**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Timothy and Susan Smith :

:

v. : F-2015-2475535

:

PPL Electric Utilities Corporation :

**INITIAL DECISION**

Before

David A. Salapa

Administrative Law Judge

INTRODUCTION

Customers filed a complaint against their electric utility alleging that the utility overbilled them, and requesting that the Pennsylvania Public Utility Commission (Commission) order a payment arrangement for the unpaid balance on their electric utility account. This decision denies the complaint because the customers have the potential to use the amount of electricity for which they were billed. This decision also grants the customers’ request for a payment arrangement.

HISTORY OF THE PROCEEDING

On April 1, 2015, Timothy and Susan Smith (Complainants) filed a complaint with the Commission against PPL Electric Utilities Corporation (Respondent). The complaint is a timely appeal of the Commission’s Bureau of Consumer Services (BCS) decision issued February 13, 2015 at BCS No. 3252920. The complaint alleges that the Complainants’ bills are too high. The complaint requests that the Commission recalculate the Complainants’ bill and order the Respondent to provide them with a credit on their account. The answer also requests that the Commission order a payment arrangement on the unpaid balance on the Complainants’ account.

The Respondent filed an answer on April 27, 2015. The answer admits that the Respondent provides electric service to the Complainants at the address shown on the complaint. The answer denies that the Complainants’ bills are inaccurate. The answer asserts that the Respondent tested the meter at the Complainants’ residence and that the meter tested as accurate. The answer requests that the Commission deny the complaint.

By hearing notice dated May 20, 2015, the Commission scheduled a telephonic hearing for this matter on July 7, 2015 at 10:00 a.m. and assigned the case to me. I issued a prehearing order dated June 3, 2015, addressing, inter alia, requests for continuance, subpoena procedures, attorney representation and the Commission’s policy encouraging settlements.

I conducted a telephonic hearing on July 7, 2015. Susan Smith appeared pro se and presented testimony in support of the Complainants’ complaint. Kimberly G. Krupka, Esquire represented the Respondent, which presented one witness who sponsored four exhibits that I admitted into the record.

The initial hearing resulted in a transcript of 57 pages. The record closed on July 15, 2015, the date the transcript was filed with the Secretary’s Bureau. For the reasons set forth below, I will deny the complaint.

FINDINGS OF FACT

1. The Complainants in this case are Timothy and Susan Smith. N.T. 6-8.
2. The Respondent in this case is PPL Electric Utilities Corporations. N.T. 8.

3. The Complainants currently reside at 4768 Kovalchik Drive, Coplay, Lehigh County. N.T. 6.

4. The Complainants have resided at 4768 Kovalchik Drive since 2000. N.T. 6.

5. The Complainants own the residence. N.T. 7.

6. The residence has 2,600 square feet of living space with ten rooms, including four bedrooms and two bathrooms. N.T. 7.

7. The residence has an electric stove, refrigerator, dishwasher, microwave, washer, dryer, television and computer. N.T. 7-8.

8. The residence has an electric heat pump and central air conditioning. N.T. 7-8.

9. The residence has a propane fireplace. N.T. 7.

10. In addition to the Complainants, their son, age 32, currently lives at the residence. N.T. 17.

11. Their son moved into the residence in early 2015, approximately six months prior to the date of the hearing. N.T. 17.

12. Ms. Smith contacted the Respondent on May 22, 2014 to complain about her high bills for January, February and March 2014 because they were much higher than in previous months. N.T. 9-10, 33, PPL Ex. 2.

13. After Ms. Smith contacted the Commission concerning her January, February and March 2014 electric bills, the Respondent dispatched an employee on June 20, 2014 to conduct a high bill investigation. N.T. 11, 33, PPL Ex. 2.

14. The Respondent’s employee tested the meter attached to the Complainants’ residence and informed Ms. Smith that the meter was functioning properly. N.T. 11.

15. The Complainants’ meter tested as 99.95% accurate. N.T. 34, PPL Ex. 2.

16. The Respondent’s employee determined the Complainants’ potential electricity usage, based on the appliances in the Complainants’ residence and how much electricity each appliance could potentially use. N.T. 34, PPL Ex. 2.

17. The Respondent’s employee determined that the Complainants had the potential to use 4,936 kilowatt hours (kWh) of electricity per month. N.T. 34, PPL Ex. 2.

18. On April 10, 2015 the Respondent authorized the Complainants’ meter to be changed. N.T. 36-37, PPL Ex. 5.

19. The Respondent removed the Complainants’ electric meter on April 13, 2015 and installed a new meter. N.T. 12-13, 37, PPL Ex. 5.

20. The Respondent tested the Complainants’ old meter on April 14, 2015. N.T. 37-38, PPL Ex. 5.

21. The meter test indicated that the meter tested as 99.892% accurate. N.T. 38, PPL Ex. 5.

22. The Respondent sent a report to Ms. Smith indicating that the meter was accurate. N.T. 13.

23. The Complainants used 4769 kWh in January 2014 and 3905 kWh in January 2015. N.T. 39-40, PPL Ex. 1.

24. The Complainants used 5340 kWh in February 2014 and 4096 kWh in February 2015. N.T. 40, PPL Ex. 1.

25. The Complainants used 5054 kWh in March 2014 and 2446 kWh in March 2015. N.T. 40, PPL Ex. 1.

26. In 2012, the Respondent’s per kWh charge was $.069. N.T. 39.

27. In 2014, the Respondent’s per kWh charge fluctuated between $.087 and $.09. N.T. 39.

28. The Complainants’ current overdue balance is $2,416.28 which included a payment of $300 which the Respondent had just received. N.T. 44, PPL Ex. 1.

29. The Complainants’ current gross monthly household income is approximately $7,005. N.T. 16-17.

30. Ms. Smith receives disability payments in the amount of $2,300 per month. N.T. 17.

31. Mr. Smith receives workers compensation payments of $686.00 per week or approximately $2,972 per month. N.T. 17.

32. The Complainants’ son earns $400 per week or approximately $1,733 per month. N.T. 17.

DISCUSSION

The Complainants in this proceeding have the burden of proof to show that the Respondent is responsible or accountable for the problem described in the complaint. Patterson v. Bell Telephone Co. of Pa., 72 Pa. PUC 196 (1990); Feinstein v. Philadelphia Suburban Water Co., 50 Pa. PUC 300 (1976). The Complainants must establish their case by a preponderance of the evidence. Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n, 578 A.2d 600 (Pa.Cmwlth. 1990), alloc. den., 602 A.2d 863 (Pa. 1992). To meet their burden of proof, the Complainants must present evidence more convincing, by even the smallest amount, than that presented by the Respondent. Se-Ling Hosiery v. Margulies, 70 A.2d 854 (Pa. 1950). Here the Complainants allege that the Respondent overbilled them. In addition, the Complainants request that the Commission direct the Respondent to provide them with a payment arrangement. I will first address the allegations concerning overbilling.

Since a portion of the Complainants’ complaint alleges overbilling, the Complainants’ burden of proof is governed by Waldron v. Philadelphia Electric Co., 54 Pa. PUC 98 (1980) (Waldron). In Waldron, the Commission concluded that a complainant may establish a prima facie overbilling case by showing that: (1) the number of occupants of the household has not changed; (2) the potential for energy utilization is low; and (3) the prior billing history shows no previous abnormalities. If the Complainants have submitted such evidence, the burden of going forward with the evidence shifts to the Respondent. If the Respondent fails to rebut the Complainants’ evidence, then the Complainants would prevail. If the Respondent places evidence into the record to rebut the Complainants’ prima faciecase, the burden of going forward with the evidence shifts back to the Complainants. In order to satisfy the burden of proof, the Complainants must rebut the Respondent’s evidence by a preponderance of the evidence.

Although the burden of going forward with the evidence may shift from one party to another during a proceeding, the "burden of proof" never shifts. It always remains on the Complainants. Replogle v. Pennsylvania Electric Co., 54 Pa. PUC 528 (1980).

The Commonwealth Court broadened the Commission’s ruling in Waldron in Milkie v. Pa. Pub. Util. Comm’n, 768 A.2d 1217 (Pa.Cmwlth. 2001) (Milkie). The Commonwealth Court held that the Commission’s requirement that a complainant must establish certain specific elements in order to make out a prima facie case was too restrictive. The Commonwealth Court ruled that even where the utility has presented evidence that it has tested the customer’s meter and found it to be accurate, the customer may prove his or her case by circumstantial evidence that the metered usage exceeded actual usage.

Subsequent to the Milkie decision, the Commission has determined that in an overbilling case, it may consider the billing history of the account, any change in usage pattern or any other relevant facts or circumstances that come to light during the proceeding. Bennett v. Peoples Natural Gas Co., Docket No. C-2009-2122979 (Order entered October 13, 2010); Thomas v. PECO Energy Co., Docket No. C-2010-2187197 (Order entered November 15, 2011). The Waldron rule protects the Complainants from dismissal because of their inability to produce direct proof that their meter has malfunctioned.

As noted above, the burden of proof always remains with the Complainants and if the Respondent presents evidence that is co-equal or greater in weight than the Complainants’, the Complainants will not have met their burden of proof. The Commonwealth Court in Milkie emphasized that the mere proof by the utility that its measuring devices are accurate is no longer the sole determinant of whether there is a basis to a complaint of overbilling, citing Burleson v. Pa. Pub. Util. Comm’n, 461 A.2d 1234 (Pa. 1983).

In this case, the Complainants’ complaint alleges that the Respondent overbilled them. Susan Smith’s testimony on behalf of the Complainants stated that their electric bills increased substantially during the months of January, February and March 2014. Ms. Smith alleged that either the electric meter malfunctioned or that the Complainants’ neighbor stole electricity from them. I will provide a summary of the testimony on the overbilling issue before addressing the Complainants’ contention.

The Complainants currently reside at 4768 Kovalchik Drive, Coplay, Lehigh County. N.T. 6. The Complainants built the residence and have resided there since 2000. N.T. 6. The Complainants own the residence. N.T. 7. The residence has 2,600 square feet of living space with ten rooms, including four bedrooms and two bathrooms. N.T. 7.

The residence has an electric stove, refrigerator, dishwasher, microwave, washer, dryer, television and computer. N.T. 7-8. The residence has an electric heat pump and central air conditioning. N.T. 7-8. The residence has a propane fireplace. N.T. 7.

In addition to the Complainants, their son, age 32, currently resides at the residence. N.T. 17. Their son moved into the residence in early 2015, approximately six months prior to the date of the hearing. N.T. 17.

Ms. Smith stated that when the Complainants received their electric bill in January, she was hospitalized and told her husband to pay the bill and that she would contact the Respondent. N.T. 8. However, Ms. Smith was hospitalized for a week in January 2014, then for two weeks in February 2014. N.T. 8-9, 22. In addition Ms. Smith was hospitalized for two days in March 2014. N.T. 22. In addition to being hospitalized, Ms. Smith had numerous doctors’ appointments. N.T. 22.

Ms. Smith testified that after she recovered from her illness, she contacted the Respondent in May 2014 to complain about her high bills for January, February and March 2014 because they were much higher than in previous months. N.T. 9-10. In response, the Respondent’s employees indicated that all of its customers’ bills had increased during the January, February and March 2014 time period because of the exceptionally cold winter. N.T. 10.

Ms. Smith testified that after she contacted the Commission concerning her January, February and March 2014 electric bills, the Respondent dispatched an employee to investigate. N.T. 11. According to Ms. Smith, the employee tested the meter attached to her residence and informed her that the meter was functioning properly. N.T. 11. Ms. Smith questioned the accuracy of the test since it only took the Respondent’s employee five minutes to test the meter. N.T. 12.

Ms. Smith testified that several months before the hearing, the Respondent’s employee removed her meter and installed a new meter. N.T. 12-13. The Respondent tested the meter after the meter was removed and sent a report to Ms. Smith indicating that the meter was operating properly. N.T. 13.

In response to the Complainants’ evidence concerning overbilling, the Respondent presented the testimony of Marilyn Nunez, an analyst. Much of Ms. Nunez’s testimony corroborated Ms. Smith’s testimony.

Ms. Nunez reviewed the account activity statement for the Complainants’ account for the period from June 30, 2011 to the present and the Complainants’ account contact history from May 3, 2011 to the present. N.T. 26-27, PPL Exs. 1 and 2. The Complainants’ account contact history indicates that Ms. Smith first contacted the respondent concerning high bills on May 22, 2014. N.T. 33, PPL Ex. 2. According to the account contact history, Ms. Smith’s call was dropped and the Respondent sent a letter. N.T. 33, PPL Ex. 2.

Subsequently, the account contact history indicates that on June 20, 2014, the Respondent dispatched an employee to the Complainants’ residence to conduct a high bill investigation. At that time the Respondent’s employee also tested the Complainants’ meter, which tested as 99.95% accurate. N.T. 34, PPL Ex. 2.

In addition to testing the Complainants’ meter, the Respondent’s employee determined the Complainants’ potential electricity usage, based on the appliances in the Complainants’ residence and determining how much electricity each appliance could potentially use. N.T. 34, PPL Ex. 2. The Respondent’s employee determined that that the Complainants had the potential to use 4,936 kilowatt hours (kWh) of electricity per month. N.T. 34, PPL Ex. 2.

The contact log indicates that on April 10, 2015 the Respondent authorized the Complainants’ meter to be changed. N.T. 36-37, PPL Ex. 5. The Respondent removed the Complainants’ electric meter on April 13, 2015. N.T. 37, PPL Ex. 5. The Respondent tested the Complainants’ old meter on April 14, 2015. N.T. 37-38, PPL Ex. 5. The meter test indicated that the meter tested as 99.892% accurate. N.T. 38, PPL Ex. 5.

Ms. Nunez reviewed the Complainants’ usage for January 2014 compared to January 2015. N.T. 38-39. The Complainants used 4769 kWh in January 2014 and 3905 kWh in January 2015. N.T. 39-40, PPL Ex. 1.

Ms. Nunez reviewed the Complainants’ usage for February 2014 compared to February 2015. N.T. 40. The Complainants used 5340 kWh in February 2014 and 4096 kWh in February 2015. N.T. 40, PPL Ex. 1.

Ms. Nunez reviewed the Complainants’ usage for March 2014 compared to March 2015. N.T. 40. The Complainants used 5054 kWh in March 2014 and 2446 kWh in March 2015. N.T. 40, PPL Ex. 1.

Ms. Nunez pointed out that the Respondent’s per kWh charge for electricity changed over the past few years. In 2012, the Respondent’s per kWh charge was $.069. N.T. 39. In 2014, the Respondent’s per kWh charge fluctuated between $.087 and $.09. N.T. 39.

Finally, Ms. Nunez testified that the Complainants’ current overdue balance was $2,416.28, including a payment of $300 which the Respondent had just received. N.T. 44, PPL Ex. 1.

Having provided a brief summary of the testimony of the Complainants and the Respondent, I will now address the Complainants’ arguments regarding the alleged overbilling by the Respondent. The Complainants’ evidence concerning overbilling focuses on the three months from January through March 2014.

Ms. Smith testified that during the period from January through March 2014, the Complainants used their propane fireplace to supplement their heat pump. N.T. 11. The Complainants conclude that since they were using the propane fireplace, as they had in previous years, their bills from the Respondent for January through March 2014 must be incorrect since the bills were higher than in previous years. The Complainants theorize that either their meter malfunctioned or that their neighbor was stealing electricity from them.

The Complainants’ argue that their meter malfunctioned during the January through March 2014 time period then began functioning properly afterward. N.T. 51-52. Ms. Nunez indicated that this scenario was not possible and that once a meter began malfunctioning, it would continue to malfunction. N.T. 52. I conclude that it is highly unlikely that the Complainants’ meter would malfunction, inaccurately report the Complainants’ usage for January, February and March 2014 then repair itself and operate properly when the Respondent tested it in June 2014 and April 2015.

In her testimony, Ms. Smith challenged the accuracy of the Respondent’s first meter test since the first test conducted in June 2014 by the Respondent’s employee only took five minutes. N.T. 12. However, Ms. Smith did not present any evidence to explain why she thought that the Respondent’s employee conducted the meter test improperly other than the amount of time that the meter test took.

Ms. Smith also challenged the accuracy of the second meter test, claiming that another entity should have performed the test. N.T. 13. However, the meter test report indicates that the Respondent’s meter test laboratory is certified by the Commission and that the Respondent conducted the meter test in accordance with the Commission’s regulations governing meter testing.

I conclude that the Respondent properly conducted both meter tests. Both tests indicated that the meter’s accuracy was within the 2% margin of error allowed by the Commission’s regulations. 52 Pa.Code §§ 57.20. Therefore, the Complainants’ meter accurately recorded their electricity usage.

The Complainant’s potential for energy usage supports the conclusion of the Respondent’s meter tests indicating that the Complainants’ meter was accurately recording their electricity usage. The evidence presented shows that there are enough appliances in the Complainants’ residence using electricity to establish that the Complainants’ potential for energy utilization is not low.

Ms. Smith testified that the residence has an electric stove, refrigerator, dishwasher, microwave, washer, dryer, electric heat pump and central air conditioning. The number of electric appliances indicates that the Complainants’ potential for energy usage is high. The Respondent’s calculation of the Complainants’ potential electricity usage supports this conclusion. The Respondent calculated that the Complainants had the potential to use 4,936 kWh per month.

While the Complainants’ usage for February 2014 exceeded the 4,936 kWh potential usage by 404 kWh and their usage for March 2014 exceeded the 4,936 kWh potential usage by 118 kWh, this does not automatically lead to the conclusion that the Complainants’ meter malfunctioned. The number of heating degree days in February and March 2014 exceeded the number of heating degree days for the same two months in 2012 and 2013. PPL Ex. 1. The increase in the number of heating degree days would indicate the need to use more electricity.

For all the above reasons, I reject the Complainants’ argument that their electric meter malfunctioned during the January 2014 through March 2014 time period. Based on the meter tests performed by the Respondent and the Complainants’ high energy usage potential, I conclude that the Complainants’ electric meter was functioning properly during the January 2014 through March 2014 time period and accurately recorded the Complainants’ electricity usage.

The Complainants also argue that their neighbor was stealing electricity from them. Ms. Smith testified that during the January 2014, she saw a long extension cord near the border of the Complainants’ property coming from the neighbor’s house. N.T. 9. Ms. Smith later concluded that the Complainants’ neighbor had used the extension cord to steal electricity from the Complainants. N.T. 9. However, Ms. Smith indicated that she did not see the extension cord actually plugged into the outdoor outlet of the Complainants’ residence. N.T. 14-15.

Assuming that the Complainants are correct that their neighbor was stealing electricity from them by using an extension cord, the Commission cannot find that the Respondent overbilled the Complainants. The electricity allegedly used by the neighbors would have been accurately registered by the Respondent’s meter and billed to the Complainants’ account. The Respondent would have no way of knowing how much of the registered usage was the result of the neighbor’s alleged theft. The Complainants must seek reimbursement for any electricity allegedly stolen by the neighbors in another forum.

Based on the evidence recited above, I conclude that the Complainants have failed to demonstrate by a preponderance of the evidence that the Respondent has over billed them. I will deny that portion the Complainants’ complaint.

Having addressed the Complainants’ contention that the Respondent overbilled them, I will now address the Complainants’ request that the Commission order a payment arrangement.

However they manage their household budget, the Complainants will have to pay the Respondent for the service they consume. By law, a public utility is entitled to receive payment for the service it provides. Scaccia v. West Penn Power Co., 55 Pa. PUC 637 (1982). Kea v. Peoples Natural Gas Co., 60 Pa. PUC 215 (1985); Mill v. Pa. Pub. Util. Comm’n, 447 A.2d 1100 (Pa.Cmwlth. 1982). The Respondent has the right to bill and receive payment for the utility service actually supplied. 66 Pa.C.S. § 1303, Neal v. Philadelphia Gas Works, Docket No. Z‑00971874, (Order entered January 4, 2002); Angie’s Bar v. Duquesne Light Co., 72 Pa. PUC 213 (1990). All customers are obligated to pay for utility service. Otherwise, unpaid bills are included in the utility’s uncollectible expenses, which all of its remaining customers must pay. Bolt v. Duquesne Light Co., Docket No. Z‑8712758 (Order entered April 8, 1988). A payment arrangement, which prevents service termination as long as the Complainant complies with it, is a privilege, not a right. Mandell v. Duquesne Light Co., Docket No. C-20030234, (Order entered March 17, 2004).

The Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401-1418, applies to this proceeding. On December 22, 2014, Act 155 of 2014, reenacting the Responsible Utility Customer Protection Act, became effective. Act 155 changed some provisions of the Responsible Utility Customer Protection Act. I will incorporate those changes in the discussion that follows.

The Commission has the authority to establish a payment arrangement pursuant to 66 Pa.C.S. § 1405(a), within the strict guidelines set forth in 66 Pa.C.S. § 1405(b). The statute at 66 Pa.C.S. § 1405(a) states:

(a) General Rule.-The commission is authorized to investigate complaints regarding payment disputes between a public utility, applicants and customers. The commission is authorized to establish payment arrangements between a public utility, customers and applicants within the limits established by this chapter.

The Commission may establish a payment arrangement between a public utility and a customer only within the limits established by 66 Pa.C.S. §§ 1401-1418. In order to be eligible for a payment arrangement, the Complainants must be “customers” or “applicants” as defined by 66 Pa.C.S. § 1403. If the Complainants are not “customers” or “applicants”, the Commission is not authorized to establish a payment arrangement between them and the Respondent. The statute at 66 Pa.C.S. § 1403 defines a customer as follows:

“Customer.” A natural person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested. The term includes a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

In this case, the Complainants are customers since Susan Smith is an adult occupant whose name appears on the deed or mortgage of the property at 4768 Kovalchik Drive and Timothy Smith is a natural person in whose name the residential service account for 4768 Kovalchik Drive is listed. N.T. 15-16.

The Complainants are customers, pursuant to 66 Pa.C.S. § 1403 and are entitled to a new payment arrangement. The Complainants appeal the BCS decision dated February 13, 2015 at BCS No. 3252920, which ordered a payment arrangement for the Complainants on their account with the Respondent. As noted earlier, the Commission may order a payment arrangement within the strict guidelines set forth in 66 Pa.C.S. § 1405(b) which states as follows:

**(b) Length of payment arrangements.--**The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment arrangement that is investigated by the commission and is entered into by a public utility and a customer shall not extend beyond:

1. Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.
2. Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.
3. One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.
4. Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

Ms. Smith test testified that the Complainants’ current gross monthly household income is approximately $7,005. N.T. 16-17. Ms. Smith testified that she receives disability payments in the amount of $2,300 per month. N.T. 17. In addition, her husband receives workers compensation payments of $686.00 per week or approximately $2,972 per month. N.T. 17. Finally, their son earns $400 per week or approximately $1,733 per month. N.T. 17.

It appears that several changes occurred in the Complainants’ household near the time that BCS entered its decision on February 13, 2015. Timothy Smith was injured while at work approximately six months prior to the hearing. Prior to his injury, Mr. Smith earned approximately $1,090.00 per week or approximately $4,723.33 per month.

In addition, the Complainants’ son moved into the Complainants’ residence approximately six months prior to the hearing. At that time the Complainants’ son was working only part time, earning approximately $200.00 per week or approximately $866.66 per month. However, subsequent to relocating to the Complainants’ residence, their son obtained full time employment. These changes in the Complainants’ household do not alter the length of the payment arrangement ordered by BCS.

The Complainants’ household income places them at slightly more than 400% of the federal poverty level. The federal poverty guidelines, effective January 22, 2015, found at 80 Fed Reg. 3236 -3237 (2015), provide that for a household size of three, 400% of the federal poverty level is $6,696.67 per month. As level 4 customers, the Complainants have six months to pay their unpaid balance with the Respondent.

In conclusion, the Complainants have failed to establish by a preponderance of the evidence that the Respondent overbilled them in January, February and March 2014. However, the Complainants are entitled to a payment arrangement. I will therefore enter an order denying the complaint in part and granting a payment arrangement.

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 the Complainants. 66 Pa.C.S. § 332(a),

3. The Complainants have not met their burden of proving that the Respondent overbilled them. 66 Pa.C.S. § 332(a).

4. The Complainants’ burden of proof in this proceeding is governed in part by Waldron v. Philadelphia Electric Co., 54 Pa. PUC 98 (1980).

5. The Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401‑1418, applies to this proceeding.

6. The Commission is authorized to establish a payment arrangement between a public utility and a customer. 66 Pa.C.S. § 1405(a).

7. The Complainants have met their burden of proving that they are entitled to a payment arrangement. 66 Pa.C.S. § 1405(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the complaint of Timothy and Susan Smith against PPL Electric Utilities Corporation at Docket No. F-2015-2475535 is denied, in part.

2. That Timothy and Susan Smith shall pay PPL Electric Utilities Corporation on the date due for the payment of each monthly bill, the regular budget amount of the bills as they come due, plus 1/6th of the arrearage owed on their account to be calculated as of the date the Pennsylvania Public Utility Commission enters its Order in this case. These payments shall commence with the first monthly bill received after entry of the Pennsylvania Public Utility Commission’s Order in this case and continue on the due date for the payment of each regular monthly bill, until the arrearage on this account has been paid in full.

3. That as long as Timothy and Susan Smith comply with the terms of this Order, PPL Electric Utilities Corporation shall not suspend or terminate their utility service except for valid safety or emergency reasons.

4. That if Timothy and Susan Smith fail to comply with the terms of this Order, PPL Electric Utilities Corporation is authorized to suspend or terminate their utility service in compliance with all applicable tariff and regulatory requirements, and to take any other action permitted by law.

5. That the docket at Docket No. F-2015-2475535 is marked closed.

Date: July 23, 2015 /s/

David A. Salapa

Administrative Law Judge