

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bruce Gooday	:	
	:	
v.	:	C-2025-3053930
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

A customer filed a Formal Complaint against his electric utility alleging unreasonable service regarding power outages at his service address. This Initial Decision dismisses the Formal Complaint for the failure of the customer to meet his burden of proving that the utility violated the Public Utility Code, a Commission order or regulation or a Commission-approved tariff with respect to the service provided to him.

HISTORY OF THE PROCEEDING

On March 7, 2025, Bruce Gooday (“Complainant” or “Mr. Gooday”) filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against PPL Electric Utilities Corporation (“Respondent” or “PPL”), alleging that he is having a reliability, safety or quality problem with his utility service. Specifically, Mr. Gooday alleged that he had been experiencing power outages from mid-

2023 to the present after PPL performed tree trimming in his area. Mr. Gooday attached a handwritten letter to his Complaint detailing the specific dates and durations of the power outages that he experienced in 2023 and 2024.

For relief, Mr. Gooday requested that the Commission order PPL to have more frequent tree trimming campaigns in his area rather than the 6-year tree trimming rotations that are currently in place.

On March 12, 2025, the Complaint was served on PPL.

On April 1, 2025, PPL filed an Answer to the Complaint. PPL admitted that Mr. Gooday experienced service outages in 2023 and 2024 but denied the specific dates and durations of the power outages as indicated in the Complaint. PPL denied that the service outages constituted unreasonable service. PPL also admitted that it conducted vegetation management and tree trimming activities along the circuit and distribution line at issue but denied that these activities caused an increase in power outages. PPL concluded its Answer by requesting that the Commission deny the Complaint.

On April 4, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling an evidentiary hearing in this matter for June 6, 2025, and assigning the case to me as presiding officer.

Also on April 4, 2025, the Commission issued my Prehearing Order which provided the procedural rules that would govern the hearing.

On June 6, 2025, the evidentiary hearing was held as scheduled. Mr. Gooday appeared, testified on behalf of his Complaint, and sponsored one exhibit that was admitted into the record. Alice Wade, Esquire, appeared on behalf of PPL and

presented the testimony of two witnesses who sponsored five exhibits that were admitted into the record.

On June 24, 2025, the Commission received the electronic transcript of the June 6, 2025, evidentiary hearing. The record closed on this date.

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

FINDINGS OF FACT

1. Complainant in this case is Bruce Gooday.
2. Respondent in this case is PPL Electric Utilities Corporation.
3. The service address at issue is 1777 Bald Mountain Road, Bear Creek Township, 18702. Tr. 17.
4. An outage is the loss of ability to deliver power that typically occurs when a fault occurs on PPL's system. Tr. 31
5. A fault is a disruption in the electric current toward an interval electric current on a PPL circuit. Tr. 31.
6. Faults can be caused by many different things, such as vegetation, animal contact, diggings, weather, and vehicle strikes. Tr. 31.
7. PPL's system contains automated breakers and reclosers which act to detect and clear faults. Tr. 32.

8. When the automated breakers and reclosers sense a fault in a distribution line, they automatically shut power off to the circuit until the fault can be cleared. Tr. 32-33.

9. Mr. Gooday is served by the Bear Creek 2 distribution circuit. Tr. 30.

10. The Bear Creek 2 distribution circuit is surrounded by heavy vegetation and trees making it difficult for PPL to predict which healthy trees will fall, particularly if they are outside of PPL's right of way. Tr. 52.

11. PPL Electric Exhibit 3 is the outage history for Mr. Gooday's service address. PPL Electric Exhibit 3.

12. Mr. Gooday experienced 17 outages from March 1, 2021, to December 11, 2024. PPL Electric Exhibit 3.

13. Mr. Gooday experienced 10 outages from May 3, 2023, to December 11, 2024, which is the time period that is the subject of the Complaint. Tr. 35-36; PPL Electric Exhibit 3, pp. 2-6.

14. Out of the 10 outages experienced by Mr. Gooday from May 3, 2023, to December 11, 2024, one was caused by a vehicle accident and nine were caused by trees outside of PPL's right of way. Tr. 39-40; PPL Electric Exhibit 3, pp. 2-6.

15. The shortest outage experienced by Mr. Gooday from May 3, 2023, to December 11, 2024, was 70 minutes and the longest outage was 3,851 minutes. PPL Electric Exhibit 3.

16. Mr. Gooday experienced an outage on November 21, 2024, that lasted 3,851 minutes, or around 64 hours. PPL Electric Exhibit 3, p. 5.

17. The November 21, 2024, outage was caused by a tree outside of PPL's right of way. PPL Electric Exhibit 3, p. 5.

18. With respect to the nine outages caused by trees outside of PPL's right of way, wind was a contributing factor to five of the outages, rain was a contributing factor to one, "Ice/Sleet/Snow" was a contributing factor to two of the outages, and weather was not a contributing factor to one of the outages. PPL Electric Exhibit 3, pp. 2-5.

19. The weather that contributed to the November 21, 2024, outage was recorded as "Ice/Sleet/Snow." PPL Electric Exhibit 3, p. 5.

20. Job specific comments were made on November 22, 2024, regarding the November 21, 2024, outage which stated that there is a tree on the primary grid, that there are branches across the line that the crew did not get to scope out, and that clearing the tree will require a bigger crew. PPL Electric Exhibit 3, p. 5.

21. PPL Electric Exhibit 4 is PPL's Biennial Inspection, Maintenance, Repair and Replacement Plan for the period of January 1, 2024, to December 31, 2025, that it maintains with the Commission and filed pursuant to the Commission's regulations at 52 Pa. Code § 57.198, which reflects its standards regarding inspecting, repairing, and/or replacing equipment and vegetation management. PPL Electric Exhibit 4.

22. PPL employs a condition-based five to eight-year inspection and maintenance cycle for its distribution circuits where trimming, hazard tree removals, and brush control are performed. PPL Electric Exhibit 4, p. 13.

23. PPL Electric Exhibit 7 is a document that shows the vegetation maintenance work performed on the Bear Creek 2 distribution circuit. PPL Electric Exhibit 7.

24. In 2023, PPL performed 186 tree removals, which involved 19 acres of either mowing, hand cutting of brush, or spraying of herbicide along with about 35,000 feet of trimming on the Bear Creek 2 distribution circuit. Tr. 48-49; PPL Electric Exhibit 7.

25. In response to the concerns raised by Mr. Gooday, members of the PPL vegetation management team inspected the Bear Creek 2 distribution circuit in December 2024 and concluded that there were no additional hazard trees or imminent threats on the circuit. Tr. 51-52.

26. PPL is practically reviewing the Bear Creek 2 distribution circuit to determine if it can place any type of sectionalizing devices on the line to further improve its reliability. Tr. 37.

27. The Company will next perform vegetation management on the Bear Creek circuit between the years of 2028 and 2030. Tr. 50.

DISCUSSION

Legal Standards

Burden of Proof

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 (“Code”), a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

Section 332(a) of the 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, the 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).

A public utility has a duty to maintain safe, adequate, and reasonable service and facilities and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501. The Commonwealth Court has cautioned that the Commission may not sustain a complaint pursuant to Section 1501 of the Code unless it finds that a utility has violated a duty to render reasonable and reliable service. *W. Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947 (Pa. Cmwlth. 1984). Further, the Commission has stated that a utility is not mandated to furnish perfect service:

[Section 1501] does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor of either perfect service or the best possible service.

Re Metro. Edison Co., 80 Pa.P.U.C. 663, 672 (1993). However, a public utility is obligated to provide service that is reasonable and adequate. *Analytical Lab. Servs., Inc. v. Metro. Edison Co.*, Docket No. 20066608 (Opinion and Order entered Dec. 21, 2007).

A Section 1501 violation regarding unreasonable service outages is fact specific as to the number of outages, their causes, and a company's corrective actions. *Barry v. Metro. Edison Co.*, Docket No. C-2018-3005410 (Opinion and Order entered Aug. 12, 2019). The Commission does not automatically consider an outage from an off right-of-way tree to exonerate the utility from fault. *Id.* An electric distribution company shall strive to prevent interruptions of electric service and, when interruptions occur, restore service within the shortest reasonable time. 52 Pa. Code § 57.194(d).

Analysis

At the evidentiary hearing in this matter, Mr. Gooday testified regarding power outages that he experienced in 2023 and 2024 and submitted a document admitted

into the record as Complainant Exhibit B that detailed, to the best of his knowledge, the date and duration of the outages that he experienced in 2023 and 2024. Mr. Gooday testified that he experienced nine power outages from May 3, 2023, to December 11, 2024. Tr. 10-11, 16-17; Complainant Exhibit B. The outage that prompted Mr. Gooday to file this Complaint was the outage that he experienced on November 21, 2024. Tr. 19. According to Mr. Gooday, the November 21, 2024, outage lasted 63 hours and 33 minutes. Tr. 19; Complainant Exhibit B. This outage left Mr. Gooday without heat, light, water, and landline phone service for the duration of the outage. Tr. 11-12. Mr. Gooday further testified as to his belief that dead trees are contributing to these outages. Tr. 13. For relief, Mr. Gooday requested that the Commission order PPL to increase the frequency of its tree trimming practices and award him monetary damages in the amount of \$5,000. Tr. 13-14.

PPL submitted testimony from Jachin Spotts, a reliability supervisor employed by PPL (Tr. 28), and documentation regarding the power outages experienced by Mr. Gooday who is serviced by the Bear Creek 2 distribution circuit. The outage history for Mr. Gooday's service address shows that Mr. Gooday experienced ten power outages from May 3, 2023, to December 11, 2024.¹ PPL Electric Exhibit 3, pp. 2-6. The shortest outage experienced by Mr. Gooday from May 3, 2023, to December 11, 2024, was 70 minutes and the longest outage was the November 21, 2024, outage which lasted 3,851 minutes. Out of the 10 outages experienced by Mr. Gooday from May 3, 2023, to December 11, 2024, one was caused by a vehicle accident and nine were caused by trees outside of PPL's right of way. Tr. 39-40; PPL Electric Exhibit 3, pp. 2-6. PPL Electric Exhibit 3. With respect to the nine outages caused by trees outside of PPL's right of way, wind was a contributing factor to five of the outages, rain was a contributing factor to one, "Ice/Sleet/Snow" was a contributing factor to two of the outages, and weather was not a

¹ PPL's outage history chart shows one additional outage (November 23, 2024) in comparison to the outage history chart provided by Mr. Gooday in Complainant Exhibit B.

contributing factor to one of the outages. PPL Electric Exhibit 3, pp. 2-5. As explained by Ms. Spotts, it is PPL's position that none of the causes for the 10 outages at issue were within the control of PPL. Tr. 35.

With respect to the November 21, 2024, outage specifically, the outage was caused by a tree outside of PPL's right of way. PPL Electric Exhibit 3, p. 5. The weather that contributed to the November 21, 2024, outage was recorded by PPL as "Ice/Sleet/Snow." *Id.* Job specific comments made on November 22, 2024, regarding the November 21, 2024, outage stated that there is a tree on the primary grid, that there are branches across the line that the crew did not get to scope out, and that clearing the tree will require a bigger crew. PPL Electric Exhibit 3, p. 5.

PPL additionally submitted testimony from Nicole Howell, a manager of vegetation management and program management employed by PPL (Tr. 46), and documentation regarding the vegetation practices of PPL. Ms. Howell testified that the Bear Creek 2 distribution circuit is surrounded by heavy vegetation and trees, which makes it difficult to predict which healthy trees will fall, particularly if they are outside of PPL's right of way. Tr. 52. Nonetheless, Ms. Howell explained that PPL uses its best efforts to pursue vegetation management activities along the circuit to improve safety and reliability. Tr. 52. In that regard, PPL employs a condition-based five to eight-year inspection and maintenance cycle for its distribution circuits where trimming, hazard tree removals, and brush control are performed, pursuant to its Biennial Inspection, Maintenance, Repair and Replacement Plan for the period of January 1, 2024, to December 31, 2025. PPL Electric Exhibit 4, p. 13. Ms. Howell went on to explain that in 2023, PPL performed 186 tree removals, which involved 19 acres of either mowing, hand cutting of brush, or spraying of herbicide along with about 35,000 feet of trimming on the Bear Creek 2 distribution circuit. Tr. 48-49; PPL Electric Exhibit 7. Ms. Howell also explained that, as a result of the concerns expressed by Mr. Gooday, members of the PPL vegetation management team inspected the Bear Creek 2 distribution circuit in December 2024 and concluded that there

were no additional hazard trees or imminent threats on the circuit. Tr. 51-52. Ms. Howell additionally testified that PPL is practically reviewing the Bear Creek 2 distribution circuit to determine if it can place any type of sectionalizing devices on the line to further improve its reliability. Tr. 37. PPL will next perform vegetation management on the Bear Creek 2 distribution circuit between the years of 2028 and 2030. Tr. 50.

Recently, the Commission reviewed several complaints alleging unreasonable service due to service outages. These cases were used as guidance in analyzing this instant case.

In *Zampatti v. West Penn Power Co.*, Docket No. C-2020-3021157 (Opinion and Order entered Apr. 25, 2022), the Commission found that 14 outages over approximately three and a half years did not constitute unreasonable service. The Commission did not cite or set a rule about a quantity of outages that constitute inadequate and unreasonable service but did emphasize that the utility took steps to remedy the service concerns and that those steps did lead to fewer outages. *Id.* at 11-12.

In *Bierkamp v. Metropolitan Edison Co.*, Docket No. C-2019-3015097 (Opinion and Order entered Mar. 15, 2023), the Commission found that the 46 outages experienced by complainants over approximately four years did not constitute unreasonable service. Thirty-five outages were caused by off right of way trees and seven outages were arguably caused by things within the utility's control. Although the Commission found that complainants did not meet their burden of proof, the Commission acknowledged that it was unclear that the steps the utility has taken to remedy the outages were leading to a decrease in outages and ordered the Commission's Bureau of Technical Utility Services to review the outages. *Id.* at 17-19.

In *Ciraolo v. PPL Electric Utilities Co.*, Docket No. C-2022-3034903 (Opinion and Order entered July 11, 2023), the Commission found that 12 extended outages (outages longer than five minutes) and 30 momentary outages (outages shorter than five minutes) over approximately two years did not constitute unreasonable service. Six of the outages were caused by off right of way trees and five outages were arguably caused by things within the utility's control.

In *Sharbaugh v. PECO Energy Co.*, Docket No. C-2018-3005720 (Final Order entered Dec. 9, 2019), the Commission found that 24 outages over a 25-month period, nine of which were sustained (lasting from 15 minutes to over 39 hours) and the rest momentary (outages shorter than five minutes) constituted unreasonable service.

The record evidence shows that Mr. Gooday experienced 10 power outages from May 3, 2023, to December 11, 2024, and that all of the outages were caused by events out of PPL's control, i.e., 9 by outside of the right of way trees and 1 by a vehicle accident. The outages ranged from 70 minutes to 3,851 minutes. Weather was a contributing factor to all but one of the outages caused by a tree located outside of PPL's right of way. In comparing these facts to the facts of the cases cited above, I do not find that PPL provided Mr. Gooday with unreasonable service as it relates to the number of outages and their causes.

Specifically as it relates to the November 21, 2024, outage which lasted around 64 hours, I acknowledge that Mr. Gooday suffered as a result of the duration of the outage. However, I do not find that PPL provided unreasonable service regarding this outage in that the outage was caused by a tree outside of PPL's right of way and weather, both factors beyond PPL's control. With respect to the duration of the outage, the job specific comments made by PPL in connection to the outage detail the difficulties presented in removing the tree that caused the outage. Specifically, the comments that were made on November 22, 2024, explain that a tree fell on the primary grid that required a big crew to

remove. Given the difficulties that were present in removing the tree and restoring service, I do not find that PPL failed to restore service within the shortest reasonable time.

Regarding PPL's corrective actions, in response to Mr. Gooday's concerns over the power outages, PPL inspected the Bear Creek 2 distribution circuit in December 2024. As a result of this inspection, PPL concluded that there were no additional hazard trees or imminent threats on the circuit. PPL additionally is reviewing the Bear Creek 2 distribution circuit to determine if it can place any type of sectionalizing devices on the line to further improve its reliability. I find that these corrective actions represent a good faith effort on PPL's part to improve reliability of the circuit in question and to ensure that Mr. Gooday will experience a reduction in outages in the future. The record also highlights PPL's vegetation management practices in place for the Bear Creek 2 distribution circuit. Specifically, PPL cleared trees on the circuit at issue in 2023 and will next perform vegetation management on the circuit between the years of 2028 and 2030. I also note that PPL's system has in place automated breakers and reclosers on PPL's system which act to detect and clear faults. I find that PPL has practices in place to potentially lead to a reduction in outages in the future.

Overall, I find that the facts and circumstances of this Complaint do not rise to such a level to support sustaining the Complaint. It is noteworthy that all 10 of the outages challenged in this matter were caused by events outside of PPL's control, and that weather was a contributing factor to all but one of the outages caused by trees outside of PPL's right of way. As cited above, PPL is required to provide reasonable service, not perfect service.

For relief in this proceeding, Mr. Gooday requested that PPL be ordered to increase the frequency of its tree trimming practices and award him monetary damages in the amount of \$5,000. It is well-established under Pennsylvania law that the enforcement powers of the Commission do not include the power to award money damages. *Elkin v.*

Bell Tel. Co. of Pa., 420 A.2d 371 (Pa. 1980). Thus, Mr. Gooday's request for monetary damages must be dismissed.

Regarding Mr. Gooday's request that PPL increase the frequency of its tree trimming practices, PPL maintains a Biennial Inspection, Maintenance, Repair and Replacement Plan with the Commission, which reflects its standards regarding inspecting, repairing, and/or replacing equipment and vegetation management. The record does not contain evidence that would lead to a finding that PPL is not performing vegetation management work consistent with this Commission-approved Plan. PPL performed vegetation management on the Bear Creek 2 distribution circuit in 2023 and will again perform vegetation management sometime between 2028 and 2030, which falls in line with the Plan's five to eight-year inspection and maintenance cycle. Further, as noted, the trees that caused the outages complained of in this proceeding were trees outside of PPL's right of way. As such, PPL's tree trimming practices did not have any impact on the outages complained of in this proceeding, and directing PPL to increase the frequency of its tree trimming practices would not prevent outages caused by trees outside of its right of way in the future.

In conclusion, for the reasons discussed above, Mr. Gooday has not satisfied his burden of proving that PPL violated the Code, a Commission Order or Regulation, or a Commission-approved tariff with respect to the service provided to him regarding the power outages at his service address.²

² I note that PPL did not have information concerning the CAIDI (customer minutes interrupted divided by the total number of customers that have been interrupted) for the Bear Creek 2 distribution circuit. Tr. 37.

CONCLUSIONS OF LAW

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

2. The burden of proof in this proceeding is on Complainant 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).

3. 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).

4. 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).

5. The Commission's decision must be supported by substantial evidence in the record. 2 Pa.C.S. § 704.

6. A public utility has a duty to maintain safe, adequate, and reasonable service and facilities and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501.

7. Section 1501 does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor

of either perfect service or the best possible service. *Re Metro. Edison Co.*, 80 Pa. P.U.C. 663 (1993).

8. A Section 1501 violation regarding unreasonable service outages is fact specific as to the number of outages, their causes, and a company's corrective actions. *Barry v. Metro. Edison Co.*, Docket No. C-2018-3005410 (Opinion and Order entered Aug. 12, 2019).

9. The Commission does not automatically consider an outage from an off right-of-way tree to exonerate the utility from fault. *Barry v. Metro. Edison Co.*, Docket No. C-2018-3005410 (Opinion and Order entered Aug. 12, 2019).

10. An electric distribution company shall strive to prevent interruptions of electric service and, when interruptions occur, restore service within the shortest reasonable time. 52 Pa. Code § 57.194(d).

11. Complainant has not met his burden of proof in this proceeding. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Bruce Gooday in the matter of Bruce Gooday v. PPL Electric Utilities Corporation, Docket No. C-2025-3053930, is dismissed.
2. That the Secretary's Bureau shall mark Docket No. C-2025-3053930 as closed.

Date: September 22, 2025

/s/
Alphonso Arnold III
Administrative Law Judge