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April 8, 2024

***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: Joseph McAndrew v. PPL Electric Utilities Corporation**  
**Docket No. F-2023-3041730**

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Dear Secretary Chiavetta:

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

Respectfully submitted,



Nicholas A. Stobbe

NAS/kl  
Attachment

cc: Pam McNeal (*via email; w/attachments*)  
Office of Special Assistants (*via email; w/attachments*)  
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**

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Date: April 8, 2024



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Nicholas A. Stobbe

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joseph McAndrew,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2023-3041730
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**REPLIES OF PPL ELECTRIC UTILITIES CORPORATION TO THE  
EXCEPTIONS OF JOSEPH MCANDREW**

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Date: April 8, 2024

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## **I. INTRODUCTION**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby file its Replies to the Exceptions of Joseph McAndrew (“Complainant”). The Complainant filed his Exceptions to the well-reasoned March 8, 2024, Initial Decision (“ID”) rendered by Administrative Law Judge F. Joseph Brady on or around March 27, 2024.<sup>1</sup> The ID held that Complainant failed to carry his burden of proof to show that PPL Electric incorrectly billed him for the billing period encompassing December, 2022, or otherwise violated the Public Utility Code or a Pennsylvania Public Utility Commission (“Commission”) order or regulation. (ID at 5-6; Conclusions of Law ¶ 4.)

For the reasons set forth herein, PPL Electric respectfully submits that Complainant’s Exceptions should be denied, that the ID should be adopted without modification, and that the Complaint should be dismissed in its entirety.

## **II. REPLIES TO EXCEPTIONS**

### **A. REPLY TO EXCEPTION NO. 1: THE ALJ PROPERLY CONSIDERED THE ESTIMATED BILL RENDERED TO THE COMPLAINANT**

***See ID at 3 (Finding of Fact No. 4), and 5.***

In his First Exception, the Complainant points to Finding of Fact No. 4 in the ID, which reads:

In December 2022, customer meter data was not transferring from PPL’s meter data management system (“MDMS”) to its customer service system (“CSS”) for many customers, including the Complainant, which resulted in customers receiving bills based on estimated usage instead of actual usage.

(ID at 3 (Finding of Fact No. 4); Tr. 18; Exception No. 1.)

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<sup>1</sup> On March 27, 2024, PPL Electric was served with the Complainant’s Exceptions by a staff member at the Pennsylvania Public Utility Commission (“Commission”). The Complainant did not initially serve the Company with his Exceptions, and no Certificate of Service was included with the same. On March 28, 2024, PPL Electric was served with the Complainant’s Exceptions formally through the Commission’s e-serve system.

It is unclear what Mr. McAndrew is excepting to in pointing out this portion of the ID. Indeed, PPL Electric witness Alicia Watkinson fully explained the technical circumstances leading to the issuance of an estimated bill to the Complainant, explaining that:

[PPL Electric's] meter data was not being transferred from [PPL Electric's] command center into the meter data management system, and because the information wasn't properly being transferred, the actual usage was not being sent out on the bills.

(Tr. 18.)

Additionally, Ms. Watkinson fully explained the method the Company used to issue an estimated bill to the Complainant:

[PPL Electric] take[s] the prior year for the same period, so we take the average daily usage and we multiply it by the number of days. So in 2021, the usage for that period was about 62 kilowatt hours a day, and that bill was for 34 days. So we took that number for 2022 and we multiplied it into a 36-day bill period.

(Tr. 18.)

The Commission's regulations permit public utilities, such as PPL Electric, to issue estimated bills every other billing month. *See* 52 Pa. Code § 56.12(2). Moreover, the Commission's regulations permit PPL Electric to issue estimated billed for customers due to exigent circumstances, such as "equipment failure," as was the case here, and fully explained by Ms. Watkinson. 52 Pa. Code § 56.12(3). The Complainant does not dispute the circumstances that caused the December, 2022 bill to be issued in the first place. Importantly, the December, 2022 bill was the only estimated bill issued by the Company to the Complainant during the disputed period. (*See* PPL Electric Exhibit No. 5.)

Further, PPL Electric offered un rebutted evidence as to the reasons the Complainant may have experienced increased bill amounts during the disputed period. Indeed, Ms. Watkinson explained that the Company's price-to-compare ("PTC") has changed since 2022. (Tr. 29.) As

explained by PPL Electric “on December 1<sup>st</sup> of 2022, [PPL Electric’s] rate had gone up from the previous year. It went from 9.5 cents to 14.6 cents, so that would cause the sizeable increase in the bill.” (Tr. 29.) Furthermore, PPL Electric explained that it alerts its customers of any changes to the PTC. (Tr. 29.) These facts, paired with the Complainant’s relatively consistent electricity consumption for corresponding billing periods every year, fully explains why the Complainant may have had higher bills during the disputed period than in previous years.

PPL Electric also notes that it explained the steps that it had taken to prevent the circumstances that caused the estimated bills from occurring again. (Tr. 28-29.) Furthermore, PPL Electric fully explained the “true-up” process to reconcile the Complainant’s underestimated bill issued in December, 2022, with the Complainant’s subsequent bill issued on January 25, 2024. (Tr. 22.) At all times relevant to the Complaint, PPL Electric was capturing actual meter reading data. (See PPL Electric Exhibit No. 5; PPL Electric Exhibit Nos. 6-7; Tr. 19.) There is no record evidence to indicate that PPL Electric was not compliant with the Public Utility Code, Commission’s regulations, and the Company’s Commission-approved Tariff. The Complainant does not contend otherwise, nor offers substantive reasoning to support his contention that his bill(s) were incorrect. Therefore, the Complainant’s Exception No. 1 should be denied.

**B. REPLY TO EXCEPTION NO. 2: THE COMPLAINANT’S SECOND EXCEPTION REITERATES MUCH OF HIS FIRST EXCEPTION AND RELIES ON EXTRA-RECORD EVIDENCE THAT SHOULD BE DISREGARDED**

In Exception No. 2, the Complainant reiterates much of the same qualms regarding the estimated bill that were addressed fully in Section II(A), *supra*, and will not be addressed here in full again. However, PPL Electric will separately address a number of the Complainant’s additional arguments raised in Exception No. 2.

First, the Complainant contends that “on December 29, 2022, PPL [Electric] issued another bill to [Complainant]... based on estimated usage.” (Exception No. 2.) This is not the case. As explained by Ms. Watkinson, PPL Electric issued one estimated bill to the Complainant during the disputed period. (Tr. 17-18; PPL Electric Exhibit Nos. 1, 5.) That single estimated bill was rendered on December 29, 2022. (*See* PPL Electric Exhibit Nos 1, 5.) The subsequent bill rendered on January 25, 2023, was reflective of the underestimated usage by the Complainant in the preceding billing period, as well as the Complainant’s consumption for the January billing period. (Tr. 19.) The Complainant is incorrect in alleging that two estimated bills were issued to his account in December of 2022, and there is no evidentiary support for this contention.

Second, the Complainant’s contention that his estimated bill was incorrectly high is undercut by the fact that the Complainant’s usage, year over year, has been consistent and fluctuated with seasonal temperatures. (*See* Tr. 25 (“the usage does tend to go up in the wintertime.”)) This fact is evidenced by the Company’s on-record presentation of the Complainant’s consumption history, which is reproduced from PPL Electric Exhibit No. 5 below:

From	To	Source	KWH Delivered	KWH Delivered Usage
09/22/2023	10/23/2023	Regular	95904	841
08/23/2023	09/22/2023	Regular	95063	930
07/25/2023	08/23/2023	Regular	94133	1153
06/23/2023	07/25/2023	Regular	92980	1244
05/24/2023	06/23/2023	Regular	91736	894
04/25/2023	05/24/2023	Regular	90842	859
03/24/2023	04/25/2023	Regular	89983	1082
02/23/2023	03/24/2023	Regular	88901	1752
01/25/2023	02/23/2023	Regular	87149	1835
12/28/2022	01/25/2023	Regular	85314	1808
11/22/2022	12/28/2022	Forced Est	83506	2263
10/24/2022	11/22/2022	Regular	81243	1052
09/23/2022	10/24/2022	Regular	80191	829
08/24/2022	09/23/2022	Regular	79362	1007
07/26/2022	08/24/2022	Regular	78355	1162
06/24/2022	07/26/2022	Regular	77193	1436
05/25/2022	06/24/2022	Regular	75757	1122
04/26/2022	05/25/2022	Regular	74635	808
03/25/2022	04/26/2022	Regular	73827	1270
02/25/2022	03/25/2022	Regular	72557	1407
01/27/2022	02/25/2022	Regular	71150	2027
12/28/2021	01/27/2022	Regular	69123	2282
11/24/2021	12/28/2021	Regular	66841	2137
10/26/2021	11/24/2021	Regular	64704	1286
09/27/2021	10/26/2021	Regular	63418	761
08/26/2021	09/27/2021	Regular	62657	1054
07/28/2021	08/26/2021	Regular	61603	1384
06/28/2021	07/28/2021	Regular	60219	1201
05/27/2021	06/28/2021	Regular	59018	1183
04/28/2021	05/27/2021	Regular	57835	879
03/29/2021	04/28/2021	Regular	56956	1037
02/26/2021	03/29/2021	Regular	55919	1845
01/27/2021	02/26/2021	Regular	54274	2329
12/28/2020	01/27/2021	Regular	51945	2115
11/24/2020	12/28/2020	Regular	49830	1938

As is clear from the data shown in PPL Electric Exhibit No. 5, and reproduced above, the disputed bill(s) and relevant consumption for the associated billing period(s) are not out of line with the Complainant’s historical electricity consumption, which he does not dispute. (See PPL Electric Exhibit No. 5.) Instead, and as fully explained by PPL Electric at the Evidentiary Hearing, increases to the Complainant’s bill amounts are due to changes in the Company’s PTC, rather than the Complainant’s consumption (as recorded through actual meter readings) going significantly up or down. The ID correctly recognized this. (ID, p. 5 (“[t]he actual reason [the Complainant’s] electric bill increased was that PPL[] [Electric’s] rate increased approximately 54%... in accordance with [PPL Electric’s] Commission-approved tariff.”))

Lastly, several of the Complainant's factual averments with respect to Exception No. 2 constitute extra-record evidence that potentially could have been – but was not – introduced during the November 15, 2023 Evidentiary Hearing. Indeed, the Complainant references a conversation he allegedly had with a PPL Electric representative via telephone. (Exception No. 2.) While certain portions of that alleged conversation were allowed into the record in this proceeding, there is no record evidence to suggest that PPL Electric's representative “laughed” at the Complainant or told the Complainant that all estimated bills are overestimated. (Exception No. 2.) This contention, while extra-record, is undercut again by the fact that PPL Electric slightly underestimated the Complainant's December 29, 2022 bill by 141 kilowatt hours (“kWh”), which was included with the Complainant's subsequent bill. Relatedly, the Company introduced and explained its contacts with the Complainant related to the estimated bill, noting that “[t]here were several occasions where all [sic] we attempted to explain it.” (Tr. 28; PPL Electric Exhibit No. 2.)

Under 52 Pa. Code § 5.431, “[o]nce the record is closed, no additional evidence may be introduced or relied upon by a participant unless allowed for good cause shown by the Commission or presiding officer.” The Commission has accordingly stricken those portions of Exceptions or Reply Exceptions that rely on extra-record evidence. *See Application of Apollo Gas Company*, Docket No. A-120450F003, 1994 PUC LEXIS 45 (1994) (“Post hearing objections to a decision must be based on evidence in the record” and “[t]he inclusion of extra-record documents with Exceptions or Replies to Exceptions is not permitted without order of this Commission.”)

As such, the Complainant's Exception No. 2 should be denied and the well-reasoned ID should be adopted without modification.

**III. CONCLUSION**

WHEREFORE, for the foregoing reasons, and those set forth in the Initial Decision, the Exceptions of Joseph McAndrew should be denied and the Initial Decision should be adopted without modification.

Respectfully submitted,



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