

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roxanne Harpster	:	
	:	
v.	:	C-2024-3052644
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Emily A. Farren
Administrative Law Judge

INTRODUCTION

This Initial Decision sustains the Formal Complaint of Ms. Harpster who demonstrated by a preponderance of the evidence that PPL Electric Utilities Corporation provided unreasonable service, in violation of the Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501.

HISTORY OF THE PROCEEDING

On December 20, 2024, Roxanne Harpster (Complainant or Ms. Harpster) filed a Formal Complaint against PPL Electric Utilities Corporation (PPL) with the

Pennsylvania Public Utility Commission (Commission). Ms. Harpster checked the box “other” on the Formal Complaint form and explained, in part, as follows:

We are experiencing an unreasonable delay in obtaining installation of a Distributed Energy Resource (DER) Management device; a Certificate of Completion (COC) and Permission to Operate PTO for a solar system we installed Our electrical inspection was completed on November 18, 2024, 32 days ago

We are filing this formal complaint because we believe that this delay is unreasonable and that for each additional day of delay we are being denied even more of the financial benefit that we would receive if we had been granted permission to operate our solar system

Complaint ¶ 4.

For relief, Ms. Harpster requested, in part:

The PUC order PPL to award us a reasonable amount of solar credits, and/or a financial payment equivalent to the value of such credits, in accordance with an estimate of the number of credits that would have been awarded if we would have received permission to operate our solar system on or before December 2, 2024, which is 14 days after our electrical inspection was completed.

Id., ¶ 5.

On January 9, 2025, PPL filed an Answer to the Complaint. In its Answer, PPL admitted or denied the allegations of the Complaint. Specifically, PPL denied that Complainant experienced an “unreasonable” delay in: (1) obtaining installation of a Distributed Energy Resource (DER) Management device; (2) receiving a Certificate of Completion; or (3) receiving Permission to Operate a behind-the-meter solar system at the Service Address. Answer ¶ 4. Instead, PPL averred that it processed Complainant’s

interconnection application and installed its DER Management device in a reasonable timeframe. *Id.*

On January 15, 2025, the Commission issued an Interim Order Setting Resolution Conference that directed the parties to attempt to resolve this matter themselves through the Commission's Mediation Unit. Mediation was unsuccessful.

On May 7, 2025, the Commission issued a telephonic hearing notice setting a call-in telephonic hearing for this matter for June 30, 2025, at 10:00 a.m. In anticipation of the hearing, I issued a prehearing order on May 7, 2025, setting forth various rules that would govern the June 30, 2025, hearing.

The evidentiary hearing convened as scheduled on June 30, 2025. Complainant appeared on her own behalf. Complainant offered two exhibits at the hearing. Alice Wade, Esq., appeared at the hearing on behalf of PPL, along with two witnesses, Jessica Bechtel and Aliasha Dombrowski-Diamond. PPL offered eight exhibits at the hearing.

The following ten exhibits were admitted into the record:

1. Complainant Exhibit 2 – Emails between PPL and Complainant
2. Complainant Exhibit 3 – Further emails between PPL and Complainant
3. PPL Exhibit 1 – Account activity statement
4. PPL Exhibit 2 – Account contact history
5. PPL Exhibit 3 – Interconnection Application/Agreement

6. PPL Exhibit 5 – Email chain between Daniel Welliver and PPL
7. PPL Exhibit 6 – Email chain between EU DER metering inbox and Complainant
8. PPL Exhibit 8 – Email chain between Daniel Welliver and EU DER and EU Solar
9. PPL Exhibit 9 – Interconnection Application/Agreement
10. PPL Exhibit 10 – PPL Electric Tariff Rule 12

The record in this case consists of the above-referenced exhibits and a 120-page transcript. The record closed July 25, 2025, when the undersigned received the electronic transcript. For the reasons discussed below, the Formal Complaint is sustained.

FINDINGS OF FACT

1. Complainant is Roxanne Harpster, who owns 330 Towpath Road, Duncannon, Pennsylvania 17020. Tr. 17.
2. Respondent is PPL Electric Utilities Corporation, a jurisdictional public utility.
3. Respondent is an Electric Distribution Company (EDC).
4. Respondent allows customer-generators to interconnect and operate a customer-generator facility with the EDC's system. PPL Exh. 3.

5. Respondent’s DER Management Device Pilot Program required the first 3,000 interconnection customers in the annual year to have a DER Management Device installed for authorization to interconnect. Tr. 80.

6. A DER Management Device is a communication device that is installed on the side of the customer’s home that is electrically connected and serially connected to their inverter. Tr. 80.

7. On September 13, 2024, Complainant submitted an Interconnection Application/Agreement to Respondent. PPL Exh. 3.

8. On October 3, 2024, Respondent signed the Conditional Approval to Interconnect Customer-Generator Facility. PPL Exh. 3.

9. On November 1, 2024, Respondent informed Complainant, *inter alia*, “PPL installs DER management device,” to receive final approval to interconnect. PPL Exh. 5.

10. On November 14, 2024, Complainant’s Certified Electrical Inspection was completed and approved. PPL Exh. 5.

11. On November 18, 2024, Complainant’s Certificate of Occupancy was issued by Wheatfield Township. PPL Exh. 5.

12. On November 29, 2024, Complainant asked Respondent when to “expect that PP&L will complete the installation of the DER management device.” PPL Exh. 5.

13. On December 3, 2024, Respondent reached the maximum amount of 3,000 DER Management Device installations. Tr. 81.

14. On December 3, 2024, Respondent responded to Complainant's November 29, 2024, email, stating, "the PPL DER group to [sic] will have to complete installation of the DER equipment. This device allows us to remotely communicate with your inverter in case we need to adjust voltage curves for safety purposes." PPL Exh. 5.

15. On December 5, 2024, Respondent emailed Complainant stating, "we are waiting for a site visit to be completed to verify your inverters." PPL Exh. 5.

16. On December 12, 2024, Respondent emailed Complainant stating, "PPL Electric Utilities has reached its annual limit of 3,000 Distributed Energy Resource (DER) Management device installations. Typically, our DER Meter Technicians verify that your system is in accordance with our Rules for Electric Meter & Service Installations (REMSI's Rule 28) while onsite to install the DER Management Device. This is a crucial step before we can sign the Certificate of Completion (COC), which serves as our Permission to Operate (PTO). We will resume installing the DER Management devices on January 1, 2025, but in the interim we will not be physically performing these onsite verifications and instead will use customer and/or developer supplied photos. To expedite your PTO, we ask that you submit the following photographs of your system: Each installed inverter nameplate, which needs to include: serial number, size, inverter manufacturer name. Isolation Device Requirement – Alternating Current (AC) Disconnect with visible air-break which isolates the DER system from the utility grid when operated" PPL Exh. 6.

17. On December 12, 2024, Complainant emailed the requested photographs to Respondent. PPL Exh. 6.

18. On December 23, 2024, Respondent issued Complainant's Permission to Operate. PPL Exh. 8.

19. On February 19, 2025, Respondent emailed Complainant stating, "Since we performed the Virtual COC visit, there is no need to install the DER Management device. We have verified that your system matches what you applied for. We did the Virtual COC visit since we already reached out [sic] installation limit for the pilot program. We will not be going back out to install a DER management device. You not being apart of the pilot program will not affect the operation or production of your system in any way." PPL Exh. 8.

DISCUSSION

Legal standards

Burden of proof, generally

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). As a matter of law, 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 be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa.C.S. §§ 332(a), 701.

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 the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the 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); *see also, Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982). Moreover, the Commission's decision must be supported by "substantial evidence," which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980). A mere trace of evidence or a suspicion of the existence of a fact is insufficient. *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960).

Thus, to prevail, Ms. Harpster, as the Complainant, has the burden of proof. This means that Ms. Harpster must present facts which support her claims and show that the utility violated the Code, a regulation or Commission order by a preponderance of the evidence.

Section 1501 of the Code

Section 1501 of the Public Utility Code mandates that public utilities, such as PPL, shall render reasonable service:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons,

employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay

66 Pa.C.S. § 1501.

“Service” is broadly defined in Section 102 of the Code:

“Service.” Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities . . . in the performance of their duties under this part to their patrons, employees, other public utilities, and the public . . .

66 Pa.C.S. § 102.

In order for the Commission to sustain a complaint brought under this section, the utility must be in violation of its duty under this section. Without such a violation by the utility, the Commission does not have the authority, when acting on a customer’s complaint, to require any action by the utility. *W. Penn Power Co. v. Pa. Pub. Util. Comm’n*, 478 A.2d 947 (Pa. Cmwlth. 1984). The statutory definition of “service” is to be broadly construed. *Country Place Waste Treatment Co. v. Pa. Pub. Util. Comm’n*, 654 A.2d 72 (Pa. Cmwlth. 1995).

Civil penalty

The Commission previously adopted standards to be applied to determine the amount of the civil penalty in slamming cases. *Rosi v. Bell-Atlantic-Pa., Inc.*, Docket No. C-00992409 (Opinion and Order entered Mar. 16, 2000). The Commission also considered these standards when evaluating settlement agreements in slamming cases. *Pa. Pub. Util. Comm’n v. PEPCO Energy Services*, Docket No. M-00001432 (Order

entered Nov. 9, 2000). Subsequently, the Commission determined all violations of the Code and the Commission's regulations would be subject to review under the standards set forth in *Rosi. Pa. Pub. Util. Comm'n v. NCIC Operator Serv.*, Docket No. M-00001440 (Order entered Dec. 21, 2000).

The Commission conducts this review to determine the appropriate penalty to be applied for all types of violations for all categories of public utilities. The factors in *Rosi* are generic in nature and can be applied in all cases. The nature of the violation (intentional or negligent), its impact (customers affected and duration), the extent of cooperation by the regulated entity, and the utility's compliance history are, *inter alia*, examples of factors the Commission reviews for all types of violations for all types of utilities. Subsequent to the decision in *Rosi*, the Commission promulgated the standard in *Rosi* and it is set forth in the Commission's regulations:

- (1) Whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.
- (2) Whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.
- (3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.
- (4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and

improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

(5) The number of customers affected and the duration of the violation.

(6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.

(7) Whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty.

(8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

(9) Past Commission decisions in similar situations.

(10) Other relevant factors.

52 Pa. Code § 69.1201(c).

Analysis

On September 13, 2024, Complainant submitted an Interconnection Application/Agreement to Respondent. PPL Exh. 3. On October 3, 2024, Respondent signed the Conditional Approval to Interconnect Customer-Generator Facility. PPL Exh. 3. On November 1, 2024, Respondent informed Complainant, inter alia, "PPL installs DER management device," to receive final approval to interconnect. PPL Exh. 5. On November 14, 2024, Complainant's Certified Electrical Inspection was completed

and approved. PPL Exh. 5. On November 18, 2024, Complainant's Certificate of Occupancy was issued by Wheatfield Township. PPL Exh. 5.

As of November 18, 2024, Complainant complied with all requirements communicated by Respondent to obtain approval for interconnect, leaving only Respondent to install its DER management device. Complainant reasonably believed installation of a DER management device was required to obtain final approval of interconnection. Tr. 28.

On November 29, 2024, Complainant asked Respondent when to "expect that PP&L will complete the installation of the DER management device." PPL Exh. 5.

On December 3, 2024, Respondent reached the maximum amount of 3,000 DER Management Device installations. Tr. 81.

On December 3, 2024, Respondent responded to Complainant's November 29, 2024, email, stating, "the PPL DER group to [sic] will have to complete installation of the DER equipment. This device allows us to remotely communicate with your inverter in case we need to adjust voltage curves for safety purposes." PPL Exh. 5. On December 5, 2024, Respondent emailed Complainant stating, "we are waiting for a site visit to be completed to verify your inverters." PPL Exh. 5.

On December 12, 2024, Respondent emailed Complainant stating:

PPL Electric Utilities has reached its annual limit of 3,000 Distributed Energy Resource (DER) Management device installations. Typically, our DER Meter Technicians verify that your system is in accordance with our Rules for Electric Meter & Service Installations (REMSI's Rule 28) while onsite to install the DER Management Device. This is a crucial step before we can sign the Certificate of

Completion (COC), which serves as our Permission to Operate (PTO). We will resume installing the DER Management devices on January 1, 2025, but in the interim we will not be physically performing these onsite verifications and instead will use customer and/or developer supplied photos. To expedite your PTO, we ask that you submit the following photographs of your system: Each installed inverter nameplate, which needs to include: serial number, size, inverter manufacturer name. Isolation Device Requirement – Alternating Current (AC) Disconnect with visible air-break which isolates the DER system from the utility grid when operated

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On December 12, 2024, Complainant emailed the requested photographs to Respondent. PPL Exh. 6.

On December 23, 2024, Respondent issued Complainant's Permission to Operate. PPL Exh. 8.

On February 19, 2025, Respondent emailed Complainant stating,

Since we performed the Virtual COC visit, there is no need to install the DER Management device. We have verified that your system matches what you applied for. We did the Virtual COC visit since we already reached out [sic] installation limit for the pilot program. We will not be going back out to install a DER management device. You not being apart of the pilot program will not affect the operation or production of your system in any way.

PPL Exh. 8.

Based on the timeline of events, the evidence presented illustrates that although PPL reached its limit of 3,000 DER management device installations on

December 3, 2024, PPL continued to tell Complainant installation of a DER management device was a crucial step in obtaining final interconnection approval. This is evidenced by Respondent's communications to Complainant, via emails dated December 3, December 5, December 12, 2024. PPL Exh. 5, 6. Although PPL disclosed that its DER management device installation cap was reached via email to Complainant dated December 12, 2024, PPL did not clarify that Complainant could interconnect without the DER management device. PPL Exh. 6.

Complainant acted swiftly upon Respondent's request for photographs to serve as a virtual inspection, in lieu of a PPL DER technician coming to Ms. Harpster's property, by supplying the requested photographs the very same day, December 12, 2024. PPL granted Complainant Permission to Operate on December 23, 2024. On February 19, 2025, PPL explained a DER management device would not be installed.

Despite Complainant's timely responses to all of PPL's requests from the November 14, 2024, electrical inspection and November 18, 2024, certificate of occupancy from Complainant's township, PPL did not grant Permission to Operate until December 23, 2024. This lag in time from November 18, 2024, to December 23, 2024, caused Complainant harm by not operating her solar array for potential monetary credits to her electric account.

Further, despite knowing it reached its 3,000 DER management device installations on December 3, 2024, PPL did not explain that a DER management device was not crucial to the operation of Complainant's solar array until February 19, 2025.

I find PPL provided unreasonable service in violation of Section 1501 of the Public Utility Code by the amount of time elapsed in: (1) communicating that a DER management device would not be installed; and (2) issuing Permission to Operate. 66 Pa.C.S. § 1501.

Civil penalty

Respondent denied it violated the Public Utility Code, the Commission's regulations or orders, but the evidence presented at the hearing shows Respondent failed to provide Ms. Harpster reasonable service by failing to: (1) timely explain that PPL did not intend to install a DER Management Device; and (2) timely grant Complainant Permission to Operate her solar array. Because I find that PPL provided unreasonable service, a civil penalty may be warranted.

Upon review of the *Rosi* standards, I conclude:

As to Factor #1, Respondent committed a technical error.

As to Factor #2, no personal injury or property damage occurred.

As to Factor #3, I deem the conduct at issue negligent.

As to Factor #4, Respondent provided no evidence that it made efforts to modify internal practices or procedures.

As to Factor #5, the known number of customers affected here is one, Complainant.

As to Factor #6, neither party presented evidence regarding Respondent's compliance history.

As to Factor #7, Respondent cooperated during this proceeding.

As to Factor #8, I find that a civil penalty, under the particular facts of this case is not necessary to deter future violations.

As to Factor #9, neither party presented evidence regarding past Commission decisions upholding penalties for similar violations.

As to Factor #10, neither party presented evidence regarding other relevant factors.

Upon weighing the above factors, I find no civil penalty warranted.

Conclusion

Therefore, I find Ms. Harpster met her burden of proving PPL violated Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501. Accordingly, Ms. Harpster's Formal Complaint is sustained.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter within its regulations and the parties to this proceeding. 66 Pa.C.S. § 701.
2. The party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).
3. 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).
4. The offense must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa.C.S. § 701.
5. "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest

degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

6. 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 the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the 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); *see also*, *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

7. The statutory definition of "service" is to be broadly construed. *Country Place Waste Treatment Co., Inc. v. Pa. Pub. Util. Comm'n*, 654 A.2d 72 (Pa. Cmwlth. 1995).

8. The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704.

9. "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); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961).

10. Complainant met her burden of proof as to demonstrating Respondent provided unreasonable service, in violation of Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Roxanne Harpster filed at *Roxanne Harpster v. PPL Electric Utilities Corporation* at Docket No. C-2024-3052644 is sustained.

2. That Respondent, PPL Electric Utilities Corporation, is directed to cease and desist from further violations of Section 1501 of the Public Utility Code by providing accurate and timely information regarding DER Management Device installation to its applicable customer base.

3. That Docket No. C-2024-3052644 be marked as closed.

Date: October 15, 2025

/s/
Emily A. Farren
Administrative Law Judge