

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Judith Taptich	:	
	:	
v.	:	C-2023-3042726
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision sustains in part, and denies in part, the Formal Complaint filed by an electric service customer against her electric utility. The Complaint is denied in part because the customer did not meet her burden of proving by a preponderance of the evidence that she was incorrectly billed by the utility. The Complaint is sustained in part because the customer met her burden of proving that her utility did not render her a bill once every billing period pursuant to the utility’s tariff and Commission regulations when it failed to timely render to the customer her January 2023 and February 2023 bills and rendered her multiple bills in March and April 2023. This Decision further finds that the utility did not provide the customer with reasonable service when it failed to communicate with Ms. Taptich the issues surrounding the issuance of her bills. Based on the violations found in this matter, the utility is ordered to pay a civil penalty in the amount of \$500.

HISTORY OF THE PROCEEDING

On September 1, 2023, Judith Taptich (“Complainant” or “Ms. Taptich”) filed a Formal Complaint with the Pennsylvania Public Utility Commission against PPL Electric Utilities Corporation (“Respondent” or “PPL” or “the Company”).¹ In her Complaint, Complainant alleged that Respondent: (1) was threatening to or has shut off her service, (2) was overbilling her, (3) sent her three bills in one week, and (4) keeps bothering her to set up a payment plan. Complainant also alleged that there was something wrong with Respondent’s meter serving her address. The Complaint was served on PPL on September 6, 2023.

On September 26, 2023, Respondent filed an Answer to the Complaint, admitting or denying the allegations of the Complaint. Respondent admitted that it sent Complainant a 10-day termination notice on August 7, 2023. Respondent denied that it overbilled Complainant and that something was wrong with its meter. Respondent admitted that it billed Complainant three times in one week, specifically on March 21, 2023, March 22, 2023, and March 24, 2023. On April 5, 2023, it cancelled the bill it issued on March 22, 2023, and re-issued the bill. On April 6, 2023, it cancelled the bill it issued on March 24, 2023, and re-issued the bill. Respondent also admitted that it has attempted to establish a payment arrangement with Complainant. Respondent concluded its Answer by requesting dismissal of the Complaint.

On November 9, 2023, an Initial Hearing Notice was issued scheduling this matter for an evidentiary hearing to be held on January 3, 2024, and assigning the undersigned as presiding officer.

On December 1, 2023, my Prehearing Order was issued providing the parties with the procedural rules that would govern the evidentiary hearing.

¹ The Complaint is a timely appeal of a decision by the Commission’s Bureau of Consumer Services (BCS) at BCS No. 3914904. The timely appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On January 3, 2024, the evidentiary hearing was held as scheduled. Ms. Taptich appeared *pro se*, testified on her own behalf, and sponsored five exhibits. Nicholas Stobbe, Esquire, appeared on behalf of PPL and presented one witness who sponsored five exhibits. Attorney Stobbe objected to the admission of Ms. Taptich's exhibits. PPL's five exhibits (PPL Electric Exhibit No. 1, 2, 4, 5, 7) were admitted into the record without objection.

During the hearing, Ms. Taptich requested that she be permitted to submit late-filed exhibits as a substitution of the five exhibits she sponsored at the hearing. Her request was granted on the record, and formally granted through my Interim Order issued January 4, 2024. The Interim Order directed Ms. Taptich to submit her late-filed exhibits by January 24, 2024. PPL was directed to submit any objections to the late-filed exhibits by February 14, 2024. By agreement of the parties, via email, Ms. Taptich's deadline to submit late-filed exhibits was extended until January 26, 2024.

On January 23, 2024, an electronic transcript of the initial evidentiary hearing was filed with the Commission.

On January 25, 2024, Ms. Taptich submitted her late-filed exhibits (Complainant Late-Filed Exhibits 1-3). On January 26, 2024, Attorney Stobbe indicated via email that PPL did not have any objections to the admission of the late-filed exhibits into the evidentiary record.

On February 2, 2024, I issued an Interim Order admitting Ms. Taptich's late-filed exhibits and closing the evidentiary record.

On March 19, 2024, the Commission issued a Further Hearing Notice scheduling this matter for a further evidentiary hearing to be held on April 24, 2024.

On March 20, 2024, the Commission issued my Order which reopened the evidentiary record in this proceeding pursuant to 52 Pa. Code § 5.571(d). The Order explained that record was being reopened for the purposes of holding a further evidentiary hearing to gather additional evidence concerning three topics outlined in the Order.

On April 24, 2024, the further evidentiary hearing was held as scheduled. Both parties were present for the further evidentiary hearing. During the hearing, Ms. Taptich again requested the opportunity to submit late-filed exhibits. The request was granted on the hearing record. PPL presented two witnesses who sponsored four exhibits (PPL Electric Exhibit Nos. 8–11) that were admitted into the record without objection.

On April 25, 2024, PPL submitted a late-filed exhibit (PPL Electric Exhibit No. 12) as directed by the undersigned during the further evidentiary hearing.

On May 8, 2024, I received late-filed exhibits (Complainant Late-Filed Exhibits 4-11) submitted by Ms. Taptich pursuant to the discussion had at the further evidentiary hearing. On May 10, 2024, I caused Ms. Taptich’s late-filed exhibits to be served on PPL.

Through email, on May 10, 2024, I directed the parties to inform me if they had any objections to the late-filed exhibits submitted by the opposing party by May 17, 2024. No party submitted objections to the late-filed exhibits.

On May 16, 2024, an electronic transcript of the further evidentiary hearing was filed with the Commission.

On May 20, 2024, I issued an Interim Order admitting the late-filed exhibits submitted by Ms. Taptich and PPL following the further evidentiary hearing and closing the record.

The evidentiary record in this proceeding consists of the transcripts of the initial and further evidentiary hearings (118 pages in total), and the following exhibits:

- Complainant Late-Filed Exhibits 1-11²
- PPL Electric Exhibit No. 1

² Ms. Taptich’s personally identifiable information has been redacted from her exhibits.

- PPL Electric Exhibit No. 2
- PPL Electric Exhibit No. 4
- PPL Electric Exhibit No. 5
- PPL Electric Exhibit No. 7
- PPL Electric Exhibit No. 8 – 11
- PPL Electric Exhibit No. 12

This matter is ready for ruling. For the reasons discussed below, the Complaint will be sustained in part, and denied in part.

FINDINGS OF FACT

1. Complainant is Judith Taptich.
2. Respondent is PPL Electric Utilities Corporation.
3. Ms. Taptich receives electric service from PPL at her service address.
4. Ms. Taptich lives in one section of a modular home, in one room with a bathroom and kitchen. Tr. 72.
5. Electric appliances at the service address include an electric heater, refrigerator, and freezer. Tr. 12.
6. Ms. Taptich’s account activity statement shows that Ms. Taptich’s usage charges for her January, February, and March bills from 2022 and 2023 were as follows:

	2022	2023
January bill	\$116.61 (32 days)	\$504.77 (34 days)
February bill	\$118.14 (28 days)	\$394.70 (28 days)
March bill	\$65.13 (31 days)	\$387.79 (32 days)

PPL Electric Exhibit No. 8.

7. Ms. Taptich’s account activity statement shows that Ms. Taptich was billed for the following kwh in her January, February, and March bills from 2022 and 2023:

	2022	2023
January bill	763 kwh (32 days)	2552 kwh (34 days)
February bill	788 kwh (28 days)	1981 kwh (28 days)
March bill	380 kwh (31 days)	1945 kwh (32 days)

PPL Electric Exhibit No. 8.

8. Ms. Taptich’s bills are based on actual meter readings. Tr. 42.

9. Net metering is a billing process by which a customer who has installed a renewable energy source, such as solar, that produces and supplies electricity back to the grid will be billed based on the net difference between the kilowatt hours the Company delivered to the customer and the kilowatt hours the Company receives from the customer. Tr. 36.

10. Ms. Taptich is a “customer-generator” or a net metering customer, as she installed a 10-kilowatt Solar Edge solar system that she received approval from PPL to operate in April of 2019. Tr. 36, 37.

11. Ms. Taptich’s solar system generated 327.55 kwh in the month of January 2023. Complainant Late-Filed Exhibit 1.

12. Ms. Taptich’s solar system generated 606.9 kwh in the month of February 2023. Complainant Late-Filed Exhibit 2.

13. Ms. Taptich’s solar system generated 839.71 kwh in the month of March 2023. Complainant Late-Filed Exhibit 3.

14. PPL Electric Exhibit No. 5 shows Ms. Taptich's daily kwh usage, the daily kwh her solar system delivered to PPL, and the net difference of the two, for the period of December 16, 2022, to March 20, 2023. PPL Electric Exhibit No. 5.

15. PPL's tariff provides that if a customer-generator supplies more electricity to the Company than the Company delivers to the customer-generator in a given billing period, the excess kilowatt hours will be added to a bank and carried forward and credited against the customer-generator's usage in subsequent billing periods at the full retail rate. Tr. 37; PPL Electric Exhibit No. 7, p. 3.

16. The excess kilowatt hour bank is cashed out annually in May if there is a balance in the bank at the time. Tr. 37; PPL Electric Exhibit No. 7, p. 5

17. PPL's tariff further provides that if the Company supplies more kilowatt-hours of electricity than the customer-generator facility feeds back to the Company's system during the billing period, all charges of the appropriate rate schedule shall be applied to the net kilowatt-hours of electricity that the Company supplied. Tr. 37; PPL Electric Exhibit No. 7, p. 3.

18. On May 18, 2023, Ms. Taptich received a credit of \$84.01 for the excess energy she generated from May 2022 to May 2023. Tr. 97, 98; PPL Electric Exhibit No. 8, p. 4; Complainant Late-Filed Exhibit 9.

19. The \$84.01 May 18, 2023 credit that Ms. Taptich received was calculated using the 575 excess kilowatt hours in the bank multiplied by PPL's price to compare at that time of 14.612 cents per kilowatt-hour. Tr. 100.

20. PPL's meters are smart meters that cycle through several different channels. Tr. 36.

21. Channel 1 on PPL's smart meters record kwh being delivered to the customer and Channel 2 on the meter records any excess solar production that is delivered to the Company. Tr. 36.

22. PPL's meters can tell how much excess generation they receive from a customer-generator's system but not how much generation the system produces in total. Tr. 75.

23. The January 2023 bill, for service provided to Ms. Taptich for the period of December 16, 2022, to January 19, 2023, was placed on hold by the PPL system until it could be reviewed manually by a PPL representative. Tr. 83, 84; PPL Electric Exhibit No. 11.

24. If PPL's system sees usage that may be out of line in relation to the customer's history, then a hold will be placed on the related bill until a PPL representative reviews the bill. Tr. 88.

25. The January 2023 bill was placed on hold because the PPL system noticed an increase in Ms. Taptich's usage. Tr. 84.

26. Ms. Taptich did not receive a bill in the month of February 2023. PPL Electric Exhibit No. 8, p. 4.

27. On March 21, 2023, the hold on the January 2023 bill was released, and PPL issued Ms. Taptich a bill for the period of December 16, 2022, to January 19, 2023, for \$504.77, with a due date of April 11, 2023. Tr. 84; PPL Electric Exhibit No. 8, p. 4; Complainant Late-Filed Exhibit 4.

28. On March 22, 2023, PPL issued Ms. Taptich a bill for the period of January 19, 2023, to February 16, 2023, for \$899.47, with a due date of April 12, 2023. This amount included the usage amount of \$394.70 and the previous balance of \$504.77. Tr. 84; PPL Electric Exhibit No. 8, p. 4; Complainant Late-Filed Exhibit 5.

29. On March 24, 2023, PPL issued Ms. Taptich a bill for the period of February 16, 2023, to March 15, 2023, for \$1,243.43, with a due date of April 17, 2023. This amount included the usage amount of \$343.96 and the previous balance of \$899.47. Tr. 84; PPL Electric Exhibit No. 8, p. 4; Complainant Late-Filed Exhibit 6.

30. The bill issued on March 22, 2023, was cancelled and reissued on April 5, 2023. The reissued bill was for service provided from the period of January 19, 2023, to February 16, 2023. The reissued bill amount was \$899.47, consisting of the usage amount of \$394.70 and the previous balance of \$504.77, and reflected a due date of April 26, 2023. Tr. 85; PPL Electric Exhibit No. 8, p. 4; Complainant Late-Filed Exhibit 7.

31. The bill issued on March 24, 2023, was cancelled and reissued on April 6, 2023. The reissued bill was for service provided from the period of February 16, 2023, to March 20, 2023. The reissued bill amount was \$1,287.26, consisting of the usage amount of \$387.79 and the previous balance of \$899.47, and reflected a due date of May 1, 2023. Tr. 85; PPL Electric Exhibit No. 8, p. 4; Complainant Late-Filed Exhibit 8.

32. On April 5, 2023, PPL sent Ms. Taptich a letter informing her that she was not billed for all the electricity she used as a result of a meter reading error on her account, and that she would receive the corrected bill in a separate mailing. PPL Electric Exhibit No. 12, p. 1; Complainant Late-Filed Exhibit 11.

33. On March 26, 2024, Ms. Taptich's electric meter was tested by PPL. On a full load, the meter tested at 100.02% accuracy and the light load tested at 100.06% accuracy, with an average accuracy of 100.02%. Tr. 90, 91; PPL Electric Exhibit No. 10, p. 1, 3.

34. On August 21, 2023, Respondent referred Complainant to its customer assistance programs. Tr. 92, 93; PPL Electric Exhibit 9, p. 1.

35. Respondent is amenable to discussing payment arrangement options with Complainant. Tr. 93, 94.

DISCUSSION

Legal Standards

Burden of Proof

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). “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). 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 (1990). The offense 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. As the individual who filed the Complaint in this proceeding, Ms. Taptich bears the burden of proof. 66 Pa.C.S. § 332(a).

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) (*Milkie*); *see also, Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

Any 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. Dept. of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlt. 1984).

High billing complaints

Where a complainant alleges overbilling by their utility provider, the Commission utilizes the *Waldron* rule. *See, Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980) (*Waldron*). *Waldron* and its progeny hold that to establish a *prima facie* case of overbilling, the Complainant must prove, by a preponderance of the evidence: (1) that the number of occupants in the household has not changed; (2) that the potential for energy utilization was low; and (3) that the complainant's billing history shows no prior abnormalities. *Waldron; Replogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980). Once the Complainant shows a *prima facie* case, the burden of proof shifts to PPL; however, the burden of persuasion never shifts and always remains with the Complainant. *Id.*

The Commonwealth Court of Pennsylvania clarified the *Waldron* rule in *Milkie*, holding:

While the 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.

Milkie, 768 A.2d at 1219-1220 (citing *Burleson*, 461 A.2d at 1235) (Emphasis in original).

In *Thomas v. PECO Energy Co.* Docket No. C-2010-2187197 (Opinion and Order entered Nov.

15, 2011) (*Thomas*), the Commission contemplated the types of evidence that might establish a *prima facie* case pursuant to *Waldron*:

[C]onsistent with our holding in *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Order entered October 13, 2010) (*Bennett*), 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.”

Thomas at 5 (citing *Bennett* at 6).

Reasonable service

Utility companies are required by law to provide its customers with adequate and reasonable service. Section 1501 of the Code states:

§ 1501. 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. This section does not require utility companies to provide perfect service.

Elkin v. Bell Tel. Co. of Pa., 372 A.2d 1203 (Pa. Super 1987).

Meter testing

The Commission's Regulations provide tolerance standards for recording electricity usage within an error variance of 2.0% or less as follows:

§ 57.20. Watthour meter testing.

(c) No watthour meter which has an error in registration of more than 2.0% at light load or heavy load may be placed in service or allowed to remain in service without adjustment. If, upon installation, periodic or other tests, a watthour meter is found to exceed these limits, it shall be adjusted or removed from service.

52 Pa. Code § 57.20(c).

Billing frequency

Utility companies are required to render a bill to its customers every billing period. Section 56.11 provides:

§ 56.11. Billing frequency.

(a) A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

52 Pa. Code § 56.11(a).

Analysis

High Billing

Ms. Taptich argued that her January, February, and March 2023 bills³ were too high given her pattern of usage at the service address. Tr. 8-10, 11. Specifically, Ms. Taptich testified that she lived alone in a modular home. Tr. 11. Ms. Taptich testified that she lives only in one section of the modular home, in one room with a bathroom and kitchen. Tr. 72. Ms. Taptich further testified that she heats her section of the home using a combination of propane and electric heat. Tr. 12, 72. Testimony was not provided regarding when her electric heater was installed but Ms. Taptich testified to the electric heater being “new.” Tr. 9, 72. The other appliances at her residence that use electricity include a refrigerator and freezer. Tr. 12.

PPL provided Ms. Taptich’s account activity statement as an exhibit. The account activity statement shows that Ms. Taptich’s usage charges for her January, February, and March bills from 2022 and 2023 were as follows:

	2022	2023
January bill	\$116.61 (32 days)	\$504.77 (34 days)
February bill	\$118.14 (28 days)	\$394.70 (28 days)
March bill	\$65.13 (31 days)	\$387.79 (32 days)

PPL Electric Exhibit No. 8.

The account activity statement further shows that Ms. Taptich was billed for the following kwh usage in her January, February, and March bills from 2022 and 2023:

³ As will be discussed later in this Decision, Ms. Taptich initially received her February 2023 bill on March 22, 2023, and her March 2023 bill on March 24, 2023. These bills were subsequently cancelled and reissued on April 5 and 6, 2024, respectively.

	2022	2023
January bill	763 kwh (32 days)	2552 kwh (34 days)
February bill	788 kwh (28 days)	1981 kwh (28 days)
March bill	380 kwh (31 days)	1945 kwh (32 days)

PPL Electric Exhibit No. 8.

PPL presented the testimony of Brenda Snyder and Kelly Bell, customer service representatives employed by PPL. Tr. 34, 82. Ms. Snyder testified that Ms. Taptich’s bills are accurate and are based on actual meter readings. Tr. 42. Ms. Snyder explained that Ms. Taptich’s usage is seasonal in nature in that, with Ms. Taptich’s electric heating system, her kwh consumption is higher in the winter. Tr. 75, 76. Further, Ms. Bell testified that on March 26, 2024, Ms. Taptich’s electric meter was tested by PPL and that the meter tested at 100% accuracy. Tr. 90, 91; PPL Electric Exhibit No. 10, p. 1, 3. In addition, Ms. Bell noted that the January 2023 bill was placed on hold while PPL reviewed Ms. Taptich’s increase in usage because the increase in usage was out of line with her usage history. Tr. 83, 84; PPL Electric Exhibit No. 11. The hold was removed on the January 2023 bill issued in March 2023. Tr. 84; PPL Electric Exhibit No. 8, p. 4; Complainant Late-Filed Exhibit 4.

After review of the record, I find that Ms. Taptich did not present evidence sufficient to find that she met her burden of proof under the *Waldron* rule as clarified by the Commission in *Bennet* and *Thomas*. Considering the billing history of Ms. Taptich’s account, the documentation provided shows that Ms. Taptich’s January and February bills approximately tripled from 2022 to 2023, and that her March 2023 bill was approximately five times her March 2022 bill. In addition, it was established through the uncontested testimony of Ms. Taptich that the number of occupants at the service address has not changed. However, Ms. Taptich did not establish that the potential for energy utilization at her home was low, in light of the fact that she heats her home using electric heat. As Ms. Taptich testified that her electric heater was “new,” her increase in usage might be associated with her newly installed electric heater.

PPL, on the other hand, presented evidence sufficient to find that it billed Ms. Taptich based on her actual usage for the January, February, and March 2023, billing periods, as PPL's witness testified that the bills were based on actual meter reads. Further, Ms. Taptich's meter test results ranging from 100.02% accuracy to 100.06% accuracy means that the meter tested within the range of accuracy required by the Commission's regulations. 52 Pa. Code § 57.20(c). Although the accuracy of the meter is not the sole criterion in resolving billing disputes, the meter test results weigh against Ms. Taptich regarding this issue. Lastly, I note that PPL reviewed Ms. Taptich usage when it placed a hold on her January 2023 bill.

For the above reasons, I find that Ms. Taptich did not meet her burden of proof regarding this issue.

Solar generation

Ms. Taptich has an alternative energy generation system – a solar generating facility – installed at her residence. Tr. 37. Ms. Taptich presented charts that show that her solar generating facility generated 327.55 kwh in the month of January 2023, 606.9 kwh in the month of February 2023, and 839.71 kwh in the month of March 2023. Complainant Late-Filed Exhibits 1-3. Ms. Taptich argued that PPL did not fully credit her with the kwh that her system generated during this period, resulting in overcharges on her bills. Tr. 8-11.

PPL's witness Brenda Snyder explained that, as a customer-generator, Ms. Taptich is a participant in PPL's net metering program. Tr. 36, 37. Through this program, excess generation produced by her solar generating facility is used to offset the usage at her residence. Tr. 37. The section of PPL's tariff that provides for net metering was presented as PPL Electric Exhibit No. 7.⁴ PPL's tariff specifically provides that if a customer-generator supplies more electricity to the Company than the Company delivers to the customer-generator

⁴ The Commission's regulations provide that electric distribution companies (EDCs) shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter using Tier I or Tier II alternative energy sources. 52 Pa. Code § 75.13(a). Commission regulations also provide that EDCs shall file a tariff with the Commission that provides for net metering consistent with those regulations. 52 Pa. Code § 75.13(c).

in a given billing period, the excess kilowatt hours will be added to a bank and carried forward and credited against the customer-generator's usage in subsequent billing periods at the full retail rate. Tr. 37; PPL Electric Exhibit No. 7, p. 3. The excess kilowatt hour bank is cashed out annually in May if there is a balance in the bank at the time. Tr. 37; PPL Electric Exhibit No. 7, p. 5. PPL's tariff further provides that if the Company supplies more kilowatt-hours of electricity than the customer-generator facility feeds back to the Company's system during the billing period, all charges of the appropriate rate schedule shall be applied to the net kilowatt-hours of electricity that the Company supplied. Tr. 37; PPL Electric Exhibit No. 7, p. 3.

When asked how the Company's meter records a customer-generator's usage and generation on direct examination, Ms. Snyder testified that their meters are smart meters that cycle through several different channels. Tr. 36. Channel 1 on the meter records kwh being delivered to the customer and Chanel 2 on the meter records any excess solar production that is delivered to the Company. Tr. 36. Ms. Snyder testified that PPL's meter can tell how much excess generation they receive from a customer-generator's system but not how much generation the system produces in total. Tr. 75.

Regarding generation from solar facilities, Ms. Snyder testified that solar generation will be at its highest in the summer months and at its lowest in the winter months. Tr. 75. Regarding Ms. Taptich's system specifically, Ms. Snyder testified that, during the winter months, Ms. Taptich typically generates less electricity than what she consumes and that over the summer months she typically has months where she generates more electricity than she consumes. Tr. 39, 77. Therefore, Ms. Taptich typically needs kwh from PPL during the winter months because her solar system does not cover the full electric usage. Tr. 39, 77. This is highlighted in PPL Electric Exhibit No. 5, which shows Ms. Taptich's daily kwh usage, the daily kwh delivered to PPL, and the net difference of the two, for the period of December 16, 2022, to March 20, 2023. PPL Electric Exhibit No. 5. Ms. Taptich is billed based on the net difference in kwh. Tr. 36.

In May of 2023, Ms. Taptich received a credit of \$84.01 for the excess energy she generated from May 2022 to May 2023. Tr. 97, 98; PPL Electric Exhibit No. 8, p. 4. The credit

was calculated using the 575 excess kwh in Ms. Taptich's bank at the time multiplied by PPL's price to compare at that time of 14.612 cents per kwh. Tr. 100.

After review of the record, I find that Ms. Taptich did not prove, by a preponderance of the evidence, that PPL did not fully credit her with the kwh that her system generated from January 2023 to March 2023. Although Ms. Taptich provided charts that show how much kwh her solar system generated from January 2023 to March 2023, the Company's Commission-approved tariff provides that customer-generators shall receive credits not for what their system generates but for the kwh that their system feeds back to the Company's system. PPL Electric Exhibit No. 7. As such, Ms. Taptich as a customer-generator receives credit for the excess generation PPL receives from her system. Ms. Taptich provided charts that show how much kwh her system generates, but the charts do not show the kwh that the Company receives from her system. PPL Electric Exhibit No. 5 does provide this information, and as evidenced by the exhibit, the Company did not receive enough kwh from Ms. Taptich's system during the winter of 2023 to cover for the kwh that the Company delivered to Ms. Taptich. PPL Electric Exhibit No. 5. Ms. Taptich did not present evidence to rebut PPL Electric Exhibit No. 5 or to show that the numbers provided in this exhibit regarding the kwh PPL received from Ms. Taptich and the kwh PPL delivered to Ms. Taptich (as discussed in the previous section) were incorrect.

In further support of this finding is the comparative energy charts shown at the bottom of Complainant Late-Filed Exhibits 1 through 3, which compares the monthly energy (in mwh) produced by Ms. Taptich's solar system. These comparative energy charts show that Ms. Taptich's system produces more energy in the warmer months as compared to the winter months, which supports PPL's argument that solar production is less in the winter months. Complainant Late-Filed Exhibits 1-3.

For the above reasons, I find that Ms. Taptich did not meet her burden of proof regarding this issue.

Billing frequency

Lastly, Ms. Taptich complained of the frequency in which she received bills in early 2023. Ms. Taptich testified that she received no bill one month, and then three bills the next month. Tr. 8, 11. PPL witness Kelly Bell testified that PPL issued Ms. Taptich bills on March 21, March 22, and March 24, 2023. Tr. 83, 84. PPL subsequently cancelled and reissued the two bills issued to Ms. Taptich on March 22 and March 24, 2023, on April 5 and April 6, 2023, respectively. Tr. 84, 85. Ms. Bell explained that the two bills were cancelled and reissued because they accounted for two months of billing periods in a single bill, rather than two separate bills for two separate billing periods. Tr. 104. Ms. Bell further testified that the March 22 and March 24, 2023, bills were cancelled before they were distributed to Ms. Taptich. Tr. 95, 104. Ms. Bell attributed the multiple bills being issued in March to the fact that the January 2023 bill (for service provided from December 2022 to January 2023) was placed on hold until the bill was released on March 21, 2023. Tr. 96.

Following the further evidentiary hearing in this matter, Ms. Taptich submitted late-filed exhibits in this proceeding that were admitted into the record without objection from PPL. Ms. Taptich provided copies of bills that she received from PPL in March 2023. Specifically, Complainant Late-Filed Exhibit 4 is a copy of the electric bill Ms. Taptich received from PPL on March 21, 2023, for service provided to her for the period of December 16, 2022, to January 19, 2023. Complainant Late-Filed Exhibit 4. Complainant Late-Filed Exhibit 5 is a copy of the electric bill Ms. Taptich received from PPL on March 22, 2023, for service provided to her for the period of January 19, 2023, to February 16, 2023. Complainant Late-Filed Exhibit 5. Complainant Late-Filed Exhibit 6 is a copy of the electric bill Ms. Taptich received from PPL on March 24, 2023, for service provided to her for the period of February 16, 2023, to March 15, 2023. Complainant Late-Filed Exhibit 6.

Ms. Taptich further provided copies of bills that she received from PPL in April 2023. Complainant Late-Filed Exhibit 7 is a copy of the electric bill Ms. Taptich received from PPL on April 5, 2023, for service provided to her for the period of January 19, 2023, to February 16, 2023. Complainant Late-Filed Exhibit 7. Complainant Late-Filed Exhibit 8 is a copy of the

electric bill Ms. Taptich received from PPL on April 6, 2023, for service provided to her for the period of February 16, 2023, to March 20, 2023. Complainant Late-Filed Exhibit 8.

After review of the record, I find that Ms. Taptich met her burden of proof regarding this issue. As cited, PPL is required to bill Ms. Taptich once a billing period in accordance with its rate schedules. *See* 52 Pa. Code § 56.11(a). PPL’s billing period is defined as monthly. Specifically, PPL’s tariff states that “bills for service supplied during the preceding billing period, other than initial and final bills, are rendered monthly.” *See* Supplement No. 194 to Tariff Electric - Pa. P.U.C. No. 201, Sixth Revised Page No. 13. The evidence supports finding that Ms. Taptich did not timely receive her January 2023 bill (for service provided from December 2022 to January 2023) due to the bill being placed on hold. Ms. Taptich also did not timely receive her February 2023 bill (for service provided from January 2023 to February 2023) as this bill was not issued until March 22, 2023. The evidence further supports finding that Ms. Taptich received three bills within a four-day time span in March 2023 (on March 21, 22, and 24) when she was issued her January 2023 bill, then her February 2023 bill, and then her March 2023 bill (for service provided from February 2023 to March 2023).⁵ Thus, as PPL did not timely issue Ms. Taptich’s January or February 2023 bill, and then proceeded to bill Ms. Taptich three times in March and twice in April, PPL failed to bill Ms. Taptich once every billing period, in violation of Section 56.11(a) of the Commission’s regulations.

I further find that PPL violated Section 1501 of the Code in that it did not provide Ms. Taptich with reasonable service by not clearly addressing the above billing issues with Ms. Taptich. The bill issued on April 5, 2023, was indicated as a “corrected bill” and included with this bill was a letter which stated that Ms. Taptich was not billed for all the electricity that she used, and that she will receive a corrected bill in the mail. PPL Electric Exhibit No. 12. Outside of this letter, it is not apparent from the evidence presented that PPL ever explained to Ms. Taptich, prior to the hearings held in this matter, why she did not timely receive her January and February 2023 bills and why she received multiple bills in March and April 2023. As such, I

⁵ Although PPL’s witness testified that the March 22 and March 24, 2023, bills were cancelled before they were delivered to Ms. Taptich, Ms. Taptich successfully rebutted this testimony by presenting copies of the March 22 and March 24, 2023, bills that she received from PPL.

find that PPL should have better communicated with Ms. Taptich with respect to the billing issues discussed above.

Civil Penalty

Having found a violation of 52 Pa. Code § 56.11(a) and 66 Pa.C.S. § 1501 regarding the billing frequency of Ms. Taptich's January, February, and March 2023, bills, and the failure of PPL to timely and adequately explain these issues to Ms. Taptich, the Commission is authorized to impose a maximum civil penalty of \$1,000 for each day the violations persisted. 66 Pa.C.S. § 3301. The Commission regulation's sets forth ten factors that the Commission will consider in evaluating and determining whether a fine for violating a Commission order, regulation or statute is appropriate. 52 Pa. Code § 69.1201.

The first criterion to consider is whether the violations were of a serious nature, such as willful fraud or misrepresentation, or whether the violations were less egregious, such as administrative or technical errors. 52 Pa. Code § 69.1201(c)(1). In this matter, there is no evidence that would lead to a conclusion that PPL's violations were intentional in any way. Thus, I conclude that analysis of this factor warrants a lower penalty.

The second criterion is whether the resulting consequences of the conduct were of a serious nature, such as personal injury or property damage. 52 Pa. Code § 69.1201(c)(2). Ms. Taptich did not receive personal injury or property damage due to PPL's violations. The consequences of PPL's conduct led to confusion and potential frustration on behalf of Ms. Taptich, as her receiving multiple bills in a short time span was a factor that led to the filing of the Complaint in this matter. Thus, I conclude that analysis of this factor warrants a lower penalty.

The third criterion is whether the conduct at issue was deemed intentional or negligent. 52 Pa. Code § 69.1201(c)(3). As stated, there is no evidence that would lead to a finding that PPL's conduct was intentional. Thus, I conclude that analysis of this factor warrants a lower penalty.

The fourth criterion is whether the utility made efforts to modify internal practices and procedures to address the conduct and prevent similar conduct, and the amount of time it took for the implementation of these measures. 52 Pa. Code § 69.1201(c)(4). No evidence was presented regarding PPL's efforts to modify its internal practices to make sure that similar conduct would not occur again. Thus, I conclude that analysis of this factor warrants a higher penalty.

The fifth criterion is the number of customers affected. 52 Pa. Code § 69.1201(c)(5). Only one customer, Judith Taptich, was affected by PPL's actions. Thus, I conclude that analysis of this factor warrants a lower penalty.

The sixth criterion is a consideration of PPL's compliance history. 52 Pa. Code § 69.1201(c)(6). No evidence was presented that PPL had a poor compliance record. Thus, I conclude that analysis of this factor warrants a lower penalty.

The seventh criterion is whether the regulated entity cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). The record contains no evidence that there was an investigation by the Commission and therefore this criterion works neither to mitigate nor to aggravate the penalty to be imposed.

The eighth criterion is the amount of the civil penalty or fine necessary to deter future violations, with consideration of the size of the utility. 52 Pa. Code § 69.1201(c)(8). In this matter, I conclude that a civil penalty in the amount of \$500 is sufficient to deter PPL from future violations.

The ninth criterion is past Commission decisions. 52 Pa. Code § 69.1201(c)(9). In *Pennsylvania Public Utility Commission v. PPL Electric Utilities Corp., M-2020-3011455* (Opinion and Order entered Aug. 5, 2021), the Commission approved a settlement wherein PPL agreed to pay a civil penalty of \$5,000 for its failure to bill five residential customers for consecutive billing periods in violation of Section 56.11 of the Commission's regulations. In

that matter, the five customers did not receive their bills from periods ranging from four consecutive months to nine consecutive months. *Id.* In this matter, Ms. Taptich did not receive bills for two consecutive months, and then received multiple bills in March and April 2023.

Based on analysis of all the civil penalty factors, above, I conclude that a civil penalty in the amount of \$500, or \$250 for each violation (52 Pa. Code § 56.11(a) and 66 Pa.C.S. § 1501), is appropriate to deter future violations.

CONCLUSIONS OF LAW

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

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

3. “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).

4. 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).

5. 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).

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

7. "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. Dept. of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

8. 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).

9. 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. 66 Pa.C.S. § 1501.

10. No watt-hour meter which has an error in registration of more than 2.0% at light load or heavy load may be placed in service or allowed to remain in service without

adjustment. If, upon installation, periodic or other tests, a watt-hour meter is found to exceed these limits, it shall be adjusted or removed from service. 52 Pa. Code § 57.20(c).

11. A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules. 52 Pa. Code § 56.11(a).

12. PPL's tariff states that bills for service supplied during the preceding billing period, other than initial and final bills, are rendered monthly. *See* Supplement No. 194 to Tariff Electric - Pa. P.U.C. No. 201, Sixth Revised Page No. 13.

13. Ms. Taptich has failed to satisfy her burden of proof in this proceeding to demonstrate that her PPL bills were not accurate. 66 Pa.C.S. § 332(a).

14. Ms. Taptich has satisfied her burden of proving that PPL did not render her a bill every billing period in January, February, and March 2023. 66 Pa.C.S. § 332(a); 52 Pa. Code § 56.11(a).

15. PPL did not provide Ms. Taptich with reasonable service when it failed to communicate to Ms. Taptich the issues with her billings in January, February, and March 2023, in a satisfactory manner. 66 Pa.C.S. § 332(a); 66 Pa.C.S. § 1501.

16. The Commission is authorized to consider and impose civil monetary penalties against a public utility company. 66 Pa.C.S. § 3301; 52 Pa. Code § 69.1201.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Judith Taptich in the matter of Judith Taptich v. PPL Electric Utilities Corporation, Docket No. C-2023-3042726, is sustained in part, and denied in part.

2. That the Complainant's claims for high billing are denied.

3. That the Complainant's claims for failure of Respondent to render monthly bills and reasonable service are sustained.

4. That within 30 days from the date of the entry of the Final Order in this matter, PPL Electric Utilities Corp. is directed to pay a total of \$500 in civil penalties by sending a certified check or money order payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed on the check to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

5. That a copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.

6. That the Bureau of Administrative Services, Assessment Section shall monitor this matter for compliance.

7. That, if PPL Electric Utilities Corp. fails to make the payment required by Ordering Paragraph No. 4 above, within 30 days of the entry date of the Final Order in this matter, it is further ordered that the Bureau of Administrative Services, Assessment Section, shall refer this matter to the Pennsylvania Office of Attorney General for collection of the total set forth above and appropriate action

8. That upon payment of the amount indicated in Ordering Paragraph No. 4, the Secretary's Bureau shall mark Docket No. C-2023-3042726 as closed.

Date: August 20, 2024

/s/
Alphonso Arnold III
Administrative Law Judge