

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SHAWN KINNEY,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2020-3015409

**PPL ELECTRIC UTILITIES CORPORATION'S
BRIEF IN SUPPORT OF DISMISSAL OF COMPLAINANT'S COMPLAINT**

PPL Electric Utilities Corporation (hereinafter "PPL Electric"), by and through its counsel, Gross McGinley, LLP, files the within Brief following the initial hearing conducted on March 12, 2020 by Administrative Law Judge Seven K. Haas (hereinafter "ALJ Haas"). PPL Electric offers this brief in support of its position that the Complaint of Shawn Kinney should be dismissed. .

I. HISTORY OF THE CASE

Complainant, Shawn Kinney, is the owner of a residential property serviced by two electric meters and corresponding accounts. Account 31500-47021 servicing 816 Chestnut Street, First Floor, Williamsport, PA 17701 began service in Complainant Kinney's name in May 2019. (PPL Hearing Exhibit "1"). Account 31300-47070 servicing 816 Chestnut Street, Apartment 2, Williamsport, PA 17701 began service in Complainant Kinney's name in May 2019. (PPL Hearing Exhibit "2"). Complainant does not contest the provision or quality of service provided by PPL Electric, but rather seeks to make payment of the outstanding balances on both accounts by means other than payment of U.S. coins or currency. PPL Electric has offered Complainant payment options which include payment at a bill payment center in cash, payment by mail in check, payment by telephone by either online check or credit card, and payment online through

provision of a bank account routing number or via credit card. Complainant rejects these mechanisms and wishes to satisfy the debt through a payment mechanism other than money.

II. QUESTION INVOLVED

Whether Complainant's has met his burden of establishing a prima facie case that Respondent PPL Electric has failed to provide adequate service in requiring payment be made either in person, by mail, over the telephone, or through the Internet by payment of U.S. currency.

Suggested Answer: No.

III. ARGUMENT

The Commission has consistently held that in order for a complaint to survive "a public utility must be in violation of its duty under the Public Utility Code; the Commission's regulations, or an order of the Commission. *See Triple Crown Corp. v. PP&L, Inc.*, 94 Pa. P.U.C. 300 (2000). As the parties seeking relief from the Commission, the Complainant has the burden of proof. 66 Pa.C.S. § 332(a). To satisfy the burden of proof, the Complainant must establish by a preponderance of the evidence that PPL Electric violated a rule, regulation or Order of the Commission. *Triple Crown Corp.*, supra.

It is imperative to note from the onset that Complainant does contest the provision of service. He agrees that service was provided, but contends that reasonable service requirements must include an option for him to render payment in a manner other than money/US currency. PPL Electric the allegation that requiring payment in U.S. currency equates to unreasonable service.

PPL Electric has provided substantial evidence of various options for payment. For customers who want to make cash payments, PPL Electric has established relationships with bill payment centers. (N.T. pg. 22, ln. 1-2). For customers who want to make payment by mail, PPL Electric accepts checks and money orders. (N.T. pg. 22 lns. 7-10). For persons who want to make payment via telephone, PPL Electric accepts check by phone with the provision of a bank routing

and checking account number, or can refer the customer to a third party who accepts payment via credit card. (N.T. pg. 22 lns. 11-17). Further, for a customer who wishes to make a payment online, the customer can submit payment using a checking or savings bank routing number. (N.T. pg. 22 lns. 18-22). Finally, a customer can set up automatic bill pay with PPL Electric. (N.T. pg. 22 ln. 23 – pg. 23 ln. 1). All such options were, and remain available, to Mr. Kinney. However, PPL Electric does require that all payments be made with U.S. Currency.

Moreover, PPL Electric Tariff Rule 9 – Billing and Payment for Service sets forth the billing requirements and protections. While Rule 9.D. discusses the rights of customers to be able to pay at bill payment centers or through electronic means, there is no right to pay by means other than US currency.

Complainant admits his obligation for the debt, but contends he should not be required to pay the same in money. It appears that Complainant relies upon the Coinage Action of 1965 for this assertion. 31 U.S.C. § 5103. The Act states “United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.” While the act establishes that all United States money is valid and legal payment, there is no Federal Statute mandating a private business to accept currency or coins as payment. ([HTTPS://WWW.FEDERALRESERVE.GOV/FAQS/CURRENCY_12772.HTM](https://www.federalreserve.gov/faqs/currency_12772.htm)) Rather private businesses may develop their own policies on what to accept. (See U.S. Department of Treasury Resource Center; ([HTTPS://WWW.TREASURY.GOV/RESOURCE-CENTER/FAQS/CURRENCY/PAGES/_LEGAL-TENDER.ASPX](https://www.treasury.gov/resource-center/faqs/currency/pages/_legal-tender.aspx).) While Federal Reserve Notes are considered to be legal tender, there is no requirement that a private business accept them as payment. Moreover, it must be noted that

Complainant never offered provision of a Federal Reserve Note as payment. Accordingly, there has been no violation of a rule, regulation or Order of the Commission.

The position of PPL Electric that all payments must be in US currency is consistent for all customer and serves the interests of all customers, as a whole. This requirement is reasonable.

IV. CONCLUSION

For the reasons stated above, PPL Electric Utilities Corporation, respectfully requests that this Honorable Court Dismiss the Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the BRIEF IN SUPPORT OF DISMISSAL OF COMPLAINANT'S COMPLAINT on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record on behalf of Respondent by first class United States mail, postage on this the 8th day of May, 2020.

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