

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, PA 17120**

**Thomas and Elizabeth Bierkamp *et al.***  
**vs.**  
**Metropolitan Edison Company**

**Public Meeting – February 9, 2023**  
**3015097-ALJ**  
**Docket No. C-2019-3015097**  
**C-2019-3015098**  
**C-2019-3015099**  
**C-2019-3015100**

**MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE**

Before the Commission for consideration and disposition are the consolidated Complaints filed by Thomas and Elizabeth Bierkamp, Jeffrey and Gretchen Moyer, and Clarence D. Geist, Jr. (Complainants) averring that they are having a reliability, safety or quality problem with the electric distribution service provided by Metropolitan Edison Company (Met-Ed). All allege numerous service outages occurring over the last 30 years. As relief, the Complainants request that Met-Ed update equipment, install more switches, and perform extensive tree trimming.

At the evidentiary hearing held on September 14, 2022, Met-Ed submitted documentation of 46 power outages at the Complainants' service addresses from January 2018 through September 2022. Of the 46 outages, four were caused by line or Company equipment failure, four were caused by unknown reasons, two were caused by right-of-way trees, 35 were caused by off right-of-way trees, and one was a forced outage.

Met-Ed testified that the improvements it has made to Complainants' service may have prevented or minimized the service interruptions experienced by Complainants. Met-Ed explained that the topography of the circuit, i.e., the wetlands, hampers the crew's ability to access and remove vegetation. Tr. 82-83, 114. Additionally, Met-Ed averred that the Company has limited ability to remove off right-of-way vegetation, and the majority of outages occurred during some kind of inclement weather. Tr. 73-74.

Met-Ed stated that cycle maintenance is currently in progress for the portion of the Circuit near Complainants' residences. Although Met-Ed described steps it has taken to remedy the outages, as noted by the presiding Administrative Law Judge (ALJ), it is not clear that those steps are leading to a decrease in outages. Specifically, seven of the outages were in 2018, eleven were in 2019, eight were in 2020, sixteen were in 2021, and eight in 2022 as of the hearing on September 14, 2022. Met-Ed Exhibits 3, 4, 10, 11, 13, 14, 15; Tr. 71.

The ALJ found that the record of this proceeding shows that Met-Ed has taken various steps regarding updating equipment and vegetation management to improve service to the Complainants. The ALJ held that although the annual number of outages does not appear to be clearly decreasing, the record also does not contain substantial evidence that Met-Ed is providing unreasonable and inadequate service and therefore violating the Public Utility Code, a

Commission order or regulation or a Commission-approved tariff as it relates to Complainants' service. As such, the ALJ dismissed the Formal Complaints. I agree that the Complainants were unable to prove, with the facts entered into this record, that Met-Ed violated any rule and that the Complaint must be denied.

However, the sheer number of outages occurring within a 5-year period is troubling. In an effort to facilitate a solution for these Complainants, I will refer this matter to the Reliability staff in the Commission's Bureau of Technical Utility Services (TUS Reliability) for a review of the outages, including those caused by the off-right-of-way trees. As noted by the ALJ, allegations regarding outages caused by off-right-of-way trees are not automatically rejected by the Commission. In other words, the utility is not exonerated of fault by the fact that the trees are located out of the right-of-way.

I ask that TUS Reliability report back with any findings or recommendations for improving the electric distribution service rendered to the Complainants.

**THEREFORE, I MOVE THAT:**

1. The Formal Complaint filed by Thomas and Elizabeth Bierkamp on December 23, 2019, at Docket Number C-2019-3015097 is dismissed.
2. The Formal Complaints filed by Jeffrey and Gretchen Moyer on December 23, 2019, at Docket Numbers C-2019-3015098 and C-2019-3015099 are dismissed.
3. The Formal Complaint filed by Clarence D. Geist on December 23, 2019, at Docket Number C-2019-3015100 is dismissed.
4. This matter be referred to the Bureau of Technical Utility Services – Reliability Section for further review to culminate in the issuance of a report at this consolidated docket within nine (9) months of entry of this Opinion and Order.
5. The TUS Reliability report shall be served on the Complainants.
6. The Office of Special Assistants shall prepare and Opinion and Order consistent with this Motion.

**February 9, 2023**  
**Date**



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**Gladys Brown Dutrieuille, Chairman**