, 2017, and the Complainant appeared and testified on her own behalf. Graig M. Schultz, Esquire appeared to represent PPL. The

Complainant testified regarding her address and living situation, and referred to rent receipts, utility bills and a state identification card. Following a discussion with the parties, it was agreed that further proceedings would be more fruitful if the Complainant provided copies of materials supporting her claims to me as well as to counsel for PPL.

A further hearing was convened on February 12, 2018. The parties agreed to engage in an off-the-record settlement discussion where I served as a settlement judge. The parties reached an agreement in principle, but the Complainant wanted an opportunity to review the settlement terms before she withdrew her complaint. The Complainant was directed to confer with PPL on or before March 2, 2018, to report whether she would agree to the settlement.

On March 2, 2018, the Complainant communicated with a legal assistant in this office and reported that she did not agree to the settlement terms and that she wanted a further hearing on her complaint. A further hearing was scheduled for Friday, April 13, 2018.

The April 13, 2018 hearing convened as scheduled. The Complainant appeared and testified on her own behalf. Graig M. Schultz, Esquire, represented PPL and offered the testimony of one witness, Tammi Roland, Senior Customer Service Representative. Three exhibits which had been pre-marked as PPL Exhibits 1, 6 and 7 were admitted in the record. The hearings resulted in a transcript of 78 pages. By interim order dated May 11, 2018, the record was closed.

FINDINGS OF FACT

1. The Complainant, Talitha Bradley, currently resides at 319 East Market Street, Williamstown, Pennsylvania (service address).
2. The Respondent, PPL, is a jurisdictional public utility.

3. The Complainant has lived at the service address since November 23, 2015. (N.T. 46)
4. Before living in Williamstown, the Complainant lived on South 13th Street in Harrisburg, Pennsylvania. (N.T. 46)
5. As of the date of the hearing, the Complainant has no income from working. (N.T. 52)
6. As of the date of the hearing, the Complainant had applied for disability, but had not yet received a decision on her application. (N.T. 52)
7. The Complainant receives food stamps in the amount of \$192, and a utility allowance of \$50 per month. (N.T. 52)
8. When the Complainant opened an electric account for the service address, PPL transferred \$3,150.69, from an account in the Complainant's name on Maclay Street, and \$405.43, from an account in the Complainant's name on 540 Curtin Street in Harrisburg, Pennsylvania. (N.T. 56; 68; PPL Exs. 1, 6)
9. On February 12, 2018, PPL credited the Complainant's account \$3,150.69, which represented the amount of the balance that was transferred from Maclay Street. (N.T. 56-57; PPL Ex. 1)
10. PPL credited this amount because the Complainant successfully established that she did not live at Maclay Street. (N.T. 57)
11. PPL also credited the Complainant's account for payments from the Complainant as follows: May 11, 2016, \$45; May 2, 2017, \$30; June 12, 2017, \$40; July 3, 2017, \$30; July 7, 2017, \$60; August 18, 2017, \$60; September 18, 2017, \$50; October 19, 2017, \$50; November 8, 2017, \$25. (N.T. 58-61; PPL Ex. 1)

12. The amounts due in the months that the Complainant made payments are as follows: May 2016, \$168.66; May 2017, \$247.14; June 2017, \$128.07; July 2017, \$100.80; August 2017, \$81.36; September 2017, \$64.71; October 2017, \$96.88; November 2017, \$107.82. (PPL Ex. 1)

13. On March 16, 2016, PPL credited the Complainant's account \$229, which was received as a grant from LIHEAP. (N.T. 58)

14. Additional LIHEAP grants in the amount of \$15 and \$724 were also applied to the Complainant's account on November 9, 2016. (N.T. 58-59; PPL Ex. 1)

15. A LIHEAP grant in the amount of \$774 was applied to the Complainant's account on November 20, 2017. (N.T. 61)

16. As of the date of the hearing, the balance on the Complainant's account was \$3,639.70. (N.T. 61)

17. PPL's records reflect that the Complainant started service at 540 Curtin Street on October 24, 2014, and closed her account at that service address on February 4, 2015. (N.T. 70-71; PPL Ex. 7)

DISCUSSION

The Complainant's initial complaint alleged that she did not owe a balance associated with an account at 421 Maclay Street in Harrisburg. The Complainant later amended her claims to allege that the balance at her current address, 319 E. Market Street, was too high and that the amount transferred to her Market Street account associated with 540 Curtin Street was also too high.

Section 701 of the Public Utility Code (Code), provides that any person may complain, in writing, about any act or thing done or omitted to be done by a public utility in

violation, or claimed violation, of any law which the Commission has the jurisdiction to administer, or of any regulation or order of the Commission.¹ A person seeking affirmative relief from the Commission has the burden of proof.²

In this matter, the Complainant is the party seeking affirmative relief from the Commission; therefore, she has the burden of proof. This means that she must establish material facts which support her claims by a preponderance of the evidence, and must show that the company has violated the Public Utility Code or Commission regulations.³

The Complainant explained that she makes payments on her account and has applied for LIHEAP grants. However, she does not understand how her balance is so high even though she has made payments. She is not challenging the amount of consumption, nor is she challenging the application of her payments or LIHEAP grants to her account.⁴

A review of the Complainant's account history reveals that she makes some payments on her account. However, these payments are far less than the amount billed by PPL.⁵ Some months, the Complainant does not make any payments. Over time, these unpaid balances have accumulated, resulting in the Complainant's large past due balance. There is no evidence to establish that the amounts billed were incorrect or that her payments were not credited to her balance.

The Complainant also did not offer any evidence that the amount transferred from the 540 Curtin Street account was incorrect. Although she disputes the date that she called PPL

¹ 66 Pa.C.S. § 701.

² 66 Pa.C.S. § 332(a).

³ *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950); *Feinstein v. Philadelphia Suburban Water Company*, 50 Pa. PUC 300 (1976).

⁴ N.T. 48-49.

⁵ These small payments are understandable given the Complainant's very low income from food stamps and utility allowance.

to disconnect service, she could not recall details or provide documentation that would refute PPL's records which establish the date that the account was closed.

The Complainant's claim that there are incorrect charges on her bills must be dismissed because she did not prove that any of the charges were incorrect or that she was billed for electricity that she did not use. The bills are correct as rendered.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject-matter of the dispute. 66 Pa.C.S. § 701.
2. The Complainant bears the burden of proof. 66 Pa.C.S. § 332.
3. The Complainant failed to sustain her burden of proving that there were incorrect charges on her bills. 66 Pa.C.S. § 332.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the formal complaint of Talitha Bradley at Docket No. C-2017-2619994 is dismissed.
2. That the Secretary mark the docket closed.

Date: June 29, 2018

/s/
Mary D. Long
Administrative Law Judge