

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ashley and Christopher Essig	:	
	:	
v.	:	C-2024-3046858
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Alphonso Arnold III  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the Complaint, finding that the customers of an electric utility have not met their burden of proving that the utility is responsible or accountable for the stray voltage issues at their residence.

**HISTORY OF THE PROCEEDING**

On February 26, 2024, Ashley Essig (“Mrs. Essig”) filed a Formal Complaint against PPL Electric Utilities Corporation (“PPL,” “the Company,” or “Respondent”), alleging that she had a reliability, safety, or quality problem with her utility service at 81 Callapoose Road, Moscow, PA 18444 (“service address”).<sup>1</sup>

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<sup>1</sup> At the evidentiary hearing held in this matter, the Complaint was amended to add Christopher Essig (“Mr. Essig”) as a Complainant. Tr. 32.

Specifically, Mrs. Essig alleged that PPL is responsible for a stray voltage problem at the service address.

On March 18, 2024, PPL filed an Answer to the Complaint, admitting or denying the allegations of the Complaint. Specifically, PPL asserted that it ran a neutral isolator test at the service address and concluded that the stray voltage issues Mrs. Essig complains of are on her side of the meter, over which PPL has no control.

On March 25, 2024, the Commission issued an Interim Order Setting Resolution Conference of Chief Administrative Law Judge Charles Rainey, assigning this matter to the Commission's Office of Administrative Law Judge's mediation unit. This matter was not resolved through mediation.

On June 10, 2024, the Commission issued an Initial Telephonic Hearing Notice, scheduling this matter for an evidentiary hearing on July 24, 2024, and assigning me as Presiding Officer to this proceeding.

On June 20, 2024, the Commission issued my Prehearing Order which set forth the procedural rules that would govern the evidentiary hearing.

On July 24, 2024, the evidentiary hearing was held as scheduled. Mr. and Mrs. Essig ("Complainants") appeared for the hearing, and Mr. Essig testified on their behalf. Attorney Peter J. Kramer appeared on behalf of PPL and presented the testimony of one witness who sponsored two exhibits, PPL Electric Exhibit 2 and PPL Electric Exhibit 5, that were admitted into the record.

On August 12, 2024, a 53-page electronic transcript of the evidentiary hearing was filed with the Commission. The record in this proceeding was closed on this date.

The Complaint is ready for ruling. For the below reasons, the Complaint will be dismissed.

### FINDINGS OF FACT

1. Complainants in this proceeding are Ashley and Christopher Essig who reside at and receive electric service at 81 Callapoose Road, Moscow, PA 18444.
2. Respondent is PPL Electric Utilities Corporation and provides electric service to Complainants at their service address.
3. On or around November 24, 2023, Complainants purchased a new hot tub for their residence at the service address. Tr. 9.
4. The new hot tub is located in the backyard of Complainants' residence. Tr. 18.
5. The backyard upon which the hot tub is situated is made up of gravel. Tr. 18.
6. Respondent presented the testimony of Gavin Canfield ("Mr. Canfield"), a reliability support engineer employed by PPL. Tr. 21.
7. Part of Mr. Canfield's job duties include reviewing customer complaints concerning stray voltage. Tr. 21.
8. On January 2, 2024, Complainants contacted Respondent over concerns about being shocked when using their hot tub. Tr. 22; PPL Electric Exhibit 2, p. 3.

9. On January 2, 2024, Respondent sent a crew out to Complainants' residence to do an initial stray voltage investigation. The initial investigation had the crew check the connections at the meter base as well as the connections at the transformer. The initial investigation did not reveal issues with the Company's equipment. Tr. 22.

10. On January 5, 2024, Respondent performed a stray voltage investigation at Complainants' residence. Tr. 23.

11. During the January 5, 2024, investigation, Respondent checked the connections again, and Mr. Canfield spoke to Mr. Essig directly and suggested that a ground ring be installed around the hot tub and directly bonded back to the meter base ground. Tr. 24, 42.

12. On January 8, 2024, Respondent performed a stray voltage investigation at Complainants' residence, after Complainants again contacted Respondent and complained about being shocked in their hot tub. Tr. 24; PPL Electric Exhibit 2, p. 2.

13. During the January 8, 2024, investigation, Respondent probed the ground for stray voltage, measuring the voltage and the current of the surrounding areas at different poles and facilities across the Company's system in the area. Tr. 24.

14. On February 6, 2024, Respondent performed a neutral isolation test at Complainants' residence, whereby Respondent installed a neutral isolator at the residence. Tr. 27.

15. The neutral isolator is a device that isolates the customer's neutral from the Company's neutral. Tr. 29.

16. The voltage at the transformer pole that serves Complainants and the guidewire that is attached measured at 3 to 3.5 volts prior to the neutral isolator being installed. Tr. 29.

17. After the neutral isolator was installed, the voltage at the transformer pole and the guidewire remained at 3 to 3.5 volts. Tr. 30; PPL Electric Exhibit 5.

18. After the neutral isolator was installed, the voltage in the hot tub increased from 4.5 volts to over 11.5 volts. Tr. 29; PPL Electric Exhibit 5.

19. If the stray voltage problem was being caused by Respondent's equipment and facilities, the voltage in the hot tub would have gone to zero when the neutral isolator was installed. Tr. 30, 31.

20. The voltage in the hot tub having increased when the neutral isolator was installed indicates that the stray voltage problem does not exist on Respondent's side and could be the result of an internal wiring issue at Complainants' residence or an issue with the ground upon which the hot tub is situated. Tr. 30, 31.

21. Respondent investigated the reported stray voltage issue at Complainants' residence 14 times in total. Tr. 35.

22. During other stray voltage investigations between January 8, 2024, and February 6, 2024, Respondent checked the Company's service line, patrolled upstream from Complainants' residence to the Company's facilities, patrolled downstream from the Company's facilities to Complainants' residence, and took transformers and individual customers out of power. These other investigations did not reveal any issues with the Company's equipment or facilities. Tr. 24-27.

## DISCUSSION

### *Legal Standards*

The Public Utility Code (“Code”) places the burden of proof upon the proponent of a rule or order. 66 Pa.C.S. § 332(a). As the proponent of a rule or order, Complainants have the burden of proof in this matter.

To establish a sufficient case and satisfy the burden of proof, complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Sub. Water Co.*, 50 Pa.P.U.C. 300 (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 preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support the Commission’s adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm’n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm’n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk and W. Ry. 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. 1960); *Murphy v. Dep’t of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the complainant shifts to the respondent. If the evidence presented by the respondent is of co-equal weight, the complainant has not satisfied his burden of proof. The complainant would be required to provide additional evidence to rebut the evidence of the

respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982). While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

Section 1501 of the Code, 66 Pa.C.S. § 1501, requires all public utilities to furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and to make all repairs, changes, improvements, etc., to its service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons, employees, and the public. Service is defined in the Code, in pertinent part, as follows:

Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities...in the performance of their duties under this part to their patrons, employees, other public utilities, and the public....

66 Pa.C.S. § 102, "Service."

### *Analysis*

This matter concerns a stray voltage issue at Complainants' residence. Complainants purchased a new hot tub for their residence on or around November 24, 2023, and have experienced electrical shocks when using the tub. Complainants contend that Respondent's equipment or facilities are the cause of the stray voltage issue with the hot tub.

Mr. Essig testified to the measures that he and his wife undertook to investigate the stray voltage issue concerning the hot tub at their residence. Tr. 9-16.

Specifically, Mr. Essig testified that he and his wife hired an electrician and an engineer from Artesian Spa (the hot tub manufacturer) to come out to their residence to investigate the stray voltage issue. Tr. 10-15. Mr. Essig testified that these individuals did not find any problems with the electrical wiring or equipment at the residence. Tr. 10, 11. Complainants did not present the testimony of the electrician or engineer at the evidentiary hearing in this matter.

PPL presented the testimony of Mr. Canfield, a reliability support engineer, who testified that PPL personnel investigated the reported stray voltage issue at Complainants' residence 14 times in total. Tr. 35. These investigations entailed checking the connections at the meter base and transformer, probing the ground for stray voltage, measuring the voltage and the current of the surrounding areas at different poles and facilities across the Company's system in the area, taking transformers and individual customers out of power, and patrolling upstream from Complainants' residence and downstream from the Company's facilities. Tr. 22 – 27. The final stray voltage investigation that PPL performed at Complainants' residence was a neutral isolation test. Tr. 27. When a neutral isolator separating the Company's neutral from Complainants' neutral was installed at the residence, the voltage in the hot tub increased from 4.5 volts to over 11.5 volts. Tr. 29; PPL Electric Exhibit 5. Mr. Canfield testified that the fact that the voltage in the hot tub increased when the customer's neutral was isolated means that the stray voltage issue does not exist on Respondent's side of the meter. Tr. 30, 31.

Mr. Canfield hypothesized that the stray voltage issue could be the result of an internal wiring issue at Complainants' residence or the rocky ground upon which the hot tub is situated. Tr. 30, 31. Mr. Canfield also suggested that Complainants reach out to their telephone utility to make sure that they are not causing the stray voltage issue. Tr. 31. Ultimately however, Mr. Canfield summarized that the multitude of investigations PPL performed at Complainants' residence show that the stray voltage issue is not being

caused by the Company's facilities or equipment, and that the issue exists downstream from the Company's facilities. Tr. 30, 31.

I find that Complainants have not met their burden of proving that PPL is responsible or accountable for the stray voltage issue at their residence. Although Mr. Essig testified that he hired an electrician and an engineer to investigate the stray voltage issue, and that they found no problems with the equipment of Complainants, neither the electrician nor engineer were called as witnesses at the hearing by Complainants. Thus, the entirety of the evidence presented by Complainants amount to assumptions and opinions regarding the source of the stray voltage in the hot tub. PPL on the other hand presented competent expert testimony from its witness, who testified at length concerning the investigations PPL performed at Complainants' residence concerning the stray voltage issue. It is the conclusion of PPL's expert witness that there are no problems with PPL's equipment or facilities and that the stray voltage issue is not being caused by the Company.

Complainants must prove, by a preponderance of the evidence, that Respondent is reasonable or accountable for the problem in their Complaint. The record evidence demonstrates that Respondent seriously and diligently attempted to find the cause of the stray voltage issue experienced by Complainants by investigating the problem 14 times. Record evidence further demonstrates that Respondent's facilities and equipment are not the cause of the stray voltage issue at Complainants' residence.

In conclusion, Complainants have not presented sufficient evidence in this case for a finding to be made that Respondent is responsible or accountable for the stray voltage issue at their residence. Complainants have not established that Respondent failed to provide them with adequate, safe, efficient and reasonable utility service in violation of 66 Pa.C.S. § 1501. As Complainants have failed to meet their burden of proof, the Complaint will be dismissed in the Ordering paragraphs below.

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties to this proceeding. 66 Pa.C.S. § 701.
  
2. As the proponent of a rule or order, Complainants have the burden of proof in this matter. 66 Pa.C.S. § 332(a).
  
3. To establish a sufficient case and satisfy the burden of proof, complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Sub. Water Co.*, 50 Pa.P.U.C. 300 (1976).
  
4. All public utilities must furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and make all repairs, changes, improvements, etc., to its 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.
  
5. Complainants have not met their burden of proving that Respondent is responsible or accountable for the stray voltage issues at their residence. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Secretary's Bureau shall amend the caption of this case to read Ashley and Christopher Essig v. PPL Electric Utilities Corporation, Docket No. C-2024-3046858.
2. That the Formal Complaint filed in the matter of Ashley and Christopher Essig v. PPL Electric Utilities Corporation, Docket No. C-2024-3046858, is dismissed.
3. That the Secretary's Bureau shall mark Docket No. C-2024-3046858 as closed.

Date: November 12, 2024

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/s/  
Alphonso Arnold III  
Administrative Law Judge