

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Brian and Diane Zampatti
vs.
West Penn Power Company

Public Meeting of April 14, 2022
3021157-ALJ
Docket No. C-2020-3021157

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the formal complaint of Brian and Diane Zampatti (Complainants) versus West Penn Power Company (West Penn). In their complaint, the Complainants allege that West Penn violated Section 1501 of Title 66 of the Public Utility Code (Section 1501) by failing to provide reliable, safe, or quality utility service. The record here indicates the Complainants experienced a total of fourteen outages from November 16, 2017 to April 22, 2021. Further, the Complainants experienced eight reclosure events, with interruptions lasting less than one minute, between June 10, 2021 and August 29, 2021.

The record does indicate that West Penn took steps to remedy the service concerns claimed by the Complainants. Such actions include replacing equipment at or near the home including a transformer. Importantly, the record also indicates the Complainants experienced fewer outages after these actions were taken.

Given the apparent good faith efforts of West Penn and the corresponding results, the presiding Administrative Law Judge (ALJ) dismissed the complaint. I concur with this dismissal. As the ALJ posits via Initial Decision, Section 1501 and relevant case law do not require utility companies to provide perfect service.¹

While the circumstances here do not rise to such a level to support sustaining this complaint, they do warrant further review by Commission Staff to help ensure continued reliable, safe, and quality service into the future. To that end, I find it prudent and necessary to refer this proceeding, and specifically the service interruptions disclosed in the record herein, to the Bureau of Technical Utility Services – Reliability Division for monitoring and any other appropriate actions deemed necessary.

¹ *Elkin v. Bell Tel. Co. of Pa.*, 372 A.2d 1203 (Pa. Super 1987)

THEREFORE, I MOVE THAT:

1. The Initial Decision of Administrative Law Judge Charece Z. Collins in the formal complaint filed by Brian and Diane Zampatti against West Penn Power Company on July 16, 2020 at Docket Number C-2020-3021157 be modified consistent with this Motion.
2. The Office of Special Assistants draft an Opinion and Order consistent with this Motion.

April 14, 2021
Date



Gladys Brown Dutrieuille, Chairman