

Jay Larry Moyer
225 W. Pastorius Street (Unit 12)
Philadelphia, PA 19144
267-693-2633

June 27, 2022

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

RE: C-2022-3031294
C-2021-3031294

Dear Ms. Chiavetta:

Please note the two different Docket Numbers associated with the instant case. The Motion Judge Assignment Notice on May 10, 2022, cites the case under Docket No. C-2022-3031294. However, the Initial Decision issued by ALJ Dennis J. Buckley on June 8, 2022, associates the case with C-2021-3031294.

Please let me know which is the correct Docket Number so I will know how I am to cite the case in the future.

Sincerely,

Jay Larry Moyer

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer, Complainant

V.

Docket No. C-2021-3031294
C-2021-3031294

PPL Electric Utilities Corporation, Respondent

Exceptions of Complainant, Jay Larry Moyer

June 22, 2022

Exceptions in the above-captioned case are submitted pursuant to 52 Pa. Code §§5.533 in response to the Initial Decision of ALJ Dennis J. Buckley issued on June 8, 2022. These Exceptions will address the numerous errors, omissions, and misrepresentations which are contained in the Initial Decision.

(It should be noted, first, that there is some confusion in the captioning of the Initial Decision. ALJ Buckley was named as Presiding Officer to respond to the Preliminary Objections under Docket #C-2022-3031294. However, the Initial Decision is captioned C-2021-3031294. A search for that case (C-2021-3031294) yields no results. The significance and consequence, if any, of these changes are unclear.)

The Exceptions are numbered and presented below.

- 1. The Initial Decision states incorrectly that the solar panels are “affixed to the residence” (p. 7); that they are “on the residence” (p. 7); that they are “on his home” (p. 13); and that they are “on Complainant’s home” (Finding of Fact #10, p. 4).**

The location of my solar panels is a defining factor in this case. In misrepresenting my PV installation, ALJ Buckley makes a grievous error and misconstrues the circumstances of the Complaint. The solar panels are in a separate location. They are not affixed, connected or even wired to the residence in any way. This is the unique feature of my PV system, a net metering option described in the AEPS Act (Alternative Energy Portfolio Standards Act – hereafter, “The Act”). In the Act and in the PA Code, his mode of net metering is called “virtual meter aggregation”.

The Act makes virtual meter aggregation available to all customer-generators without distinction or discrimination and assures “full retail value for all energy produced”. Act of Jul. 17, 2007, P.L. 114, No. 35

My “residence” at 73 Woods Road, Klingerstown, PA, could not accommodate solar panels because the roof and the area near the house were not viable locations for solar generation. For those reasons, the solar array was installed some distance away, but “within two miles”, as the AEPS Act requires. With its remote location, the solar panels and the PV system required a new, dedicated meter which is interconnected to the grid at a nearby PPL utility pole.

Misunderstanding these facts yields a host of other errors.

- 2. The Initial Decision fails to address the central question and disregards the specific and credible evidence presented in the Complaint. (See Conclusion of Law Item #7: “*All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections.*”)**

The Initial Decision fails to examine the evidence provided in the Complaint, and Judge Buckley fails to answer (or even address) the central question which the Complaint poses:

What is the proper per-unit compensation for a homeowner who produces electricity from a qualified, remote PV system

that is installed “within two miles” of the home, but which operates under a commercial (GS-1) designation?

This defining question was not answered in prior complaints and has never been resolved.

Never before has the Commission been presented with the discrepancies in PPL’s own internal documents, nor has the Commission scrutinized the specific per-unit data which PPL utilizes for my generating system. In every previous Complaint, the Commission deferred to PPL’s data without examining the specific per-unit values or the internal discrepancies that existed within PPL’s own documents.

This Complaint, for the first time, provides evidence of “real-time” discrepancies in PPL’s own documents and asks the Commission to adjudicate those discrepancies. This Complaint asks the Commission to determine the precise per-unit compensation that I should receive for my generation.

There is, at present, no designation, guideline, or rate schedule which specifies the per-unit value that I should receive for my generation. That specific designation is what this Complaint is seeking.

- 3. The Initial Decision misconstrues the nature and purpose of the “side-by-side comparison” (Complaint, Item #4, p. 5) and ignores the evidence**

of discrepancies in PPL’s own documents as reflected in the comparison.

The “side-by-side comparison” is grievously mischaracterized by Judge Buckley. The comparison does NOT in any way suggest “a rate that [Moyer] feels that he should be compensated under” (ID at 7). The “side-by-side comparison” simply extracts data from PPL’s own documents and charts the discrepancies.

The Complaint does not propose any specific rate, but rather asks the Commission explicitly to make that determination.

Data in the “comparison” is taken from PPL’s own documents, which are attached to the Complaint (monthly bills and a corresponding “Year-end Spreadsheet” for the period of June, 2020 to May, 2021).

Note: PPL also produced a third set of relevant data for the period of the Complaint (June, 2020 – May-2021). These “Price-to-Compare” charts offer yet another set of figures and add still more discrepancies. Relevant excerpts from these “Price-to-Compare” Charts for 2020-2021 are included in an APPENDIX with these Exceptions.

Judge Buckley dismisses not only the “side-by-side comparison”, which were prepared for the convenience of the Commission; he fails to examine the primary evidence in PPL’s own documents.

He further misconstrues the nature of the Complaint when he says that “none” of these documents “expand the scope of the Complaint or requested relief”. (ID at 14)

On the contrary, the PPL documents speak directly to the unresolved question of “full retail value” and the confusion about per-unit compensation for generation. The PPL documents attached to the Complaint provide the evidence of monthly discrepancies in PPL’s own records.

Tracking those discrepancies is, admittedly, a tedious process, in particular because the compensation data does appear in any monthly bills.

It is incumbent on the Commission to remove the present discrepancies, either through a new rate schedule or by some other means that will provide clarity, transparency, consistency, and accuracy.

4. The Initial Decision errs in its assertion that the instant Complaint involves “the same matter” (Finding of Fact #13) and raises “identical issues” to those in previous Complaints. (Finding of Fact #7)

In previous Complaints, the Commission examined the methodology that PPL uses for its “billing process”. Judge Buckley refers to this methodology as “the structure of billing”. ID at 16

In each of those prior Complaints, however, PPL’s per-unit values were presumed to be correct. None of the prior Complaints addressed the

contradictions in PPL's own figures. None of the previous Complaints asked the Commission to examine explicit, internal discrepancies in PPL's own documents with regard to per-unit value of credit.

PPL's billing "methodology" has been adjudicated, but the accuracy of per-unit compensation has not.

Here, in the present Complaint, the Commission is presented with explicit discrepancies and contradictions within PPL's own documents. The Commission has not determined which of PPL's documents is correct or which should determine the per-unit value of my generation.

These disparities in PPL's own records must be addressed. Without accurate, verified, and defensible per-unit values, the "billing process" will yield invalid results, even when that "process" is approved by the Commission.

Finally, as he did on page 7 and again in Finding of Fact #17, Judge Buckley alludes to "a new rate schedule" (for residential customers with virtual metering). Although "a new rate schedule" could well resolve the present confusion, that is not the principal request or the sole remedy for the present discrepancies. What is needed is a definitive, verifiable per-unit rate of compensation for my unique circumstances.

5. The Initial Decision of Judge Buckley shows no regard for the context of this Complaint or the current restriction placed on homeowners.

The PUC has assigned my PV system to a unique and peculiar status. Mine is the only known system in PPL service area which has no business activity or function, but which is nevertheless designated “commercial” (i.e. GS-1). Regrettably, my status is now a precedent for countless homeowners who may desire virtual metering, but who are deterred by the restrictions and the “commercial” penalty.

Homeowners are effectively disenfranchised.

For 50% of homeowners, the residential meter at their home does not provide a suitable site for solar panels.¹ These homeowners, like me, do not have a second “dwelling” or an existing “second meter” at a suitable location for solar panels.

Many, however (like me) DO have access to suitable land or open space “within two miles”.

The PUC determined, in prior litigation, that solar panels in new, remote locations will not be approved for residential service (RS) under

¹ “Only about half of buildings have roofs that are large enough, face the right direction, and get enough sun for solar energy production.” <https://ilsr.org/national-community-solar-programs-tracker-2020-q4/>

virtual metering.² Instead of making interconnection to a nearby utility pole, wires must be run long distances directly to the house. This extraordinary expense effectively precludes countless residential (RS) customers from obtaining solar.

Unless a homeowner in PPL's service area already has an operating meter at a suitable site, he/she has little hope for adding solar. The virtual metering prospects for homeowners in PPL service area are effectively non-existent. Homeowners who desire virtual meter aggregation face the prospect of a "commercial" penalty.

For thousands of homeowners, the RS rate schedule is not available, and the sole option is to install a "commercial" system with corresponding, higher fees.

The AEPS Act places no such exclusion or restriction on homeowners. Neither the AEPS Act nor the PA Code permits such discrimination between homeowners. These facts are ignored by the Initial Decision.

6. ALJ Buckley, in his Initial Decision, abdicates responsibility and makes no effort to resolve a dilemma that is clearly documented in the Complaint.

² PPL regards my PV system as an "exception". After terminating credit to my system in 2010, PPL refused to consider the system as "qualified", and restored credit only after a Formal Complaint was filed in 2011.

It is incumbent on the Commission to make virtual metering available to homeowners, as the law requires, and to do so without the penalties and rate discrimination that PPL has imposed. As shown by data in the “side-by-side comparison”, the credit which I receive for my generation does not correspond to the “full retail value” of the generation.

For customers like me who are “outside of the existing requirement” as ALJ Buckley describes it (ID at 16), the Commission has an obligation to initiate a solution, resolve the present dilemma, and assure homeowners of access to virtual metering.

Instead of proceeding to a solution, the Initial Decision impugns my legitimate Complaint, calling it an “abuse of administrative process”.

7. The evidence presented in the Complaint and in these Exceptions raise considerable doubt about Judge Buckley’s conclusions. (cf. Conclusion of Law #6)

As shown above, PPL’s arguments for dismissing the Complaint raise significant doubt, and the Preliminary Objections of PPL should be rejected. The central, defining question raised in the present Complaint was not adjudicated in prior litigation (See Exception 2, p. 3, above), and this crucial question has not yet been resolved.

CONCLUSION

The Commission should grant these Exceptions, deny PPL's
Objections, and refer the Complaint to a Formal Hearing.

Respectfully Submitted,

Jay Larry Moyer
225 W. Pastorius Street, Unit 12
Philadelphia, PA 19144
June 22, 2022

APPENDIX

PPL Price-To-Compare Rates

June 1, 2020 to May 31, 2021

From PPL website

Price to Compare June 1, 2020 through November 30, 2020

Rate	Generation Supply Charge (¢ / KWH)	Transmission Service Charge (¢ / KWH)	2020 PA Tax Adj Surchg. ⁽¹⁾ (¢ / KWH)	Price to Compare (¢ / KWH)
RS (Residential Service)	4.693	2.591	0.000	7.284
RTS (Res Thermal Storage)	4.693	2.591	0.000	7.284
RWO (Res Separate Water Htg Svc)	4.693	2.591	0.000	7.284
Residential (TOU On peak - Summer)	0.000	0.000	0.000	0.000
Residential (TOU Off peak - Summer)	0.000	0.000	0.000	0.000
Residential (TOU On peak - Non-Summer)	0.000	0.000	0.000	0.000
Residential (TOU Off peak - Non-Summer)	0.000	0.000	0.000	0.000
Residential Contingency (TOU On peak - Summer)	6.729	2.591	0.000	9.320
Residential Contingency (TOU Off peak - Summer)	4.230	2.591	0.000	6.821
Residential Contingency (TOU On peak - Non-Summer)	0.000	0.000	0.000	0.000
Residential Contingency (TOU Off peak - Non-Summer)	0.000	0.000	0.000	0.000
BL (Borderline Service)	4.009	2.070	0.000	6.079
GS1 G1D (Small Gen Svc)	4.009	2.070	0.000	6.079
G1V (Small Gen Svc Volunteer)	4.009	2.070	0.000	6.079
G1C	4.009	2.070	0.000	6.079
GH2 H2R (Sprt Mtr Comm Spc Htng)	4.009	2.070	0.000	6.079

Price to Compare December 1, 2020 through May 31, 2021

Rate	Generation Supply Charge (¢ / KWH)	Transmission Service Charge (¢ / KWH)	2020 PA Tax Adj Surchg. ⁽¹⁾ (¢ / KWH)	Price to Compare (¢ / KWH)
RS (Residential Service)	4.726	2.591	0.000	7.317
RTS (Res Thermal Storage)	4.726	2.591	0.000	7.317
RWO (Res Separate Water Htg Svc)	4.726	2.591	0.000	7.317
Residential (TOU On peak - Summer)	0.000	0.000	0.000	0.000
Residential (TOU Off peak - Summer)	0.000	0.000	0.000	0.000
Residential (TOU On peak - Non-Summer)	0.000	0.000	0.000	0.000
Residential (TOU Off peak - Non-Summer)	0.000	0.000	0.000	0.000
Residential Contingency (TOU On peak - Summer)	0.000	0.000	0.000	0.000
Residential Contingency (TOU Off peak - Summer)	0.000	0.000	0.000	0.000
Residential Contingency (TOU On peak - Non-Summer)	5.150	2.591	0.000	7.741
Residential Contingency (TOU Off peak - Non-Summer)	4.244	2.591	0.000	6.835
BL (Borderline Service)	4.592	2.070	0.000	6.662
GS1 G1D (Small Gen Svc)	4.592	2.070	0.000	6.662
G1V (Small Gen Svc Volunteer)	4.592	2.070	0.000	6.662
G1C	4.592	2.070	0.000	6.662
GH2 H2R (Sprt Mtr Comm Soc Htna)	4.592	2.070	0.000	6.662

Certificate of Service

Cover Letter with Exceptions and attachments

RE: Docket No. C-2022-3031294
Docket No. C-2021-3031294

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

Via e-filing

Pennsylvania Public Utility Commission
Office of Special Assistants
Commonwealth Keystone Building
3rd Floor, 9 East
Harrisburg, PA 17101

Devin T. Ryan
Post & Schell PC
17 North Second Street, 12th floor
Harrisburg, PA 17101-1601

June 27, 2022

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