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File #: 140074

May 25, 2023

***VIA ELECTRONIC FILING***

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: Thomas J. Scanlon v. PPL Electric Utilities Corporation**  
**Docket No. C-2022-3033984**

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Dear Secretary Chiavetta:

Attached for filing are the Replies of PPL Electric Utilities Corporation to the Exceptions of Thomas J. Scanlon in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Nicholas A. Stobbe

NAS/dmc  
Attachments

cc: The Honorable Dennis J. Buckley  
Office of Special Assistants  
Certificate of Service

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### **VIA EMAIL AND FIRST-CLASS MAIL**

Thomas J. Scanlon  
1201 Grants Place  
Denver, PA 17517  
[Tomscan84@hotmail.com](mailto:Tomscan84@hotmail.com)

Date: May 25, 2023



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Nicholas A. Stobbe

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thomas Scanlon,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2022-3033984
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**REPLIES OF PPL ELECTRIC UTILITIES CORPORATION TO THE  
EXCEPTIONS OF THOMAS SCANLON**

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PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), pursuant to 52 Pa. Code § 5.535, hereby respectfully submits these Replies to the Exceptions of Thomas Scanlon (“Complainant”). In his Exceptions, the Complainant disputes Administrative Law Judge Dennis J. Buckley’s (“ALJ”) Initial Decision (“ID”) dismissing the above-captioned Formal Complaint (“Complaint”). Specifically, the Complainant challenges the ALJ’s dismissal of the Complaint because he allegedly cannot afford his electric bill. The Complainant’s Exceptions also delineate the Complainant’s income, employment history, and alleged health issues. The Complainant’s Exceptions do not conform to the Commission’s regulations because they are unnumbered and do not cite to any Findings of Fact, Conclusions of Law, or any specific pages of the ID.<sup>1</sup> Further, it does not appear that the Complainant is actually disputing any of the findings reached by the ALJ

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<sup>1</sup> Section 5.533(b) of the Pennsylvania Public Utility Commission’s (“Commission”) regulations provides that “[e]ach exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. Supporting reasons for the exceptions shall follow each specific exception.” 52 Pa. Code § 5.533(b).

in the ID, as the Complainant does not include supporting reasons for the Exceptions as is required by the Commission's regulations.<sup>2</sup>

For these reasons and as further explained below, PPL Electric respectfully requests that the Commission deny the Complainant's Exceptions, adopt the well-reasoned ID without modification, and dismiss the Complaint with prejudice.

## **I. INTRODUCTION**

On July 11, 2022, the Complainant filed the Complaint against PPL Electric claiming that PPL Electric had threatened to terminate his electric service. The Complainant also requested a meter reading and a new payment arrangement from PPL Electric

On August 12, 2022, PPL Electric filed an Answer to the Complaint denying any violation of the provisions of the Public Utility Code ("Code") or the regulations of the Commission. PPL Electric further stated that it had warned Complainant that service would be terminated in accordance with procedures required by the Commission. PPL Electric asserted that Complainant had been afforded prior payment arrangements but had defaulted on them, including a Commission-directed payment arrangement established by the Commission's Bureau of Consumer Services ("BCS") in BCS Case No. 3829351. As such, the Company requested that the Complaint be dismissed because the Complainant was ineligible for another Commission-directed payment arrangement.

On September 7, 2022, a hearing Notice was issued setting October 5, 2022, as the date for a telephonic hearing.

A Prehearing Order was issued on September 9, 2022.

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<sup>2</sup> See note 1, *supra*.

On October 5, 2022, a telephonic evidentiary hearing was held. The Complainant was present and presented testimony. However, the Complainant claimed he did not have PPL Electric's pre-served exhibits available. As such, the ALJ continued the hearing to afford the Complainant an opportunity to review the Company's pre-served exhibits.

On November 10, 2022, a Rescheduled Hearing Notice was issued setting January 17, 2023, as the date for the rescheduled hearing.

On January 17, 2023, the Telephonic Evidentiary Hearing was held as scheduled. The Complainant presented testimony on his own behalf. PPL Electric, represented by counsel, presented the testimony of Tami Roland, a Senior Customer Service Representative of PPL Electric. Ms. Roland sponsored three exhibits, which were entered into the evidentiary record.

On April 28, 2023, the ALJ issued the ID, dismissing the Complaint.

For the reasons explained in more detail below, the Complainant's Exceptions are without merit, and the Commission should adopt the ALJ's well-reasoned ID without modification and dismiss the Complaint with prejudice as the Complainant failed to sustain his burden of proof establishing that he is entitled to a second Commission-ordered payment arrangement.

## **II. REPLIES TO EXCEPTIONS**

### **A. REPLY TO EXCEPTION NO. 1 – THE ALJ CORRECTLY DISMISSED THE COMPLAINT, AND NOTHING PRESENTED IN THE COMPLAINANT'S EXCEPTIONS WARRANTS DISTURBING THAT RULING<sup>3</sup>**

The ALJ correctly dismissed the Complaint because nothing in the record establishes that the Complainant is eligible for another Commission-ordered payment arrangement. (*See ID*, at 7; *See also ID* at 9, Findings of Fact No. 7.) As the ALJ held:

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<sup>3</sup> Although the Complainant failed to number his Exceptions as required by the Commission's regulations, PPL Electric is grouping the entirety of his Exceptions into Exception No. 1 for ease of reference.

The Commission is not authorized to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a Commission order or decision unless there is a showing of a change in the customer's income.

(ID at 9, Findings of Fact No. 5.) This ruling is consistent with Section 1405(d) of the Public Utility Code, which provides, in relevant part: “[a]bsent a change in income, the [C]ommission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a [C]ommission order or decision.” 66 Pa.C.S. § 1405(d). Here, the Complainant failed to present any evidence that there has been a change in income that would warrant a new payment arrangement. Therefore, the Complainant cannot be granted his requested relief, and the ALJ properly dismissed the Complaint.

Moreover, although the Complainant disputes the ALJ's ruling in his Exceptions, he fails to identify any errors in the ALJ's factual findings or legal reasoning. In fact, the Complainant's only reference to the ID is his statement “[the Complainant] is writing in response to an e-mail [the Complainant] received, 4/28/2023, regarding the decision of the Administrative Judge, to dismiss my case, against PPL.” (Exceptions, p. 1.) It is wholly unclear what findings in the ID that the Complainant is challenging. Indeed, the ALJ made 18 Findings of Fact and 7 Conclusions of Law, but the Complainant does not dispute any of them in his Exceptions. Thus, the Complainant's Exceptions should be denied.

**III. CONCLUSION**

WHEREFORE, for all the foregoing reasons, as well as those more fully explained in the well-reasoned Initial Decision of Administrative Law Judge Dennis J. Buckley, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission: (1) deny the Exceptions filed by Thomas Scanlon; (2) adopt the Initial Decision without modification; and (3) dismiss the Formal Complaint at Docket No. C-2022-3033984 with prejudice because the Complainant has failed to sustain his burden of proof establishing that he is entitled to another Commission-ordered payment arrangement.

Respectfully submitted,



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Dated: May 25, 2023.

*Attorneys for PPL Electric Utilities Corporation*