

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105**

William Roll
v.
Pennsylvania Electric Company

Public Meeting: March 26, 2020
3001668-OSA
Docket No. C-2018-3001668

MOTION OF COMMISSIONER ANDREW G. PLACE

Before us are the Exceptions of Pennsylvania Electric Company (Penelec or Company) filed on April 22, 2019, to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Dennis J. Buckley issued on April 3, 2019. The Initial Decision sustained the Formal Complaint (Complaint) of William Roll (Complainant or Mr. Roll) finding that Penelec failed to provide adequate service in violation of Section 1501 of the Public Utility Code (Code), 66 Pa. C.S. § 1501. In addition, the ALJ imposed a civil penalty of \$1,000 for this violation.

This case involves a complaint regarding Penelec's interruption of service, without notice to the owner, when a tenant moved out, causing the electric pilot light to the gas furnace to go out, and, consequently, radiators to freeze and break, which resulted in extensive damage. The Complainant argued that Penelec was under an obligation to notify him of the service termination pursuant to a 2007 verbal Continuance of Service Contract (CSC) previously established for a rental property owned by the Complainant, as he had the same arrangement with Penelec for another rental property. Under a CSC, electric service would have reverted to the Complainant after the disconnection of service at the property in 2018.

In its Exceptions, Penelec argues that this Complaint is barred by the statute of limitations,¹ which prohibits actions unless brought within three years of the liability. Penelec claims that the coding of the account which would have triggered Penelec's notification of the landlord when the tenant terminated service, was not placed in 2007, and therefore too much time had passed. However, as the landlord first learned that the account had not been coded when the pipes froze in the winter of 2018 and the Complaint was filed May 4, 2018, the statute of limitations does not bar this action.

Penelec also claims that the lack of evidence to support the claim that the Complainant had directed Penelec to code the account prevents the finding of a prima facie case. However, it was Penelec's policy of not providing any written confirmation for the coding of a tenant's account that resulted in this case. Penelec cannot now claim that its own poor policy prevents the Complainant from establishing a prima facie case. Rather, the lack of a policy that denotes a CSC and written confirmation weighs in favor of the Complainant's case. The record evidence in this proceeding supports the ALJ's determination that there was a Section 1501 violation.

Penelec's existing CSC procedures are to establish it by telephone and not follow it up by written confirmation. It is simply input into its computer system upon verbal notification. This lack of confirmation and record keeping constitutes inadequate service under Section 1501 of the Public Utility Code.²

I remain concerned regarding Penelec's CSC procedures as described in this case. I would strongly recommend that Penelec improve the notification process to their customers when a CSC agreement has been established by confirming such agreement, electronically or in writing, as chosen

¹ 66 Pa. C.S.A. §3314(a).

² 66 Pa. C.S.A. §1501.

by the customer. Further, I recommend that Penelec work with the appropriate parties, including the Office of Small Business Advocate, to perfect this process, so as to avoid similar situations in the future. By improving the process, both the Company and its customers will know when a CSC is established on an account safeguarding both parties in this type of agreement.

Based on the record in this proceeding, I move to deny the Exceptions and to adopt the Initial Decision.

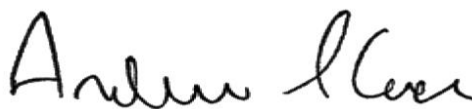
THEREFORE, I MOVE THAT:

1. The Initial Decision of Administrative Law Judge Dennis J. Buckley issued on April 3, 2019 is affirmed, consistent with this Motion.

2. The Exceptions of the Pennsylvania Electric Company filed on April 22, 2019 are denied consistent with this Motion.

3. The Formal Complaint of William Roll, filed on May 4, 2018, is sustained, consistent with this Motion.

4. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.



DATE: March 26, 2020

Andrew G. Place, Commissioner