

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Carl and Dorothy Charles	:	
	:	
v.	:	C-2018-3000509
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Mark A. Hoyer  
Deputy Chief Administrative Law Judge

**INTRODUCTION**

The formal complaint of Carl and Dorothy Charles (Complainants) alleging PPL Electric Utilities Corporation (Respondent or PPL) provided unreasonable electric utility service to them is denied.

**HISTORY OF THE PROCEEDING**

Carl and Dorothy Charles filed a formal complaint against PPL Electric Utilities Corporation with the Pennsylvania Public Utility Commission (Commission) on March 8, 2018. Complainants allege the lights in their home flickered in the Spring and Summer of 2017 and that, after several contacts with PPL, their meter base was replaced by an electrician at Complainants' expense. Complainants further allege that replacement of the meter base did not correct the problem with flickering lights and that it was not until PPL changed the wires attached to its transformer that the problem was solved. Complainants claim that PPL's equipment was responsible for the flickering light problem they experienced, and that PPL

should reimburse them for the costs they incurred to pay for replacement of the meter base and to check electrical circuits.

On April 5, 2018, PPL filed an answer to the complaint. PPL averred, among other things, that the flickering lights were caused by deterioration of Complainants' meter base and entrance cable. PPL requested that the complaint be denied.

By Telephone Hearing Notice dated April 6, 2018, the complaint was scheduled for a telephonic hearing on Friday, May 4, 2018 and assigned to me. I issued a standard prehearing order which set forth the relevant procedural rules for the conduct of a hearing on April 12, 2018.

The hearing convened as scheduled. Both Complainants appeared and testified. Kimberly G. Krupka, Esquire, appeared on behalf of PPL. Counsel presented the testimony of one witness, Mark Musheno, and offered eight exhibits which were admitted into the record. The hearing resulted in a transcript of 52 pages. By interim order dated June 1, 2018, the record was closed.

#### FINDINGS OF FACT

1. Complainants are Carl and Dorothy Charles, who receive residential electric utility service from PPL at 5926 Holiday Drive, Allentown, Pennsylvania 18104 (the service address) (Tr. 13).

2. On October 18, 2017, Mrs. Charles called PPL to complain about lights dimming in the laundry room at the service address (Tr. 14, 18, 49; PPL Ex. 2).

3. On October 19, 2017, a PPL employee advised Mr. Charles in a telephone conversation that the dimming of his lights is not a PPL issue and that he needed to call an electrician; and he was further advised that PPL only covers its equipment (Tr. 31-32, 49; PPL Ex. 2).

4. On November 20, 2017, PPL received a call about flickering lights at the service address and the caller indicated that he has an electrician who is saying that the wire from the pole to the house is frayed (Tr. 31-32, 49; PPL Ex. 2).

5. On November 20, 2017, PPL's contact center dispatched a trouble call to the outage management system in response to the complaint of flickering lights at the service address, and an investigation was conducted (Tr. 31-33, 49; PPL Ex. 2 and PPL Ex. 4).

6. On November 20, 2017, PPL discovered that the top left jaw on Complainants' meter base (the electric connection) was heating up, causing the lights inside to flicker (Tr. 32-35, 49; PPL Ex. 4).

7. PPL advised Complainants that a new meter base was needed and that an inspection would be required prior to the installation of a new meter by PPL (Tr. 32-35, 49; PPL Ex. 4).

8. PPL required Complainants to replace the meter base to continue receiving service and avoid disconnection (Tr. 38, 49; PPL Ex. 10).

9. PPL advised Complainants that a new meter would need to be installed because the heating up of the top left jaw on the meter base caused the melting of some plastic on the meter. PPL also provided Complainants with a "What's yours? What's ours?" card, identifying what is owned by the customer and what is owned by PPL and the responsibilities of each party (Tr. 32-35, 49; PPL Ex. 4, PPL Ex. 5).

10. On November 22, 2017, Complainants' electrician installed a new meter base, disconnected service at the point of attachment and made a temporary connection back to PPL's service drop so that Complainants continued to receive service pending inspection, notification to PPL and installation of a new meter (Tr. 15, 32-35, 38-39, 49; PPL Ex. 4, PPL Ex. 10).

11. On November 26, 2017, Complainants contacted PPL to report flickering lights at the service address and PPL informed Complainants that it required the inspection report before a new meter would be installed (Tr. 38-42, 49; PPL Ex. 2 and PPL Ex. 4).

12. On November 30, 2017, Complainants called PPL regarding flickering lights and PPL informed Complainants again that an inspection was required before installation of a new meter (Tr. 43-44, 49; PPL Ex. 2 and PPL Ex. 4).

13. On December 1, 2017, PPL received the inspection report and an appointment was made to install a new meter at the service address on December 12, 2017 (Tr. 39-40, 49; PPL Ex. 6 and PPL Ex. 7).

14. On December 12, 2017, PPL installed a new meter at the service address and a permanent connection was made to PPL's facilities. PPL also changed transformer connections (Tr. 24-25, 49; PPL Ex. 2, PPL Ex. 7).

15. Complainants have not experienced flickering lights since December 12, 2017 (Tr. 24-25).

16. Even if the lights inside the residence were not flickering, the meter base needed to be replaced based on the results of the investigation conducted by PPL on November 20, 2017 (Tr. 45).

### DISCUSSION

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.<sup>1</sup> A person seeking affirmative relief from the Commission has the burden of proof.<sup>2</sup>

In this matter, Complainants are seeking affirmative relief from the Commission; therefore, they have the burden of proof. This means that Complainants must establish a material fact by a preponderance of the evidence and must show that the company has violated the Public Utility Code or Commission regulations.<sup>3</sup>

### Monetary Damages

Complainants are seeking monetary damages in this proceeding. Specifically, Complainants are seeking to be reimbursed for the costs they incurred to have the meter base replaced at their residence by an electrician. They argue that the meter base was not the source of their problem with flickering lights in the residence. According to Complainants, PPL's facilities, specifically the connections to the transformer, were the cause of the problem, not the meter base.

It is well-established under Pennsylvania law that the enforcement powers of the Commission do not include the power to award money damages.<sup>4</sup> Therefore, Complainants' claim for monetary damages is denied. The issue presented by this complaint is whether PPL provided reasonable service to Complainants.

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<sup>1</sup> 66 Pa.C.S. § 701.

<sup>2</sup> 66 Pa.C.S. § 332(a).

<sup>3</sup> *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950); *Feinstein v. Philadelphia Suburban Water Company*, 50 Pa. PUC 300 (1976).

<sup>4</sup> *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1978).

## Reasonable Service

Section 1501 of the Code,<sup>5</sup> mandates that a public utility must furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and must make such repairs, changes, alterations, substitutions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons and the public. Upon finding that the service or facilities of a public utility are unreasonable, unsafe or inadequate, the Commission may prescribe, by regulation or order, the reasonable, safe and adequate service or facilities that a public utility must furnish or employ.<sup>6</sup>

The Commonwealth Court has cautioned that the Commission may not sustain a complaint pursuant to Section 1501 unless it finds that a utility has violated a duty to render reasonable and reliable service.<sup>7</sup> Further, the Commission has stated that a utility is not mandated to furnish perfect service:

[Section 1501] does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor of either perfect service or the best possible service.<sup>[8]</sup>

Thus, the test to determine the adequacy of a utility's service and facilities is that of reasonableness.<sup>9</sup>

In the instant case, Complainants notified PPL of flickering lights in their residence in October 2017. Then, on November 20, 2017, Complainants again contacted PPL

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<sup>5</sup> 66 Pa.C.S. § 1501.

<sup>6</sup> 66 Pa.C.S. § 1505.

<sup>7</sup> *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947, 949 (Pa.Cmwlt. 1984).

<sup>8</sup> *Re Metropolitan Edison Company*, 80 Pa. PUC 663, 672 (1993).

<sup>9</sup> *Thurby v. West Penn Power*, C-2011-2254048 (Order April 4, 2013); *Bertsch v. PPL Electric Utilities Corp.*, C-2011-2251784 (Final Order April 2, 2012); *Scherich v. Verizon Pennsylvania Inc.*, Docket Nos. C-2008-2061244, C-2008-2068818 (Final Order entered January 28, 2010).

regarding flickering lights. PPL's contact center dispatched troublemen to Complainants' residence on November 20, 2017. During the visit, it was discovered that the top left jaw on Complainants' meter base (the electric connection) was heating up, causing the lights inside to flicker. Tr. 32-35, 49; PPL Ex. 4. PPL advised Complainants that a new meter base was needed and that an inspection would be required prior to the installation of a new meter by PPL. Tr. 32-35, 49; PPL Ex. 4. PPL required Complainants to replace the meter base to continue receiving service and avoid disconnection. Tr. 38, 49; PPL Ex. 10. PPL advised Complainants that a new meter would need to be installed because the heating up of the top left jaw on the meter base caused the melting of some plastic on the meter.<sup>10</sup> Tr. 32-35, 49; PPL Ex. 4.

On November 22, 2017, Complainants' electrician installed a new meter base, disconnected service at the point of attachment and made a temporary connection back to PPL's service drop so that Complainants continued to receive service pending inspection, notification to PPL and installation of a new meter. Tr. 15, 32-35, 38-39, 49; PPL Ex. 4, PPL Ex. 10.

On December 1, 2017, PPL received the inspection report and an appointment was made to install a new meter at the service address on December 12, 2017. Tr. 39-40, 49; PPL Ex. 6 and PPL Ex. 7. In the meantime, Complainants continued to receive service because a temporary connection was put in place when the meter base was replaced by Complainants' electrician. On December 12, 2017, PPL installed a new meter at the service address and a permanent connection was made to PPL's facilities. PPL also changed transformer connections on December 12, 2017. Tr. 24-25, 49; PPL Ex. 2, PPL Ex. 7. Complainants have not experienced flickering lights since December 12, 2017. Tr. 24-25.

The Public Utility Code does not mandate perfect service. Although Complainants experienced flickering lights in their residence they continued to receive electric service while the problem was identified and ultimately corrected by their electrician and PPL. Complainants' meter base needed to be replaced, regardless of whether the lights inside the

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<sup>10</sup> Even if the lights inside the residence were not flickering, the meter base needed to be replaced based on the results of the investigation conducted by PPL on November 20, 2017. Tr. 45.

residence flickered. The meter base is part of the customers' facilities, not PPL's facilities, and customers are responsible for the replacement and cost of the meter base.<sup>11</sup>

PPL provided reasonable service here in responding to the trouble calls, diagnosing the problem, and explaining what was required to continue receiving service and to have a new meter installed. The response by PPL was not perfect but Complainants' service was not interrupted, despite the problem with their meter base. Complainants have failed to prove that PPL violated the Code, Commission regulations, or any orders issued by the Commission. Complainants have not met their burden of proof in this proceeding.<sup>12</sup> Therefore, the complaint is denied.

#### CONCLUSIONS OF LAW

1. Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

2. Complainants failed to meet their burden of proof.

3. Every public utility shall furnish and maintain adequate, efficient, safe and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501.

4. The Commission has jurisdiction over the parties and subject matter in this complaint. 66 Pa.C.S. § 701.

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<sup>11</sup> PPL Ex. 5 and PPL Ex. 9 – Supplement No. 194, Electric Pa. P.U.C. No. 201 Tenth Revised Page No. 8.

<sup>12</sup> 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the formal complaint of Carl and Dorothy Charles against PPL Electric Utilities Corporation at Docket No. C-2018-3000509 is denied.
2. That the docket at Docket No. C-2018-3000509 be marked closed.

Date: August 17, 2018

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/s/  
Mark A. Hoyer  
Deputy Chief Administrative Law Judge