

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kenneth Singh	:	
	:	
v.	:	C-2021-3028984
	:	
PPL Electric Utilities, Corp.	:	

**INITIAL DECISION**

Before  
Elizabeth H. Barnes  
Administrative Law Judge

**INTRODUCTION**

This Decision denies and dismisses a formal complaint filed by a customer against his electric distribution company (EDC) seeking a credit on his account and a directive that the EDC improve its customer service by shortening its interval wait time for the handling of customer service telephone calls to approximately five (5) minutes. Customer has failed to show by a preponderance of the evidence that the EDC violated any Commission Order, regulations or the Pennsylvania Public Utility Code.

**HISTORY OF THE PROCEEDING**

On September 27, 2021, Kenneth Singh (Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) averring that he had incorrect charges on his account due to PPL Electric Utilities, Corp.'s (PPL or Respondent) unreasonable delay in answering his phone calls so that he could switch generation suppliers of electric service before higher charges accrued. Complainant seeks a credit on his account and better customer service, specifically shorter waiting intervals to speak to customer service representatives

(CSRs). PPL was served the complaint on October 6, 2021. PPL filed a timely answer on October 26, 2021, denying the material averments in the complaint.

A hearing was scheduled and held on December 16, 2021, at which time the parties seemingly agreed to settlement terms and a Certificate of Satisfaction was subsequently filed by PPL on December 17, 2021. Complainant filed objections to the Certificate of Satisfaction on December 28, 2021. Thereafter, a second hearing was scheduled and held on February 17, 2022. Complainant appeared *pro se* with no exhibits. Kimberly Krupka, Esquire, appeared on behalf of PPL with one witness sponsoring three exhibits. Tr. 20. Transcripts were filed and the record closed on March 14, 2022, the date the second transcript was filed. This matter is ripe for a decision.

#### FINDINGS OF FACT

1. Complainant, Kenneth Singh, is a customer of PPL Electric Utilities Corporation residing at 130 Donald Avenue, Middletown, PA 17057. Tr. 23.
2. PPL Electric Utilities Corporation is Mr. Singh's electric distribution company (EDC) servicing the residential service property. Tr. 23.
3. On July 1, 2021, Mr. Singh telephoned PPL's customer assistance number in order to change his electric generation supplier (EGS). Tr. 24.
4. When Mr. Singh telephoned PPL on July 1, 2021, he was told that the wait time would be 35 minutes, so he hung up the phone. Tr. 24, 34.
5. On July 2, 2021, Mr. Singh called PPL again and elected to have PPL customer service telephone him back rather than wait on hold to speak to a customer service representative. Tr. 24-25, 45-46, Tr. 40- 41; PPL Exhibit 2, Account Contact History.

6. Mr. Singh was called back by PPL on July 2, 2021, within 72 minutes of his call. Tr. 24, 45-46, Tr. 40- 41; PPL Exhibit 2, Account Contact History.

7. In September 2021, Mr. Singh called PPL to determine if something he received might be a scam and he was told there would be approximately 30-minute wait time. Tr. 31-32.

8. Dana Brunner is a Customer Service Representative with PPL who fields calls from customers on issues such as billing, changing electric generation suppliers and payments. Tr. 35.

9. Dana Brunner has worked for PPL for twenty-two years. Tr. 35.

10. A PPL customer may telephone PPL or use a computer to switch generation suppliers online. Tr. 36-37.

11. If a customer wants to select an EGS, he/she needs to communicate directly with that EGS to enroll unless the customer is using PPL's standard offer program. Tr. 37.

12. If the customer is using PPL's standard offer program, he/she can enroll via PPL's website or by speaking to a customer service representative. Tr. 37-38.

13. Mr. Singh could have requested a call-back from PPL on July 1, 2021, when he called the 1-800-customer-service number. Tr. 38-39.

14. A call-back allows the customer to hang up their phone and PPL customer service will call the customer back in the order in which that customer's call was received. Tr. 39.

15. PPL gives customers an estimate as to how long the customer will wait until their call is either addressed or they are called back. Tr. 39-40.

16. PPL's customer service representatives had been working overtime every day during the period in question to alleviate call volumes and return all calls the same day. Tr. 40.

17. Mr. Singh was charged the same basic customer service charge all residential customers are charged. Tr. 47; Exhibit 1, Account Activity Statement.

## DISCUSSION

### A. Legal Standard

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.PUC. 196 (1990). "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code, the Commission's regulations or an outstanding order of the Commission. 66 Pa.C.S. § 701.

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on a complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth 2001); *see also, Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth 1982).

Decisions of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as

adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Review*, 166 A.2d 96 (Pa. Super. 1961); and *Murphy v. Comm., Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

### Reasonableness of Service

Mr. Singh argues that PPL's customer service is very poor and that it takes too long to reach a customer service representative by telephone. Tr. 56. He claims PPL's wait time of 72 minutes is unreasonable when compared to shorter wait times of approximately five minutes for UGI Gas and Suez Water. Further, Complainant claims Suez Water charges a lower customer service fee than PPL. Mr. Singh requested a credit on his account for excess generation supplier charges during the period of July 1-6, 2021, the time-period it took him to switch generation suppliers, as well as a Commission directive that the utility shorten its wait times for customer service calls. Tr. 60-61.

Conversely, PPL contends that its service to Complainant was reasonable in that Mr. Singh had multiple options available to switch EGSs. Mr. Singh could have switched suppliers via the Internet without calling a customer service hotline. Mr. Singh could have stayed on the phone and waited on hold for approximately 30 minutes on July 1, 2021. Alternatively, he could have opted to have a call-back in the order of the phone calls received by PPL on July 1, 2021. PPL contends that due to the end of a moratorium on shut-offs for nonpayment in April 2021, the utility was experiencing abnormally high volumes of calls through July 2021. At the time in question, the utility's customer service representatives were working overtime every day in order to handle the volume. Additionally, unless Mr. Singh was taking advantage of PPL's standard offer program, the customer could have contacted the EGS that he wanted to switch to directly, bypassing PPL's customer service altogether. Tr. 54-56. Instead, Mr. Singh chose not to ask for a call-back on July 1, 2021. He also opted to not make the switch by directly contacting any EGSs or through PPL's website. Finally, PPL argues that its tariffed customer service charge is the same for all

residential customers and covers costs related to billing and other costs in addition to staffing its customer service department.

### Disposition

The facts as averred raise an issue regarding whether PPL's actions regarding customer service constitute unreasonable service under the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1501. An electric utility's "service" within this section is not limited to the distribution of electrical energy, but also includes any and all acts that relate to that function. *W. Penn Power Co. v. Pa. Pub. Util. Comm'n*, 578 A.2d 75, (Pa. Cmwlth. 1990). By "unreasonable service" the standard does not require perfect service to the individual subjective expectations of each and every customer. Rather, an objective "reasonable person" standard is inferred. *Harper v. PPL Elec. Utils. Corp.*, F-2014-2422449 (Final Order entered March 12, 2015). Additionally, there is no regulatory standard of minutes within which phone calls to a utility's call center must be answered.

I find Complainant's testimony credible that he called the 1-800 customer service line on July 1, 2021, and hung up the phone before contacting anyone because he was informed that there was a 30-minute wait time. This call would not have been noted on PPL Exhibit 2. However, Mr. Singh's claim that he called and hung up the phone again on July 2, 2021, and was not able to speak to a CSR until June 6, 2021, is successfully refuted by the credible testimony of Dana Barry and PPL Exhibit 2. Complainant acknowledged that he knew of multiple ways he could switch generation suppliers on July 1, 2021. He has failed to show that he was incapable of communicating via telephone or internet to switch EGSs on July 1, 2021.

Complainant could have opted for a call-back and he would have likely been called back that same date. Further, Complainant admits he could have switched EGSs through an online procedure using the Internet instead of his phone, but he prefers using his phone. Additionally, there is insufficient evidence to show Complainant needed to contact PPL in order to switch generation suppliers. There is no evidence to show that Mr. Singh was enrolled in PPL's standard offer program. Thus, Mr. Singh could have contacted the EGS directly to enroll in service and did not need to contact PPL on July 1, 2021, in order to switch generation suppliers.

There is a lack of evidence to show that any telephonic communications by CSRs to Complainant would have been offensive to a reasonable person, sufficient to constitute a violation of Section 1501. *Pa. Pub. Util. Comm'n v. Best Limousine Co.*, A-00105095C9902 (Opinion and Order adopted July 13, 2000). There is no evidence to suggest any language was offensive, disrespectful or threatening. There may have been a 30-minute to 35-minute delay in July 2021 for those customers opting to be placed on hold; however, Mr. Singh could have opted for a call-back and hung up the phone on July 1, 2021. Alternatively, he could have contacted the EGSs directly instead of PPL or used PPL's website online service to switch generation suppliers.

Ms. Barry's testimony that because a moratorium on shut offs for nonpayment had been lifted in April caused an unusually high volume of calls is credible. The utility paid overtime to its CSRs every day during the period in question and made a considerable effort using overtime to return all customer calls the same day. Mr. Singh's comparison between PPL's customer charges and the lengths of time he was on hold with PPL and his experience with a water utility and a natural gas utility, does not constitute unreasonable service. An electric distribution company's customer service charge will include services and costs not relative to a water utility's or a natural gas distribution company's customer service charge. Accordingly, I find PPL's service was reasonable, and I find no violation of 66 Pa.C.S. § 1501.

#### Incorrect Charges

Complainant claims that he has incorrect charges on his account due to poor customer service from PPL causing him to be precluded from switching his EGS between the period of July 1-6, 2021. Complainant avers that he was excessively charged due to a delay of 6 days in switching EGSs.

Conversely, PPL argues that Complainant offered no evidence to support his claim that he incurred excessive charges.

## Disposition

Generally, the credibility of a witness is a question of fact to be determined by the presiding officer. *Danovitz v. Pornoy*, 161 A.2d 146 (Pa. 1960). I agree with PPL that Complainant offered no evidence to support his claim that he incurred excessive charges. The customer service charge is a tariffed charge applied to all residential customers' accounts on a monthly basis. It is not incorrect. Also, Mr. Singh did not testify as to any specific amount or identify the EGSs at issue. Thus, his claim for excessive charge from June 1 – 6, 2021 must be denied.

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter of this proceeding regarding the provision of electric service by an electric distribution company to a residential customer. 66 Pa.C.S. §§ 102, 701, 1501.
2. As the party seeking affirmative relief from the Commission, Complainant bears the burden of proof. 66 Pa.C.S. § 332(a).
3. To satisfy his burden of proof, Complainant must demonstrate that Respondent violated the Public Utility Code or a regulation or Order of the Commission. 66 Pa.C.S. § 701. This must be shown by a preponderance of the evidence. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.PUC. 196 (1990).
4. Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing, by even the smallest amount, than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990) *alloc. den.*, 602 A.2d 863 (Pa. 1992).
5. Kenneth Singh has failed to sustain his burden of proving PPL violated a Commission regulation, order or a statute of the Public Utilities Code. 66 Pa.C.S. §§ 332(a), 701.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint filed by Kenneth Singh against PPL Electric Utilities, Corp. at Docket No. C-2021-3028984 is hereby denied and dismissed.
2. That this matter be marked closed.

Date: May 3, 2022

/s/  
Elizabeth H. Barnes  
Administrative Law Judge