

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Christopher Briner	:	
	:	
v.	:	C-2024-3051719
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint of an electric utility customer, finding that he did not meet his burden of proving that he was overbilled by his utility.

HISTORY OF THE PROCEEDING

On October 11, 2024, Christopher Briner (“Complainant” or “Mr. Briner”) filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against PPL Electric Utilities Corporation (“Respondent” or “PPL”). Mr. Briner checked the box on the Complaint form indicating that there are incorrect charges on his bill. Specifically, Mr. Briner stated that PPL has been overcharging him, noting that he has been charged over \$400 per month for a “long

time.” For relief, Mr. Briner requested that PPL provide him with three years’ worth of credits due to the overcharging. The Complaint was served on PPL on October 21, 2024.

On November 12, 2024, PPL filed an Answer to the Complaint. PPL admitted that it has issued Mr. Briner bills that were over \$400, but denied that those bills or any other bills issued to Mr. Briner were incorrect or improper. PPL asserted that between April 1, 2022, and June 19, 2024, Mr. Briner was enrolled in PPL’s budget billing program and during this time his monthly bills ranged between \$603.00 and \$238.00. After Mr. Briner opted out of PPL’s budget billing program on June 19, 2024, Mr. Briner’s actual bills have ranged between \$188.07 and \$132.60. PPL concluded its Answer by requesting dismissal of the Complaint with prejudice.

On November 20, 2024, the Commission issued an Initial Call-In Telephonic Hearing Notice, scheduling an evidentiary hearing in this matter for January 16, 2025, and assigning this matter to me as presiding officer.

On November 26, 2024, the Commission issued my Prehearing Order which provided the parties with the procedural rules that would govern the evidentiary hearing.

On January 16, 2025, an evidentiary hearing was held in the above captioned matter. Both parties participated in the hearing and presented evidence on the issues raised. Mr. Briner testified on his own behalf. PPL was represented by Nicholas Stobbe, Esquire, and presented the testimony of Tami Roland, a senior customer service representative, who sponsored six exhibits that were admitted into the record. Tr. 17. During the hearing, Mr. Briner requested and was permitted the opportunity to submit late-filed exhibits. Tr. 12-13. As a result, the evidentiary record was not closed at the conclusion of the hearing.

On January 21, 2025, the Commission issued my Post Hearing Order, which gave Mr. Briner until February 13, 2025, to submit late-filed exhibits and PPL until March 6, 2025, to object to the admission of the late-filed exhibits.

On February 4, 2025, I received a 48-page electronic transcript of the evidentiary hearing.

On February 8, 2025, Mr. Briner submitted late-filed exhibits, pursuant to my Post Hearing Order. PPL did not file an objection to the late-filed exhibits.

On March 14, 2025, I received a letter from Mr. Briner wherein he requested an “unbiased” attorney to help him with his case. On March 18, 2025, I received another letter from Mr. Briner wherein he presented and complained of his February 2025 PPL bill. Copies of these letters were forwarded to PPL and on March 20, 2025, I caused these documents to be filed with the Commission to cure this ex parte communication.

On March 27, 2025, the Commission issued my letter which addressed the two ex parte letters I received from Mr. Briner.

On May 9, 2025, the Commission issued my Order Admitting Late Filed Exhibit and Closing the Record. My Order admitted Christopher Briner Exhibit 2 and closed the evidentiary record in this proceeding.

The evidentiary record in this proceeding consists of the electronic transcript of the January 16, 2025, evidentiary hearing and the following exhibits:

- PPL Electric Exhibit 1 - Account Activity Statement
- PPL Electric Exhibit 2 - Account Contact Statement

- PPL Electric Exhibit 3 - Payment Agreement History
- PPL Electric Exhibit 4 - Record of Bureau Decisions
- PPL Electric Exhibit 5 - Meter Test Results
- PPL Electric Exhibit 6 - OnTrack Letters
- Christopher Briner Exhibit 2 – Wattage Records Taken by Aaron from Wetzel Electric on January 28, 2025

This matter is ready for resolution. For the reasons discussed below, the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainant is Christopher Briner.
2. Respondent is PPL Electric Utilities Corporation.
3. The residence at the service address is a single-family home. Tr. 6.
4. Mr. Briner’s home is heated by propane heat. Tr. 6.
5. The electric appliances in Mr. Briner’s home include a water heater, microwave, refrigerator, and dryer. Tr. 8-9.
6. Mr. Briner has not resided at the service address since October 2024.
Tr. 6, 8.
7. Prior to October 2024, Mr. Briner was the sole resident at his home.
Tr. 8.
8. Mr. Briner visits his home every three weeks since October 2024.
Tr. 10.

9. Mr. Briner has a friend who has been checking on his home once every two weeks since October 2024. Tr. 10.

10. Mr. Briner's electric usage from January 2022 to December 2024 was as follows:

	2022	2023	2024
January	2573	2427	2762
February	2610	2118	2506
March	2137	2241	2309
April	317	1840	1172
May	1870	1659	652
June	2213	2030	766
July	2235	2166	1174
August	2155	1984	1135
September	2230	1384	797
October	1657	1241	891
November	1846	1581	675
December	2292	3110	1543

PPL Electric Exhibit 1.

11. Mr. Briner was enrolled in budget billing as of the April 28, 2022, billing due date. PPL Electric Exhibit 1, p. 2.

12. Mr. Briner was removed from budget billing as of the June 26, 2024, billing due date. Tr. 32; PPL Electric Exhibit 1, p. 5.

13. During Mr. Briner's time on budget billing, his bills ranged from \$238 to \$603. PPL Electric Exhibit 1, pp. 2-5.

14. Following his removal from budget billing, Mr. Briner's bills have ranged from \$114.62 to \$188.07. PPL Electric Exhibit 1, p. 6.

15. Mr. Briner's billing is based on actual meter readings. PPL Electric Exhibit 1.

16. On October 28, 2024, Mr. Briner's electric meter tested for accuracy at 99.98% full load and 100.02% light load, for an average accuracy of 99.99%. Tr. 21-22; PPL Electric Exhibit 5, p. 3.

17. The meter that was tested on October 28, 2024, was the meter that was installed at Mr. Briner's service address in the last three years prior to its removal for testing. Tr. 23.

DISCUSSION

Legal Standards

As a matter of law, to establish a legally sufficient claim, 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 also be a violation of the Public Utility Code, a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

Section 332(a) of the Public Utility Code ("Code") provides that a complainant, as the party seeking affirmative relief from the Commission, has the burden

of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *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 opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

Additionally, this Commission's decision must be supported by substantial evidence in the record. 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); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

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 complainant's evidence, the burden of going forward with the evidence shifts back to complainant, who must rebut the utility's evidence with some additional 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); *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983). As the party seeking relief from the Commission, Mr. Briner bears the burden of proof in this case.

Where a complainant alleges overbilling by their utility provider, the Commission utilizes the Waldron rule. *See Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980) (*Waldron*). *Waldron* and its progeny hold that to establish a *prima facie* case of overbilling, complainant must prove, by a preponderance of the evidence that: (1) the

number of occupants in the household has not changed; (2) the potential for energy utilization was low; and (3) the complainant's billing history shows no prior abnormalities. *Waldron; Replogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980).

The Commonwealth Court of Pennsylvania clarified the *Waldron* rule in *Milkie*, holding:

While the 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 1219-20 (citing *Burleson*, 461 A.2d at 1235). (Emphasis in original). In *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011) (*Thomas*), the Commission contemplated the types of evidence that might establish a *prima facie* case pursuant to *Waldron*:

[C]onsistent 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 (citing *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 at 6 (Opinion and Order entered Oct. 13, 2010)).

The Commission's Regulations provide tolerance standards for recording electricity usage within an error variance of 2.0% or less as follows:

§ 57.20. Watthour Meter Testing.

(c) No watthour 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, period or other tests, a watthour meter is found to exceed these limits, it shall be adjusted or removed from service.

52 Pa. Code § 57.20(c).

Analysis

In this matter, Mr. Briner alleges that PPL has been overbilling him for the last three years. Tr. 6, 8. Mr. Briner provided minimal testimony in support of his position at the hearing, restated below:

I've been fighting PPL for several years now, complaining about the usage. I've been the only resident in the house for almost 20 years. I have propane heat, so the fluctuations in the bill don't seem to be correct. The last bill was 678,000 watts, which seems ludicrous. The bill before that was 1,000,500 watts. There has been no change in my - in the house because

I have been away at . . . for my surgery. And there's no reason why it can go - it can triple almost in price, even if there was a short or a ground in the system. I think that's about it.

Tr. 6.

In response to questioning from myself and cross-examination from Attorney Stobbe, Mr. Briner testified that the service address is a single-family home with a water heater, microwave, refrigerator, and dryer and that since October 2024, Mr. Briner visits his home every three weeks and has a friend who checks his home once every two weeks. Tr. 6, 8-10.

PPL presented the testimony of Tami Roland, a senior customer service representative (Tr. 17), who sponsored several exhibits which were admitted into the record. Among the exhibits admitted into the record is Mr. Briner's statement of account. PPL Electric Exhibit 1. Mr. Briner's electric usage from January 2022 to December 2024 as shown on his statement of account is as follows:

	2022	2023	2024
January	2573	2427	2762
February	2610	2118	2506
March	2137	2241	2309
April	317	1840	1172
May	1870	1659	652
June	2213	2030	766
July	2235	2166	1174
August	2155	1984	1135
September	2230	1384	797
October	1657	1241	891
November	1846	1581	675
December	2292	3110	1543

PPL Electric Exhibit 1.

Mr. Briner's statement of account also shows that he was enrolled in budget billing¹ as of the April 28, 2022, billing due date and was removed from budget billing as of the June 26, 2024, billing due date. PPL Electric Exhibit 1, pp. 2-5. During Mr. Briner's time on budget billing, his bills ranged from \$238 to \$603. *Id.* Following his removal from budget billing, Mr. Briner's bills have ranged from \$114.62 to \$188.07. PPL Electric Exhibit 1, p. 6. Mr. Briner's billing is based on actual meter readings. PPL Electric Exhibit 1.

Also, among the exhibits admitted into the record was the meter test results of Mr. Briner's electric meter. PPL Electric Exhibit 5. Regarding Ms. Briner's electric meter, the meter was tested for accuracy on October 28, 2024, and tested at 99.98% full load and 100.02% light load, for an average accuracy of 99.99%. Tr. 21-22; PPL Electric Exhibit 5, p. 3. Ms. Roland testified that the meter test results show that the meter tested accurately. Tr. 22, 35.

After reviewing the evidence presented in this matter, I find that Mr. Briner has not established a *prima facie* case of overbilling.

The meter test results presented by PPL show that Mr. Briner's electric meter was accurate within the 2.0% margin of error permitted within the Commission's regulations. *See* 52 Pa. Code § 57.20(c). However, pursuant to *Waldron*, the results of a meter test are not controlling, and can be overcome through other circumstantial evidence which would support a finding that the metered usage exceeded the actual usage. Mr. Briner did not present evidence in this matter sufficient for a finding that the metered usage exceeded the actual usage for the three-year time period in question.

¹ Budget billing is a tool by which the utility annualizes a customer's bill by dividing the annualized amount into equal monthly payments. The utility will review and adjust the budget bill every three months, or quarterly. The amount of a budget bill can go up or down if the customer's usage changes.

Starting with the time period from October 2024 onwards, Mr. Briner claimed that there were fluctuations on his bills and, based on his testimony, appeared to claim that his bills have tripled since he left the residence in October 2024. However, a review of Mr. Briner’s statement of account does not support his claims. Since Mr. Briner’s removal from budget billing as of the June 26, 2024 billing due date, his monthly bills have decreased. Mr. Briner’s bills while on budget billing ranged from \$238 to \$603, while his October 2024, November 2024, and December 2024 bills were \$146.38, \$114.62, and \$250.99 respectively. PPL Electric Exhibit 1.

Further, regarding the usage at the service address, Mr. Briner’s statement of account shows that the electric usage at the service address from October 2024 through December 2024 is lower than the usage for the same months in prior years.

	2022	2023	2024
October	1657	1241	891
November	1846	1581	675
December	2292	3110	1543

PPL Electric Exhibit 1.

The usage at the service address from October 2024 through December 2024 being lower than the usage for those months in prior years is consistent with a home that has had a decrease in occupants.

Concerning the bills and usage at the service address prior to October 2024, Mr. Briner’s only testimony to support his claim that he was overbilled during this time period was that he was the sole resident at the service address. Mr. Briner’s argument is that the bills and usage at the service address are too high for a home where he is the only occupant. However, Mr. Briner provided no evidence to support a finding that the

service address was not capable of using the metered usage. I am not persuaded that Mr. Briner's bills and usage are inaccurate, given that Mr. Briner's meter was tested and found to be accurate within the Commission's regulations, and the fact that Mr. Briner's bills were based on actual meter readings.

Overall, review of Mr. Briner's billing from January 2022 to December 2024 shows that the higher bills that Mr. Briner received during this period were connected to him being on budget billing, and that his bills decreased when he was removed from budget billing. Review of Mr. Briner's usage from this period does not show any fluctuations or abnormalities, aside from decrease in usage in the spring and summer months of 2024² and after Mr. Briner entered rehab in October 2024.

In conclusion, Mr. Briner has not met his burden of proving that he has been overbilled by PPL. Therefore, Mr. Briner's Complaint will be dismissed in the Ordering paragraphs below.

CONCLUSIONS OF LAW

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

2. As the proponent of a rule or order, Complainant has 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, the Complainant must show that Respondent is responsible or accountable for the problem

² Mr. Briner's usage from April 2024 to September 2024 ranged from 1174 on the high end to 652 on the low end. PPL Electric Exhibit 1.

described in the Complaint by a preponderance of the evidence. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

4. A preponderance of the evidence is 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).

5. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. 2 Pa.C.S. § 704.

6. A complainant may 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 v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011).

7. No watthour 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, period or other tests, a watthour meter is found to exceed these limits, it shall be adjusted or removed from service. 52 Pa. Code § 57.20(c).

8. Complainant has not met his burden of proving that he has been overbilled by PPL. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Christopher Briner in the matter of Christopher Briner v. PPL Electric Utilities Corporation, Docket No. C-2024-3051719, is dismissed.

2. That the Secretary's Bureau shall mark Docket No. C-2024-3051719 as closed.

Date: August 7, 2025

/s/
Alphonso Arnold III
Administrative Law Judge