

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Artem Shyrshykov

v.

PPL Electric Utilities Corporation

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C-2025-3054075

INITIAL DECISION

Before
Chad L. Allensworth
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint of an electric service customer alleging that customer’s bills were too high based on failure of the customer to meet his burden of proof that the utility violated the Public Utility Code or a Public Utility Commission regulation or order.

HISTORY OF THE PROCEEDING

On March 19, 2025, Artem Shyrshykov (“Complainant”) filed a Formal Complaint (“complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against PPL Electric Utilities Corporation (“PPL or “Respondent”) alleging that he had incorrect charges on his electric bill and he was being charged due to

excessive usage based on a mechanical fault.¹ Complaint ¶ 4. As relief, Complainant requested a refund for the extra kilowatt hour (“kWh”) usage and to be charged standard kWh usage in the future. Complaint ¶ 5.

On April 8, 2025, Respondent filed its answer wherein it denied the material averments of the complaint. Specifically, Respondent denied claims of excessive usage, denied that Respondent’s equipment was faulty and asserted that Complainant was billed appropriately. Answer ¶ 4.

On April 11, 2025, Chief Administrative Law Judge Charles E. Rainey, Jr., issued an Interim Order Setting Resolution Conference referring this matter to mediation. Mediation was not successful.

On August 13, 2025, an Initial Call-In Telephonic Hearing Notice was issued scheduling the evidentiary hearing for October 8, 2025, at 10:00 a.m., and assigned the matter to me as the presiding officer. Additionally, on August 13, 2025, a Prehearing Order was issued that set forth requirements for the hearing.

The hearing was convened as scheduled on October 8, 2025. Ludmilla Annable was admitted as a Russian-to-English and English-to-Russian interpreter for the hearing without objection and provided interpretation for the proceeding. Tr. 6-7. Complainant appeared *pro se*, testified on his own behalf and presented 25 exhibits, which were his bills from PPL. PPL objected to Complainant’s exhibits as untimely because PPL did not receive them until the hearing started. Tr. 19. PPL’s objection to

¹ The Complainant previously filed an Informal Complaint with the Commission’s Bureau of Consumer Services (BCS) on December 2, 2024, at BCS No. 4034401. Tr. 40; PPL Exhibit 3. The BCS matter was verbally closed on February 11, 2025 after communications between BCS and Complainant resulted in Complainant agreeing to contact PPL or his landlord to test for foreign wiring. PPL Exhibit 3.

the Complainant's exhibits was overruled, but Complainant's exhibits were classified as "late filed exhibits", and the record was held open to allow PPL additional time to review Complainant's exhibits. PPL appeared and was represented by Alice A. Wade, Esq. PPL presented the testimony of one witness who sponsored five exhibits that were all admitted into the record. Tr. 19-20. At the conclusion of the hearing, the parties waived the filing of post-hearing briefs. Tr. 46-47.

On October 9, 2025, an Interim Order was issued advising PPL that it had until October 20, 2025 to raise any objections to Complainant Exhibits 1 through 25. The Order further provided that if no objection was made, Complainant's exhibits would be admitted into the record.

On October 20, 2025, PPL submitted a letter indicating that it had no further objection to Complainant's exhibits. As a result, Complainant Exhibits 1 through 25 were all admitted into the record.

The record closed on October 29, 2025, when the 54-page transcript was filed with the Commission.

FINDINGS OF FACT

1. Complainant is Artem Shyrshykov who resides at 53A Pennwick Drive, Lititz, Pennsylvania, 17543 ("service address"). Tr. 14.

2. Respondent is PPL Electric Utilities Corporation, which is a jurisdictional public utility providing electric service to Pennsylvania customers.

3. Ludmilla Annable was admitted as the Russian-to-English and English-to-Russian interpreter for the hearing without objection. Tr. 7.

4. Wendy Hendricks has been an employee with PPL for 19½ years, including 17 years in her current position of Customer Service Representative and Training Assistant, which includes the duties of answering customer calls, reviewing bills and assisting associates. Tr. 32-33.

5. Complainant has resided at the service address since December 2022, where he receives electric service from PPL. Tr. 14.

6. Complainant averred there are billing errors for the service address from September 2024 to July 2025. Tr. 15, 27-28.

7. Complainant called PPL three to four times about the increase in billing and was advised by PPL that there was a problem with his consumption. Tr. 15.

8. The service address is an apartment that is approximately 700 square feet. Tr. 15.

9. The service address consists of two bedrooms, one bathroom, and one larger room making up the living room, dining room and kitchen. Tr. 28.

10. The service address has the following large appliances that run on electricity: a water heater, central air conditioning, a stove, a refrigerator, a furnace, a washer/dryer, and a dishwasher. Tr. 15-16, 22, 28-29.

11. Four people reside in the service address. Tr. 17.

12. Complainant had new water heaters installed in both 2024 and 2025. Tr. 22-24.

13. The original water heater was replaced in 2024 due to there being a leak. Tr. 23.

14. Approximately three to four months later, in 2025, the water heater installed in 2024 was replaced due to it being faulty by leaking. Tr. 23-24.

15. There were no changes to any of the other appliances in the service address for the time that Complainant has resided there. Tr. 18.

16. All the bills issued by PPL to Complainant were actual bills based on readings recorded by the meter at the service address. Tr. 35-36.

17. PPL billed Complainant for the following kWh usage from January 2023 to September 2025:

Billed	Days in bill	Total kWh Used	Avg kWh/day	Electricity costs	Avg. Temperature
09/03/2025	32	587	18	\$114.16	72
08/04/2025	30	702	23	\$133.49	79
07/03/2025	29	1694	58	\$300.36	69
06/04/2025	32	3609	113	\$620.20	59
05/05/2025	30	3658	122	\$518.46	57
04/03/2025	29	3569	123	\$506.15	48
03/06/2025	29	3344	115	\$470.90	32
02/05/2025	32	3466	108	\$487.55	26
01/06/2025	31	3718	120	\$512.53	34
12/03/2024	33	3127	95	\$433.36	47
11/01/2024	29	1734	60	\$284.35	58
10/03/2024	32	1958	61	\$395.18	66

09/03/2024	29	1263	44	\$260.42	74
08/05/2024	30	930	31	\$198.23	76
07/05/2024	29	565	19	\$123.16	71
06/05/2024	32	793	25	\$169.42	61
05/06/2024	29	790	27	\$169.57	50
04/05/2024	30	866	29	\$173.48	43
03/06/2024	32	1058	33	\$230.24	36
02/05/2024	29	1119	39	\$255.35	32
01/05/2024	34	1218	36	\$274.20	40
12/04/2023	31	862	28	\$191.26	44
11/01/2023	31	662	21	\$150.85	58
10/02/2023	30	715	24	\$154.79	65
09/01/2023	29	612	21	\$129.98	71
08/02/2023	32	810	25	\$175.97	75
07/03/2023	29	675	23	\$115.33	64
06/02/2023	30	626	21	\$105.45	47
05/02/2023	32	767	24	\$162.21	51
03/31/2023	29	834	29	\$175.17	39
03/02/2023	30	932	31	\$193.91	36
01/31/2023	32	974	30	\$201.98	38
01/10/2023	8	214	27	\$44.68	27

PPL Exhibit 5.

18. Complainant’s kWh usage from approximately September 2024 to August 2025 was generally higher than it was the previous year for those same months. Tr. 37, 41.

19. A faulty appliance can cause higher-than-average kWh usage. Tr. 37, 42.

20. A PPL representative spoke with Complainant on November 26, 2024 about his increase in kWh usage, but Complainant chose not to order a meter test. Tr. 38; PPL Exhibit 2.

21. On March 21, 2025, PPL elected to perform a meter test at its own expense due to Complainant's continuing concerns. Tr. 38-39; PPL Exhibits 2, 4.

22. A meter test was performed on March 27, 2025 and whereby Complainant's meter tested with an average accuracy of 100.03%. PPL Exhibit 4.

23. Complainant's increase in kWh usage coincides with the timeframe where Complainant experienced problems with his water heater from 2024 to 2025. PPL Exhibit 5.

DISCUSSION

BURDEN OF PROOF

Complainant alleges that his kWh usage for his small residential apartment between September 2024 and July 2025 were too high to be accurate.

The party seeking affirmative relief from the Commission bears the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976). This must be shown by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of evidence is that which is 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).

Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. 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. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. Of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Dep't. of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Finally, 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.

This means that the Complainant must submit sufficient evidence to establish a *prima facie* case that PPL overcharged his account. If he does, then the burden of going forward with the evidence, sometimes called the burden of persuasion, to rebut the evidence of the Complainant shifts to Respondent. If the evidence presented by Respondent is of co-equal weight, Complainant has not satisfied the burden of proof. Complainant would then have to provide additional evidence to rebut the evidence of Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983) (“*Burleson*”). 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. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (“*Milkie*”).

The burden of proof for “high bill” complaints has been explained in *Waldron v. Philadelphia Electric Co.*, 54 Pa.P.U.C. 98 (1980), and its progeny. In

Waldron, the Commission adopted the Michigan Public Service Commission’s policy announced in *Hallifax v. O & A Electric Co-Op*, Case No. U-5825 (May 1979), which stated that, while the accuracy of the meter is an important factor in resolving billing disputes, it is not the sole criterion. The Commission stated that it will also consider the following factors: the billing history of the complainant; any change in the number of occupants residing in the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought to light during the complaint proceeding. *Waldron* at 100.

Consistent with the Commission's holding in *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Opinion and Order entered Oct. 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.” *Id.* at 6 (emphasis added); see *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011) (holding that limiting the *Waldron* Rule to the three factors is too limiting).

ANALYSIS

In this case, Complainant testified that he resided at the service address since December 2022 with a total of four people residing there and no change to the number of people. Tr. 14. 17. Complainant further testified that the service address is a 700-square foot apartment consisting of two bedrooms, one bathroom and a large multi-use room with the following larger appliances that run on electricity: a water heater,

central air conditioning, a stove, a refrigerator, a furnace, a washer/dryer and a dishwasher. Tr. 15-16, 22, 28-29. There were no changes to the appliances in the service address, except for the water heater. Tr. 18. In 2024, Complainant’s water heater developed a leak resulting in replacement of the water heater in the later months of 2024 and replacement of the second water hearing in early 2025 for a leak in the replacement water heater. Tr. 23-24.

It is uncontested that Complainant’s kWh usage for the months for the period of September 2024 to July 2025 were significantly higher than it was for the same period the prior year. The percentage increase for each of those months compared to the same month the prior year were as follows:

kWh Usage for prior year	kWh Usage in Contested Timeframe	Percentage of Increase
Sept. 2023 = 612 kWh	Sept. 2024 = 1263 kWh	Over 106%
Oct. 2023 = 715 kWh	Oct. 2024 = 1958 kWh	Over 173%
Nov. 2023 = 662 kWh	Nov. 2024 = 1734 kWh	Over 161%
Dec. 2023 = 862 kWh	Dec. 2024 = 3127 kWh	Over 262%
Jan. 2024 = 1218 kWh	Jan. 2025 = 3718 kWh	Over 205%
Feb. 2024 = 1119 kWh	Feb. 2025 = 3466 kWh	Over 209%
Mar. 2024 = 1058 kWh	Mar. 2025 = 3344 kWh	Over 216%
Apr. 2024 = 866 kWh	Apr. 2025 = 3569 kWh	Over 312%
May 2024 = 790 kWh	May 2025 = 3658 kWh	Over 363%
June 2024 = 793 kWh	June 2025 = 3609 kWh	Over 355%
July 2024 = 565 kWh	July 2025 = 1694 kWh	Over 199%

In the months prior to the contested period, Complainant’s kWh usage reflected no more than a 26% fluctuation from the same period the prior year.

Specifically, Complainant’s kWh usage was as follows:

kWh Usage for Prior Year	kWh Usage in Next Year	Percentage of Change
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June 2023 = 626 kWh	June 2024 = 793 kWh	Increase of over 26%
July 2023 = 675 kWh	July 2024 = 565 kWh	Decrease of over 16%
Aug. 2023 = 810 kWh	Aug. 2024 = 930 kWh	Increase of over 14%

See PPL Exhibit 5.

Furthermore, in the month after the contested period, Complainant's kWh usage reflected a decrease in kWh usage compared to the same month the prior year. Specifically, Complainant's kWh usage was as follows:

kWh Usage for Prior Year	kWh Usage in Next Year	Percentage of Change
Aug. 2024 = 930 kWh	Aug. 2025 = 702 kWh	Decrease of over 24%

See PPL Exhibit 5.

In the timeframes both prior to and after the contested period, Complainant's kWh usage was similar to the kWh usage for the same months the prior year with no more than a 26% change in the kWh usage. In contrast, Complainant's kWh usage in the contested period reflects increases in kWh usage that range between 106% and 363% for the same months compared to the prior year. Thus, there is a significant change in kWh usage in the contested period.

However, Complainant testified that the water heater at the service address developed a leak in 2024. Tr. 23-24. The water heater was replaced in the later months of 2024 and then replaced again in 2025 due to a leak in the replacement water heater. Tr. 23-24. Complainant was unable to provide the specific dates of when the leak developed and when the water heaters were replaced, but it is uncontested that there were changes to that appliance at the service address. The timeframe of Complainant's water heater issues coincides with the timeframe where he is contesting unreasonably high kWh

usage. A faulty appliance, such as a leaking water heater, can cause higher-than-average kWh usage. Tr. 37, 42.

It is the Complainant's burden to prove that PPL has overcharged him for the period in question. His claim of being overcharged in kWh usage for the period of September 2024 to July 2025 coincides with the timeframe for his leaking and subsequently replaced water heater. Thus, he has failed to prove that PPL billed him improperly as it appears more likely that his increase in kWh usage stemmed from his faulty water heaters. Therefore, Complainant has failed to establish a *prima facie* case of being overcharged.² 66 Pa.C.S. § 332; *Milkie*; *Burleson*.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of this Complaint. 66 Pa.C.S. § 701.
2. The party seeking affirmative relief from the Commission bears the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976).
3. Right to relief must be shown by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of evidence is that which is more convincing, by even the smallest

² In addition, PPL provided evidence that all its bills to Complainant were based on actual meter readings and the meter at the service address tested with an average accuracy of 100.03%. Tr. 35-36; PPL Exhibit 4.

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

4. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. 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. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. Of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Dep't. of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

5. 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.

6. 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. *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Opinion and Order entered Oct. 13, 2010); *see Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980); *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011) (holding that limiting the *Waldron* Rule to the three factors is too limiting).

7. Complainant did not meet his burden of proof that PPL violated the Public Utility Code, or a Commission regulation or order by establishing a *prima facie* case. 66 Pa.C.S. § 332(a); *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983); *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by Artem Shyrshykov in the matter of Artem Shyrshykov v. PPL Electric Utilities Corporation at Docket No. C-2025-3054075 is dismissed.

2. That Docket No. C-2025-3054075 shall be marked as closed.

Date: January 12, 2026

/s/
Chad L. Allensworth
Administrative Law Judge