

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120**

**David Wapensky**

**Public Meeting August 31, 2017**

**2476806-ALJ**

**v.**

**Docket No. C-2015-2476806**

**PPL Electric Utilities Corp.**

**STATEMENT OF COMMISSIONER JOHN F. COLEMAN, JR.**

In the above-captioned Formal Complaint, David Wapensky requests a payment arrangement from PPL Electric Utilities Corporation. An evidentiary hearing was scheduled for this matter on April 4, 2016. The Complainant called the telephone number provided for the hearing at the time it was scheduled, but on his own volition, elected not to participate in the hearing. In fact, he provided incorrect information to the presiding ALJ that the case had been settled.

Subsequently, PPL filed a Motion to Dismiss for failure to prosecute. In its Motion, PPL avers that this matter was not settled prior to hearing. PPL further avers that it never spoke to the Complainant about the case prior to hearing. The Complainant did not file an Answer to this Motion, and the ALJ granted it, dismissing the Formal Complaint with prejudice. No exceptions to this Initial Decision were filed.

In reviewing this matter, I find it relevant the Complainant is very familiar with PUC administrative procedures and the practice for requesting and litigating cases involving payment arrangements. Since April of 2012, Mr. Wapensky has filed seven (7) formal complaints against PPL, while only making six (6) payments for his electric service.<sup>1</sup> Mr. Wapensky has previously defaulted on forty-five (45) prior payment arrangements from the Company.<sup>2</sup>

Mr. Wapensky has not participated in this case since April 4, 2016. As stated, on that date, Mr. Wapensky called into the scheduled telephonic hearing and provided erroneous information to the ALJ that the case had settled. Because the Complainant dialed into the appropriate number at the appropriate time, I am confident that service was effective in this case, even though the hearing was never convened. Since then, Mr. Wapensky appears to have done nothing in this matter and has not responded to PPL's Motion to Dismiss or the Decision of the ALJ, despite ample time to do so.

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<sup>1</sup> Respondent PPL Electric Utilities Corporation's Motion to Dismiss Complainant's Complaint with Prejudice. P. 4. (Filed April 22, 2016).

<sup>2</sup> *Id.*

I am satisfied that the Complainant was afforded notice and opportunity to be heard on all issues raised in this proceeding but chose not to prosecute his Complaint. Therefore, it is my belief that ALJ Buckley's decision to dismiss this matter with prejudice for failure to appear and prosecute is correct. Accordingly, I do not support the proposed motion.

**Date: August 31, 2017**

  
**JOHN F. COLEMAN, JR.**  
**COMMISSIONER**