

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Yolonda Jones	:	
	:	
v.	:	C-2024-3048012
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Marta Guhl  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision denies the Formal Complaint filed by Yolonda Jones against PPL Electric Utilities Corporation because the Complainant failed to meet her burden of proving that she is entitled to a Commission-issued payment arrangement due to her poor payment history and defaulting on multiple Company-issued payment arrangements.

**HISTORY OF THE PROCEEDING**

On April 1, 2024, Yolonda Jones (Complainant or Ms. Jones) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL, Company, or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed checkmarks in the boxes indicating “[t]he utility is threatening to shut off my service or has already shut off my service,” and “I would like a

payment agreement.” Under the “requested relief” section of the Complaint form, the Complainant stated “I’m seeking a much affordable payment arrangement. I’ve has [sic] a tough year personally and I’m trying to catch things up. Trying not to loose [sic] my home or have my electricity shut off.”

On April 22, 2024, the Respondent filed an Answer to the Complaint.

By Initial Call-In Telephonic Hearing Notice dated April 23, 2024, an initial call-in telephonic hearing was scheduled for June 27, 2024 at 10:00 a.m., and the matter was assigned to me.

I issued a Prehearing Order on May 27, 2024. The Prehearing Order also advised the parties of the date and time of the scheduled hearing as well as how to call in for the hearing. Additionally, the Prehearing Order directed the parties to comply with various procedural requirements and also explained that the Complainant bears the burden of proof to establish that the Respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that she is entitled to the relief requested in the Complaint.

On June 26, 2024, a Hearing Cancellation Notice was issued and the hearing scheduled for June 27, 2024 was cancelled due to a conflict in the Administrative Law Judge’s schedule.<sup>1</sup>

On August 14, 2024, an Initial Call-In Telephonic Hearing Notice was issued, and the matter was rescheduled for an initial hearing on October 15, 2024 at 10:00 a.m.

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<sup>1</sup> The hearing conflicted with a Public Input hearing related to the PECO Gas and Electric Base Rate Cases at Docket Nos. R-2024-3046931 and R-2024-3046932.

The hearing convened as scheduled on October 15, 2024. The Complainant appeared *Pro Se* and testified. The Respondent appeared and was represented by Peter J. Kramer, Esq, who presented the testimony of Kelly Bell, a PPL Customer Service Representative. PPL offered five exhibits which were all admitted into the record.

The record closed on November 14, 2024, when I received my copy of the hearing transcript.

### FINDINGS OF FACT

1. The Complainant in this case is Yolonda Jones who resides at 1819 Owasco Terrace, Tobyhanna, Pennsylvania 18466 (Service Address). Tr. 7.
2. The Respondent in this case is PPL Electric Utilities Corporation.
3. The Complainant's household is a two-person household, which includes the Complainant and her 23-year-old daughter. Tr. 10.
4. The Complainant works full time at the U.S. General Services Administration, earning approximately \$50.00 per hour. Tr. 10-11.
5. The Complainant also works part-time at Kalahari Resorts, working six hours per week at \$15.00 per hour. Tr. 11.
6. The Complainant's daughter works part-time for Lincoln Financial, working approximately 27.5 hours per week at about \$27.50 per hour. Tr. 12.

7. On October 25, 2023, the Complainant received a Company-issued payment arrangement which she defaulted due to non-payment. Tr. 20; PPL Exh. 2

8. On April 2, 2024, the Company offered to reinstate the prior payment arrangement, which the Complainant rejected. Tr. 20-21; PPL Exh. 2.

9. The Complainant has defaulted on nine previous payment arrangements from the Company. Tr. 23-24; PPL Exh. 3.

10. The Complainant has only made one payment on her account in 2024 and 2023. Tr. 17; PPL Exh. 1.

11. The Complainant's outstanding balance at the time of the hearing was \$29,069.42. Tr. 17; PPL Exh. 1.

12. At the time of the hearing, the Complainant's gross monthly income was approximately \$8,000 for her full-time work, \$360 for her part-time work, and her daughter's gross monthly income was approximately \$3,025, for total gross monthly household income of approximately \$11,385. Tr. 10-12.

## DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, the 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. Suburban 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). That is, by presenting evidence 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. 2 Pa.C.S. § 704; *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). 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. 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. Pa. 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 her 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), *aff'd*, 461 A.2d 1234 (Pa. 1983).

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).

## Payment Agreement

Regarding payment agreements, it is important to note that Chapter 14 of the Public Utility Code, 66 Pa.C.S. §§ 1401-1419 (Chapter 14) was in effect and governed the conduct at issue at the time of the conduct in question in this matter.<sup>2</sup> Chapter 14 has subsequently sunset, effective December 31, 2024, according to its provisions, and is not currently in effect. However, the Commission recently addressed the sunset of Chapter 14, in pertinent part, as follows:

Thus, it is the Commission’s present view and statement of policy herein that all final orders issued pursuant to Chapter 14 of the Code remain in effect and are enforceable by the Commission unless reversed on appeal or amended by the Commission after notice and opportunity to be heard. 66 Pa.C.S. § 703(e), (g).

Additionally, with regard to the provision of payment arrangements, and without prejudging any future matters that may come before us, the Commission will maintain its application of the four-tiered process establishing the length of payment arrangements currently articulated in Chapter 14. This includes principles provided in Section 1405(b) and the relevant definitions of “change in income” and “significant change in circumstance” as provided in Section 1403 of the Code, 66 Pa.C.S. §§ 1403, 1405(b).

*Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024). Accordingly, the provisions of Chapter 14 will be applied here.

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<sup>2</sup> See *Ghaderi v. St. Bd. of Osteopathic Med.*, 302 A.3d 240 (Pa. Cmwlth. 2023); *Miegoc v. W.C.A.B.*, 961 A.2d 269 (Pa. Cmwlth. 2008).

Section 1405(a) of the Act reads as follows:

§ 1405. Payment arrangements

(a) General rule. -- The commission is authorized to investigate complaints regarding payment disputes between a public utility, applicants and customers. The commission is authorized to establish payment arrangements between a public utility, customers and applicants within the limits established by this chapter.

66 Pa.C.S. § 1405(a).

Under Section 1405(b) of the Act, a utility customer is entitled to a payment arrangement of six months if they have a gross monthly household income level exceeding 300% of the Federal Poverty Guidelines. 66 Pa.C.S. § 1405(b)(4).

The record indicates that the Complainant has not had a prior Commission-issued payment arrangement. The Complainant's household is a two-person household, which includes the Complainant and her 23-year-old daughter. Tr. 10. The Complainant works full time at the U.S. General Services Administration, earning approximately \$50.00 per hour. Tr. 10-11. The Complainant also works part-time at Kalahari Resorts, working six hours per week at \$15.00 per hour. Tr. 11. The Complainant's daughter works part-time for Lincoln Financial, working approximately 27.5 hours per week at about \$27.50 per hour. Tr. 12. At the time of the hearing, the Complainant's gross monthly income was approximately \$8,000 for her full-time work, \$360 for her part-time work, and her daughter's gross monthly income was approximately \$3,025, for total gross monthly household income of approximately \$11,385. Tr. 10-12. Therefore, the

Complainant's gross monthly household income level is 516% of the Federal Poverty Guidelines.<sup>3</sup> As such, the Complainant is eligible for a six-month payment arrangement.

However, the record shows that on October 25, 2023, the Complainant received a Company-issued payment arrangement on which she defaulted due to non-payment. Tr. 20; PPL Exh. 2. On April 2, 2024, the Company offered to reinstate the prior payment arrangement, which the Complainant rejected. Tr. 20-21; PPL Exh. 2. The Complainant has defaulted on nine previous payment arrangements from the Company. Tr. 23-24; PPL Exh. 3. The Complainant has only made one payment on her account in 2024 and 2023. Tr. 17; PPL Exh. 1. The Complainant's outstanding balance at the time of the hearing was \$29,069.42. Tr. 17; PPL Exh. 1.

It is Commission policy to exercise its discretion when customers have demonstrated some evidence of a good-faith effort in paying utility bills or customers have experienced a change of circumstance outside of their control. *Crawford v. Nat'l Fuel Gas Dist. Corp.*, Docket No. C-20066348 (Opinion and Order entered Dec. 6, 2007). Complainant's payment history and capability to keep prior payment agreements are determinative of whether the Commission exercises its authority to issue a payment agreement for the arrearage. *Id.* at 10; *see also Columbia Gas v. Byerts*, Docket No. F-2011-2247934 (Opinion and Order entered Oct. 17, 2013); *Dorsey v. Phila. Gas Works*, Docket No. F-2012-2313679 (Opinion and Order entered Nov. 22, 2013). Further, the Commission is constrained to grant only one payment arrangement to the Complainant, absent a change in income. *See* 66 Pa.C.S. § 1405(d). In this instance, the Complainant has defaulted on multiple Company-issued payment arrangements due to non-payment. The Complainant has a poor payment history, only making one payment in both 2024 and 2023.

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<sup>3</sup> *See* Federal poverty guidelines, 90 Fed. Reg. 5917 (Jan. 17, 2025); <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>

Further, the Complainant's outstanding balance at the time of the hearing is extremely high. There is a very strong likelihood that the Complainant will again default on any payment arrangement that can be provided to her under the terms of the Act. As such, the Complainant's request for a payment arrangement must be denied.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
2. Pursuant to 66 Pa.C.S. § 332(a), the burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).
3. 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.
4. The Commission will maintain its application of the four-tiered process establishing the length of payment arrangements currently articulated in Chapter 14. This includes principles provided in Section 1405(b) and the relevant definitions of "change in income" and "significant change in circumstance" as provided in Section 1403 of the Code, 66 Pa.C.S. §§ 1403, 1405(b). *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered December 24, 2024).
5. Under Section 1405(b) of the Act, a utility customer is entitled to a payment arrangement of six months if they have a gross monthly household income level exceeding 300% of the Federal Poverty Guidelines. 66 Pa.C.S. § 1405(b)(4).

6. It is Commission policy to exercise its discretion when customers have demonstrated some evidence of a good-faith effort in paying utility bills or customers have experienced a change of circumstance outside of their control. *Crawford v. Nat'l Fuel Gas Dist. Corp.*, Docket No. C-20066348 (Opinion and Order entered Dec. 6, 2007); *Columbia Gas v. Byerts*, Docket No. F-2011-2237934 (Opinion and Order entered Oct. 17, 2013); *Dorsey v. Phila. Gas Works*, Docket No. F-2012-2313679 (Opinion and Order entered Nov. 22, 2013).

7. The Complainant failed to sustain her burden of demonstrating that she should receive a Commission-issued payment arrangement. 66 Pa.C.S. § 332(a).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Yolonda Jones in *Yolanda Jones v. PPL Electric Utilities Corporation* at Docket No. C-2024-3048012 is denied.

2. That the Secretary's Bureau shall mark docket number C-2024-3048012 as closed.

Date: February 11, 2025

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/s/  
Marta Guhl  
Administrative Law Judge