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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PATRICIA VAUGHN,	:	
	:	
Complainant	:	COMPLAINT DOCKET
	:	
vs.	:	NO. F-2021-3029570
	:	
PPL ELECTRIC UTILITIES CORPORATION,	:	
	:	
Respondent	:	

COMPLAINANT’S MEMORANDUM

I. PROCEDURAL HISTORY

This matter arises as a result of a Notice from PPL Electric Utilities Corporation dated July 30, 2021, claiming an investigation of wiring at 910 Warren Street, Apartment 1, found commonly used hall lights were being billed to the meter service in that apartment. As a result, PPL transferred an unpaid balance of \$4,555.32 from the account of Ryan Poust, the tenant, to the account of Patricia Vaughn, the landlord. It is of note, no representative of PPL Electric Utilities Corporation visited the property, but rather the investigation was done virtually with the tenant using a cell phone to transmit to a representative of PPL what she claimed was happening when the power to that meter was turned off.

The Complainant, Patricia Vaughn, after having filed an informal Complaint on October 25, 2021, filed a formal complaint with the Public Utility Commission claiming PPL improperly transferred the outstanding bill as there was no foreign wiring at that premises.

II. FACTUAL HISTORY

A hearing in this matter was held by telephone on February 2, 2022. Charles Franklin testified on behalf of the Complainant, Patricia Vaughn. Mr. Franklin testified he is engaged in electrical contract work, construction and

building maintenance. (N.T. page 8, lines 3-4) He currently maintains an electrical contractor's license through the Commonwealth of Pennsylvania. (N.T. page 8, line 22) He stated after Ms. Vaughn received notification from PPL that she called him to investigate the claim of foreign wiring. He had done maintenance work at that building. (N.T. page 9, lines 9-23) Mr. Franklin testified he along with another electrician, Jeremy Long of Long Electric, shut the power off to the house panel which shut off the lights for the stairway, basement and the receptacle in the back. Mr. Franklin stated that he was able to physically trace the wiring all the way from the receptacle and the porch lights to the house panel. (N.T. page 10, lines 21-25) There was no wiring from the receptacle or the porch lights going to Apartment 1. (N.T. page 11, lines 4-8) He also stated Mr. Long also found no foreign wiring. (N.T. page 13, lines 19-10)

On cross-examination Mr. Franklin testified to the extensive repair work he had done at that building. (N.T. page 15, lines 17-19) Mr. Franklin stated that he made sure the lighting at the top of the stairs was connected to the house meter. (N.T. page 17, lines 24-25) In conclusion, Mr. Franklin testified "I traced everything back to the house panel. And you know, when the panel's off, they are off. And when the panel is on, they are on." (N.T. page 19, lines 21-24) Mr. Franklin explained, each apartment on the first floor has their own porch light. (N.T. page 20, lines 15-16) He stated that he watched as the other electrician also tested the lights and receptacle and came up with "the exact same thing." (N.T. page 22, lines 1-6)

PPL Electric Utilities presented the testimony of Bryon Barrows, customer contact representative. He stated one of his jobs was investigating when a customer believes they are paying for electric service which is not solely within their use. That type of investigation would have been conducted in person prior to COVID. (N.T. page 27, lines 1-8) He stated on May 17 he spoke with Ms. Poust who claimed the neighbor's outside receptacle was on her meter and she thought that maybe the hall light. (N.T. page 32, lines 2-5) As a result of speaking with her, Mr. Barrows stated that he did a "virtual investigation using an iPhone." (N.T. page 33, line 12, line 25)

Mr. Barrows stated he had Mrs. Poust plug in a hair dryer into the receptacle that she was concerned about to confirm that it did work. He then had her shut off the receptacle at the meter; the hair dryer did not work. (N.T. page 34, lines 12-19) She then opened the front door to show him the hall lights were off and then turned on the breaker and verified the hair dryer worked again. (N.T. page 34, lines 20-24) He went on to state "when she turned the meter back on, she went around and showed me the lights came back on." (N.T. page 35, lines 6-7)

On cross-examination, Mr. Barrows admitted there was no time when he was able to observe Mrs. Poust at the electrical panel and at the receptacle at the same time nor was he able to observe her at the panel and at any of the common lights at the same time. (N.T. page 45, lines 21-46, line 5) He admitted that since he was conducting the investigation on the iPhone, his field of vision was very limited. (N.T. page 46, line 15) While he could hear the hair dryer running, he could not observe the position of the switch and he could not see whether Ms. Poust had the hair dryer switched on or off at any given time. (N.T. page 46, lines 19-47) He likewise testified that he could not tell if there was somebody else assisting her with any of the things that were going on. (N.T. page 48, lines 9-12) It was also unclear which lights he was referring to

stating "There were three of them. I think they were going right up the steps. You know, this was back in May and – yea you're really jogging my memory as to what I actually seen, you know, back in May, but she walked around, showed me the hallway the hallway lights went off." (N.T. page 49, lines 5-12) He admitted, however, that he couldn't see whether there was somebody else could have been turning the lights on and off. (N.T. page 49, lines 13-15)

Mr. Barrows testified if it wasn't for COVID they would have done a field visit where they actually would have gone to the property to conduct the investigation where a PPL employee would shut the meter on and off. (N.T. page 50, lines 18-25) He admitted it would be more effective to do a field visit and would be preferable. (N.T. page 51, lines 2-8) He admitted that when the camera was focused on the receptacle, he couldn't see what Ms. Poust was doing. (N.T. page 54, lines 20-23)

The respondent produced Anthony Harris a senior contact representative with PPL. (D. T. Page 57 lines 19-22) he stated his role was to confirm that the meter was turned off and to confirm that the use dropped (N.T. Page 58 lines 7- 12) Mr. Harris admitted, however, anything turned on in Ms. Poust's apartment would have yielded a similiar reading. (N. T. Page 66 lines 8-12)

The respondent next introduced the testimony of Denis Worthington supervisor of regulatory compliance for PPL (N. T. Page 72 line 22- 25). Regarding the process to reestablish electric service with an outstanding balance he stated "we would take the application and we may require a security deposit before we start service in that customer's name. We may require a portion, if not all of the balance." (N.T. page 78 lines18-22) He admitted before new service could be established the past due balance would have to be resolved in some manner. (N.T. Page 80 lines 5-9)

Finally, the respondent introduced the testimony of Donna Brower a customer service representative of PPL. She stated at there was a prior balance of \$2775.22 which was transferred from a prior location. (N. T. Page 84 lines 22- 23) She testified \$4805.15 was transferred to the complainant. (N.T. Page 88 lines 2- 3) She admitted before new service could be established by someone with a past due balance a portion of the past due balance may be required upfront, or a security deposit might be required. "The higher the balance, the more we would look for, that is correct. (N.T. page 89 line 22 – page 90 line 7)

PPL Exhibit Four is entitled Account Activity Statement with regard to Ryan Poust. It indicates service at this residence was commenced on November 3, 2019. At that time, a balance of \$2775.22 was transferred from a prior account. From the time the account was established at that residence through July 23, 2021, the date Ms. Poust complained of foreign wiring, no payment whatsoever had been made toward the electric bill.

III. LAW AND ARGUMENT

It's clear in this case the outstanding electric bill presented a problem for Mr. and Ms. Poust as they vacated the apartment at 910 Warren Street, Berwick, Pennsylvania. The large past due balance would be an obstacle in establishing service at a new residence. It is curious, after having not paid anything toward the electric bill for 20 months at the Berwick residence, as well as having an outstanding balance from a prior residence, Ms. Poust became concerned of a single outlet she claimed to be connected to her electric meter. It is abundantly clear this claim gave Mr. and Ms. Poust an avenue to eliminate a past due balance after more than 20 months of no payment whatsoever.

Likewise, the virtual inspection conducted by PPL was ineffective in establishing the existence or nonexistence of foreign wiring. The claimed a foreign wiring pertains to a single outlet and outdoor lighting. Mr. Barrows admitted he was unclear which lighting he was looking at. When asked to identify the lighting at issue, he stated "You know, this was back in May and – yea you're really jogging my memory as to what I actually seen...." furthermore, he admitted if it was possible someone could have been turning the lights on and off. Is also significant to remember Mr. Franklin indicated each apartment had its own outdoor light. if there was a light which was impacted by the breaker being switched off, it's very possible it was the light that was meant for that particular apartment.

Likewise, the method PPL utilized to determine whether the outdoor receptacle was on the house meter or on the tenant's meter was flawed. Mr. Barrows had Ms. Poust plug in a hair dryer and determined it was not running when the breaker to apartment was turned off. He admitted, however, he was never able to see the position of the switch on the hairdryer and it was possible at the time relied upon to determine the hair dryer was not working with the breaker turned off, the hair dryer itself may have been turned off. Additionally, Mr. Harris admitted he would have obtained a similar reading if someone has turned a hair dryer on inside Ms. Poust's apartment. Clearly, there was no way to reliably determine, from the methodology utilized by PPL, whether that receptacle was or was not on the tenant's meter.

The most reliable evidence regarding the power source to the receptacle and the lights comes from the testimony of Charles Franklin. Mr. Franklin was familiar with the building, having performed substantial maintenance in that building, and at the request of Ms. Vaughn and was able to physically trace the actual wiring from the receptacle and the lights back to the house meter. His review of the wiring was cooperated by an examination by Jeremy Long of Long Electric, who likewise found no foreign wiring. Both Mr. Franklin and Mr. Long are licensed electrical contractors.

66 P A period C. S. Section 1529.1 provides:

(a) Notice to public utility.--It is the duty of every owner of a residential building or mobile home park which contains one or more dwelling units, not individually metered, to notify each public utility from whom utility service is received of their ownership and the fact that the premises served are used for rental purposes.

(b) History of account.--Upon receipt of the notice provided in this section, if the mobile home park or residential building contains one or more dwelling units not

individually metered, an affected public utility shall forthwith list the account for the premises in question in the name of the owner, and the owner shall thereafter be responsible for the payment for the utility services rendered thereunto. In the case of individually metered dwelling units, unless notified to the contrary by the tenant or an authorized representative, an affected public utility shall list the account for the premises in question in the name of the owner, and the owner shall be responsible for the payment for utility services to the premises.

(c) Failure to give notice.--Any owner of a residential building or mobile home park failing to notify affected public utilities as required by this section shall nonetheless be responsible for payment of the utility services as if the required notice had been given.

The statute does not define the term "not individually metered." In this case, even if it were determined, for the sake of argument, the receptacle and light was not on the house meter, applying the term not individually metered to the Poust apartment would be against equity and good conscience. The Poust's allowed the bill for electric service to mount for more than 20 months while making no payment whatsoever. PPL allowed the bill to go uncollected for the same period of time. Allowing PPL to assign the long overdue bill to Ms. Vaughn's account would be to reward that behavior and would not be in keeping with the intent of the statute.

For the above stated reasons, the complainant Patricia J. Vaughn requests an order that the past due bill assigned by PPL to the complainant's account be removed.

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