

Alan Andrews
40 Beaver Run Drive
P.O. Box 123
Lehighton, PA 18235

February 19, 2020

VIA E-filing

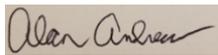
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Alan Andrews v. PPL Electric Utilities Corporation
Docket No. C-2019-3008770

Dear Secretary Chiavetta:

Enclosed for filing is my timely Answer to the New Matter filed by PPL on February 5, 2020 in response to my Amended Formal Complaint in the above referenced matter. Copies will be provided as indicated on the Certificate of Service.

Sincerely,

A rectangular box containing a handwritten signature in cursive script that reads "Alan Andrews".

Alan Andrews

CC: ALJ Elizabeth Barnes
Per Certificate of Service

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Alan Andrews

:

Complainant

Docket No. C-2019-3008770

v.

:

PPL Electric Utilities Corporation

:

Respondent

Answer to New Matter

I respond as follows to the New Matter filed by PPL Electric Utilities Corporation on February 5, 2020:

1. No response is required.
2. Admitted as to my allegations of unlawful charges.
3. Admitted as to the approximate amount of the unlawful charges per month. The date of 2014 was a typographical error and should have been 2018.
4. Admitted as to my request for a refund of the unlawful charges for the smart meter that I did not request and did not agree to pay for. My request is based upon the plain language of Act 129 and the legislative history which did not mandate smart meters for all Pennsylvanians including myself. In my hearing, I indicated I was not disputing the rather small amount of \$2.00 per month charge itself, but rather the fact that the amount should not be charged to me at all. By way of further answer, please see also my answer to #14.
5. Admitted as to my main property at 40 Beaver Run Road. I moved into this house in April 2018. The house was built in the 1960s. It was built before the

implementation of Act 129 which required smart meters be installed in new construction homes.

6. Admitted.

7. Admitted. In my Amended Formal Complaint, I inadvertently omitted the address of my other properties that was noted in my hearing on February 6, 2020.

8. Denied. This paragraph involves a statement of fact regarding a Smart Meter Rider- Phase 1 of which Complainant has no specific knowledge and is, therefore, denied.

9. Denied. This paragraph involves a statement of fact regarding a Smart Meter Rider- Phase 2 of which Complainant had no specific knowledge and is, therefore, denied.

10. Admitted in part, denied in part. This paragraph involves a statement of fact regarding SMR-1 and SMR-2 of which Complainant had no specific knowledge and this statement is, therefore, denied. It is admitted that Act 129 did allow for recovery costs, however, it is denied that PPL is deploying smart meters in accordance with the plain language of Act 129 and verified by the legislative record which does not require such deployment for all Pennsylvanians, including myself. See also my answer to #5 and to #14.

11. Admitted in part, denied in part. This paragraph involves a statement of fact regarding SMR-1 of which Complainant had no specific knowledge and is, therefore, denied. It is admitted as to the address of my main property and the opening date of the account.

12. Denied. This paragraph involves a statement of fact regarding SMR-2 of which Complainant had no specific knowledge and this statement is, therefore, denied.

13. Denied. The averments in this paragraph are conclusions of law to which no response is required, and of which Complainant has no knowledge. To the extent that a response is required, the averments in this paragraph are specifically denied.

14. Denied. See answers to #5, #10, #12, #13 and #16. I have the proof that the charges on my electric bill for the smart meter technology in unjust, unreasonable, and unlawful. The plain language of Act 129 and the legislative history of the bill as amended by the Senate and enacted with the Senate's exact wording clearly and plainly proves that Act 129 did not mandate smart meters for all Pennsylvanians. The General Assembly passed the Senate's version/terminology. Please see the Senate Journal of Wednesday, October 8, 2008, No. 64, pages #2626, #2627, and #2629 where Senators Tomlinson, Boscola and Fumo state that smart meters were not mandated. On page 2629, Senator Fumo specifically stated that, "In addition, we did not mandate smart meters, but we made them optional". We did say in new construction where they are really practical, they will be put in."

Paragraph 2 of sub-section f of Act 129 of 2008 states that smart meters shall be furnished as follows:

- i. Upon request from a customer that agrees to pay the cost of the smart meter at the time of the request.
- ii. In new building construction.
- iii. In accordance with a depreciation schedule not to exceed 15 years.

The above language of the law does not mandate smart meters unless a customer requests it and agrees to pay for it at the time of that request, and in new building construction (after implementation of the Act). Subparagraph iii mandates that the useful life (aka depreciation) of the smart meters not exceed 15 years. Subparagraph iii does not mean, in any way, that smart meters are required. It defines their useful life, which at that time was thought to be 15 years.

Paragraph 6 states that sub-section (f) does not apply to electric distribution companies with 100,000 or fewer customers. This does not mean that customers of all electric distribution companies with 100,001 or more customers must accept a smart

meter; rather it means that subparagraphs i, ii, and iii above do not apply to electric distribution companies with 100,000 or fewer customers. All this means is that an electric distribution company with 100,000 or fewer customers does not have to furnish a smart meter upon request from a customer and that a smart meter does not need to be installed in new construction. It does not somehow mandate smart meters for customers of an electric distribution company with 100,001 or more customers. Please also see my answer to #5.

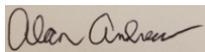
15. Denied. I have no specific knowledge regarding PPL's calculations or the SMR- 2, and therefore, this paragraph is denied.

16. Denied. See my answer to #14, above. I have proven that the charges to me for the smart meter technology are unjust, unreasonable and unlawful.

17. Denied in part. I have no knowledge of the SMR-2. Admitted as to the when the account was initiated at my main property.

Wherefore, for the foregoing reasons, I respectfully request the Commission: (1) uphold my Amended Formal Complaint and my Answer to PPL Electric Utility Corporation's New Matter in their entirety, and (2) grant me such other relief as may be just and reasonable under the circumstances, such as unlawfully charged customer fees.

Respectfully submitted,



Alan Andrews

February 19, 2020

I, Alan Andrews, hereby state that the facts above set forth are true (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. section 4904 (relating to unsworn falsification to authorities).

February 19, 2020

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Alan Andrews

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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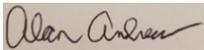
Certificate of Service

I, Alan Andrews, hereby certify that I have this day sent my Answer to the New Matter filed by PPL on February 5, 2020 in response to my Amended Formal Complaint in the manner indicated below, in accordance with the requirements of 52 PA Code, section 1.54 (relating to service by a participant).

Via E-filing

Devin Ryan, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
dryan@postschell.com

Date: February 19, 2019



Alan Andrews