

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Public Meeting held December 4, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Kathryn L. Zerfuss  
John F. Coleman, Jr.  
Ralph V. Yanora

Roxanne Harpster

C-2024-3052644

v.

PPL Electric Utilities Corporation

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Emily A. Farren, issued on October 15, 2025, dismissing the Formal Complaint (Complaint) of Roxanne Harpster (Ms. Harpster or the Complainant) against PPL Electric Utilities Corporation (PPL), in the above-captioned proceeding. Exceptions to the Initial Decision have not been filed. However, we shall exercise our right to review the Initial Decision, pursuant to Section 332(h) of the Public Utility Code (Code), 66 Pa.C.S. § 332(h). For the reasons stated below, we shall adopt the Initial Decision, as modified, consistent with this Opinion and Order.

## I. History of the Proceeding

On December 20, 2024, Ms. Harpster filed the instant Complaint. Ms. Harpster checked the box stating “other” on the Complaint form and stated the following:

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 at ¶ 4.

As relief, the Complainant requested the following:

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.

Complaint at ¶ 5.

On January 9, 2025, PPL filed an Answer to the Complaint. In its Answer, PPL admitted or denied the various allegations of the Complaint. Specifically, PPL

denied that the Complainant experienced an “unreasonable” delay in: (1) obtaining installation of a Distributed Energy Resource (DER) Management device; (2) receiving a COC; or (3) receiving Permission to Operate a behind-the-meter solar system at the Service Address. Instead, PPL averred that it processed the Complainant’s interconnection application and installed its DER Management device in a reasonable timeframe. Answer at 1-2.

An evidentiary hearing was convened on June 30, 2025, before ALJ Farren. I.D. at 3.

On October 15, 2025, the Commission issued the Initial Decision of ALJ Farren, wherein she granted the Complaint, but declined to impose a civil penalty on the Company. I.D. at 14, 16.

As previously noted, no Exceptions to the Initial Decision have been filed.

## **II. Discussion**

### **A. Legal Standards**

#### **1. Burden of Proof**

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Code, 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant, as the party seeking relief, must show that PPL is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlt. 1990), *alloc. denied*,

602 A.2d 863 (Pa. 1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by PPL. *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. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980).

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 Company. If the evidence presented by PPL is of co-equal weight, the Complainant has not satisfied his burden of proof. The Complainant now has to provide some additional evidence to rebut that of the Company. *Burleson v. Pa. PUC*, 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. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

## **2. Section 1501 of the Public Utility Code**

Section 1501 of the Code provides:

§ 1501. Character of service and facilities.

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. Such service and facilities shall be in conformity with the regulations and orders of the commission. . . .

66 Pa.C.S. § 1501.

“Service” can include many factors and is defined as follows:

“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, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them . . .

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. *West Penn Power Co. v. Pa. PUC*, 478 A.2d 947 (Pa. Cmwlth. 1984). The statutory definition of “service” is to be broadly construed. *Country Place Waste Treatment Co., Inc. v. Pa. PUC*, 654 A.2d 72 (Pa. Cmwlth. 1995).

### **3. Civil Penalty**

Penalties may be imposed where violations of the Code and Commission regulations or a Commission Order are found. The Commission has adopted standards for evaluating civil penalty amounts. Those standards are set forth in *Joseph A. Rosi v. Bell Atlantic Pennsylvania, Inc. and Sprint Communications Co., L.P.*, Docket No.

C-00992409 (Order entered March 16, 2000), and have been codified as a Commission Policy Statement at Section 69.1201 of our Regulations. The Commission's Policy Statement sets forth ten factors (*Rosi* factors) that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate. 52 Pa. Code § 69.1201.

These factors are: (1) whether the conduct at issue was of a serious nature; (2) whether the resulting consequences of the conduct at issue were of a serious nature; (3) whether the conduct at issue was deemed intentional or negligent; (4) whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (5) the number of customers affected and the duration of the violation; (6) the compliance history of the regulated entity that committed the violation; (7) whether the regulated entity cooperated with the Commission's investigation; (8) the amount of the civil penalty or fine necessary to deter future violations; (9) past Commission decisions in similar situations; and (10) other relevant factors. 52 Pa. Code § 69.1201(c)(1)-(c)(10).

## **B. Initial Decision**

In her Initial Decision, ALJ Farren made nineteen findings of fact and reached ten Conclusions of Law. I.D. at 4-7, 16-18. We shall adopt and incorporate herein by reference the ALJ's Conclusions of Law, unless they are reversed or modified by this Opinion and Order, either expressly or by necessary implication.

The ALJ found that the record evidence established that although PPL reached its limit of 3,000 DER management device installations on December 3, 2024, PPL continued to represent to the Complainant that the installation of a DER management device was a crucial step in obtaining final interconnection approval. ALJ Farren noted that PPL did not explain that a DER management device was not

crucial to the operation of the Complainant's solar array until February 19, 2025. Further, the ALJ found that despite the 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 the Complainant's township, PPL did not grant Permission to Operate until December 23, 2024. ALJ Farren concluded that the lag time from November 18, 2024, to December 23, 2024, caused the Complainant harm because it prohibited the Complainant from operating her solar array for potential monetary credits to her electric account. Therefore, the ALJ found that PPL provided unreasonable service in violation of Section 1501 of the 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. I.D. at 14 (citing 66 Pa.C.S. § 1501).

Having found that PPL failed to provide Ms. Harpster with reasonable service by failing to: (1) timely explain that PPL did not intend to install a DER Management Device; and (2) timely grant the Complainant Permission to Operate her solar array, ALJ Farren evaluated if the imposition of a civil penalty upon PPL may be warranted. However, upon review of the *Rosi* standards, the ALJ concluded that no civil penalty was warranted. I.D. at 15-16.

### **C. Disposition**

As a preliminary matter, we note that any argument that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the Parties. *Consolidated Rail Corp. v. Pa. PUC*, 625A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

Upon review of the evidence and the applicable law, we shall modify the Initial Decision and shall assess a \$250 civil penalty upon PPL, consistent with the following discussion.

The Complainant is a residential customer of PPL who owns a behind-the-meter solar system at her service address. Tr. at 17. On September 14, 2024, the Complainant submitted a complete application for interconnection of her solar system to PPL for the purpose of injecting energy into the distribution grid. PPL Exh. 3. We note that the Alternative Energy Portfolio Standards Act of 2004, 73 P.S. 1648.1 *et seq.* (AEPS Act), provides incentives for distributed resources to interconnect, compensating those resources through net metering programs and Alternative Energy Credits.

Between September 14, 2024, and November 18, 2024, PPL accepted the Complainant's interconnection application as complete, and the Complainant navigated municipal requirements to interconnect her solar system. Over the same period, on November 1, 2024, PPL informed the Complainant that the Company would need to install a DER Management Device for the Complainant to receive final approval to interconnect. On November 29, 2024, the Complainant followed up with PPL to determine when the DER Management Device would be installed. PPL Exh. 5. On December 3, 2024, PPL reached the maximum amount of DER Management Device installations allowed under the Company's DER Management Pilot that was in place at the time.<sup>1</sup> Tr. at 81. That same day, PPL informed the Complainant that the Company

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<sup>1</sup> See *Petition of PPL Electric Utilities Corporation for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Resources Management Plan*, Docket No. P-2019-3010128 (Final Order entered December 17, 2020) (*DER Management Pilot Order*). We note that on December 3, 2025, the Commission entered an Opinion and Order granting PPL's current DER Management Plan, as modified. See *Petition of PPL Electric Utilities Corporation for Approval of its Second Distributed Energy Resources Management Plan*, Docket No. P-2024-3049223 (Opinion and Order entered December 3, 2025).

would have to install the DER Management Device in person. Two days later, on December 5, 2024, the Complainant asked PPL when it would conduct its site visit. PPL Exh. 5. On December 12, 2024, PPL ultimately informed the Complainant that it would not install a DER Management Device and that it would no longer require an in-person visit. PPL asked for photographs of the Complainant's system and inverters. The Complainant provided that information that same morning. PPL Exh. 6. The Complainant was ultimately given formal permission to operate her system on December 23, 2024. PPL Exh. 8.

On review, we concur with the ALJ's finding that PPL violated Section 1501 of the Code, 66 Pa.C.S. § 1501, and that Ms. Harpster's Complaint should be sustained. *See* I.D. at 16. As previously noted, the Commission considers and applies the *Rosi* factors set forth in the Commission's Policy Statement at 52 Pa. Code § 69.1201 in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate. Thus, we shall use certain of these *Rosi* factors in evaluating the appropriate civil penalty to impose upon PPL for its violation of Section 1501.

The first *Rosi* factor is whether the violation was of a serious nature or whether it was less egregious, such as an administrative or technical error. 52 Pa. Code § 69.1201(c)(1). In evaluating the *Rosi* factors in her Initial Decision, the ALJ found that PPL's violation was technical and that a civil penalty was not warranted to deter future violations. I.D. at 15.

On review, we disagree with the ALJ's determination that the violation was technical and did not warrant a civil penalty. Rather, we believe that the delay in interconnection was not just a technical error, and we also believe that a civil penalty is necessary to deter any future delays with the interconnection of distributed energy resources.

In the present case, although the violation did not endanger life or property, we consider the delay involved to be a violation not just of PPL's duty to provide reasonable service, but specifically of its settlement agreement in the DER Management Pilot. Under the settlement agreement for its DER Management Pilot, PPL may not delay issuing permission to connect and operate a distributed energy resource, like the Complainant's solar system, due to unavailability of DER management devices.<sup>2</sup> PPL took over a week to inform the Complainant that it would no longer require a DER Management Device installation. When PPL asked for photographs to verify inverter information, the Complainant responded almost instantly. It took a further nine days to provide formal permission to operate. Additionally, this Commission takes the smooth installation of distributed energy resources seriously. Presently the grid needs all the power it can get, and while distributed energy resources are small, they have a role to play.

Further, although the facts in the record relate to a specific instance, distributed energy resource interconnections of the type here are not rare. From 2022-2024, there have been 179,137 Tier I interconnections across all service territories. *See* Net Metering & Interconnection Report 2022 – 2024, <https://www.puc.pa.gov/media/3263/net-metering-interconnection-report-2022-2024-final.pdf>. In 2024 alone, PPL managed over 25,000 interconnections, and this number is growing year-over-year. Based on PPL's violations here, we believe that a civil penalty of \$250 is warranted to deter delays in interconnection processes and to emphasize the seriousness with which we take utility responsibilities in this area.

The second *Rosi* factor is whether the resulting consequences of the conduct at issue were of a serious nature and resulted in damage to persons or property.

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<sup>2</sup> *See Joint Petition for Approval of Settlement of All Issues*, filed on October 5, 2020, Docket No. P-2019-3010128 (DER Settlement), ¶ 56 at 10. The Commission approved the DER Settlement in the *DER Management Pilot Order*.

When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). Here, we find that no personal injury or property damage occurred. This weighs in favor of a lower civil penalty.

The third *Rosi* factor is whether the conduct was 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. 52 Pa. Code § 69.1201(c)(3). In her Initial Decision, the ALJ determined PPL's conduct to be negligent. I.D. at 15. Based upon the record, we agree. Thus, this factor weighs in favor of a lower civil penalty.

The fourth *Rosi* factor is 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. 52 Pa. Code § 69.1201(c)(4). PPL provided no evidence that it made efforts to modify internal practices or procedures. This weighs in favor of imposing a higher civil penalty.

The fifth *Rosi* factor is the number of customers affected. 52 Pa. Code § 69.1201(c)(5). In this case, the Complainant was the only known customer affected.

The sixth *Rosi* factor is 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. § 69.1201(c)(6). Neither party presented evidence regarding PPL's compliance history. *See* I.D. at 15.

The seventh *Rosi* factor is whether the regulated entity cooperated with the Commission's investigation. § 69.1201(c)(7). Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty. We find that PPL cooperated during this proceeding. This weighs in favor of imposing a lower civil penalty.

Another *Rosi* factor we may consider is the amount of the civil penalty or fine necessary to deter future violations. § 69.1201(c)(8). As previously discussed, we disagree with the ALJ's finding that no civil penalty should be imposed on PPL.

Accordingly, based upon our review of the relevant factors under *Rosi*, in recognition of the importance of timely interconnection of distributed energy resources, and to deter any future delays with such interconnection, we shall direct PPL to remit a civil penalty in the amount of \$250 within thirty (30) days of the entry date of this Opinion and Order.

### **III. Conclusion**

Based on our review of the ALJ's Initial Decision, the pleadings, and the applicable law, we shall: (1) sustain Ms. Harpster's Complaint; and (2) modify the ALJ's Initial Decision by assessing a \$250 civil penalty upon PPL, consistent with this Opinion and Order; **THEREFORE,**

#### **IT IS ORDERED:**

1. The Initial Decision of Administrative Law Judge Emily Farren, issued on October 15, 2025, at Docket No. C-2024-3052644, is adopted, as modified, consistent with this Opinion and Order.

2. That the Formal Complaint of Roxanne Harpster, filed on December 20, 2024, at Docket No. C-2024-3052644, is sustained.

3. That in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the entry date of this Opinion and Order, PPL Electric Utilities Corporation shall pay a civil penalty of Two Hundred and Fifty Dollars (\$250), payable by certified check or money order. This certified check or money order shall be payable to the “Commonwealth of Pennsylvania” with the Docket No. C-2024-3052644 listed, and shall be sent to:

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2nd Floor  
400 North Street  
Harrisburg, PA 17120

4. That PPL Electric Utilities Corporation shall cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101–3316, and the Regulations of this Commission, 52 Pa. Code §§ 1.1–1065.1.

5. That a copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Bureau of Administrative Services.

6. That the Bureau of Administrative Services, Assessment Section shall monitor this matter for compliance.

7. That if PPL Electric Utilities Corporation fails to make the payment required by Ordering Paragraph No. 3 above, within thirty (30) days of the entry date of this Opinion and Order, it is further ordered that the Bureau of Administrative Services, Assessment Section shall refer this matter to the Pennsylvania Office of Attorney General

for collection of the total civil penalty amount set forth above and any other appropriate action.

8. Upon payment of the civil penalty by PPL Electric Utilities Corporation, as set forth in Ordering Paragraph No. 3 above, the Secretary shall mark this matter at Docket No. C-2024-3052644 as closed.

**BY THE COMMISSION,**

A handwritten signature in black ink, reading "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: December 4, 2025

ORDER ENTERED: January 7, 2026