

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Sang Choe

**Public Meeting of August 22, 2024
3041321-OSA**

v.

Docket No. F-2023-3041321

**PPL Electric Utilities
Corporation**

**JOINT MOTION OF CHAIRMAN STEPHEN M. DeFRANK AND
COMMISSIONER KATHRYN L. ZERFUSS**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions of PPL Electric Utilities Corporation (PPL or Company) filed on February 21, 2024 to the Initial Decision (ID) of Administrative Law Judge (ALJ) Chad L. Allensworth issued on February 1, 2024 in the above-captioned proceeding.

In the ID, the ALJ sustained, in part, and denied, in part, the Formal Complaint (Complaint) filed by Sang Choe (Complainant) on June 9, 2023. Specifically, the ID found that Complainant met the burden of proving that PPL improperly charged the Complainant for electric service between August 2022 and August 2023, which he did not use. The ID reasoned that PPL offered minimal evidence to contradict Complainant’s “high bill” claim in which Complainant demonstrated a dramatic 69.89% average increase in kWh usage during the approximate 12-month timeframe contested by Complainant. For relief, the ALJ directed that the Complainant receive *a credit* – not a refund – on his account for the August 2022 to August 2023 billing periods based on the difference between Complainant’s metered usage during those billing periods and Complainant’s metered usage during the August 2021 to August 2022 billing periods. The ALJ further directed PPL to perform a meter test, waive any fee associated with the meter test, waive any late payment charges, and provide the results of the meter test to the Complainant within sixty (60) days of the Commission’s Final Order. Additionally, the ALJ imposed a civil penalty against PPL after finding that PPL’s overbilling of the Complainant violated 66 Pa.C.S. § 1501.

Conversely, the ID found that Complainant did not meet his burden of proving that PPL provided unreasonable service in regard to conducting a “high bill” investigation. The ALJ credited the testimony of PPL’s witness that PPL offered to test the Complainant’s meter within a reasonable timeframe after receiving his request. Therefore, the ALJ found that PPL complied with 52 Pa. Code § 57.22 (related to Request tests and fees).

In its Exceptions, PPL objects to the imposition of a civil penalty, citing undisputed record evidence establishing that the Company made efforts to rectify the billing issues experienced by the Complainant. Also in its Exceptions, PPL challenged the ALJ's method for calculating the credit, which PPL asserts should account for the differences in the number of billing days in each of the billing periods.

We agree with the ALJ that the Complainant established a *prima facie* case of overbilling, which was not sufficiently rebutted by PPL. However, we agree with PPL that the Complainant has not met his burden in proving that PPL failed to provide adequate, efficient, safe, or reasonable service pursuant to 66 Pa.C.S. § 1501. The Company undertook several efforts to investigate and address the Complainant's concerns and offered him various opportunities to: (1) enter into a payment agreement with the Company; (2) discuss why his usage may have become elevated; (3) be referred to and/or apply for assistance programs; and (4) have the Company conduct a meter test. Accordingly, we disagree that a civil penalty should be imposed under these circumstances.

Additionally, we agree with PPL's Exceptions that the method for calculating a reimbursement should be corrected. The average kWh usage per day must be considered since billing months vary in length.

Instead of *crediting* Complainant's account with the difference between the prior billed usage and the recalculated usage, we believe that issuance of a refund should be directed. The issuance of a refund in this matter is consistent with the Commission's authority set forth in 66 Pa.C.S. § 1312(a) and would serve to make the Complainant whole in a timely manner.

We agree with the remaining relief ordered by the ALJ, including directing PPL to perform a meter test without charging a fee, providing the results of the meter test to Complainant, and waiving any late payment charges. Furthermore, PPL should be directed to submit a notification of compliance to the Secretary's Bureau, pursuant to 52 Pa. Code § 5.591, after it completes the billing adjustment and provides the results of the meter test to Complainant.

THEREFORE, WE MOVE:

1. That the Exceptions of PPL Electric Utilities Corporation, filed on February 21, 2024, at Docket No. F-2023-3041321 are granted.
2. That the Initial Decision of Administrative Law Judge Chad L. Allensworth, issued on February 1, 2024, is modified, consistent with this Joint Motion.
3. That the Formal Complaint of Sang Choe, filed on June 9, 2023, at the above docket, is sustained, in part, regarding the alleged overbilling by PPL Electric Utilities Corporation, and is denied, in part, to the extent it alleged PPL Electric Utilities Corporation failed to provide reasonable service in violation of 66 Pa.C.S. § 1501.

4. That PPL Electric Utilities Corporation be directed to provide a billing adjustment in the form of a refund to Sang Choe calculated by multiplying the average daily usage between August 2021 and August 2022, by the number of billing days in each corresponding billing period between August 2022 and August 2023. PPL Electric Utilities Corporation shall further submit notification of compliance with the billing adjustment to the Commission's Secretary's Bureau at this docket number.

5. That any late fees charged to Sang Choe related to the bills from August 2022 to August 2023 shall be waived.

6. That PPL Electric Utilities Corporation shall complete a meter test at the Service Address for accuracy in recording Sang Choe's electric usage and waive any fee associated with performing the test. PPL Electric Utilities Corporation shall, within sixty (60) days of the entry of an Opinion and Order in this matter, provide the results of the meter test conducted at Sang Choe's service address to Sang Choe. PPL Electric Utilities Corporation shall further submit notification of compliance to the Commission's Secretary's Bureau at this docket number after it provides Sang Choe with the results of the meter test.

7. That upon the filing of proof of the required billing adjustment and distribution of the results of the meter test, the Secretary's Bureau shall mark this docket closed.

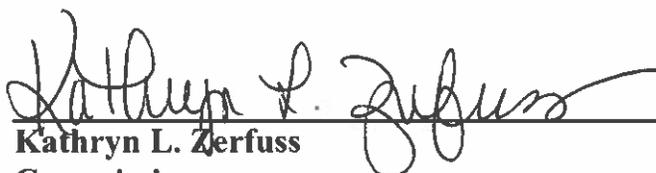
8. That the Office of Special Assistants prepare an Opinion and Order consistent with this Joint Motion.

August 22, 2024
Date



Stephen M. DeFrank
Chairman

August 22, 2024
Date



Kathryn L. Zerfuss
Commissioner