

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Paulos Ibrahim	:	
	:	
v.	:	C-2023-3042066
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Chad L. Allensworth
Administrative Law Judge

INTRODUCTION

This decision dismisses the Formal Complaint (“complaint”) of Paulos Ibrahim (“Complainant” or “Mr. Ibrahim”) against PPL Electric Utilities Corporation (“Respondent” or “PPL”). Complainant failed to meet his burden of proof that Respondent violated the Pennsylvania Public Utility Code, Commission regulations or a Commission order with respect to billing for electricity or meter testing.

HISTORY OF THE PROCEEDING

On August 7, 2023, Complainant filed a complaint with the Pennsylvania Public Utility Commission (“Commission”) against Respondent. Complainant marked that the utility was threatening to shut off or already had shut off electric service and that incorrect charges were included on the bill as the reasons for the complaint. (Complaint ¶¶ 4-6). As relief, Complainant requested that the amount billed to him be corrected and that Respondent test his meter. (Complaint ¶ 6). The Commission served the complaint on Respondent on August 7, 2023.

On August 28, 2023, Respondent filed its “Answer of PPL Electric Utilities Corporation to the Complaint of Paulos Ibrahim” (“answer”) in which it admitted and denied various allegations in the complaint. In its answer, Respondent admitted to being Complainant’s electric provider and admitted to issuing a termination notice to Complainant. (Answer ¶¶ 4-5). Respondent further averred that Complainant owes a total of \$2,903.79 with \$2,839.94 being in arrears. (Answer ¶ 5). Respondent denied that the termination notice was in violation of the Public Utility Code, Commission regulations or the approved tariff and denied that there were any incorrect charges on Complainant’s bill for the December 2022 and January 2023 billing periods. (Answer ¶ 5).

On August 30, 2023, an Initial Call-In Telephonic Hearing Notice was issued scheduling a telephone hearing on October 31, 2023 and assigning me as presiding officer. Also, on August 30, 2023, the undersigned issued a Prehearing Order addressing various procedures that would govern the hearing.

On October 31, 2023, the hearing was held as scheduled. Paulos Ibrahim appeared and represented himself at the hearing. Mr. Ibrahim did not present any exhibits.

Respondent was represented by Attorney Megan E. Rulli at the hearing, who presented Tami Roland – Senior Customer Service Representative at PPL and Alicia Watkinson – Customer Contact Center Supervisor as witnesses. The witnesses sponsored the following eight exhibits: PPL Electric Exhibit 2 – Account Contact History, PPL Electric Exhibit 3 – Informal Case View, PPL Electric Exhibit 4 – Usage Details for Complainant, PPL Electric Exhibit 6 – Daily Collection November 2022-December 2022, PPL Electric Exhibit 7 – Daily Collection December 2022-January 2023, PPL Electric Exhibit 8 – Account Activity Statement, PPL Electric Exhibit 9 – Meter Reading History and PPL Electric Exhibit 10 – Service Termination Notice. PPL Electric Exhibits 2, 3, 4 and 6-10 were admitted without objection.

The record closed on January 10, 2024, when the 65-page transcript was filed with the Commission.

FINDINGS OF FACT

1. Complainant is Paulos Ibrahim, who resides at 132 West Tilghman Street Allentown, PA 18102 (“service property”) and he has resided there since October 2022. (Tr. 9, 12).
2. Respondent is PPL Electric Utilities Corporation, which has provided electric service to Complainant at the service property since September 7, 2023. (Tr. 24; PPL Electric Exhibit 2).
3. Complainant does not have any education or training in electrical engineering. (Tr. 13).
4. Complainant has not made any changes to the service property since moving there in October 2022. (Tr. 15).
5. The service property is a townhouse with three bedrooms, two bathrooms, a living room and a kitchen. (Tr. 13-14).
6. Two adults reside at the service property, consisting of the Complainant and his father. (Tr. 10).
7. The service property uses electric baseboard heat as its sole heat source. (Tr. 10, 15).
8. Complainant keeps the heat at the service property between 65° F and 68° F regardless of how cold the weather gets. (Tr. 11).
9. The service property also has a washer and a hot water heater that run on electricity. (Tr. 14).

10. Complainant disputed electric bills from December 2022-March 2023. (Tr. 12-13).

11. Complainant previously lived in a different townhouse across the street from the service property, which was also supplied electricity by Respondent, and did not have bills as high as he currently has. (Tr. 11, 13-14).

12. Alicia Watkinson is a customer contact center supervisor at PPL, who has worked for PPL for 17 years, with two years in her current position that requires her to manage 15 customer service representatives, handle escalated calls or complaints and testify at Commission hearings. (Tr. 20-21).

13. Respondent billed Complainant for the following monthly kilowatt-hour (“kWh”) usage at the service property:

	2022	2023
Jan. – Feb.	X	02/22 bill 4303 kWh
Feb. – March	X	03/23 bill 4039 kWh
March – Apr.	X	04/24 bill 2510 kWh
Apr. – May	X	05/23 bill 1092 kWh
May – June	X	06/22 bill 210 kWh
June – July	X	07/24 bill 303 kWh
July – Aug.	X	08/22 bill 286 kWh
Aug. – Sept.	09/22 bill 228 kWh	09/21 bill 383 kWh

	2022	2023
Sept. – Oct.	10/21 bill 1324 kWh	10/20 bill 493 kWh
Oct. – Nov.	11/21 bill 2324 kWh	11/20 bill 1880 kWh
Nov. – Dec.	12/28 bill 2699 kWh	X
Dec. – Jan.	01/24 bill 7725 kWh	X

(Tr. 26-27; PPL Electric Exhibit 8).

14. The average daily kWh usage for the service property in November 2022 was 74.97 kWh. (Tr. 26).

15. The December 28, 2022 bill for the service property was an estimated bill based on daily electric usage for November 2022 due to an issue with transfers from the meter data system. (Tr. 25).

16. The December 28, 2022 bill was estimated to be 2699 kWh based on the average daily usage of 74.97 kWh over a 36-day period. (Tr. 26).

17. The actual kWh usage for the service property during the November-December 2022 billing period was 6134 kWh. (Tr. 26; PPL Electric Exhibit 7).

18. The January 24, 2023 bill is comprised of usage from the actual kWh usage at the service property during that billing period as well as the unbilled usage of 3435 kWh from the December 28, 2022 bill that was not accounted for in the estimated bill. (Tr. 27-28).

19. Respondent previously delivered the following monthly kWh usage to the service property:

	2021	2022
Jan. – Feb.	X	6111 kWh
Feb. – March	X	4159 kWh
March – Apr.	X	4157 kWh
Apr. – May	X	2031 kWh
May – June	X	408 kWh
June – July	X	507 kWh
July – Aug.	X	492 kWh
Aug. – Sept.	X	111 kWh
Sept. – Oct.	957 kWh	X
Oct. – Nov.	3309 kWh	X
Nov. – Dec.	4306 kWh	X
Dec. – Jan.	6179 kWh	X

(Tr. 31, 33; PPL Electric Exhibit 9).

20. Complainant did not request a meter test. (Tr. 42-43, 55; PPL Electric Exhibit 2).

21. No meter test was performed on the meter at the service property. (Tr. 44).

22. Respondent has changed how files are transferred from the meter data system to avoid a repeat of issues leading to the estimated bill. (Tr. 43).

23. Tami Roland is a senior customer service representative at PPL, who has worked for PPL for 33 years, and her current position requires her to handle escalated callbacks, help customer representatives with calls and work on Commission complaints. (Tr. 45-46).

24. Respondent communicated with Complainant multiple times about the high bill claims between January 2023 and February 2023, including transferring him to the Respondent's Energy Education Department. (Tr. 48; PPL Electric Exhibit 2).

25. Complainant's unpaid amount owed was \$2,837.42. (Tr. 47; PPL Electric Exhibit 8).

26. Because Complainant was over the income limit, Complainant was not eligible for "On Track," which is a plan where customers are eligible for lower monthly payments than what they use and they get credits/write-offs towards the remaining balance. (Tr. 52-53; PPL Electric Exhibit 2).

27. Respondent sent a termination letter to Complainant on July 26, 2023 with a termination date of August 9, 2023. (Tr. 49, 51; PPL Electric Exhibit 10).

28. Complainant's service was not terminated due to Complainant filing this Formal Complaint with the Commission. (Tr. 52).

DISCUSSION

Legal Standard

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. *Se-Ling Hosier, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

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) ("*Milkie*"); *Burleson v. Pa. Pub. Util.*

Comm'n, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983). As the party seeking relief from the Commission, Mr. Ibrahim bears the burden of proof in this case.

In this case, Complainant makes an allegation of overbilling. Overbilling, if proven by a preponderance of the evidence, falls under a quality-of-service issue which is within the Commission's jurisdiction under Section 1501 of the Public Utility Code, which states in pertinent part:

Character of service and facilities. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S. § 1501.

Thus, the statute at 66 Pa.C.S. § 1501 governs any allegations of unreasonable or inadequate service. Pursuant to 66 Pa.C.S. § 1501, the Commission has original jurisdiction over the reasonableness and adequacy of public utility service. *Elkin v. Bell Tel. Co. of Pa.*, 372 A.2d 1203 (Pa. Super. 1977) *aff'd* 420 A.2d 371 (Pa. 1977); *Behrend v. Bell Tel. Co. of Pa.*, 243 A.2d 346 (Pa. 1968). As a general proposition, neither the Public Utility Code nor the Commission's regulations require public utilities to provide constantly flawless service. The Public Utility Code at 66 Pa.C.S. § 1501 does not require perfect service or the best possible service but does require public utilities to provide reasonable and adequate service. *Analytical Lab'y Servs., Inc. v. Metro. Edison Co.*, Docket No. C-20066608 (Opinion and Order entered Dec. 21, 2007); *Emerald Art Glass v. Duquesne Light Co.*, Docket No. C-00015494 (Opinion and Order entered June 14, 2002); *Re: Metro. Edison Co.*, 80 Pa.P.U.C. 662 (1993).

In cases of alleged high billing, the Commission applies the *Waldron* rule, which provides that to establish a *prima facie* case of overbilling, a Complainant must show: (1) that the

number of occupants in the household has not changed, (2) that the potential for energy utilization was low and (3) that Complainant's billing history shows no prior abnormalities. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980) ("*Waldron*"); *Repogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980).

In *Milkie*, the Commonwealth Court of Pennsylvania further refined the *Waldron* rule by holding:

[w]hile the [*Waldron*] rule is often explained by stating that the ratepayer must establish certain specific elements in order to make out a prima facie case of overbilling by a utility company, we believe this view is too restrictive. Rather the controlling principle is that even where the utility can present evidence that it has tested the customer's meter and found it to be accurate, the customer may nonetheless prove his case by circumstantial evidence, which would support a finding that the metered usage exceeded the actual usage. Thus, as our Supreme Court has explained, the rule operates as a device by which the complainant is protected from dismissal because of his inability to marshal *direct* proof that his meter had malfunctioned. *Burleson v. Pennsylvania Pub. Util. Comm'n*, 501 Pa. 433, 435-36, 461 A.2d 1234, 1235 (1983).

Milkie 768 A.2d at 1219-20 (footnote omitted) (emphasis in original).

The Commission restated its position for the purpose of clarifying the *Waldron* test in *Bennett v. Peoples Natural Gas Co., LLC*, Docket No. C-2009-2122979 (Opinion and Order entered Oct. 13, 2010) ("*Bennett*"). In *Bennett*, the Commission stated:

[w]hile a comparison of the disputed monthly bill to the Complainant's billing history and the consistency of her usage pattern are important criteria to consider, they alone do not resolve the issue of the Complainant's disputed high bill Also, this interpretation does not allow for other relevant facts or circumstances with probative value to be considered as evidence supportive of a high bill complaint. *Waldron* does not limit the establishment of a *prima facie* case to the above two elements alone. Rather, the Commission may consider the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household

or potential energy utilization), *and* any other relevant facts or circumstances that come to light during the proceeding.

Bennett at 6. (emphasis in the original).

In *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011) (“*Thomas*”), the Commission explained that:

consistent with our holding in *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Order entered October 13, 2010), the *Waldron* Rule allows a complainant to establish a *prima facie* case in a “high bill” complaint by showing that the disputed bill is abnormally high when compared to prior usage patterns and his or her pattern of usage has not *changed or by providing other relevant evidence showing that the disputed bill is unreasonably high*. In evaluating a “high bill” complaint, the Commission may consider such evidence as “the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), *and any other relevant facts or circumstances that come to light during the proceeding.*” *Id.* at 6 (emphasis added).

Thomas at 5.

The Commission has also considered circumstances where a Complainant contends that their utility bill is inordinately large as compared to their perceived utility usage. In *Kirby v. PPL Electric Utilities Corp.*, the Commission ruled that, “[c]omplainant’s testimony consisted solely of his opinion that these charges are too high. Regardless of how earnestly Complainant believes the complaint allegations to be true, personal opinions or perceptions do not constitute substantial evidence sufficient to permit him to sustain his burden of proof.” *Kirby v. PPL Elec. Util. Corp.*, Docket No. C-20066297, Initial Decision at 6 (Final Order entered Nov. 16, 2006).

High Bill Dispute

In this case, Mr. Ibrahim alleged that PPL overbilled billed him for electricity based on higher-than-normal kWh usage for between December 2022 and March 2023, including

one-month bills of approximately \$1,500, \$800 and \$700. (Tr. 10-13). In support of his claim, Mr. Ibrahim testified that two adults, including himself, have resided at the service property since October 2022 and the service property is a townhouse with three bedrooms, two bathrooms, a living room and a kitchen. (Tr. 10, 13-15). Mr. Ibrahim further testified that the service property uses electric baseboard heat as the sole heat source, the thermostat is kept between 65° F and 68° F and the service property has a washer and hot water heater that run on electric. (Tr. 10-11, 14-15). Mr. Ibrahim also provided that that he and his father previously lived in a different townhouse across the street from the service property that was supplied by PPL and the electric bills were not as high. (Tr. 11, 13-14).

In opposition, PPL presented eight exhibits as well as testimony from Alicia Watkinson, a customer contact center supervisor, and Tami Roland, a senior customer service representative. PPL Electric exhibits along with testimony from Ms. Watkinson described Mr. Ibrahim's kWh usage at the service property between September 2022 and December 2023, the reason for PPL issuing an estimated bill in December 2022, the fact that the December 2022 bill was underestimated and the inclusion of the underestimated kWh usage on the January 2023 bill. (Tr. 25-28; PPL Electric Exhibits 6-8).

Also, in opposition to Mr. Ibrahim's claims, Ms. Roland testified PPL has communicated with Mr. Ibrahim regarding the high bill claims several times, that Mr. Ibrahim owed \$2,837.42, and that Mr. Ibrahim was not eligible for the "On Track" assistance program based on his income. (Tr. 47-48, 52-53; PPL Exhibits 2, 8). Ms. Roland further testified that PPL did issue a termination notice and that service was not terminated due to Mr. Ibrahim filing a complaint. (Tr. 49, 51-53).

Based on the evidence presented, I find that Mr. Ibrahim did not present sufficient credible testimony to establish a *prima facie* case under the *Waldron* Rule as clarified by the Commission in *Bennet* and *Thomas*. Although Mr. Ibrahim provided uncontradicted testimony establishing that the number of people residing at the service property did not change, he failed to establish that the potential for energy use was low. It is uncontested that the service property relies on electric baseboard heat as its sole heat source so the simple fact that kWh use increased

in the colder months does not support Mr. Ibrahim's claim. Furthermore, Mr. Ibrahim's arguments that he keeps the heat set between 65° F and 68° F and that his electric bills were lower when they lived in a townhouse across the street are not persuasive on this issue because neither factor shows that the potential energy use for the current service property would necessarily be low in the colder months. Specifically, while keeping the thermostat set lower may decrease potential energy use, it does not eliminate the overall additional energy use needed to keep the temperature at the set range during colder months. Similarly, there was no evidence presented to demonstrate that the previous townhouse that Mr. Ibrahim resided at was comparable to the current service property in terms of size, insulation, energy efficiency, heat source, etc.

Next, prevailing case law focuses on the issue of billing history. *Thomas*. As previously indicated, Mr. Ibrahim contested billing for use between December 2022 and March 2023. Mr. Ibrahim failed to provide any specific testimony or evidence to support that the kWh usage during the current period was abnormally higher than in prior years during the same period. The only evidence that he provided was a general statement that his electric bills were lower when he resided in a different property in the same area. This is insufficient to support his claim.

Contrary to Mr. Ibrahim, PPL provided documentation along with testimony from Ms. Watkinson at the hearing showed that Mr. Ibrahim's kWh usage between December 2022 and March 2023 was not abnormal for the service property. As explained by Ms. Watkinson, Mr. Ibrahim's actual kWh usage for the December 2022 billing period was 6134 kWh. (Tr. 26). Because he was initially underbilled for this usage by an estimated bill for 2699 kWh, the remaining 3435 kWh were added on to his January/February bill. (Tr. 27). Those numbers have been adjusted in the below chart to give an accurate reflection of kWh usage in the service property for each month in the contested period in order to better compare kWh usage before and during Mr. Ibrahim's time in the service property.

	kWh usage prior to Complainant in 2021/2022	Complainant's kWh usage in 2022/2023
Nov. – Dec.	4306 kWh	6134 kWh
Dec. – Jan.	6179 kWh	4290 kWh
Jan. – Feb.	6111 kWh	4303 kWh
Feb. – March	4159 kWh	4039 kWh
March – Apr.	4157 kWh	2510 kWh

(Tr. 26-29, 33-36; PPL Electric Exhibits 8 and 9).

The documentation and testimony presented supports that Mr. Ibrahim's kWh usage at the service property was consistent with prior kWh usage at the service property. This is evident by the fact that there are several months where Mr. Ibrahim's kWh usage at the service property during the contested period was higher than the same period the prior year, but there are also several months where Mr. Ibrahim's kWh usage was lower compared to the same period the prior year. Thus, there is no clear pattern to support that Mr. Ibrahim's kWh usage was abnormal or constituted a dramatic increase.

Having failed to demonstrate that the potential for energy utilization was low or that billing history demonstrated a dramatic increase in his usage, I find that Mr. Ibrahim has not presented a *prima facie* case for overbilling.

Unreasonable Customer Service Claim

At the hearing, Mr. Ibrahim testified that he requested a meter test from PPL in or around February 2023, but he could not remember a specific date for the request. (Tr. 15-18). Mr. Ibrahim further testified that no meter test was conducted and he did not pay any fees associated with a meter test. (Tr. 15-18).

In opposition, Ms. Watkinson testified that Mr. Ibrahim never requested a meter test and that no meter test was performed. (Tr. 42-44). Ms. Watkinson also cited PPL's Account Contact History to support the fact that there were no entries showing that Mr. Ibrahim ever requested a meter test. (PPL Electric Exhibit 2). Additionally, Ms. Roland testified that Mr. Ibrahim was advised in the BCS decision dismissing his Informal Complaint that he could contact PPL if he wanted to have his meter tested, but Mr. Ibrahim never requested a meter test.¹ (Tr. 55).

In this case, I find the testimony of Ms. Watkinson and Ms. Roland to be more credible and persuasive than that of Mr. Ibrahim. In assessing the credibility of witnesses, a presiding officer considers their manner of testifying, apparent candor, intelligence, personal interest and bias or lack of it when determining what weight shall be given to their testimony. *Danovitz. v. Portnoy*, 161 A.2d 146 (Pa. 1960). A trier of fact may consider such factors as a witness' appearance, his/her general bearing, conduct on the stand, demeanor, manner of testifying, such as candor or frankness or clearness of statements, intonation of voice, and positiveness of the witness and his/her uncertainty as to facts. *In re Gaston's Estate*, 62 A.2d 904 (Pa. 1949).

Mr. Ibrahim's testimony was vague and lacked confidence as to when he purportedly requested a meter test and he provided no corroborating evidence to support his claim. Furthermore, Mr. Ibrahim acknowledged that he never paid any fee to PPL for a meter test, which is a requirement to trigger PPL's obligation to test the meter. 52 Pa. Code § 57.22.

To the contrary, Ms. Watkinson and Ms. Roland provided clear and specific testimony with confidence. Additionally, their testimony was corroborated by documentation showing other contacts PPL had with Mr. Ibrahim, but no meter request was reflected. Thus, I find that Ms. Watkinson's and Ms. Roland's testimony was more credible than Mr. Ibrahim on this issue.

¹ BCS dismissed Complainant's Informal Complaint for this billing dispute on April 18, 2023. (Tr. 55; PPL Exhibit 3). The current Complaint is not an appeal from that BCS determination.

Accordingly, I find that Mr. Ibrahim failed to establish a customer service violation for PPL not performing a meter test.

CONCLUSIONS OF LAW

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

2. A public utility must provide reasonable and adequate service. 66 Pa.C.S. § 1501; *Analytical Lab’y Servs., Inc. v. Metro. Edison Co.*, Docket No. C-20066608 (Opinion and Order entered Dec. 21, 2007); *Emerald Art Glass v. Duquesne Light Co.*, Docket No. C-00015494 (Opinion and Order entered June 14, 2002); *Re: Metro. Edison Co.*, 80 Pa.P.U.C. 662 (1993).

3. A public utility is required to perform a meter test upon written request of the customer and payment of the associated fee. 52 Pa. Code § 57.22.

4. The party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

5. 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).

6. The act or failure to act must be a violation of the Public Utility Code, the Commission’s regulations, or an outstanding order of the Commission. 66 Pa.C.S. § 701.

7. “Burden of proof” means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

8. Preponderance of the evidence is tantamount to a “more likely than not” inquiry. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

9. The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704.

10. “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).

11. 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 by a preponderance of the 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); *see also, Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

12. A complainant may establish a *prima facie* case in a “high bill” complaint by showing that the disputed bill is abnormally high when compared to prior usage patterns and his or her pattern of usage has not changed or by providing other relevant evidence showing that the disputed bill is unreasonably high. In evaluating a “high bill” complaint, the Commission may consider such evidence as “the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), and any other relevant facts or circumstances that come to light during the proceeding.” *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011)

13. Complainant failed to meet his burden of proof that Respondent's failure to perform a meter test was unreasonable or inadequate service. 66 Pa.C.S. §§ 332(a), 1501.

14. Complainant failed to meet his burden of proof that Respondent overbilled him for electric service from December 2022 to March 2023. 66 Pa.C.S. §§ 332(a), 701.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Paulos Ibrahim in Paulos Ibrahim v. PPL Electric Utilities Corporation at Docket No. C-2023-3042066 is denied.

2. That the matter at Docket No. C-2023-3042066 be marked closed.

Date: March 7, 2024

/s/
Chad L. Allensworth
Administrative Law Judge