

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120**

**Douglas Smith**

v.

**PPL Electric Utilities Corporation**

**Public Meeting August 14, 2025**

**3046013-OSA**

**Docket No. C-2024-3046013**

**STATEMENT OF COMMISSIONER JOHN F. COLEMAN, JR.**

Before the Pennsylvania Public Utility Commission (Commission) are the Exceptions filed by PPL Electric Utilities Corporation (PPL) to the Initial Decision (ID) in the above-captioned docket. In the Exceptions, PPL asks the Commission to reverse the ID's finding that PPL provided unreasonable service. PPL also seeks to reverse the ID's imposition of a civil penalty.

I agree with PPL's Exceptions. The facts are simply that the Complainant requested service to a detached garage and PPL provided service at the appropriate rate pursuant to its tariff. The Complainant accepted and received the service.<sup>1</sup> The Complainant made full payments on the account for more than one year.<sup>2</sup> The Complainant then contacted PPL to discuss a higher-than-expected bill, and for the first time questioned the rate for service.<sup>3</sup>

The Commission addressed this fact pattern in *Russell Kanowicz v. PPL Elec. Util. Corp.*, Docket No. C-20043915 (Order entered November 1, 2005).<sup>4</sup> In *Kanowicz*, the Commission concluded that Mr. Kanowicz "failed to act with due diligence and cannot now complain that the utility is responsible for the situation he finds himself in."<sup>5</sup> The same conclusion is true for this case.

The Complainant testified that he did not know anything about electrification, so it was up to PPL to decide how to electrify his garage.<sup>6</sup> The Complainant also testified that he never looked at his bills.<sup>7</sup> As the Commission found in *Kanowicz*, PPL "does not make recommendations to customers regarding how service should be installed. All consumer's [*sic*] have an obligation to seek the information necessary to make informed decisions prior to undertaking a large project...."<sup>8</sup> Here, the Complainant failed to educate himself about his project. The Complainant also failed to review his monthly bills in a timely fashion; these bills

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<sup>1</sup> Tr. 41.

<sup>2</sup> Tr. 76-77.

<sup>3</sup> Tr. 11, 23.

<sup>4</sup> The Commission's Opinion and Order in *Kanowicz* denies PPL's Exceptions and adopts the Initial Decision to the extent that it is consistent with the Opinion and Order.

<sup>5</sup> *Kanowicz* Initial Decision, Pg. 8.

<sup>6</sup> Tr. 24.

<sup>7</sup> Tr. 25.

<sup>8</sup> *Kanowicz* Initial Decision, Pg. 8.

included the rate classification.<sup>9</sup> From his testimony, it is clear that the Complainant expected PPL to guide him and make decisions for him with respect to this project. That expectation was unreasonable. It is not appropriate for PPL to use ratepayer funds to act as a private electrical contractor for individual customers, especially when doing so could ultimately lead to PPL expending considerable time and resources.

*Kanowicz* also established the Commission precedent that “[n]either the Public Utility Code, nor any Commission regulation or Order places an affirmative duty upon a utility to provide rate schedules to customers, as a matter of course, when service is requested.”<sup>10</sup> While not bound by *stare decisis*, the Commission must render consistent opinions and should either follow, distinguish, or overrule its own precedent.<sup>11</sup>

The current case is not distinguishable from *Kanowicz*. That the Complainant’s service request involved EV charging does not justify a different outcome. In my view, a customer’s stated reason for requesting service should not determine the level of “reasonable service” owed to that customer.<sup>12</sup> To conclude such would lead to regulatory uncertainty. Nor am I persuaded that PPL provided inaccurate information through its website which referred only to the generation portion of a customer’s monthly bill.<sup>13</sup> More importantly, I cannot conclude from the Complainant’s testimony and Complainant’s Exhibit 1 that he read and relied on the information reflected in PPL’s Exhibit 6 before he requested service to his garage.<sup>14</sup> After the fact personal opinions or perceptions regarding PPL’s service practices do not constitute evidence. In the absence of substantial and legally credible evidence supporting a finding of a violation of Section 1501, the Complaint cannot be sustained.<sup>15</sup> This principle extends to administrative agencies as well, and they may not use their specialized knowledge or policy preferences as a substitute for actual, record evidence or to act as a super board of directors in the management of public utilities.<sup>16</sup>

Nor should the current case be used to overrule the precedent in *Kanowicz*. The burden of making informed decisions and asking appropriate questions about individual utility projects is properly placed on customers. Finally, PPL should not be penalized for following what has been Commission precedent. When this Commission chooses to modify its precedent, civil penalties should only be assessed going forward.

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<sup>9</sup> Complainant’s Exhibit 4.

<sup>10</sup> *Kanowicz* Initial Decision, Page 7.

<sup>11</sup> *Bell Atl. v. Pa. Pub. Util. Comm’n*, 672 A.2d 352, (Pa. Cmwlth. 1995); citing *Pennsylvania Trust v. Dep’t of Envtl. Prot.*, 863 A.2d 93, 107 (Pa. Cmwlth. 2004).

<sup>12</sup> I note that, at the time of his service request, the Complainant did not own a plug-in hybrid vehicle or a full electric vehicle. Tr. 21 and 22.

<sup>13</sup> PPL Exhibit 6.

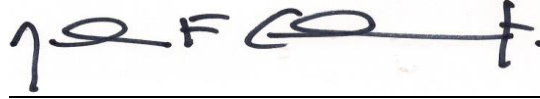
<sup>14</sup> I note that the Complainant’s Formal Complaint and “Additional Info to Formal Complaint” are not part of the record.

<sup>15</sup> *Bureau of Corrections v. City of Pittsburgh, Pittsburgh City Council*, 532 A.2d 12 (Pa. 1987).

<sup>16</sup> *Metropolitan Edison Co. v. Pa. Pub. Util. Comm’n*, 437 A.2d 76, 80 (Pa. Cmwlth. 1981); *Kyu Son Yi, DVM v. State Bd. of Veterinary Med.*, 960 A.2d 864, 872 (Pa. Cmwlth. 2008)

For these factual and legal reasons, I would grant PPL's Exceptions and dismiss this Complaint with prejudice.

Date: August 14, 2025

A handwritten signature in black ink, appearing to read "J.F. Coleman, Jr.", written over a horizontal line.

**JOHN F. COLEMAN, JR.  
COMMISSIONER**