

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PATRICIA J. VAUGHN,

Complainant

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET  
NO. F-2021-3029570

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**EXCEPTIONS OF PPL ELECTRIC UTILITIES CORPORATION  
TO INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE  
GAIL M. CHIDO AS ISSUED ON JUNE 9, 2022**

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**DATE: JUNE 29, 2022**

## **I. INTRODUCTION**

On June 9, 2022, the Public Utility Commission (“PUC” or the “Commission”) issued the Initial Decision of Administrative Law Judge Gail M. Chiodo in this proceeding (“Initial Decision”). In most respects PPL Electric Utilities Corporation (“PPL Electric”) accepts the Initial Decision, particularly the findings that (1) PPL Electric is not required to provide prior notice to the Landlord of an Act 54 investigation, (2) the motives of a tenant in reporting foreign wiring are not at issue in a transfer, (3) there is no requirement for foreign load investigations be conducted in person, and that (4) a utility is not required to conclusively verify the existence of a foreign load before transferring the unpaid balance. However, PPL Electric respectfully submits that the Initial Decision erred in reaching Conclusions of Law 11, 12, and 13.

PPL Electric contends that suspicion of foreign load was confirmed during its investigation of May 17, 2021, and it was thereafter obligated to place the account, inclusive of balance, into the name of the Landlord, Ms. Vaughn. The next day, on May 18, 2021, Ms. Vaughn was notified, via telephone, of this finding. At the time of the duly noticed hearing, Ms. Vaughn failed to attend and provide any explanation of the action taken or not taken between May 18, 2021, and August 13, 2021, when she had an electrician investigate the premises. Therefore, the transfer of the account and balance as of May 18, 2021, was required by the Act.<sup>1</sup> Accordingly, PPL files exceptions to Conclusions of Law 11, 12 and 13.

## **II. EXCEPTIONS:**

1. PPL excepts to Conclusions of Law 11, 12 and 13, which provide:

The ALJ has issued three Conclusions of Law to which PPL Electric excepts, namely:

11. Complainant has met her burden of proof that Respondent violated Section 1501 of the Code by failing to reinvestigate the suspected foreign

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<sup>1</sup> For purposes of these Exceptions, PPL Electric excepts only to the extent it has been directed to remove the charges from complainant’s account from May 17, 2021 and prior.

load once Complainant notified Respondent that two electricians both found no foreign load, within two weeks of Respondent's written notices and issuance of a bill to Complainant of the transferred charges. 66 Pa.C.S. § 1501.

12. Complainant has met her burden of proof that Respondent violated Section 57.12(a) of Commission regulations by not make a full investigation of complaints made by its customers, either directly to it or through the Commission. 52 Pa. Code § 57.12(a).

13. Complainant has met her burden of proof that no foreign load existed on May 17, 2021 concerning Apartment 1 and Complainant is not responsible for service provided to Apartment 1.

The testimony of record is uncontradicted. On May 5, 2021, the tenant of the property located at 910 Warren Street, Pennsylvania, contacted PPL Electric and stated complaints of possible foreign wiring. N.T. at 9, 28, 31. In response thereto, PPL Electric initiated a foreign wiring investigation order, to which it assigned investigator Bryon Barrows, a PPL Electric customer contact representative, to investigate. N.T. at 26, 31. As Pennsylvania was still within the time of Covid, the investigation proceeded via advanced technologies.

On May 17, 2021, PPL Electric, through its customer contact representatives, Byron Barrows and Anthony Harris, performed a virtual foreign load investigation. N.T. at 32-33. During this investigation, with the assistance of the tenant on the other end of the advanced communications, Mr. Barrows had the tenant energize a hairdryer in a common reciprocal, and turn on and off lights in a common hallway. Simultaneously, Mr. Harris confirmed the usage for these items were attributable to the tenant meter. N.T. at 33-37. Based on this investigation, PPL Electric concluded that the foreign wiring was verified. N.T. at 36, 40. Such investigation was reasonable and certainly confirmed the suspicion of foreign wiring.

On May 18, 2021, PPL Electric provided Complainant landlord with notification of the findings. Specifically, Mr. Barrows left a voicemail message for Complainant, which was returned

the same day. N.T. at 41, PPL exhibit 7. During this telephone conversation, Ms. Vaughn was specifically advised of the foreign load as related to the receptacle in three common-use hall lights. At this time, PPL Electric was obligated to place the account in the name of the landlord, as well as any outstanding balance as of May 17, 2021. 66 PA. C.S. § 1529.1(b). Upon finding foreign load, the utility is obligated to list the account, including any arrearages, in the landlord's name. See *Ace Check Cashing, Inc. v. Philadelphia Gas Works*, No. C-2008-2056428. After the foreign load is corrected by the landlord and verified by the utility, the utility can then place the account back into the tenant's name with the arrearages remaining on the landlord's account. *Id.* There is no obligation for conclusive findings by the utility in order to have this transfer occur.

In the instant case, PPL Electric presented sufficient evidence of a finding of foreign wiring. The landlord was made aware of the foreign wiring as of May 18, 2021. As testified to by PPL Electric employee Dennis Worthington, on July 17, 2021, Ms. Vaughn relayed to PPL Electric that she did not know about this receptacle previously and it might have been on the tenant's meter but is not now. N.T. at 75-76, PPL Electric Hearing Exhibit 2. Whereas PPL Electric provided sufficient evidence of a finding of foreign load on May 17, 2021, and notification, orally, of the landlord on May 18, 2021, Complainant failed to avail herself of presenting any testimony relative to the period between May 18, 2021 and Mr. Franklin's investigation of August 17, 2021. Mr. Franklin could only testify as to his investigation in August, and could provide no testimony as to anything that may have occurred in the interim. In such manner, the Complainant failed to meet her burden of proof that the foreign wiring did not exist as of May 17, 2021.

PPL Electric specifically does not except to the ALJ's findings with regard to the delay in notification of the tenant in writing and provision of a fixed wiring form. For that reason, PPL Electric does not except to the direction to remove the charges between May 17, 2021 and September 1, 2021. However, PPL Electric does except to the Order to remove the balance on the


tenant's account as of May 17, 2021, when the foreign wiring was discovered. Specifically, this transferred amount was \$4,555.32. It is the position of PPL Electric that Plaintiff's failure to appear and testify on her own behalf led to her inability to confirm any happenings between May 17, 2021 and when Mr. Franklin performed his investigation.

**III. CONCLUSION:**

WHEREFORE, for all the foregoing reasons, Conclusion of Law 11, 12, and 13 in the Initial Decision should be rejected and the amount of \$4,555.32 shall remain as part of the balance of the Complainant.

RESPECTFULLY SUBMITTED,

PPL ELECTRIC UTILITIES CORPORATION

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**CERTIFICATE OF SERVICE**

This is to certify that the EXCEPTIONS on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record on behalf of Respondent by electronic mail, on this 29<sup>th</sup> day of June, 2022.

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Gail Chiodo, Administrative Law Judge

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