

August 12, 2010

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James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
400 North Street
Harrisburg, PA 17105-3265

**RE: Lundes Garrett vs. PPL Electric Utilities Corp.
No. F-2009-2106637**

Dear Mr. McNulty:

Enclosed for filing in the above-captioned matter are nine copies of EXCEPTIONS OF LUNDES GARRETT - COMPLAINANT

Pursuant to 52 Pa. Code Section 1.11, the enclosed documents is deemed to be filed on August 12, 2010, and was deposited with the United States mail services.

Very truly yours,



Lundes Garrett

Enclosures
cc: Kimberly G. Krupka Esq.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

LUNDES GARRETT,
Complainant,

COMPLAINT DOCKET
NO. C-2009-2106637

vs.

PPL ELECTRIC UTILITIES CORP,
Respondent.

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EXCEPTIONS OF LUNDES GARRETT - COMPLAINANT

Complainant hereby submits, EXCEPTIONS OF LUNDES GARRETT, in opposition of the Initial Decision of Administrative Law Judge, Susan D. Colwell, dated July 13, 2010, in the above-captioned proceeding as follows:

1. *The hearing was conducted in an unfair manner. ALJ Cocheres dictated how he was going to have the hearing. He stated, that the parties had the choice of the kind of hearing to be had. His, Telephone Hearing Notice, dated July 13, 2009, is clearly void of any choices as to the kind that instruct you of a choice.*

As further prove, ALJ Cocheres stated, in his Prehearing Order, dated July 20, 2009, "Although the hearing is being conducted telephonically for the convenience of the parties", positively shows that he was in a state of unbalance judgment and misrepresentation. Complainant was denied of his right to a fair hearing, and objected to a telephonic hearing.

2. ALJ Cocheres utilized a strange and unfair tactic of bamboozlement when he instructed Complainant to engage in a negotiation with two individuals on the telephone, and before he start the hearing, in which it was later discovered that these two individuals was witnesses for the Respondent. The record reflects this fact.

3. ALJ Cocheres stated in his Telephone Hearing Notice dated, July 13, 2009, "If

you have any hearing exhibits to which you will refer during the hearing All copies **must be received** at least 5 days **before** the hearing”. Again, he’s quoted, in his Prehearing Order, dated, July 20, 2009, “If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party at least five (5) business days before the hearing”. Complainant objected to the untimely receipt of Respondents’ exhibits, and ALJ Cocheres counted the days and found that it was received in four(4) days before the hearing, instead of five (5) days, and received favorable entry, in light of direct violation of both his instruction and order. Hearing was not held in an impartial manner.

4. ALJ Cocheres allowed witnesses in the hearing without any notice to Complainant, and without affording Complainant of his right to prepare for the witnesses. ALJ Cocheres violated his own Prehearing Order, dated, July 20, 2009, which stated, “If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52. Pa. Code Sec. 5.421. You must submit your written application to the ALJ sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days’ notice to answer or object.....”. Complainant did not receive any notice about any witnesses appearing until they was called upon by Respondent for testimony. In fact, that’s when Complainant found out that he was bamboozled by ALJ Cocheres into negotiating with the witnesses. The hearing was not held in a fair and impartial manner, as Complainant was recklessly deprived of his right to object and prepare for witnesses by ALJ Cocheres and Respondent.

5. Complainant proved his case far beyond the preponderance of evidences standards. As Complainant was explaining his enormous amount of exhibits, ALJ Cocheres stated, “We get it, we get it”. Then, he asked Respondent, did you raise your rates. Respondent reply, “No”. Complainant continued showing factually in his exhibits that there was a preponderances of same kilo watt usage and totally difference in prices through a comparative comparison. Respondent offered no defense.

6. Complainant in his complaint stated that since the year 2000, he has been filing a complaint with the Public Utility Commission. Each and every time, the PUC stated that they investigated Complainant complaints and have not found anything wrong. They have adopted the RUBBER STAMP APPROACH to handle the Public complaints. The PUC sits at their desks and instruct PPL personnel to get the complainant records. They peruse the records and then rubber stamps it. This lackadaisical method of service to the public has caused the PUC to believe that the investigative tactic of investigating oneself will bring about a fair and impartial results. When the Space Shuttle blow up, Nasa said it would investigate. President Nixon, said, I will not allow you to investigate yourself. PPL employees investigating consumers complaint must bring in results favorable to PPL or risk losing their jobs.

7. ALJ Cocheres stated at the conclusion of the hearing that he will rendered a decision within 90 days, which constitute an Order. ALJ Cocheres has recklessly violated many of his own Orders. He failed to render a decision within 90 days, and due to lack of

supervision there was no compliance. ALJ Cocheres decision created a limitation. No notice of time extension was offered to the parties herein. An excuse of retirement was given in the Initial Decision for lack of timely decision, which is not creditable due to the fact that the exact date of retirement was not disclosed. Which gives the appearance of negligence. Laws, rules, regulations, policies, and procedures are for all to obey. No one is above or beyond the law, especially Administrative Law Judges.

WHEREFORE, due to the fact that the Initial Decision is grossly untimely, issued nine (9) months later, and violates the statute of limitation created by ALJ Cocheres Order at the conclusion of the hearing, and the fact that the hearing was not fair and impartial, should not stand and be dismissed without prejudice.

Dated: August 12, 2010



LUNDES GARRETT, COMPLAINANT
8 Rose Drive, Saylorsburg, PA 18353
570-620-9309

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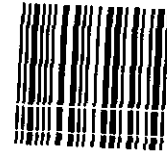
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From *Lundes Garrett*
8 Rose Drive
Saylorsburg, PA 18353

TO *James J. McNulty, Secretary*
PA Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
400 North Street
Harrisburg, PA 17105-3265