

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Sofillas	:	
	:	
v.	:	C-2023-3039235
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Chad L. Allensworth  
Administrative Law Judge

**INTRODUCTION**

This decision dismisses the Formal Complaint of a customer who alleged that the Company improperly billed him for electric service following his installation of a solar power system for his residence. The Formal Complaint is dismissed because the Complainant failed to carry his burden of proof that the Company violated the Alternative Energy Portfolio Standards Act of 2004, the Public Utility Code, a Commission Regulation or Order or its Commission-approved tariff.

**HISTORY OF THE PROCEEDING**

On March 24, 2023, John Sofillas (“Complainant” or “Mr. Sofillas”) filed a Formal Complaint (“complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against PPL Electric Utilities Corporation (“Respondent,” “Company” or “PPL”). Complainant claimed that Respondent incorrectly billed him for electric service following his investment into a solar power system for his residence. (Complaint ¶¶ 3-4).

On April 13, 2023, Respondent filed its Answer in which it admitted and denied various allegations of the complaint. Specifically, Respondent admitted that Complainant is a net metering customer who had a 15.4 kilowatt-hour (“kWh”) solar power system installed and active at his residence, but Respondent denied incorrectly billing Complainant. (Complaint ¶ 4).

On August 1, 2023, the Commission issued an Initial Call-In Telephone Hearing Notice (“Hearing Notice”) assigning this case to me as the presiding officer and scheduling a telephonic hearing on September 21, 2023. Additionally, on August 1, 2023, I issued a Prehearing Order addressing various procedures that would govern the hearing.

On September 21, 2023, the hearing was held as scheduled. Complainant appeared and represented himself. Mr. Sofillas testified in support of the complaint and did not offer any exhibits. Respondent was represented by Attorney Devin Ryan, who presented the following two witnesses on behalf of PPL: (1) Brenda Snyder, a PPL customer service representative and (2) Joseph Chunko, a PPL metering support supervisor. Ms. Snyder sponsored PPL Exhibit 1 – Account Activity Statement and PPL Exhibit 5 – Net Metering Tariff. Mr. Chunko sponsored PPL Exhibit 4 – Meter Test Results. All three of Respondent’s exhibits were admitted without objection.

The record closed on October 18, 2023, when the 75-page hearing transcript was received.

For the reasons set forth below, the complaint will be dismissed.

#### FINDINGS OF FACT

1. Complainant is John Sofillas, a residential electric customer.
2. Respondent is PPL Electric Utilities Corporation, who provides electric service to Complainant.

3. Mr. Sofillas resides at 609 Frome Avenue, Lititz, PA 17543 (“service address”) and he has resided at the service address since 2012. (Tr. 9).
4. Four people reside at the service address, which consist of two adults and two minor children. (Tr. 23).
5. The service address employs gas heat. (Tr. 23).
6. Mr. Sofillas does not work in the electric utility industry, nor does he have any education related to the electric utility industry. (Tr. 14-15).
7. In November 2021, Mr. Sofillas had a Sunnyboy SMA 15.4 kilowatt-hour solar power system installed at the service address for electricity generation, which was authorized for operation by PPL on November 23, 2021. (Tr. 10, 31).
8. In early 2022, Mr. Sofillas added a 220-volt outlet to charge an electric vehicle that he purchased in November 2021. (Tr. 11-12, 24-25).
9. In May or June of 2022, Mr. Sofillas added a pool at the service property. (Tr. 24).
10. Mr. Sofillas asserted that he was overcharged by PPL in the amount of \$1,690, but he does not contest the kWh usage indicated. (Tr. 18, 19, 22-23).
11. Brenda Snyder is a customer service representative for PPL, who has worked for PPL for 22 years, and her duties for the last six years included working with renewable energy accounts. (Tr. 27-28).
12. PPL billed Mr. Sofillas for the following kWh it delivered to him from June 2021 to June 2023 (Tr. 34; PPL Exhibit 1):
  - June 22, 2021 = \$199 for 1675 kWh
  - July 22, 2021 = \$261.35 for 2244 kWh
  - August 20, 2022 = \$252.00 for 2158 kWh

- September 21, 2021 = \$265.15 for 2279 kWh
- October 20, 2021 = \$192.56 for 1364 kWh
- November 18, 2021 = \$156.66 for 1089 kWh
- December 20, 2021 = \$121.55 for 812 kWh
- January 20, 2022 = \$183.07 for 1263 kWh
- February 17, 2022 = \$122.44 for 821 kWh
- March 18, 2022 = \$38.11 for 172 kWh
- April 19, 2022 = \$31.67 for 124 kWh
- May 18, 2022 = \$15.43 for 0 kWh
- June 17, 2022 = \$66.65 for 343 kWh
- July 19, 2022 = \$183.25 for 1024 kWh
- August 17, 2022 = \$210.32 for 1190 kWh
- September 16, 2022 = \$216.57 for 1214 kWh
- October 17, 2022 = \$103.35 for 527 kWh
- November 15, 2022 = \$156.45 for 844 kWh
- January 9, 2023 = \$202.08 for 1046 kWh
- January 18, 2023 = \$505.41 for 1501 kWh
- February 15, 2023 = \$211.16 for 1022 kWh
- March 17, 2023 = \$103.77 for 461 kWh
- April 18, 2023 = \$15.47 for 0 kWh
- May 18, 2023 = \$18.00 for 183 kWh
- June 19, 2023 = \$15.42 for 1354 kWh

13. The months where PPL delivered zero kWh to the service address reflect that the service address produced enough electricity from the solar power system. (Tr. 34).

14. PPL bills every customer a “customer charge” even if they are billed for zero kilowatt hours, which currently costs between \$15 and \$16 dollars a month. (Tr. 31).

15. PPL delivered an average of 1690 kWh per month to the service address prior to installation of the solar power system and an average of 670 kWh per month after installation. (Tr. 34-35).

16. Mr. Sofillas is a “net metering customer” with PPL. (Tr. 28, 31).

17. “Net metering” is a process where a renewable energy customer’s account is credited for excess generated electricity that is received back into the grid and is set forth in a tariff approved by the Commission. (Tr. 30; PPL Exhibit 5).

18. When a net metering customer uses more electricity than what the solar power system generates, PPL delivers the remaining electricity needed to the customer and the number of kWh delivered is measured on channel one of the meter. (Tr. 30).

19. When a customer uses less electricity than what the solar power system generates, the number of kWh received back into the grid is measured on channel two of the meter. (Tr. 30).

20. In the net metering process, PPL takes the number of kWh delivered to the customer and subtracts the number of kWh received back into the grid to arrive at the net difference. (Tr. 30).

21. If there is an excess of kWh received back into the grid, then those kWh are banked and used for future bills. (Tr. 30).

22. In May of every year, PPL zeros out any kWh that the customer still has banked and pays the customer for the excess kWh based on the current price to compare if PPL is the supplier. (Tr. 30-31, 41; PPL Exhibit 5).

23. All of PPL’s other meter readings for the service address from September 2019 to September 2023 were actual meter readings, except for an estimated reading on July 25, 2023. (Tr. 33; PPL Electric Exhibit 1).

24. PPL removed the meter at the service address on July 17, 2023 for testing. (Tr. 33).

25. Mr. Sofillas had a bank of 114 kWh stored up following payment of his June 2023 bill. (Tr. 35).

26. The banked kWh from June 2023 was not reflected in the initial PPL bill for July 2023 due to data not carrying over upon replacement of the meter in July 2023. (Tr. 35).

27. PPL cancelled the July 2023 bill and plans to re-bill Mr. Sofillas for July 2023, August 2023 and September 2023 factoring in the banked amount of kWh. (Tr. 36).

28. Mr. Sofillas received appropriate credits for his excess kWh generation. (Tr. 36).

29. Mr. Sofillas' account was not affected by the billing issues PPL had in November 2022 and December 2022. (Tr. 38).

30. Mr. Sofillas' solar power system did not usually produce sufficient energy for the service address to avoid needing PPL to deliver kWh to it. (Tr. 42; PPL Electric Exhibit 1).

31. Joseph Chunko is a supervisor of metering support for PPL, who has worked for PPL since 2009, and his current duties include overseeing the meter testing laboratory. (Tr. 44-45).

32. The meter at the service address was removed for testing and replaced with a new meter on July 17, 2023. (Tr. 46, 48, 52).

33. The meter from the service address was tested on July 19, 2023 and tested to be 100.01% accurate, which was within the acceptable range of accuracy. (Tr. 52-53).

34. The meter from the service address accurately recorded the electricity usage at the service address with no anomalies. (Tr. 53-54).

## DISCUSSION

### Legal Standards

As a matter of law, to establish a legally sufficient claim, a Complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). The offense must also be a violation of the Public Utility Code, a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

Section 332(a) of the Public Utility Code (Code) provides that a Complainant, as the party seeking affirmative relief from the Commission, has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Selling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950). To establish a legally sufficient case and satisfy the burden of proof, a Complainant must show that the named utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990).

Additionally, this Commission's decision must be supported by substantial evidence in the record. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

If a Complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the Complainant will prevail. If the utility rebuts the Complainant's evidence, the burden of going forward with the evidence shifts back to the Complainant, who must rebut the utility's evidence with some additional evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on a Complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

In this case, Mr. Sofillas' complaint involves the Alternative Energy Portfolio Standards Act of 2004, 73 P.S. §§ 1648.1–1648.8 (“AEPS Act”). The AEPS Act provides that electric energy sold by an electric distribution company (“EDC”) or an electric generation supplier (“EGS”) to retail electric customers in Pennsylvania shall be comprised of electricity generated from alternative energy sources<sup>1</sup> in certain percentage amounts that increase over time. 73 P.S. § 1648.3(a)(1). In regard to Mr. Sofillas, the AEPS Act allows for net metering. Net metering is:

[t]he means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity. Virtual meter aggregation on properties owned or leased and operated by a customer-generator and located within two miles of the boundaries of the customer-generator's property and within a single electric distribution company's service territory shall be eligible for net metering.

73 P.S. § 1648.2.

In response to the passage of the AEPS Act, the Commission enacted several regulations. As such, also relevant to Mr. Sofillas' complaint are various Commission

---

<sup>1</sup> Alternative energy sources include solar photovoltaic or other solar electric energy as well as solar thermal energy. 73 P.S. § 1648.2.

regulations in Chapter 75 of Title 52 of the Pennsylvania Code. These regulations include net metering requirements that apply to EGSs and EDCs intending to pursue net metering opportunities in accordance with the AEPS Act. 52 Pa. Code § 75.11–75.17.<sup>2</sup> Most notably, Section 75.13. of the Commission regulations provides:

(d) 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. If a customer-generator supplies more electricity to the electric distribution system than the EDC and DSP deliver to the customer-generator in a given billing period, the excess kilowatt hours shall be carried forward and credited against the customer-generator’s kilowatt-hour usage in subsequent billing periods at the full retail rate. Any excess kilowatt hours that are not offset by electricity used by the customer in subsequent billing periods shall continue to accumulate until the end of the year. For customer-generators involved in virtual meter aggregation programs, a credit shall be applied first to the meter through which the generating facility supplies electricity to the distribution system, then through the remaining meters for the customer-generator’s account equally at each meter’s designated rate.

52 Pa. Code § 75.13(d); *see also*, *Final Rulemaking Re: Net Metering Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act*, 73 P.S. § 1648.5, Docket No. L-000501074 (Final Rulemaking Order entered June 23, 2006) (“Final Rulemaking Order”). At the end of each year, the default service provider (“DSP”) is required to compensate the customer-generator, at the DSP’s price to compare, for any remaining excess kWh generated by the customer-generator that were not previously credited against the customer-generator’s usage in prior billings periods. 52 Pa. Code § 75.13(e).

---

<sup>2</sup> Commission regulations define net metering as, “[t]he means of measuring the difference between the electricity supplied by an electric utility or EGS and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator’s requirements for electricity.” 52. Pa. Code § 75.12.

## Issues

Mr. Sofillas does not contest the kWh usage at the service address; rather, he confines his challenge to the monetary amount of his bills following installation of a solar power system at the service address. (Tr. 22-23). In support of his claim, Mr. Sofillas asserted that he installed the solar power system in November 2021 and he initially had no issues. (Tr. 10). Mr. Sofillas argued that the billing problems started in August 2022 when his bills from PPL continued to increase to a point that the bills were sometimes higher than they were prior to installation of the solar power system. (Tr. 11). Specifically, Mr. Sofillas averred that he has been overcharged by PPL in the amount of \$1,690. (Tr. 18-19).

In opposition, PPL presented: (1) testimony from Brenda Snyder, a customer service representative for PPL, (2) testimony from Joseph Chunko, a supervisor of metering support for PPL and (3) documentary evidence to support its argument that it accurately billed Mr. Sofillas for kWh delivered to the service address based on meter readings, factoring in the kWh received from his solar power system. Mr. Chunko provided testimony and sponsored an exhibit asserting that the meter from the service address tested 100.01% accurate and was accurately recording electric usage. (Tr. 52-54; PPL Electric Exhibit 5). Ms. Snyder provided testimony and sponsored two exhibits asserting that Mr. Sofillas is a net metering customer who has been billed accurately and in accordance with the Commission approved tariff for the kWh delivered to him when his solar power system failed to produce enough electricity for the service address. (Tr. 28-42; PPL Electric Exhibits 1 and 4).

## Analysis

Based on the evidence presented, I find that Mr. Sofillas has failed to meet his burden of proof because the evidence presented by Mr. Sofillas in support of his complaint is outweighed by the evidence presented in response by PPL. To prevail, Mr. Sofillas needed to present sufficient evidence to establish by a preponderance of the evidence that PPL was not billing him accurately either for the kWh delivered or for the kWh his solar power system produced. The only evidence Mr. Sofillas presented was his personal opinion and perception

that he was billed inaccurately because his electric bill was sometimes higher after installation of the solar power system. Mere bald assertions, personal opinions or perceptions, when not substantiated by facts, do not constitute evidence. *Pa. Bureau of Corr. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987). Mr. Sofillas offered no facts to support that his solar power system was producing sufficient kWh for the service address without receipt of the additional kWh delivered by PPL or that he was otherwise billed incorrectly.

To the contrary, Mr. Sofillas specifically testified that he did not know if the service address was using more kWh since installation of the solar power system. (Tr. 15-16). Furthermore, Mr. Sofillas testified to several additions to the home that occurred after installation of the solar power system that could explain an increase in use of kWh at the service address. This would include installation of a pool and a 220-volt outlet to charge an electric vehicle. (Tr. 24-25).

Furthermore, I find the testimony and evidence offered by PPL to be credible and persuasive. First, in accordance with the AEPS Act and Commission regulations, PPL employed net metering for its billing to Mr. Sofillas in accordance with its Commission approved tariff. This involved: (1) delivering the needed kWh to the service address when it used more kWh than what the solar generating system produced, (2) banking kWh from the service address for future bills when it used less kWh than the service address produced and (3) zeroing out any kWh in May of every year allowing for payment to Mr. Sofillas for any excess kWh at the current price to compare. (Tr. 28-31; PPL Electric Exhibit 5).

Second, PPL established that it accurately billed Mr. Sofillas for actual kWh delivered and that on average the kWh usage from PPL for the service address has decreased from 1690 kWh per month to 670 kWh per month. (Tr. 34-35; PPL Electric Exhibit 1). This included evidence that the meter removed and tested from the service address in July 2023 was 100.01% accurate and that the solar power system did not produce sufficient kWh to sustain the needs of the service address the majority of the time. (Tr. 42, 52-53; PPL Exhibits 1 and 4). Furthermore, PPL explained that in billing Mr. Sofillas in accordance with net metering, it would take the number of kWh delivered to Mr. Sofillas and subtract the number of kWh received back

into the grid from the solar power system to arrive at the net difference. (Tr. 30). The billed amount to Mr. Sofillas was the net usage. (Tr. 34). The lone error established in billing Mr. Sofillas appeared to occur in July 2023, when he was billed based on estimated usage and without carrying over credit for 114 kWh he had banked. (Tr. 33, 35). However, PPL subsequently cancelled the July 2023 and subsequent bills and intends to re-bill him based on actual use and factoring in the banked kWh. (Tr. 36).

Thus, I find that PPL's actions were proper and not in violation of the AEPS Act, the Public Utility Code, Commission regulations or the Commission-approved tariff.

Accordingly, I find that Complainant has not met his burden of proof and the Complaint must be dismissed.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa.C.S. § 701.

2. To prevail, a Complainant must show that the named utility is responsible or accountable for the problem described in the complaint and the offense must be a violation of the Public Utility Code, a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701; *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990).

3. The Complainant, as the party seeking affirmative relief from the Commission has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332.

4. A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

5. Complainant failed to satisfy his burden of proof that Respondent violated the Alternative Energy Portfolio Standards Act of 2004. 66 Pa.C.S. § 332; 73 P.S. §§ 1648.1–1648.8.

6. Complainant failed to satisfy his burden of proof that Respondent violated the Public Utility Code, a Commission order or regulation or a Commission-approved tariff. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of John Sofillas in John Sofillas v. PPL Electric Utilities Corporation at Docket No. C-2023-3039235 is dismissed.

2. That the matter at Docket No. C-2023-3039235 be marked closed.

Date: January 16, 2024

\_\_\_\_\_  
/s/  
Chad L. Allensworth  
Administrative Law Judge