

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Jerome Sindaco
vs.
PPL Electric Utilities Corporation

Public Meeting of Nov. 14, 2019
2639465-ALJ
Docket No. C-2017-2639465

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

Before the Commission today is the Complaint of Jerome Sindaco alleging that PPL Electric Utilities Corporation (PPL) improperly disconnected service to his rental property without appropriate notice. PPL admitted that it terminated service to the property when notified by a Pittston Zoning Code Enforcement Officer that the property's electric service was unsafe. By Initial Decision issued October 30, 2019, the Administrative Law Judge held that the Complainant sustained his burden of establishing that PPL failed to render reasonable service in violation of Section 1501 of the Code, 66 Pa. C.S. § 1501, when it terminated service based on a phone call from the Code Enforcement Officer. The ALJ also determined that PPL violated the Commission's regulations by failing to provide or attempt to provide notice of the termination to any adult occupant of the premises.

Section 56.71 of our regulations, 52 Pa. Code § 56.71, provides:

A public utility may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency.

(2) *Interruption without prior notice.* When service is interrupted due to unforeseen circumstances, notice of the cause and expected duration of the interruption shall be given as soon as possible to customers and occupants who may be affected.

(3) *Notification procedures.* When customers and occupants are to be notified under this section, the public utility shall take reasonable steps, such as personal contact, phone contact and use of the mass media, to notify affected customers and occupants of the cause and expected duration of the interruption.

On the day that service was terminated the Complainant called PPL and spoke with a representative who confirmed that PPL shut off service due to unsafe electric wiring conditions at the property. (Tr. at 142-143). PPL testified that it provides a letter to the property owner after situations such as the December 22, 2016 termination. (Tr. at 201-202). However, no attempt to notify any occupant of the property was made at or near the time of termination. (Tr. at 199-200).

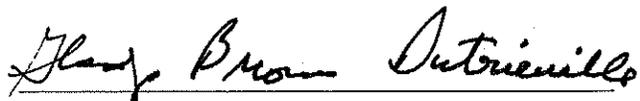
PPL's action of terminating service to the property upon receipt of notice from the Township's code enforcement personnel was reasonable. The Complainant's own witness visited the property and testified that the neoprene jacket coating of the electric wiring had deteriorated and was exposing the conductor throughout the cable, at the weatherhead to the meter base, and at ground level. (Tr. at 25-26). Moreover, PPL testified that it regularly relies upon township enforcement officers for notice of unsafe conditions and does not second guess municipal code enforcement officer determinations. (Tr. at 140-142). PPL further testified that it simply terminates electric service when asked to do so by code enforcement personnel. In this case, PPL's action was carried out "to eliminate an imminent threat to life, health, safety or substantial property damage" and appears to have been reasonable under the circumstances.

While PPL's termination of service was reasonable, PPL's witness testified that in circumstances such as this, the utility does not notify building occupants before or after the termination. This is a violation of Section 56.71(2) of the Commission's regulations. PPL is advised that it must revise its operating procedures to ensure that both customers and property occupants are given notice of terminations consistent with our regulations and, that a failure to do so in the future could result in the imposition of civil penalties.

THEREFORE, I MOVE THAT:

1. The Initial Decision be sustained in part, and reversed, in part, consistent with this Motion.
2. The Office of Special Assistants draft an Opinion and Order consistent with this Motion.

November 14, 2019
Date


Gladys Brown Dutrieuille, Chairman