

**Silver Valley Apartments v. PPL Electric Utilities Corporation
F-2019-3008686**

COMPLAINANT SILVER VALLEY APTS. EXCEPTIONS TO INITIAL DECISION

The ALJ has dismissed the Formal Complaint for failure to meet burden of proof. We except to that.

In finding number 20, investigator Cleotide Flores found that “the PUC has no jurisdiction over balances accrued, transferred, etc. over four years ago.” (Decision on informal complaint by the Public Utility Commission (PUC) BCS:3670962)

In case number BCS:3670962, the investigator found that in conclusion number 1 that “the balance of \$1,624.10 contains charges in the amount of \$1,565.83 accrued out of the four-year rule, which is not under PUC jurisdiction.” (ibid)

The instant matter stems from a related matter in which PPL screwed up in turning on service at the Silver Valley Apartments house at 628 Rt. 715. The complaint in that matter regards PPL's demands and actions regarding a deposit for service at 628 Rt 715, Saylorsburg, Pa. 18353. The ALJ did not address those issues at all. Therefore, the Initial Decision should be thrown out!

The Initial Decision goes into a matter involving foreign load issues dating back to 2011 at an entirely different location at 254 Silver Valley Road. That matter is beyond the four year limitation.

(From Response to Informal Complaint Decision BCS: 3681889

1. PPL lied in paragraph 1 when they said that the said deposit would have to be paid before electric was turned on. They did not tell us during the March 1 phone call that the deposit would have to be paid before electric would be turned on. However, in a letter we received on March 9, 2019 PPL did say the deposit would have to be paid before turning electric on (see paragraph 2 below).
2. Contrary to Informal Complaint Decision paragraph 1, we received a letter from PPL regarding the deposit on March 9, 2019. Although their letter was dated March 1 but was postmarked March 6, 2019. Since they did not mail that letter until March 6, their statement about the letter is essentially a lie because of their timing.
3. Regarding paragraph 6 of Informal Complaint Decision, we talked to them on the phone, regardless of what their records show. Either they are lying or they don't keep good records. Either way that is not acceptable. Or the PUC investigator did not conduct a thorough investigation.
4. Regarding Informal Complaint Decision paragraph 7, how did the investigator review the account history? Did he have access to PPL records? Why did he not discuss this with us? We stated in our informal complaint that there was and is as set forth in our informal complaint a

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dispute with PPL over charges that are not ours and they keep trying to tack on to our account. Please see the matter at F-2019-3008686. The investigator did not thoroughly investigate these PPL allegations.

5. Regarding paragraph 8 of the Informal Complaint Decision, to the extent that a deposit might be required, the house is vacant and only a minimal amount of electricity is being used while we are in there getting the place ready to show and to show to perspective tenants. Therefore, the arrangement your investigator made with PPL for a deposit is outrageously high.

6. Regarding the findings of Butch Comstock, investigator, we disagree as follows:

a). Regarding conclusion 1, we disagree.

b). Regarding conclusion 2, we disagree, our payment history is good as set forth above. We have always paid the distribution, generation, and transmission charges. We have not paid other charges they sneakily try to tack on and which we dispute.

c). Regarding conclusion 3, we disagree as stated.

d). Regarding conclusion 4, true, but the PUC does have jurisdiction in how PPL deals with customers.

7. Therefore, dismissal of our informal complaint is improper and we object to and appeal the dismissal as set forth above and in this appeal.

Finding 5 is wrong. At the time Complainant purchased the house at 254 Silver Valley Road,, there already was a tenant in the house

As to duty of owner of rental property (section 1529.1). when Complainant bought the apartment complex, all the units had been rented by the previous owner. Therefore, any notifications should have been done by the previous owner.

Perhaps the label Silver Valley Apartments is confusing. It is not a single building divided into several living units, apartments. There are five different buildings on two different properties.

There is a house at 628 Rt. 715. Then, on Silver Valley Road (SVR) there is the instant house at 254 SVR, a one BR apartment over a three car garage (the carriage house), at 256 SVR, then a two apartment duplex at 258 SVR, and another duplex apartment at 250 SVR.

Each house has its own electric meter. The carriage house has its own meter. Another meter serves both duplexes. And the well has its own meter which hangs on the house at 254 SVR.

The well at the 254 SVR house provides water for all the SVR units. That is what gave rise to the foreign load issue at the 254 SVR house

Rule 1529.1(a) does not apply to either house because they are independent living units and are individually metered. Further, Rule 1529.1 does not address foreign load.

We do not dispute here the policy to put the meter in a proper owner's name once a foreign load is

reported and charging the property owner for the electric usage during the period of foreign load. We do dispute making the property owner responsible for tenant arrearages. We dispute the arrearages transferred to Silver Valley Apartments and all the service and other charges stemming therefrom. We did pay the electric charges that accrued while the meter at 254 SVR was transferred to SV apartments and until the foreign load was corrected and the meter at 254 SVR was put back in the tenant's name,

We did have the foreign load corrected as soon as we could get a qualified electrician to do it,

Regarding Conclusion 2, the burden of proof is on PPL according to 66 Pa section 332(a).

Because the transfer of the tenant arrearage to the landlord is harsh and penal in nature, a fair and impartial hearing is required both under state and federal law. Inter alia, it is a violation of civil rights

The policy improperly shifts the burden to landlord to collect unpaid utility bills.

Therefore, we except to the Initial Decision and the PUC should reverse the Initial Decision

Thank you.

Mike Vianello
Silver Valley Apartments
258-1 Silver Valley Road
Saylorsburg, Pa 18353

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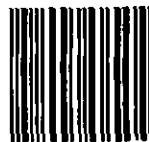
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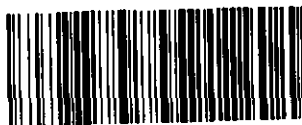
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