**BEFORE THE**
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|---|---|---|
| Joann Roberts and<br>James Roberts | :<br>: | |
| v. | : | F-2024-3046011 |
| PPL Electric Utilities Corporation | : | |

# INITIAL DECISION

Before
Michael J. Mroczka
Special Agent

## INTRODUCTION

This Initial Decision dismisses the Formal Complaint of an electric service customer for failure of Complainants to meet their burden of proof that PPL Electric Utilities Corporation violated the Public Utility Code, a Commission regulation, a Commission Order, or a company tariff.

## HISTORY OF THE PROCEEDING

On January 12, 2024, Joann Roberts (Ms. Roberts) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL, Company or Respondent).[1] In the Complaint, Ms. Roberts

[1] The Complaint is a timely appeal of a decision by the Commission's Bureau of Consumer Services (BCS) at BCS No. 3940212. The timely appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

checked the boxes requesting a payment agreement,[2] alleging incorrect charges on her bill, and "Other." In the space after "Other," Ms. Roberts explained:

> [d]espite repeated requests last year, the company never furnished us with any explanation as to what the revised on track program entailed or the accompanying paperwork showing the complete work used for calculations. No supervisor ever step[ped] forward to provide such a briefing. All that we were told was that "everything is right." I did not learn about the inner workings of the program until after the investigator had already dismissed the complaint and then sent us a copy of his decision.

Compl. ¶ 4. Under requested relief, Ms. Roberts stated:

> The PUC really needs to take a long, hard look at how PPL devised their own revised plan as well as how effectively it is managing it. The current plan also does not have any mechanism in place by which a customer can challenge, let alone discuss the payment amount determination. As such an agreement may be necessary in this case. If you decide that we, as customers, were not billed correctly, a billing refund should be ordered. This assessment should include an examination of the service fees charged and the time that the payment amount became disputed, especially since the company offered no resolution. The company put in place[,] unilaterally[,] a plan that was never reviewed by us before. The company should be offered the chance to explain itself. It is now evident that the company did indeed not manage our account in accordance with its universal service plan[,] as such a fine should definitely be considered. Once this matter is finally resolved we hope that the PUC will chart a clear path forward for the sake of all customers of this company, not just us.

Compl. ¶ 5.

On February 26, 2024, PPL filed a timely Answer to the Formal Complaint which admitted in part and denied in part various material allegations of the Complaint.[3] In its Answer, Respondent denied that they were required to provide notice of the price change under the Public

[2] While a request for a payment arrangement was checked, it was clear from testimony that Complainants were not looking for a payment arrangement, but a review of their charges on the OnTrack program.

[3] The Formal Complaint was served on PPL on February 5, 2024.

Utility Code, Commission regulations or a Commission Order. PPL further alleged that the Commission does not regulate the supply prices charged by electric generation suppliers.

By Hearing Notice dated February 28, 2024, an Initial Call-In Telephonic Hearing was scheduled for April 17, 2024, and the matter was assigned to me.

A Prehearing Order was issued and served on March 15, 2024, reminding the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to this proceeding.

On April 17, 2024, the hearing convened as scheduled. James Roberts (Mr. Roberts) appeared on behalf of his mother. Peter J. Kramer, Esq. and Nicholas A. Stobbe, Esq. appeared on behalf of PPL. Prior to the hearing, the parties agreed that Mr. Roberts would be added as a co-complainant in this matter since he is part of the household (The co-complainants will hereinafter be referred to separately as Mr. Roberts and Ms. Roberts and together as Complainants). *See* Tr. 5. Mr. Roberts represented the household *pro se*, testified on his own behalf, and offered no exhibits for the record. PPL presented the testimony of one witness, Kelly Bell, customer service representative. Ms. Bell sponsored the following five exhibits, which were admitted into the record:

PPL Exhibit 1 – Account Activity
PPL Exhibit 2 – Customer Contacts
PPL Exhibit 4 – OnTrack Standard Agreement Letter 8/21/23
PPL Exhibit 5 – OnTrack Program New Terms Letter 7/19/23
PPL Exhibit 6 – OnTrack Program Approved USEP

During the hearing, I requested that PPL provide copies of Ms. Roberts's OnTrack application and the prior OnTrack Program Description as late-filed exhibits. I also provided the Complainants ten days to submit any late-filed exhibits that they may wish to be entered into the record as late-filed exhibits. On April 25, 2024, PPL submitted its late-filed exhibits. Complainants did not object to the admission of PPL's late-filed exhibits. On May 3, 2024, Complainants' late-filed exhibits were submitted via email from Stacy Spano, Constituent Services Representative for State Senator Marty Flynn, copying Attorney Kramer. Although

these exhibits were submitted after the ten days directed at the hearing, PPL did not object to the admission of the late-filed exhibits. The following late-filed exhibits will be admitted in the ordering paragraphs below:[4]

PPL Exhibit 8 – OnTrack Application
PPL Exhibit 9 – Approved PPL USECP 2017-2019
Complainants Exhibit 1 – Undated LIHEAP Application Letter
Complainants Exhibit 2 – Bill Due 4/25/24
Complainants Exhibit 3 – July 5, 2023 OnTrack Reapplication Letter, Instructions, and Application
Complainants Exhibit 4 – July 18, 2023 OnTrack Letter Addressing Changes to Program
Complainants Exhibit 5 – August 4, 2023 Letter Addressing Changes to Next Bill and New Payment Amount of $149
Complainants Exhibit 6 – August 21, 2023 OnTrack Approval Letter for $162
Complainants Exhibit 7 – August 28, 2023 Letter Regarding Account Balance and Account Activity Statement 8/5/21—8/24/23

The record closed on May 13, 2024, when I received the 115-page transcript.

## FINDINGS OF FACT

1. The Complainants are Joann Roberts and James Roberts, who reside at 71 Mt. Bethel Drive, Clarks Summit, Pennsylvania 18411 (Service Address). Tr. 7.

2. The Respondent is PPL Electric Utilities Corporation, a jurisdictional public utility, which provides electric service to Complainants at the Service Address. Tr. 7.

3. Complainants are the only residents at the Service Address. Tr. 11.

4. Complainants' current gross monthly household income is $2,385. Tr. 12

[4] Complainants also submitted Exhibit 8, a document similar to PPL Exhibit 3, which was objected to and not admitted at the hearing. Because this matter is subject to *de novo* review, Complainant Exhibit 8, like PPL Exhibit 3, is not relevant and has no bearing on this decision. Therefore, it will not be admitted.

5. At the time of the OnTrack application in August 2023, Complainants' monthly household income was $2,311.

6. In March 2023, the Commission approved a new OnTrack program at Docket No. M-2022-3031727 and in August 2023, customers were transitioned to the new OnTrack program. Tr. 95.

7. Under the new program, monthly payments would be based on a percentage of income or average electric bill.

8. Under the new program, there is a different percentage of income used depending on whether the household uses electric heat. At Complainants' household income level, the percentage applied for households with electric heat is 7%. The percentage used for households without electric heat is 4%. Tr. 39, 73; PGW Ex. 6.

9. Under the old program, the OnTrack calculation did not consider whether the household used electric heat or another source of heat. Tr. 97; PGW Ex. 9.

10. Supplemental electric heat is not considered electric heat for the purposes of OnTrack. Tr. 74-75.

11. On July 5, 2023, the OnTrack recertification letter was sent to Complainants. Tr. 84; PGW Ex. 2.

12. On July 14, 2023, the OnTrack agency reached out to Mr. Roberts regarding the certification due date. Tr. 84-85; PGW Ex. 2.

13. On August 2, 2023, Complainants' OnTrack recertification was submitted. Tr. 85; PGW Ex. 2.

14. On August 4, 2023, PPL sent Complainants a letter explaining that with the new OnTrack format, their payment would be $149 per month. Compl. Ex. 5.

15. OnTrack was transitioned to the new format on August 5, 2023. Tr. 85; PGW Ex. 2.

16. On August 8, 2023, Complainants were switched to the new installment type, which was 7% of the household income. Tr. 85; PGW Ex. 2.

17. On August 10, 2023, an income verification e-mail reminder was sent to Complainants. Tr. 85; PGW Ex. 2.

18. On August 11, 2023, the Complainants were advised of a $156 OnTrack payment amount. Tr. 85; PGW Ex. 2.

19. On August 21, 2023, Complainants called PPL and advised of a change in income and Complainants' OnTrack payment amount was changed to $162. Tr. 83, 85; PGW Ex. 2.

20. Had Complainants' account been listed as non-electric heat, the monthly OnTrack bill would have been $93.[5] Tr. 74, 96.

21. PPL's notices regarding the OnTrack program adjustments did not address the change in the program regarding the difference in OnTrack billing between homes with electric heat and homes without electric heat. Tr. 92; s*ee* Compl. Exs. 3, 4, 5, 6, 7; PPL Exs. 4, 5.

22. The OnTrack online application requires the applicant to select the type of heating in the home. PPL Ex. 8 at 3.

[5] $2,311 x .04 = $92.44.

23. The OnTrack paper application provides a section to select a primary heat source and provide the expenses for that heat source. Compl. Ex. 3 at 3.

24. When filling out the online OnTrack application, Complainants selected "Electric" for the question, "What type of installed heating does your home have?" PGW Ex. 8.

25. Complainants' PPL account was opened in 1971 in the name of Joseph Roberts. Tr. 59, 70.

26. PPL has had Complainants' account marked as electric heat since at least October 16, 2000. Tr. 70-71.

27. Complainants' usage patterns are consistent with electric heat. Tr. 31, 40.

28. It is a customer's responsibility to notify PPL of any change of heat source. Tr. 78.

29. PPL will complete an investigation of the heat source if it is notified by the customer of a change in heat source. Tr. 93.

30. Complainants' outstanding balance at the time of the hearing was $31.75. Tr. 53; PPL Ex. 1.

## DISCUSSION

The Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, 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 (Opinion and Order entered Feb. 8, 1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 1976). Such a showing must be by a preponderance of the evidence.

*Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A complainant can meet that burden if he presents evidence more convincing, by even the smallest amount, than that evidence presented by Respondent. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code (Code), a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

The decision of the Commission must be supported by substantial evidence. 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); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *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 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 the 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).

Section 1501 of the Code mandates that a public utility must furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and must make such repairs, changes, alterations, substitutions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons and the public. 66 Pa.C.S. §1501.

The Commonwealth Court has cautioned that the Commission may not sustain a complaint pursuant to Section 1501 unless it finds that a utility has violated a duty to render

reasonable and reliable service. *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947, (Pa. Cmwlth. 1984). Section 1501 "does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor of either perfect service or the best possible service." *Re Metro. Edison Co.*, 80 Pa.P.U.C. 663, 672 (1993). Therefore, the test to determine the adequacy of a utility's service and facilities is that of reasonableness. *Thurby v. West Penn* Power, Docket No. C-2011-2254048 (Order entered Apr. 4, 2013); *Bertsch v. PPL Elec. Utils. Corp.*, Docket No. C-2011-2251784 (Final Order entered Apr. 2, 2012); *Scherich v. Verizon Pa. Inc.*, Docket No. C-2008-2061244 (Final Order entered Jan. 28, 2010).

Complainants argue that PPL provided unreasonable service or violated the Code, a Commission Regulation or Order, or Commission-approved tariff in the following ways: 1) PPL overbilled them under the OnTrack program during months where the usage was lower than the designated OnTrack payment; 2) PPL improperly designated Complainants with a percentage of income rate of 7% when they do not have electric heat, and; 3) PPL did not provide notice that the household heating source is a factor in the calculation of the percent of income rate. As the party seeking relief from the Commission, Complainants bear the burden of proof. 66 Pa.C.S. § 332.

Overbilling Allegation

Complainants allege that at times, the Company is demanding more money than the actual service cost. Mr. Roberts feels that any overpayments should be credited to their account. Tr. 15. However, Complainants' concern can be explained by the OnTrack program's billing calculation. Complainants' monthly bill was calculated by PPL as follows:

> The customer provided monthly income of $2,311.00. . . . This places the customer in the 101 to 150 percent federal poverty guidelines tier. The customer's account shows electric heat. And per the Company's approved Universal Service and Energy Conservation Plan design . . . the percent of income is 7 percent based on the Complainant's tier. We then multiply the 7 percent by the monthly income to arrive at the installment of $162.00.

> The percent of income installment is compared to the monthly average bill. The customer's average monthly bill is $174.00. The $162.00 is the lower of the two payments and is the correct monthly installment amount.

Tr. 39-40; *see also* PPL Ex. 6.

The Company's Universal Service and Energy Conservation Plan was approved by Commission Order. *See PPL Elec. Utils. Corp. Universal Service and Energy Conservation Plan for 2023-2027 Submitted in Compliance with 52 Pa. Code § 57.74*, Docket No. M-2022-3031727 (Order entered Feb. 9, 2023) (*PPL USECP 2023-2027 Order*); *See also PPL USECP 2023-2027 Order*, March 4, 2023 Secretarial Letter. A public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law, and is binding on the utility and the customer. 66 Pa.C.S. § 316; *Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlth. 1997); *Stiteler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlth. 1977). A complainant seeking to evade the effect of an existing tariff provision carries a very heavy burden of proving that the facts and circumstances leading to the creation of the tariff provision have changed so drastically as to render the application of the tariff provision unreasonable. *Shenango Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm'n*, 686 A.2d 910 (Pa. Cmwlth. 1996).

According to the calculation above, Complainants' payment would be the average bill or 7% of the household income, and Complainants were given the lower of the two. Mathematically, an average bill would be more than the electric usage during the months that usage is lower and less than the electric usage during the months usage is higher, but would even out in the end. Complainants' 7% payment is not that much lower than the average monthly bill, which could mean that their payments may be higher during lower usage months. However, since the 7% payment is lower than the average, it guarantees a lower bill during the higher usage months. This is not an overpayment during the lower usage months, but a result of the application of the program, which was approved by the Commission. The program is structured to keep payments low and steady through the higher usage months. I also note that this program is voluntary. Tr. 35.

Complainants have not met their heavy burden of proving that the tariff rates charged to them were unreasonable under the 7% calculation.

Percentage of Income Calculation

Complainants further argue that they were incorrectly calculated at 7% of the monthly household income instead of the 4% rate for households without electric heat. Mr. Roberts states that the household does not have electrical heat but is being charged as if it does. Mr. Roberts contends that Complainants use propane to heat their home. Tr. 22.

PPL calculates a customer's eligibility for OnTrack using the Federal Poverty Income Guidelines (FPIG).[6] With a monthly household income of $2,311 and a household size of two, Complainants are between 101% and 150% of the FPIG. The percentage amounts that are used when PPL calculates the percent of income option are as follows:

| Income Level (Percent of FPIG) | Electric Heat | Non-Electric Heat |
|---|---|---|
| 50% or Below | 5% | 2% |
| 51 to 100% | 6% | 3.5% |
| 101 to 150% | 7% | 4% |

PPL Ex. 6 at 3. If PPL charged Complainants the 4% rate under the percent of income option, their payment would be reduced to $93. Tr. 74, 96.

PPL has Complainants' account marked as electric heat. Tr. 39-40. Mr. Roberts alleges that once the percent of income change was introduced, PPL was obligated to verify the household heat source. Tr. 98. PPL relies on the customers to inform it whether or not the customer has electrical heat in the home or if their heating source has changed. Tr. 78. Complainants' account has been marked as electric heat since at least October 16, 2000. Tr. 71.

[6] *See* Federal poverty guidelines, 89 Fed. Reg. 2961 (Jan. 17, 2024); https://aspe.hhs.gov/sites/default/files/documents/7240229f28375f54435c5b83a3764cd1/detailed-guidelines-2024.pdf

Further, Complainants' electric use increases in the winter months consistent with electric heat. Tr. 31, 39-40. Prior to the hearing, Complainants had not advised PPL that their heat source was not electric. Tr. 41.

Mr. Roberts argued that that there is no option on the OnTrack application to select the heat source. Tr. 25. Mr. Roberts testified he remembers specifically filling in a box for the amount they spent on propane but nothing asking whether they had electric heat. *Id.* I requested that the parties submit copies of the OnTrack application as late-filed exhibits. Mr. Roberts submitted at copy of a paper application. Compl. Ex. 3 at 3. PPL submitted Complainants' completed online application. PPL Ex. 8. On the paper application (which was sent to Complainants prior to the implementation of the new program), under section 5, "Monthly Expenses," there is a section to check a box and list an expense for the applicant's primary heat source.[7] Compl. Ex. 3 at 3. On the online application, there is a question which the applicant is required to answer that states, "What type of installed heating does your home have?" PPL Ex. 8 at 3. Complainants selected "Electric." PPL Ex. 8 at 3. Complainants also selected "Yes" to the statement, "All of the information you entered above is true and accurate to the best of your ability." *Id.*

Based on the information provided to PPL before the hearing, PPL reasonably determined that the household had electric heat, and charged Complainants as if they had electric heat. Therefore, Complainants have not met their burden of proving that PPL unreasonably charged them 7% under the percent of income option.

Notice of the Change in Calculation

Mr. Roberts alleges that since a customer's heating source became part of the calculation for the new OnTrack program, PPL was required to put that in its notices. He states that no notice was provided explaining this specific change. Tr. 99.

[7] I note that this application, and specifically this section, is similar to the updated application submitted by PPL under the *PPL USECP 2023-2027 Order* on August 9, 2023. Further, both the new and old instructions for completing the application state, "[s]elect the type and amount paid for primary heat source and list amount of other monthly expenses." Compl. Ex. 3 at 2; *PPL USECP 2023-2027 Order*, Letter filed Aug. 9, 2023.

Mr. Roberts is correct that the letters and notices sent by PPL did not explain the difference in percentage for electrically heated homes and homes with other heat sources. *See* Compl. Exs. 3, 4, 5, 6, 7; PPL Exs. 4, 5. These notices are the same as the notices sent out to every OnTrack participant. Tr. 76. It is unlikely that had the notices explained that heating source is a factor in the calculation, OnTrack participants would be able to or could afford to change the heating source in their home to qualify for the lower percent of income option.

It is important to note, again, that Mr. Roberts selected "electric heat" when filling out his OnTrack application and agreed that all information entered is true and correct. He also agreed that he was aware that he could be penalized for lying or withholding information. PPL Ex. 8 at 3. Mr. Roberts's argument assumes that had he known about the change in the OnTrack calculation, he might have changed his answer to the heating question in the application, which is suspect. However, the fact remains that Complainants' primary heating is either electric or it is not electric. The evidence presented points to, at the very least, that PPL reasonably understood the household to have electric heat. It would be unreasonable to expect that a customer would change their heat source because a notice explained a lower percent of income for homes not heated with electricity.

Complainants have not met their burden of proving that PPL's failure to include in their notices, that a household's heating source is a factor in OnTrack payment calculation, violated the Public Utility Code, a Commission regulation, or a Commission Order.

Complainants are free to inform PPL that their primary heat source has changed or was mistakenly marked as electric.[8] At that point, PPL shall complete its investigation into the household's heat source and update the account accordingly. However, PPL charging Complainants based on the information that was provided to it is not unreasonable or a violation of the Public Utility Code, a Commission regulation, a Commission Order, or the company tariff.

[8] PPL may find it prudent to treat this matter as notice that Complainants are claiming their primary heat source has changed and initiate their investigation as soon as practicable.

## CONCLUSIONS OF LAW

1. This Commission has jurisdiction over the parties to and subject matter of this case. 66 Pa.C.S. § 701.

2. The burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).

3. A complainant must show, by a preponderance of the evidence, 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 (Opinion and Order entered Feb. 8, 1990); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 1976).

4. The decision of the Commission must be supported by substantial evidence or 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. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr*., 480 A.2d 382 (Pa. Cmwlth. 1984).

5. Once 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 the 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).

6. A public utility must furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and must make such repairs, changes, alterations, substitutions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons and the public. 66 Pa.C.S. §1501.

7. The Commission may not sustain a complaint pursuant to 66 Pa.C.S. § 1501 unless it finds that a utility has violated a duty to render reasonable and reliable service. *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947, 949 (Pa. Cmwlth. 1984).

8. 66 Pa.C.S. § 1501 "does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor of either perfect service or the best possible service." *Re Metro. Edison Co.*, 80 Pa.P.U.C. 663, 672 (1993).

9. The test to determine the adequacy of a utility's service and facilities is that of reasonableness. *Thurby v. West Penn Power*, Docket No. C-2011-2254048 (Order entered Apr. 4, 2013); *Bertsch v. PPL Elec. Utils. Corp.*, Docket No. C-2011-2251784 (Final Order entered Apr. 2, 2012); *Scherich v. Verizon Pa. Inc.*, Docket No. C-2008-2061244 (Final Order entered Jan. 28, 2010).

10. A public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law, and is binding on the utility and the customer. 66 Pa.C.S. § 316; *Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlth. 1997); *Stiteler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlth. 1977).

11. A complainant seeking to evade the effect of an existing tariff provision carries a very heavy burden of proving that the facts and circumstances leading to the creation of the tariff provision have changed so drastically as to render the application of the tariff provision unreasonable. *Shenango Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm'n*, 686 A.2d 910 (Pa. Cmwlth. 1996).

12. The Complainant has failed to carry his burden of proving that PPL Electric Utilities Corporation violated the Public Utility Code, a Commission regulation, a Commission Order, or a company tariff. 66 Pa.C.S. §§ 332(a), 701.

## ORDER

THEREFORE,

IT IS ORDERED:

1. That the caption in this matter is amended to include James Roberts as co-complainant.

2. That Complainants' Exhibits 1-7 are admitted into the record.

3. That Respondent's Exhibits 8 and 9 are admitted into the record.

4. That the Formal Complaint filed by Joann Roberts and James Roberts in Joann Roberts and James Roberts v. PPL Electric Utilities Corporation at Docket No. F-2024-3046011 is denied and dismissed.

5. That Docket No. F-2024-3046011 be marked closed.

Date: August 12, 2024

/s/
Michael J. Mroczka
Special Agent