

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer, Complainant

V.

Docket No. C-2022-3031294

PPL Electric Utilities Corporation, Respondent

**ANSWER OF JAY LARRY MOYER TO THE  
ANSWER AND PRELIMINARY OBJECTIONS  
FILED BY PPL ELECTRIC UTILITIES CORPORATION  
IN THE ABOVE COMPLAINT**

**TO THE PUBLIC UTILITY COMMISSION**

Pursuant to 52 Pa. Code § 5.61, the Complainant hereby files the following Answer to the Answer and Preliminary Objections which were submitted on March 28, 2022, by PPL Electric Utilities Corporation in the above-captioned Complaint.

Nothing is more critical to fairness and accuracy in my electric bills than the actual per-unit values that are utilized in PPL's calculations. These fluctuating per-unit "values" which PPL uses in preparing a bill are independent and unrelated to the "billing process" itself.

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APR 06 2022

Until recently, there was no apparent reason to question the per-unit values that PPL used when applying credit to my house account. These per-unit values were not the focus and there was no suspicion that they might be inaccurate.

Closer examination of a recent spreadsheet, however, revealed the discrepancy between the amount I am charged and the amount that I receive as credit.

The law explicitly forbids this discrimination:

*No public utility shall, as to rates, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. 66 Pa. C.S. § 1304*

For customer-generators with physical metering (i.e. “rooftop solar”), credit is immediate. Kilowatt hours of use during each billing period are offset directly through a single, bi-directional meter. Those customer-generators receive “Full Retail Value” on a kilowatt-hour-for-kilowatt-hour basis. For them, the compensation does not include “the Company’s application of riders and surcharges” (PPL Answer at ¶ 4; Footnote #3, p. 4).

By contrast, PPL reduces my credit by including these “riders and surcharges”. Ibid. My system does not receive compensation through the ordinary “kilowatt-hour-for-kilowatt-hour” mechanism.

For virtual metering, credit is not immediate as it is with physical metering. For me (and for other virtual metering customers) electricity is generated at one meter, but credit is calculated at a later date and is applied (in part or in full) to the second account using rates that are different from what I am charged. (See PPL's spreadsheet which accompanies the Complaint.)

PPL also misrepresents the uniqueness of my system by ignoring the actual claim as stated in the Complaint: "Mine is the only known system in PPL service area which has no business activity or function, but which is nevertheless designated "commercial" (GS-1)." (Complaint, Item #4, p. 7)

PPL makes no effort to dispute that claim. Instead, PPL ignores the claim and diverts attention to the issue of "independent load" which was resolved by the Pennsylvania Supreme Court in *Hommrich v. West Penn Power*. (PPL "Answer", ¶ 4, Footnote 4)

My efforts in prior Complaints were to secure a credible, transparent "billing process". PPL cites this history using "billing process" interchangeably with "billing practices". (See PPL "Preliminary Objections", ¶¶ 2, 3, 5, 7, 8, 10, 13, 17, 18, 25, 31, 34)

Prior Complaints yielded significant changes and produced numerous concessions from PPL Electric. The first Complaint, filed by PennFuture on my

behalf, succeeded in restoring generation credit which PPL had terminated abruptly and without notice in June, 2010. The second Complaint resulted in a concession whereby PPL agreed to produce year-end “spreadsheets” with more comprehensive data.

Subsequent Complaints disclosed multiple billing errors, which PPL acknowledged. In litigation of the Fourth Complaint, PPL agreed to designate a “special situation contact”, Ms. Tammy Nalesnik, who “personally reviews all of the Complainant’s bills to ensure the credits are applied correctly before the bills are issued to the Complainant”. C-2017-2629683, Opinion and Order at 44

These adjustments were truly improvements and, in a legal sense, “resolved” mechanical and procedural questions associated with PPL’s “billing practices”. What was not “resolved” -- legally, or in any other way -- was the separate, unrelated, defining issue of “per-unit values” which PPL uses in its “billing process” for virtual metering.

While the Commission has affirmed PPL’s “billing process” (omitting meter readings from solar bills, delaying credit, using manual procedures, etc.), it has not examined the actual per-unit values that PPL uses from month to month.

Trustworthiness and accuracy cannot be achieved under any “billing process” until the defining issue of “per-unit values” is resolved. Until valid “per-

unit values” are clearly defined and utilized, the value of my generation, and that of every virtual metering customer-generator will remain uncertain.

No disposition has ever been rendered on the specific per-unit value of the electricity which is produced by my PV generating system, either at the GS-1 point of generation or when applied as credit to the RS house meter.<sup>1</sup>

The validity of PPL’s fluctuating “per-unit values” was not integral to previous Complaints nor does it bear a “rational relationship” to those earlier Complaints.

A fitting comparison may be made with the use of a medication. The “process” of administering a medication is unrelated to the specific ingredients or the dosage. In the same manner, PPL’s billing “process” is unrelated to the specific “per unit values” that PPL uses in the process.

The validity of those “per-unit values” was not contested in prior complaints. During previous litigation, all parties (including this Complainant) presumed the accuracy of the “per-unit values” used by PPL. In the instant Complaint, the validity of “per-unit values” is being challenged, and this challenge is unrelated to the “process” which PPL uses.

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<sup>1</sup> Earlier Complaints asked that per-unit values be included in monthly bills. Those efforts did not succeed.

In past litigation, the Commission and the courts presumed as accurate the “per-unit values” which PPL placed on the generation at the meter for my “solar panels”. Likewise, the Commission and the courts presumed as accurate the values which PPL used in calculating and applying credit to my second meter (i.e. the house meter).

Because these meters represent two different rate schedules, the “per-unit values” will inevitably differ as well. For the same reason, compensation for the limited usage at the solar panels will also differ from the compensation at the second meter (the house meter).<sup>2</sup>

Regrettably, the specific per-unit values which appear on PPL’s various “12-month spreadsheets” have never been scrutinized. The instant Complaint seeks a review of the per-unit values which appear on one such spreadsheet. These per-unit values are unrelated to the “billing procedures”, which have been adjudicated in the past.

As noted above, the Commission and the courts affirmed PPL’s “billing process”. What cannot be defended is the actual numbers (the per-unit values) which PPL has been using in that process. The data provided by PPL for the 2020-2021 Reporting Year demonstrate unequivocally that credit issued by PPL for

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<sup>2</sup> Credit for measurable usage at the solar panels is never reported by PPL, either on the bills or on the year-end spreadsheets. (See, for example, usage for March 8, 9, 10, and 12, 2022)

Moyer's generation does not constitute the "full retail value" which other customer-generators receive.

While PPL Electric is quick to recount the history of prior litigation, those proceedings enumerated by PPL Electric addressed issues that are not pertinent to, and do not inform, the unrelated issue in the instant Complaint. Prior litigation did not address nor has it yielded any disposition of two critical questions concerning the per-unit value of the electricity generated by my renewable facility.

1. What is the actual and lawful per-unit "Full Retail Value" of Moyer's electricity when it is generated at his renewable system's solar panels?
2. What is the actual and lawful per-unit "Full Retail Value" of electricity when credit is applied to Moyer's second meter (i.e. his house meter)?

PPL's "12-month spreadsheet" for 2020-2021, as shown in the Complaint, betrays an unmistakable discrepancy between the amount (per-kWh) that I am charged for electricity and the lower (per-kWh) amount that I receive as credit from PPL.

This Complaint asks that the Commission address this long-neglected issue and define clearly what constitutes the per-unit "full retail value" of electricity, both at my solar panels (the GS-1 account) where it is generated, and at my house where credit is applied (i.e. my RS account).

By way of further comment, Jay Larry Moyer submits, by PPL's numbered paragraphs, the following responses to PPL's Preliminary Complaint:

25. No response is required.

26. The numbers that PPL uses in preparing a bill are independent and unrelated to the process itself. While the Commission has affirmed PPL's "billing procedures" (omitting meter readings from solar bills, delaying credit, etc.), it has not examined the actual, monthly, per-unit values that PPL uses for determining credit.

27. In all four prior Complaints, the Commission reviewed PPL's billing methodology, but it did not assess the validity of actual numbers which PPL uses to determine credit.

28. In all four prior Complaints, the Commission reviewed PPL's billing methodology, but it did not assess the validity of actual per-unit values which PPL uses to determine credit.

29. The civil action in Schuylkill County Common Pleas Court challenged billing "practices" of PPL Electric such as designating my system a "commercial" facility. The civil action did not address, nor did the Court examine, the specific and unrelated per-unit values which PPL uses in those billing "practices".

30. No response is required.

31. No response is required.

32. No response is required.

33. The numbers (i.e. per-unit values) that PPL uses in preparing a bill are independent and unrelated to the process itself. While the Commission and the courts affirmed PPL's procedures (omitting meter readings from solar bills, delaying credit, using a manual process, etc.), they have not examined the actual per-unit values that PPL uses.

34. While the Commission has affirmed PPL's "billing processes" (omitting meter readings from solar bills, delaying credit, using manual procedures, etc.), it has not scrutinized the actual per-unit values that PPL uses for Moyer's monthly compensation.

35. The three points which PPL enumerates are explicitly issues of per-unit value. These per-unit values are independent of, and do not inform, the billing procedures. Moreover, these per-unit values have not at any time been scrutinized by the PUC or the courts.

36. While the billing procedures ("practices") were litigated (omitting meter readings from solar bills, delaying credit, using manual procedures, etc.), there has been no examination or disposition regarding the specific, monthly, per-unit compensation which Moyer should receive.

37. No response is required.

38. No response is required.

39. No response is required.

40. No response is required.

41. The instant Complaint seeks a review of the data from one particular 12-month spreadsheet. Those data are unrelated to the methodology (i.e. the “billing process”) which has been adjudicated. The numbers (per-unit values) that PPL uses in preparing a bill are independent and unrelated to the “billing process” itself.

42. The issues which were litigated in the past were those which comprise the “billing process”. There has been no litigation regarding the validity of the month-to-month per-unit values which PPL uses to determine compensation for Moyer’s generation. Those data are independent and unrelated to the “billing process” itself.

43. The choice of data and the process of using that data are independent and unrelated. Previous dispositions did not yield any conclusions which establish the per-unit values which PPL Electric must use to compensate Moyer for his electricity.

44. Previous litigation rendered determinations regarding the “billing process”; it did not review, assess, or resolve the unrelated question of accuracy in the fluctuating, per-unit values which PPL uses in its “billing process” and which it displays in its year-end, “12-month spreadsheet”. The choice of data and the process of using that data are unrelated and may not be conflated as integral to one another.

45. The instant Complaint does not seek to re-litigate the same or related issues. It seeks only an unequivocal determination regarding the per-unit values which will provide for Moyer the same “full retail value” that other customer-generators receive under physical meter aggregation.

46. The choice of data and the process of using that data are independent and unrelated. The only “rational relationship” which is meaningful, and which the instant Complaint addresses, is the relationship between the authorized per-unit value of Moyer’s generation and the resulting, lawful credit which must be applied. Where the per-unit values have been incorrect, the resulting credit has been incorrect, and the per-unit values on PPL’s 2020-2021 spreadsheet are demonstrably incorrect.

47. The above-captioned Complaint raises an issue that is distinct from and unrelated to PPL’s billing “procedures”. This Complaint merits the scrutiny of the

PUC and a determination of “per-unit values” that should apply separately to each of Moyer’s virtual metering accounts.

## **CONCLUSION**

The Objections advanced by PPL must be rejected. The Commission should grant the remedy sought in the Complaint by providing an authorized rate schedule which specifies from month-to-month (for Moyer and other PPL customer-generators who elect virtual meter aggregation) the per-unit values which PPL must utilize to calculate compensation at each of the separate, aggregated meters.

Respectfully Submitted,

Jay Larry Moyer  
225 W. Pastorius St. (Unit 12)  
Philadelphia, PA 19144  
267-693-2633  
April 5, 2022

**DATE OF DEPOSIT**

**APR 06 2022**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

Account Number	Meter Number	Date	Total Usage kWh	Average Temperature
6727797002	301181118	03/05/2022	-21.786	36
6727797002	301181118	03/06/2022	-16.146	55
6727797002	301181118	03/07/2022	-0.201	55
6727797002	301181118	03/08/2022	3.062	38
6727797002	301181118	03/09/2022	3.493	33
6727797002	301181118	03/10/2022	2.879	34
6727797002	301181118	03/11/2022	-7.46	40
6727797002	301181118	03/12/2022	0.053	29
6727797002	301181118	03/13/2022	-8.021	24
6727797002	301181118	03/14/2022	-45.203	37
6727797002	301181118	03/15/2022	-37.412	44
6727797002	301181118	03/16/2022	-49.912	52
6727797002	301181118	03/17/2022	-14.325	53
6727797002	301181118	03/18/2022	-40.78	55
6727797002	301181118	03/19/2022	-26.761	61
6727797002	301181118	03/20/2022	-13.219	49
6727797002	301181118	03/21/2022	-50.343	50
6727797002	301181118	03/22/2022	-28.5	49
6727797002	301181118	03/23/2022	-17.648	43
6727797002	301181118	03/24/2022	-14.858	46
6727797002	301181118	03/25/2022	-16.648	47
6727797002	301181118	03/26/2022	-26.265	43
6727797002	301181118	03/27/2022	-22.22	33
6727797002	301181118	03/28/2022	-37.888	23
6727797002	301181118	03/29/2022	-55.769	31
6727797002	301181118	03/30/2022	-26.046	35
6727797002	301181118	03/31/2022	-6.079	52
6727797002	301181118	04/01/2022	-27.521	45
6727797002	301181118	04/02/2022	-53.174	42
6727797002	301181118	04/03/2022	-14.171	42

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## Certificate of Service

### Answer to PPL Preliminary Objections

RE: Docket No. C-2022-3031294

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

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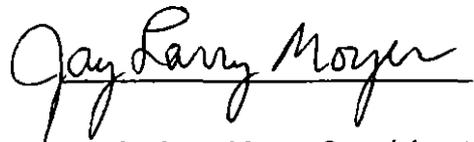
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Harrisburg, PA 17101-1601  
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April 5, 2022



Jay Larry Moyer, Complainant  
225 W. Pastorius St. (Apt. 12)  
Philadelphia, PA 19144  
267-693-2633

225 W. Pastorius St. (#12)  
Phila., PA 19144

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



Ms. Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P. O. Box 3265  
Harrisburg, PA 17105-3265

