

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Erica Shunoski	:	
	:	
v.	:	C-2024-3050500
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Christopher P. Pell
Deputy Chief Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Complaint of Erica Shunoski because she failed to meet her burden of proving PPL Electric Utilities billed her incorrectly for service.

HISTORY OF THE PROCEEDING

On July 17, 2024, Erica Shunoski (Complainant) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed a checkmark in the box marked “[o]ther,” next to which she stated “the bill is incorrect. I do not owe that amount. As per telephone conversation with PUC.” Under the “requested relief” section of the Complaint form, the Complainant stated “No illegal bill amount that I owe. No more slamming or paying someone else’s bill.”

On August 21, 2024, the Respondent filed an Answer to the Complaint denying that the Complainant's bills are incorrect. The Respondent further answered: that as of the date of the Answer, the Complainant's total account balance was \$4,356.01; that the Complainant made a total of 13 successful payments in 2024; and that most of these payments have been insufficient to cover the Complainant's monthly budget bills, which have ranged between \$359 and \$396. The Respondent further denied that the Complainant has been "slammed" or that bills rendered to the Complainant have been incorrect or illegal. Lastly, the Respondent denied that the Complainant is paying someone else's bill at the service address.

By Order dated August 29, 2024, Chief Administrative Law Judge Charles E. Rainey, Jr. directed the parties to attempt to resolve this matter. The parties were unable to resolve this matter.

By Initial Call-In Telephone Hearing Notice dated November 12, 2024, an initial call-in telephonic hearing was scheduled for January 24, 2025, at 10:00 a.m., and the matter was assigned to me.

I issued a Prehearing Order on December 2, 2024. The Prehearing Order reminded the parties of the date and time of the scheduled hearing 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.

I issued a Corrected Prehearing Order on December 9, 2024. The Corrected Prehearing Order advised the parties that my legal assistant changed from Shalea Delvillar to Pamela McNeal. The Corrected Prehearing Order also provided Ms. McNeal's contact information. The Corrected Prehearing Order again reminded the parties of the date and time of rescheduled hearing and again 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.

The hearing convened as scheduled on January 24, 2025. The Complainant appeared *pro se* and testified. The Respondent appeared and was represented by Nicholas Stobbe, Esq., who presented the testimony of April Lewis, a PPL Customer Contact Center Supervisor, and Kelly Bell, a PPL Customer Service Representative. The Respondent offered seven exhibits which were all admitted into the record (PPL Exhibits 1-6, 9).

The record closed on February 10, 2025, the date the transcript was filed with the Commission.

FINDINGS OF FACT

1. The Complainant in this case is Erica Shunoski.
2. The Respondent in this case is PPL Electric Utilities Corporation.
3. The Complainant resides with her husband at 115 Chestnut Street, Nescopeck, PA 18635 (service address). Tr. 10, 14.
4. The Complainant's only account for electric service is for service to the service address; the Complainant is not being billed for services provided by PPL to any address other than the service address. Tr. 27.
5. The Complainant is not listed as a co-responsible party on any other account for service. Tr. 27.

6. The Complainant's outstanding balance as of the time of the hearing totaled \$4,650.51. Tr. 30; PPL Exh. 1.

7. Between January 2021 and the date of the hearing, the Complainant was one of PPL's default service customers; she was not enrolled with any electric generation suppliers (EGS). Tr. 30-31; PPL Exh. 1.

8. PPL issued the Complainant an estimated bill of \$665.73 for the December 2022 billing period, covering the period from November 16, 2022, through December 20, 2022, because meter data was not transferring between systems. Tr. 31-32; PPL Exh. 1.

9. PPL based the December 2022 estimated bill on the average daily usage for the same month from the prior year, multiplied by the number of days in the billing period. Tr. 31.

10. PPL estimated the Complainant used 2,995 kilowatt-hours for the period November 16, 2022, through December 20, 2022. Tr. 32.

11. At all times during the estimated billing period, PPL had an actual record of the Complainant's actual meter readings. Tr. 33.

12. Based on daily readings from the meter, the Complainant's actual electricity consumption for the period of November 16, 2022, through December 20, 2022, was 3,432 kilowatt-hours. Tr. 32.

13. PPL underestimated the Complainant's bill for the period November 16, 2022, through December 20, 2022, by 437 kilowatt-hours. Tr. 32.

14. PPL issued a bill to the Complainant on January 19, 2023, for total usage of 3,647 kilowatt hours, which included the 437 underestimated kilowatt-hours from the prior billing period. Tr. 32-33; PPL Exh. 1.

15. The December 2022 estimated bill was the only estimated bill PPL issued to the Complainant between December 2020 and December 2024. Tr. 40; PPL Exh. 9.

16. PPL has since corrected the technical issue that prompted it to issue the estimated bill for December 2022. Tr. 40.

17. In August 2024, PPL issued a work order to pull and test the Complainant's meter at no cost to Complainant. Tr. 35; PPL Exh. 2.

18. On August 7, 2024, PPL pulled the Complainant's meter and tested it for accuracy. Tr. 37; PPL Exh. 5.¹

19. PPL tested the Complainant's meter at different loads and determined the average accuracy to be at 100.02%. Tr. 37; PPL Exh. 5.

20. The Complainant has electric heat in her home. Tr. 15, 21.

21. During the winter months, the Complainant keeps her thermostat set at 68 degrees. Tr. 15.

¹ Although the transcript reflects that the meter was pulled and tested on August 27, 2024, PPL Exh. 5 specifically advises that “[w]e tested your meter on 08/07/2024.” PPL Exh. 5.

22. The Complainant has higher kilowatt-hour usage in the winter months, which is consistent with electric heat. Tr. 38; PPL Exh. 9.

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, the 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, 602 (Pa. Cmwlth. 1990). A preponderance of the evidence is 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. *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 & W. Ry. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemp't Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Cntr.*, 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), *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).

The Complainant alleged that her electric bills were incorrect (i.e. too high). The burden of proof for high billing complaints has been explained in *Waldron v. Philadelphia Electric Co.*, 54 Pa.P.U.C. 98 (1980), and its progeny. In *Waldron*, the Commission adopted the Michigan Public Service Commission's (PSC's) policy announced in *Hallifax v. O & A Electric Co-Op*, Case No. U-5825, May 1979, which stated that, while the accuracy of the meter is an important factor in resolving billing disputes, it is not the sole criterion. The Commission stated that it will also consider the following factors: the billing history of the complainant; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought to light during the complaint proceeding. *Waldron* at 100.

Consistent with the Commission's holding in *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Opinion and Order entered Oct. 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." *Id.* at 6; *see also Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011).

Regarding meter testing, Commission regulations provide:

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).

As previously noted, the Complainant alleged that PPL has billed her incorrectly for service. The Complainant alleged identity theft and that her bills went up after she enrolled with an EGS, though she could not remember the EGS. Tr. 11-13. The Complainant further alleged that she is paying bills for other addresses. However, she was unable to say what other addresses are associated with her account. Tr. 16-17. Although the Complainant raised these concerns, she did not offer anything beyond her own testimony in support of her claims. "Mere bald assertions, personal opinions or perceptions do not constitute evidence." *Mid-Atlantic Power Sup. Assn. v. Pa. Pub. Util. Comm'n*, 746 A.2d 1196, 1200 (Pa. Cmwlth. 2000), citing *Pa. Bur. of Corr. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987); *see also Steffy's Pattern Shop v. Frontier Comm. of Pa., Inc.*, Docket No. R-00994808C0001 (Order entered Mar. 3, 2000).

PPL's witnesses demonstrated that the Complainant's only account for electric service is for service to the service address. The Complainant is not being billed for services provided by PPL to any address other than the service address. Tr. 27.

PPL's witnesses further demonstrated that although PPL issued the Complainant an estimated bill of \$665.73 for the December 2022 billing period because meter data was not transferring between systems, PPL was able to determine from actual daily readings from her meter that PPL underestimated the Complainant's December 2022 bill by 437 kilowatt-hours. Tr. 31-32; PPL Exh. 1. Moreover, PPL has since corrected the technical issue that prompted it to issue the estimated bill for December 2022. Tr. 40.

PPL's witnesses further testified that PPL pulled the Complainant's meter and tested it for accuracy. Tr. 37; PPL Exh. 5. PPL tested the Complainant's meter at different loads and determined the average accuracy to be at 100.02%, which is within the 2.0% range of accuracy under the Commission's regulations. Tr. 37; PPL Exh. 5; 52 Pa. Code § 57.20(c).

Additionally, the record in this matter demonstrates that the Complainant has electric heat in her home, and that during the winter months she keeps her thermostat set at 68 degrees. Tr. 15, 21. The record further demonstrates that the Complainant has higher kilowatt-hour usage in the winter months, and that her bills tend to decrease in the warmer months, which is consistent with electric heat. Tr. 38-40; PPL Exh. 9.

Under these circumstances, I cannot conclude that the Complainant met her burden of proving that PPL has billed her incorrectly for service. Accordingly, the Complainant's Complaint is denied in its entirety.

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. In establishing whether a "high bill" has been demonstrated, while the accuracy of the meter is an important factor in resolving billing disputes, the Commission will also consider the billing history of the Complainant; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought to light during the complaint proceeding. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98, 100 (1980).

5. No wathour 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 wathour meter is found to exceed these limits, it shall be adjusted or removed from service." 52 Pa. Code § 57.20(c).

6. Mere bald assertions, personal opinions or perceptions do not constitute evidence. *Mid-Atlantic Power Sup. Assn. v. Pa. Pub. Util. Comm'n*, 746 A.2d 1196 (Pa. Cmwlth. 2000); *Pa. Bur. of Corr. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987); *see also Steffy's Pattern Shop v. Frontier Comm. of Pa., Inc.*, Docket No. R-00994808C0001 (Order Entered Mar. 3, 2000).

7. The Complainant failed to meet her burden of proving that the Respondent billed her incorrectly for electric service.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Erica Shunoski at Erica Shunoski v. PPL Electric Utilities Corporation, Docket No. C-2024-3050500, is denied.
2. That the Secretary's Bureau mark Docket No. C-2024-3050500 as closed.

Date: May 7, 2025

/s/
Christopher P. Pell
Deputy Chief Administrative Law Judge