

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Heidemarie Anderson	:	
	:	
v.	:	F-2025-3055367
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INITIAL DECISION**

Before  
John M. Coogan  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision denies a Formal Complaint that alleges overbilling because the Complainant failed to meet her burden of proving, by a preponderance of the evidence, that she was overbilled, or that the electric utility violated the Public Utility Code, the Commission’s regulations, or an order of the Commission.

**HISTORY OF THE PROCEEDING**

On May 19, 2025, Heidemarie Anderson (Ms. Anderson or Complainant) filed a Formal Complaint (Complaint) against FirstEnergy Pennsylvania Electric Company (FE PA or Company).<sup>1</sup> The Formal Complaint was served on FE PA on

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<sup>1</sup> The Complaint is a timely appeal from the determination of the Commission’s Bureau of Consumer Services (BCS), at BCS No. 4048182, which

May 23, 2025. In her Complaint, Ms. Anderson alleges that there are incorrect charges on her bill. Specifically, Ms. Anderson believes she was overcharged for part of December 2024, all of January 2025, and part of February 2025. Ms. Anderson states she was not at home during this time; when she leaves for any extended period most appliances are unplugged; the thermostats were set at 45 degrees Fahrenheit; and she received a letter from FE PA that the meter was within 100% accuracy, but she is not sure how the meter was checked. Ms. Anderson also states that she does not expect a full refund, but that it does not seem right that the charges were that high with no one being home.

On June 12, 2025, FE PA filed an Answer to Ms. Anderson's Complaint. FE PA denied that there are incorrect charges on Complainant's account. FE PA avers that on March 23, 2025, the meter serving Complainant was removed for testing and the results comported with Commission regulations pertaining to electric meter accuracy. FE PA further avers that the Company performed a Customer Billing Analysis on January 28, 2025, indicating a potential load usage for the month of January between 5,155 kWh and 6,301 kWh; the home heating as the largest consumer of electricity; and a check read was conducted on February 19, 2025, and no issues were found with the Company's equipment.

On June 26, 2025, the Commission issued an Initial Telephonic Hearing Notice setting a call-in telephonic hearing for this matter for August 7, 2025, at 10:00 a.m. In anticipation of the hearing, I issued a Prehearing Order on June 26, 2025 setting forth various rules that would govern the August 7, 2025, hearing.

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dismissed Complainant's informal complaint. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On July 11, 2025, I received an e-mail from Ms. Anderson requesting a continuance. On July 13, 2025, I received an e-mail from counsel for FE PA confirming that the Company did not oppose the requested continuance. On July 14, 2025, I responded to Ms. Anderson and counsel for FE PA, stating that I would grant the request. On July 16, 2025, the Commission issued a rescheduled telephonic hearing notice, cancelling the call-in telephonic hearing scheduled for August 7, 2025 at 10:00 a.m. and setting the rescheduled hearing for October 1, 2025 at 10:00 a.m. In anticipation of the hearing, I issued a Prehearing Order on July 16, 2025 setting forth various rules that would govern the October 1, 2025, hearing. On July 17, 2025, a Continuance Order was issued.

On September 22, 2025, I received an e-mail from counsel for FE PA, stating that Ms. Anderson's Formal Complaint was resolved and a Certificate of Satisfaction would be filed. On September 23, 2025, the Commission issued a Hearing Cancellation Notice, cancelling the October 1, 2025 hearing. On September 25, 2025, a Certificate of Satisfaction was filed.

On October 2, 2025, Ms. Anderson filed a Notice of Disagreement with the Certificate of Satisfaction. Neither counsel for FE PA nor the undersigned were served a copy of the Notice of Disagreement.

On October 21, 2025, upon review of the docket, the undersigned discovered the filing of the Notice of Disagreement. On that same day, the undersigned forwarded the Notice of Disagreement to counsel for FE PA.

On October 23, 2025, the Commission issued a Further Call-In Telephonic Evidentiary Hearing Notice, setting a further hearing for January 6, 2026 at 10:00 a.m. In anticipation of the hearing, I issued a Prehearing Order on October 23, 2025, setting forth various rules that would govern the January 6, 2026 hearing.

The initial hearing was convened on January 6, 2026 as scheduled. Ms. Anderson appeared on her own behalf. Ms. Anderson did not move for admission of any exhibits into the record. Margaret A. Morris, Esquire, appeared at the hearing on behalf of FE PA, along with two witnesses for FE PA: Alison Walker, Advanced Customer Service Compliance Specialist for FE PA, and Dallas Jenkins, Supervisor of the Connellsville Meter Test Shop for FE PA. The following 13 exhibits were admitted into the record on behalf of FE PA:

1. FE PA Exhibit 1 – Customer Verification Screen
2. FE PA Exhibit 2 – Customer Contacts
3. FE PA Exhibit 3 – Account Statement
4. FE PA Exhibit 4 – Monthly Bills
5. FE PA Exhibit 5 – Customer Billing Analysis
6. FE PA Exhibit 6 – Letter to Ms. Anderson (March 18, 2025)
7. FE PA Exhibit 7 – Letter to Ms. Anderson (April 1, 2025)
8. FE PA Exhibit 8 – Billing Comparison
9. FE PA Exhibit 9 – Daily Usage Log
10. FE PA Exhibit 10 - Opening/Closing of BCS Case No. 4048182
11. FE PA Exhibit 11 – Meter No. 5000707477 Test Results
12. FE PA Exhibit 12 – Meter No. 5000117194 Test Results
13. FE PA Exhibit 13 – Letter to Ms. Anderson (October 23, 2025)

The record in this case consists of the above-referenced exhibits and a transcript of 55 pages. The record closed on January 22, 2026, when the transcript was filed. For the reasons discussed below, the Formal Complaint will be denied.

#### FINDINGS OF FACT

1. The Complainant in this case is Heidemarie Anderson.

2. The Respondent in this case is FirstEnergy Pennsylvania Electric Company.

3. The service address at issue in this proceeding is 13372 Meadowview Avenue, Waynesboro, PA 17268.

4. Ms. Anderson’s FE PA bills for 2024 and 2025 reflect the following:

<b>2025</b>				
<b>DATE</b>	<b>AVG TEMP</b>	<b>KWH</b>	<b>\$</b>	<b>¢/KWH</b>
<b>Dec-25</b>	46°	444	82.14	18.50
<b>Nov-25</b>	57°	449	82.96	18.48
<b>Oct-25</b>	68°	368	69.62	18.92
<b>Sep-25</b>	73°	257	51.26	19.95
<b>Aug-25</b>	79°	564	100.05	17.74
<b>Jul-25</b>	73°	641	111.97	17.47
<b>Jun-25</b>	64°	290	52.75	18.19
<b>May-25</b>	56°	538	90.17	16.76
<b>Apr-25</b>	49°	915	146.91	16.06
<b>Mar-25</b>	37°	1,848	287.56	15.56
<b>Feb-25</b>	27°	2,381	367.25	15.42
<b>Jan-25</b>	35°	1,954	284.72	14.57
<b>TOTAL</b>		10,649	1,727.36	16.22

<b>2024</b>				
<b>DATE</b>	<b>AVG TEMP</b>	<b>KWH</b>	<b>\$</b>	<b>¢/KWH</b>
<b>Dec-24</b>	51°	906	132.24	14.60
<b>Nov-24</b>	57°	355	56.40	15.89
<b>Oct-24</b>	67°	295	48.18	16.33
<b>Sep-24</b>	73°	508	77.48	15.25
<b>Aug-24</b>	78°	1,227	176.43	14.38
<b>Jul-24</b>	71°	754	112.19	14.88
<b>Jun-24</b>	65°	627	100.86	16.09
<b>May-24</b>	54°	905	142.24	15.72
<b>Apr-24</b>	46°	1,400	215.57	15.40

2024				
DATE	AVG TEMP	KWH	\$	¢/KWH
Mar-24	39°	1,399	215.42	15.40
Feb-24	33°	1,647	251.87	15.29
Jan-24	40°	1,304	197.16	15.12
<b>TOTAL</b>		11,327	1,726.04	15.24

FE PA Exhibits 3, 8.

5. Ms. Anderson has lived by herself at the service address for 20 years. Tr. 19.

6. Ms. Anderson was away from the service address during December 2023 and January 2024. Tr. 17-18.

7. Ms. Anderson was away from the service address from December 10 or 11, 2024, through the first week of February 2025. Tr. 16.

8. When Ms. Anderson was away from the service address the heat in her home was set to 45 degrees and everything was unplugged. Tr. 15.

9. Ms. Anderson's house is heated with radiant ceiling heat. Tr. 18.

10. There has been no change to Ms. Anderson's heating system over the past few years. Tr. 19.

11. Ms. Anderson has not purchased any new major appliances over the past two or three years. Tr. 19-20.

12. Ms. Anderson has not previously experienced a spike in her electric service bills. Tr. 15.

13. Ms. Anderson's FE PA meter at the service address was tested on March 28, 2025. Tr. 45; FE PA Exhibit 11.

14. The March 28, 2025 meter test results demonstrated a full load test of 100.07%, a light load test of 99.97%, and an average accuracy of 100.05%. Tr. 45-46; FE PA Exhibit 11.

### DISCUSSION

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. In this proceeding, Ms. Anderson filed a Complaint against FE PA. Therefore, Ms. Anderson bears the burden of proof in this proceeding.

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) (*Milkie*); *see also*, *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

Any decision of the Commission must be supported by substantial evidence. 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); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Dept. of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984). Further, mere bald assertions, personal opinions or perceptions do not constitute evidence to bolster a claim. *Pa. Bureau of Corrs. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987).

#### *Incorrect Charges*

Ms. Anderson avers that she was overcharged by FE PA for December 2024, January 2025, and February 2025 while she was away from the service address. Complaint ¶ 5; Tr. 15.

In cases of alleged high billing, the Commission applies the *Waldron* rule, which provides that to establish a *prima facie* case of overbilling, a complainant must show: (1) that the number of occupants in the household has not changed; (2) that the potential for energy utilization was low; and (3) that complainant's billing history shows no prior abnormalities. Once the complainant makes out a *prima facie* case, the burden of proof then shifts to the utility; however, the ultimate burden of persuasion always remains with the complainant. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980); *Repogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980).

In *Milkie*, the Commonwealth Court of Pennsylvania further refined the *Waldron* rule by holding:

While the [Waldron] rule is often explained by stating that the ratepayer must establish certain specific elements in order to make out a prima facie case of overbilling by a utility company, we believe this view is too restrictive. Rather the controlling principle is that even where the utility can present evidence that it has tested the customer's meter and found it to be accurate, the customer may nonetheless prove his case by circumstantial evidence, which would support a finding that the metered usage exceeded the actual usage. Thus as our Supreme Court has explained, the rule operates as a device by which the complainant is protected from dismissal because of his inability to marshal direct proof that his meter had malfunctioned.

*Milkie*, 768 A.2d at 1219-1220 (internal footnote omitted) (citing *Burleson v. Pa. Pub. Util. Comm'n*, 461 A.2d 1234, 1235 (Pa. 1983)). In *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011) (*Thomas*), the Commission explained:

[C]onsistent with our holding in *Charisse Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Order entered October 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.”*

Thomas at 5 (emphasis in original) (citation omitted).

The billing period Ms. Anderson disputes includes bills issued on January 3, 2025, January 31, 2025, and March 4, 2025. Tr. 30-31; FE PA Exhibit 4.

At the hearing, FE PA introduced the below data regarding Ms. Anderson’s billing at the service address for calendar years 2024 and 2025.

<b>2025</b>				
<b>DATE</b>	<b>AVG TEMP</b>	<b>KWH</b>	<b>\$</b>	<b>¢/KWH</b>
<b>Dec-25</b>	46°	444	82.14	18.50
<b>Nov-25</b>	57°	449	82.96	18.48
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FE PA Exhibits 3, 8.

Ms. Anderson's Complaint concerns the billing dates for January 2025, February 2025, and March 2025 in the table above. Both her usage and billing for these months is noticeably higher when compared to her billing for January 2024, February 2024, and March 2024.

Ms. Anderson arguably established a *prima facie* case of overbilling per the *Waldron* rule. Ms. Anderson testified that she has lived by herself at the service address for 20 years. Tr. 19. Regarding the potential for energy use, the bills in dispute cover the dates November 29, 2024, through December 30, 2024; December 31, 2024, through January 28, 2025; and January 29, 2025, through February 27, 2025. FE PA Exhibit 4. Although she was not gone from the service address for this entire period, Ms. Anderson left the service address on December 10 or 11, 2024, and returned the first week of February 2025. Tr. 16. Ms. Anderson further testified that when she was away the heat in her home was set to 45 degrees and everything was unplugged. Tr. 15. Ms. Anderson's house is heated with radiant ceiling heat only, there has been no change to her heating system over the past few years, and no new major appliances have been purchased over the past two or three years. Tr. 18-20. Finally, there is no data showing

prior abnormalities, and Ms. Anderson testified that when she has been away she has never had a spike like this. Tr. 15.

Although the evidence shows Ms. Anderson's FE PA bills were comparatively higher for January 2025, February 2025, and March 2025 than the previous year, I find that FE PA successfully rebutted Ms. Anderson's case. Although not dispositive per *Milkie*, FE PA did provide credible evidence that Ms. Anderson's meter was operating accurately. Tr. 42-46; FE PA Exhibit 11. Specifically, Ms. Anderson's meter tested within the Commission's guidelines of two percent of 100 percent accuracy. *Id.*; 52 Pa. Code §§ 57.20, 57.24. In addition to meter accuracy, the temperature was notably colder for each month of the bills in dispute when compared to the previous year. FE PA Exhibit 8. As Ms. Walker testified, colder weather takes more electricity to maintain an inside temperature, leading to higher usage. Tr. 34.

Ms. Anderson was also not completely away from the service address during two of the three periods in dispute, i.e., November 29, 2024, through December 30, 2024, and January 29, 2025, through February 27, 2025. Therefore, it is unclear how her usage when she was at the service address during these periods may have contributed to her higher bills. Ms. Anderson was away from the service address for the entire period December 31, 2024, through January 28, 2025. However, this period also had the greatest temperature discrepancy when compared to the previous year. Specifically, it was six degrees colder for the period covered by the February 2025 bill when compared to the period covered by the February 2024 bill. Additionally, Ms. Anderson testified that she was away from the service address during December 2023 and January 2024. Tr. 17-18. Although Ms. Anderson did not specifically recall the dates she was gone from the service address in December 2023 and January 2024, she testified that she usually leaves before Christmas and is away at least four to five weeks. *Id.* This is important to note since if she had occupied the service address during December 2023 and January 2024, it would raise questions as to why the periods in dispute when the service address

was unoccupied reflect higher usage. Instead, her testimony indicates that comparisons are for times when the service address was unoccupied.

For these reasons, I find that FE PA successfully rebutted Ms. Anderson's case and, accordingly, Ms. Anderson's Complaint will be denied.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter 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. "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).
4. Any decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704.
5. "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); *Murphy v. Dept. of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

6. The offense must be a violation of the Public Utility Code, the Commission's regulations, or an order of the Commission. 66 Pa.C.S. § 701.

7. In cases of alleged high billing, to establish a prima facie case of overbilling, a complainant, must show: (1) that the number of occupants in the household has not changed, (2) that the potential for energy utilization was low and (3) that complainant's billing history shows no prior abnormalities. Once the complainant makes out a prima facie case, the burden of proof then shifts to the utility; however, the ultimate burden of persuasion always remains with the complainant. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980); *Repogle v. Pa. Elec. Co.*, 54 Pa.P.U.C. 528 (1980).

8. Even where a utility can present evidence that it has tested a customer's meter and found it to be accurate, a customer may prove his case by circumstantial evidence, which would support a finding that the metered usage exceeded the actual usage. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

9. 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. *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011).

10. Complainant failed to satisfy her burden of proof to demonstrate that her FE PA bills were not accurate, or that FE PA violated the Public Utility Code, the Commission's regulations, or an order of the Commission. 66 Pa.C.S. § 332(a).

