

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tim Quade	:	
	:	
v.	:	C-2024-3046206
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
John M. Coogan  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision denies a Formal Complaint that alleges overbilling by an electric utility because the Complainant failed to meet his burden of proving, by a preponderance of the evidence, that he was incorrectly charged by the electric utility.

**HISTORY OF THE PROCEEDING**

On February 7, 2024, Tim Quade (Mr. Quade or Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL or Company). Complainant alleges that for two years in a row his bill went from \$199.00 in November to \$473.00 in January and that there must be a stop to this. Complainant avers that PPL continually raises its rates and he has no way to make sure that the charges are true and accurate. Complainant also alleges that PPL hung up on him when he called. As relief, Mr. Quade wants the Commission to: make PPL verify the residential usage and charge; put a cap on the amount PPL can charge; make PPL pay restitution for continually overcharging people; and make PPL pay penalties.

On February 27, 2024, PPL filed an answer to the Formal Complaint. In its answer, PPL denied or admitted the various averments in the Formal Complaint. Specifically, PPL admitted that the Company's price-to-compare has changed several times since the beginning of 2022. However, PPL denied that there are incorrect charges on Complainant's bills. PPL also admitted that Complainant's January 22, 2024 call with the Company disconnected when transferring.

On April 10, 2024, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing of the Formal Complaint for May 24, 2024, at 10:00 a.m. and assigning the undersigned to this proceeding. In anticipation of the May 24, 2024 hearing, I issued a prehearing order on April 11, 2024, setting forth various rules that would govern that proceeding.

The initial hearing convened on May 24, 2024 as scheduled. Tim Quade appeared on his own behalf. Mr. Quade did not move for admission of any exhibits into the record. Peter J. Kramer, Esquire appeared at the hearing on behalf of PPL, along with one witness for PPL: Kelly Bell, Customer Service Representative for PPL. The following seven exhibits were admitted into the record on behalf of PPL:

1. PPL Exhibit 1 – Account Activity Statement for Mr. Quade's PPL account;
2. PPL Exhibit 2 – Account Contact History for Mr. Quade's PPL account;
3. PPL Exhibit 3 – Documentation of Mr. Quade's informal complaint filed at BCS No. 3887435;
4. PPL Exhibit 4 – Test results for Mr. Quade's PPL meter;
5. PPL Exhibit 5 – Price-to-compare e-mail from PPL;
6. PPL Exhibit 6 – Daily meter readings for Mr. Quade's PPL meter, 12/7/23 – 1/10/24;
7. PPL Exhibit 7 – Monthly meter readings for Mr. Quade's PPL meter, 5/11/20 – 5/13/24;

The record in this case consists of the above-referenced exhibits and a transcript of 45 pages. The record closed on June 7, 2024 when I issued an order admitting PPL's late filed exhibits 6 and 7 and closing the record. For the reasons discussed below, the Formal Complaint will be denied.

#### FINDINGS OF FACT

1. The Complainant in this case is Tim Quade.
2. The Respondent in this case is PPL Electric Utilities Corporation.
3. The service address at issue in this proceeding is 169 Herr Avenue, Lancaster, PA 17602.
4. Mr. Quade has lived at the service address for approximately six years. Tr. 15.
5. Mr. Quade uses electric space heaters at the service address. Tr. 15-17.
6. Electric usage has not significantly changed at the service address since 2020. Tr. 15-18; 25.
7. Mr. Quade has used space heaters for 25 years. Tr. 18.
8. On January 12, 2021, PPL billed Mr. Quade \$299.23 for 2,648 kilowatt hours (kWh) of usage. PPL Exhibit 1.
9. On January 12, 2022, PPL billed Mr. Quade \$264.10 for 2,239 kWh of usage. PPL Exhibit 1.

10. On January 13, 2023, PPL billed Mr. Quade \$424.14 for 3,169 kWh of usage. PPL Exhibit 1.

11. On January 12, 2024, PPL billed Mr. Quade \$473.82 for 3,200 kWh of usage for the period December 7, 2023 to January 10, 2024. Tr. 24; PPL Exhibit 1, 6, 7.

12. Mr. Quade's PPL meter at the service address was tested on February 15, 2024. Tr. 27-28; PPL Exhibit 4.

13. The February 15, 2024 meter test results demonstrated a Full Load Test of 100.04%, a Light Load Test of 100.07%, and an Average Accuracy of 100.05%. PPL Exhibit 4.

14. On January 22, 2024, Mr. Quade contacted PPL to inquire about his bill. Tr. 26; PPL Exhibit 2.

15. During the January 22, 2024 call, the PPL representative's call went black, and the call disconnected. Tr. 26; PPL Exhibit 2.

## DISCUSSION

### 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. §§ 332(a), 701. In this proceeding, Mr. Quade filed a Complaint

against PPL alleging overbilling. Mr. Quade, therefore, bears the burden of proof in this proceeding.

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, Burluson 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. Cmwlth. 1984). Further, mere bald assertions, personal opinions or perceptions do not constitute evidence to bolster a claim. *Pa. Bureau of Corrs. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987).

In cases of alleged high billing, the Commission applies the *Waldron* rule, which provides that to establish a *prima facie* case of overbilling, a complainant must show: (1) that the number of occupants in the household has not changed, (2) that the potential for energy utilization was low and (3) that complainant's billing history shows no prior abnormalities. Once the complainant makes out a *prima facie* case, the burden of proof then shifts to the utility; however, the ultimate burden of persuasion always remains with the complainant. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980); *Repogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980).

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

[w]hile the [Waldron] rule is often explained by stating that the ratepayer must establish certain specific elements in order to make out a prima facie case of overbilling by a utility company, we believe this view is too restrictive. Rather the controlling principle is that even where the utility can present evidence that it has tested the customer's meter and found it to be accurate, the customer may nonetheless prove his case by circumstantial evidence, which would support a finding that the metered usage exceeded the actual usage. Thus as our Supreme Court has explained, the rule operates as a device by which the complainant is protected from dismissal because of his inability to marshal direct proof that his meter had malfunctioned.

*Milkie*, 768 A.2d at 1219-1220 (citing *Burleson v. Pa. Pub. Util. Comm'n*, 461 A. 2d 1234, 1235 (Pa. 1983)). In *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011) (*Thomas*), the Commission explained:

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

*Thomas*, at 5 (citation omitted).

Mr. Quade alleges PPL has incorrectly billed him. Specifically, Mr. Quade testified that January of 2024 is the second year in a row that he has received a bill for over \$400

for the month of January and he has no way of determining whether or not the bill is accurate. Tr. 10-11. PPL denies that it has issued incorrect bills to Mr. Quade.

PPL exhibits reflect the following billing data to compare Mr. Quade’s January PPL bills from 2021 to 2024:

<b>Billing date</b>	<b>Days in bill</b>	<b>Total kWh used</b>	<b>Total electric service costs</b>
1/12/2021	33	2648	\$299.23
1/12/2022	33	2239	\$264.10
1/13/2023	33	3169	\$424.14
1/12/2024	34	3200	\$473.82

PPL Exhibits 1, 6, 7.<sup>1</sup>

From the table above, both Mr. Quade’s usage and total electric service costs are notably higher for January 2023 and January 2024 when compared to January 2021 and January 2022. Mr. Quade also testified that, although he uses space heaters at his address, he has used space heaters for 25 years, and his electric usage has not significantly changed at the service address since 2020. Tr. 15-18; 25. Therefore, without any clear basis for why Mr. Quade’s PPL bills for January 2023 and January 2024 were higher than the prior two years, it may be arguable that Mr. Quade presented a *prima facie* case of overbilling. Nonetheless, I find that the evidence presented by PPL outweighs Mr. Quade’s evidence. PPL provided credible evidence that Mr. Quade’s PPL meter was operating accurately. Tr. 27-28; PPL Exhibit 4. Specifically, Mr. Quade’s PPL meter tested within the Commission’s guidelines of two percent of 100 percent accuracy. 52 Pa. Code §§ 57.20, 57.24. There is no other basis to find that PPL’s records were not capturing Mr. Quade’s electric usage accurately. Although meter accuracy is not dispositive per *Milkie*, I am not persuaded that the record contains substantial evidence to the contrary to

---

<sup>1</sup> During the hearing, I questioned PPL witness Bell why PPL Exhibit 1 shows 614 kWh of usage for the bill dated January 12, 2024, rather than her claim that 3,200 kWh was used during period reflected in the January 12, 2024 bill. Ms. Bell responded that it was due to Mr. Quade switching his electric generation supplier on January 3, 2024 and counsel for PPL offered to provide further documentation to support Ms. Bell’s testimony as late-filed exhibits. Tr. 32-37. Receiving no objections from Mr. Quade, I admitted PPL’s late-filed exhibits 6 and 7 into the record by order dated June 7, 2024.

support Mr. Quade’s allegations that he was billed inaccurately. Therefore, I conclude that Mr. Quade has not proven his allegations of overbilling by a preponderance of the evidence.

In addition to his allegations of overbilling, Mr. Quade also alleged that PPL hung up on him when he called them on January 22, 2024. Formal Complaint; Tr. 13. Although an intentional disconnection by a PPL representative may be a cause for concern, PPL witness Bell testified that during the January 22, 2024 call, the PPL representative’s call went black and the call disconnected, implying that the disconnection was an accident. Tr. 26; PPL Exhibit 2. PPL Exhibit 2 further details that the disconnection from the call appears to be an inadvertent technological problem, i.e., the notes states that the “[s]creen went black then call disconnected before I could verify [account].”

Mr. Quade also questioned how PPL’s rates are raised. Tr. 12. As a general matter, a utility may charge its customers in accordance with its lawful tariffed rates. 66 Pa.C.S. § 1302. A utility tariff has the force and effect of law in Pennsylvania, and is legally binding upon the utility, its customers and the public. 66 Pa.C.S. § 1303; *DiSanto v. Dauphin Consol. Water Supply Co.*, 436 A.2d 197 (Pa. Super. 1981); *Brockway Glass Co. v. Pa. Pub. Util. Comm’n.*, 437 A.2d 1067 (Pa. Cmwlt. 1981). Tariff provisions previously approved by the Commission are *prima facie* reasonable. *Zucker v. Pa. Pub. Util. Comm’n.*, 401 A.2d 1377 (Pa. Cmwlt. 1979). Other than Mr. Quade’s personal opinion of overbilling discussed above,<sup>2</sup> there were no other specific allegations or testimony presented in this proceeding that raised questions of whether PPL was not charging Mr. Quade according to its lawful tariffed rates.

### CONCLUSIONS OF LAW

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

---

<sup>2</sup> “[O]pinions and conclusions cannot be relied upon as substantial evidence in a decision by this agency.” *Norman v. Phila. Gas Works*, Docket No. C-2018-2640719, at 30 (Opinion and Order entered Oct. 7, 2021). *See also*, *Pa. Bureau of Corrs. v. City of Pittsburgh*; 2 Pa.C.S. § 704.

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

5. "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).

6. 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.

7. In cases of alleged high billing, to establish a prima facie case of overbilling, a complainant, must show: (1) that the number of occupants in the household has not changed, (2) that the potential for energy utilization was low and (3) that complainant's billing history shows no prior abnormalities. Once the complainant makes out a prima facie case, the burden of proof then shifts to the utility; however, the ultimate burden of persuasion always remains with the complainant. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980); *Repogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980).

8. 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. *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011).

9. Mr. Quade's PPL meter tested within the Commission's guidelines of two percent of 100 percent accuracy. 52 Pa. Code §§ 57.20, 57.24.

10. Complainant has failed to satisfy his burden of proof in this proceeding to demonstrate that his PPL bills were not accurate. 66 Pa.C.S. § 332(a).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Tim Quade at *Tim Quade v. PPL Electric Utilities Corporation*, Docket Number C-2024-3046206 is denied.

2. That the Secretary's Bureau shall mark this case as closed.

Dated: September 4, 2024

\_\_\_\_\_  
/s/  
John M. Coogan  
Administrative Law Judge