

**Jay Larry Moyer**  
**225 W. Pastorius Street (Apt. 12)**  
**Philadelphia, PA 19144**  
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December 22, 2022

RE: Docket No. C-2022-3036908

Ms. Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor North  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

Ms. Chiavetta:

This letter is included with the attached submission (Answer to Preliminary Objections of PPL Electric) to provide context for this submission.

On December 8, 2022, before a Docket number for the Formal Complaint was available, I submitted a certified letter of petition via USPS. That letter asked that the Formal Complaint be withdrawn. That letter was not successfully filed or acknowledged by the Commission.

On December 12, 2022, I received from the Commission a copy of Preliminary Objections to my Formal Complaint. Seeing that a Docket number was now available, I sent a second letter of petition to the Commission by efileing, asking again that the Formal Complaint be withdrawn. That letter was successfully filed.

Recognizing that time was limited for answering the Preliminary Objections, I called the office of the ALJ on Friday, December 23 and explained my

circumstances to a person self-identified as “Susan”. Susan assured me that she would ask an attorney to return my call, and she emphasized that attorneys in her office are usually very prompt in returning calls.

I called the office of the ALJ again on Wednesday, December 21, and spoke again with Susan. She indicated that she remembered my call and my circumstances. She apologized that I had not gotten a response and said she would issue another notice and ask that someone call me.

The question I raised with Susan was whether I could expect a prompt decision regarding my petition for a withdrawal of my Complaint. It remains my hope that the petition will receive a favorable decision.

In the absence of a decision on my petition for withdrawal of the Complaint, however, I am submitting an Answer to the Preliminary Objections. As I prepare to submit the attached Answer to Preliminary objections, I have not yet received a return call from the office of the ALJ.

Yours sincerely,

Larry Moyer

Attachment:        Answer to Preliminary Objections of PPL  
                         Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer, Complainant

V.

Docket No. C-2022-3036908

PPL Electric Utilities Corporation, Respondent

**Answer to Preliminary Objections  
of PPL Electric**

**December 22, 2022**

## TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

This Reply to the Preliminary Objections of PPL Electric is submitted pursuant to 52 Pa. Code § 5.101(f). The Preliminary Objections should be rejected for reasons explained below.

### BACKGROUND

On June 2, 2021, PPL Electric approved a new solar array at the location of my home at 73 Woods Road, Klingerstown, PA 17941. The 2022-2023 Reporting Year is the first full year of generation for that new system. The instant Complaint is the first and only Complaint associated with that new installation. Repeated violation of the Pennsylvania Public Utility Code has occurred since that solar system was approved. Evidence of repeated violation was presented with the Formal Complaint.

With the new, larger PV installation, electric generation has increased significantly. Excess kilowatt hours (above usage) are generated each month, and this increased generation produces an ever-expanding reservoir of “banked” credit. PPL Electric has failed to adjust to this new reality and does not utilize these “banked” kilowatt hours as required by the PA Code. This failure has resulted in repeated overcharges on my bills.

The Public Utility Code specifies that credit is to be applied “up to the total amount of electricity used ... during the billing period.” The regulation, in its entirety reads as follows:

*“An EDC and DSP shall credit a customer-generator at the full retail kilowatt-hour rate, which shall include generation, transmission and distribution charges, for each kilowatt-hour produced by a Tier I or Tier II resource installed on the customer-generator’s side of the electric revenue meter, up to the total amount of electricity used by that customer during the billing period.” 52 Pa. Code § 75.13(d).*

The language is unambiguous.<sup>1</sup> It is unmistakable that the entire passage is referring to the same, specific period of time, “the billing period”. The period when the electricity is used is the same period for which credit is applied. The “billing period” when the credit is applied and the “billing period” when electricity is used are one and the same. Hence “the billing period”.

*“EDC... shall credit...at the full retail rate...up to the total amount of electricity used by that customer during the billing period”.*

Although “banked” kilowatt hours are abundant and available, the credit which PPL applies to my account is repeatedly less than the actual usage in the billing period. Instead of using the available “banked” credit and applying that

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<sup>1</sup> The prescribed compensation “at the full retail kilowatt-hour rate” is explicit in the regulation, as it is in the AEPS Act, which states that *“Excess generation from net-metered customer-generators shall receive full retail value for all energy produced on an annual basis.”* (Underlining added) Act of Jul. 17, 2007, P.L. 114, No. 35 (Section 5)

credit “up to the total amount of electricity used”, PPL applies a reduced amount based on a different month’s usage.

PPL then claims a “deficit” and charges me at the full rate, in spite of the ample “banked” kilowatt hours which could (and should) be used to offset the total usage. PPL’s failure to utilize those “banked” kilowatt hours now results in repeated overcharges. As shown in the Original Complaint, overcharges began in August, 2022, and they have now increased to \$145.22.

PPL errs when it refers to this Complaint as the “Sixth Complaint” associated with a solar array that operated from 2009 to 2021. The instant Complaint is the sole Complaint associated with a PV system approved on June 2, 2021.

The following are replies to the numbered paragraphs of the Preliminary Complaint:

1. No Reply is necessary
2. No reply is necessary
3. The premise is denied. The instant Complaint is associated with a new solar array approved by PPL on June 2, 2021. The Complaint addresses a new issue which is PPL’s failure to credit my account by utilizing “banked” kilowatt hours of electricity as the Code requires. The Complaint also is based on a new “cause of action”, which is the pattern of overcharges directly associated with the new solar array. Any association of the instant Complaint with previous Complaints is denied.

4. See reply # 3.
5. See reply # 3.
6. See reply # 3.
7. See reply # 3.
8. See reply # 3.
9. See reply # 3.
10. See reply # 3.
11. See reply # 3.
12. See reply # 3.
13. See reply # 3.
14. See reply # 3.
15. See reply # 3.
16. See reply # 3.
17. See reply # 3.
18. See reply # 3.
19. See reply # 3.
20. No reply is necessary
21. No reply is necessary

22. No reply is necessary

### **III. A Preliminary Objection No. 1**

23. No reply is necessary

24. The premise is denied. The instant Complaint is associated with a new solar array approved by PPL on June 2, 2021. The Complaint addresses a new issue which is PPL's failure to credit my account by utilizing "banked" kilowatt hours of electricity as the Code requires. The Complaint also is based on a new "cause of action", which is the pattern of overcharges directly associated with the new solar array. Any association of the instant Complaint with previous Complaints is denied.

25. No reply is necessary

26. No reply is necessary

27. No reply is necessary

28. Denied. The instant Complaint is associated with a new solar array approved by PPL on June 2, 2021. The instant Complaint addresses a new issue which is PPL's failure to credit my account by utilizing "banked" kilowatt hours of electricity as the Code requires. The Complaint also is based on a new "cause of action", which is the pattern of overcharges directly associated with the new solar array. Any association of the instant Complaint with previous Complaints is denied.

29. Denied. The instant Complaint addresses wrongdoing which is associated with a new solar system. That wrongdoing commenced, furthermore, after June 2, 2021, when the new solar generating system was approved by PPL Electric. Any association of the instant Complaint with previous Complaints is denied.

30. The premise is denied. The instant Complaint is associated with a new solar array approved by PPL on June 2, 2021. The Complaint addresses a new issue which is PPL's failure to credit my account by utilizing

“banked” kilowatt hours of electricity as the Code requires. The Complaint also is based on a new “cause of action”, which is the pattern of overcharges directly associated with the new solar array. Any association of the instant Complaint with previous Complaints is denied.

31. No reply is necessary.
32. Any attempt to associate the instant Complaint with previous Complaints is denied.
33. Any attempt to associate the instant Complaint with previous Complaints is denied.
34. The premise is denied. The instant Complaint is associated with a new solar array approved by PPL on June 2, 2021. The instant Complaint addresses a new issue which is PPL’s failure to credit my account by utilizing “banked” kilowatt hours of electricity as the Code requires. The Complaint also is based on a new “cause of action”, which is the pattern of overcharges directly associated with the new solar array. Any association of the instant Complaint with previous Complaints is denied.
35. Any attempt to associate the instant Complaint with previous Complaints is denied.
36. Any attempt to associate the instant Complaint with previous Complaints is denied.
37. Any attempt to associate the instant Complaint with previous Complaints is denied.
38. Any attempt to associate the instant Complaint with previous Complaints is denied.
39. Any attempt to associate the instant Complaint with previous Complaints is denied.

### III.B Preliminary Objection No. 2

40. No reply is necessary.
41. The premise is denied. The PEA petition and the instant Complaint involve different utilities, and each may proceed on its own merit. Concerns raised in the instant Complaint do indeed parallel those in the PEA Petition to Amend Section 75.13(d) and (e) of the Commission's regulations. It is denied, however, that the timing of litigation in the instant Complaint should be subject to the pendency of the PEA Petition.
42. Any attempt to associate the instant Complaint with previous Complaints is denied.
43. Any attempt to associate the instant Complaint with previous Complaints is denied.
44. Any attempt to associate the instant Complaint with previous Complaints is denied.
45. Admitted. The Philadelphia Energy Authority on March 25, 2021, filed a Petition seeking an amendment to Section 75.13(d) and (e) of the Commission's regulations.
46. Admitted in part and denied in part. It is denied that the instant Complaint is associated with previous Complaints. PPL's reference to the instant Complaint as "his *Sixth Complaint*" is a mischaracterization.
47. Denied. While the "concerns" of the instant Complaint and the PEA Petition are parallel, the cases themselves are not associated. The two cases involve different utilities, and each case may proceed on its own merit. It is denied that the timing of litigation in the instant Complaint should be subject to the pendency of the PEA Petition. Each case may proceed on its own merit and on its own timing.

Respectfully Submitted,

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

## **Certificate of Service**

### **Complainant's Answer**

### **to The Preliminary Objections Of PPL Electric**

RE: Docket No. C-2022-3036908

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

Devin T. Ryan  
Post & Schell PC  
17 North Second Street, 12<sup>th</sup> floor  
Harrisburg, PA 17101-1601  
(USPS First Class Mail)

December 22, 2022

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Jay Larry Moyer, Complainant  
225 W. Pastorius St. (Apt. 12)  
Philadelphia, PA 19144  
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