

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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REPLY OF THE COMPLAINANT, PATRICIA J. VAUGHN, TO THE  
EXCEPTIONS OF PPL ELECTRIC UTILITIES CORPORATION

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**ANDREW J. PRIMERANO, ESQUIRE**

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Date: July 8, 2022

COMPLAINANT'S REPLY TO THE EXCEPTIONS OF PPL ELECTRIC  
UTILITIES CORPORATION

And now comes the complainant, Patricia J. Vaughn, by and through her attorney and makes the following Reply to the Exceptions of respondent PPL Electric Utilities Corporation.

13. Conclusion of Law number 13 by the Administrative Law Judge that:

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

is supported by substantial evidence of record.

Charles Franklin testified on behalf of the complainant, Patricia J. 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) **Complainant's Memorandum Page 1-2**

12. Conclusion of Law number 12 by the Administrative Law Judge that:

"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)."

is supported by substantial evidence of record.

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 the investigation consisted of having 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) **Complainant's Memorandum Page 2-3**

11. Conclusion of law number 11 by the Administrative Law Judge that:

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

is supported by substantial evidence. This is particularly so in light of the fact that PPL had allowed the tenant's bill to accumulate to \$4805.15.

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). **Complainant's Memorandum Page 3**

For the above stated reasons, the complainant requests the determination of the Administrative Law Judge be affirmed.

RESPECTFULLY SUBMITTED

BY: *Andrew J. Primerano*

Andrew J. Primerano, Esquire  
Attorney for Complainant  
I.D. No. 49224

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**CERTIFICATE OF SERVICE**

AND NOW, this 8<sup>th</sup> day of July, 2022, I, Andrew J. Primerano, Esquire, hereby certify that on this day I served a copy of Complainant's Reply to Exceptions of PPL Electric Utilities Corporation, by e-mail upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant):

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