

MALCOLM J. GROSS
PAUL A. MCGINLEY
HOWARD S. STEVENS
DONALD LaBARRE, JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
PATRICK J. REILLY
ANNE K. MANLEY
SUSAN ELLIS WILD†
VICTOR F. CAVACINI
THOMAS E. REILLY, JR.
STUART T. SHMOOKLER
JAMES A. RITTER
JOHN F. GROSS
ROBERT A. ALPERT
ALLEN I. TULLAR
RAYMOND J. DeRAYMOND
THOMAS A. CAPEHART
KIMBERLY G. KRUPKA
KIMBERLY A. SPOTTS-KIMMEL
ANDREW H. RALSTON, JR.

GROSS 
McGINLEY LLP
ATTORNEYS AT LAW

www.grossmcginley.com

Please reply to:
Allentown Office

Kimberly G. Krupka
kkrupka@grossmcginley.com

November 25, 2011

LOREN L. SPEZIALE*
MICHAEL J. BLUM * *
SAMUEL E. COHEN*
EWALDE M. COOK
ROBERT G. VIDONI*
GRAIG M. SCHULTZ*
TYLER M. SMITH

OF COUNSEL
MICHAEL J. PIOSA

*Also admitted in NY
*Also admitted in NJ
†Also admitted in DC & MD
*Also admitted in MA

VIA FEDERAL EXPRESS

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Post Office Box 3265, 400 North Street
Harrisburg, PA 17105-3265

**RE: Thaddeus D'Ambrosia v. PPL Electric Utilities Corporation
No. F-2010-2181822**

Dear Ms. Chiavetta:

Enclosed for filing in the above-captioned matter is the original Objections to Application for Subpoenas of PPL Electric Utilities Corporation.

Pursuant to 52 Pa. Code §1.11, the enclosed document is deemed to be filed on November 25, 2011, and was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

Very truly yours,



KIMBERLY G. KRUPKA

KGK/dm
Enclosure

cc: Thaddeus D'Ambrosia (w/enclosure)
Administrative Law Judge Kandace F. Melillo (w/enclosure)

RECEIVED

NOV 28 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thaddeus D'Ambrosia, Complainant	:	
	:	
v.	:	F-2010-2181822
	:	
PPL Electric Utilities Corporation, Respondent	:	

**RESPONDENT'S OBJECTIONS TO COMPLAINANT'S APPLICATION FOR
SUBPOENA FOR MICHELLE LAWALL-SCHMIDT AND ANTHONY M. OSMANSKI**

TO ADMINISTRATIVE LAW JUDGE KANDACE F. MELILLO:

AND NOW COMES the Respondent, PPL Electric Utilities (hereinafter "PPL"), by and through its counsel, Kimberly G. Krupka, Gross McGinley, LLP, files the following Objections to Complainant's Application for Subpoena for Michelle Lawall-Schmidt and Anthony M. Osmanski, and in support thereof aver as follows:

1. On June 16, 2010, the Commission served upon PPL a formal Complaint filed by Complainant, Thaddeus D'Ambrosia.

2. Prior to the instant Complaint, Complainant filed a formal Complaint against PPL in 2007, at docket number C-20077882. The Complaint contested PPL's August 30, 2006 rebilling of Complainant's account for previously unbilled electric service due to a malfunctioning meter. On August 3, 2007, the parties settled their differences and PPL filed a Certificate of Satisfaction, setting forth the terms of the settlement. The matter was officially closed September 2007.

3. The August 2007 settlement, in docket number C-20077882, included a reduction in the dollar amount of the rebilling and a payment arrangement, providing that the arrearages could be repaid at a rate of \$20 per month.

4. In September 2009, Complainant's payment agreement with PPL Electric

Utilities was prematurely cancelled by PPL's automated billing system. Due to the error, Complainant was rendered a bill for the total unpaid balance, although the balance was the subject of a payment arrangement and, accordingly, not yet due and owing.

5. PPL has acknowledged its error in rendering Complainant a bill for the entire unpaid balance, and has reinstated Complainant's payment arrangement.

6. PPL has acknowledged that the error occurred due to human error. While an electric account is subject to a formal complaint, a collection and termination suspension is placed on the account.

7. PPL has acknowledged that once the payment agreement was reached with Complainant, the suspend charge should have been removed. Due to a delay in removing the suspend charge on Complainant's account, an internal error occurred by which the Complainant's payment arrangement was marked as "kept" and the entire remaining balance thereby became due and owing.

8. Respondent has stated that it will voluntarily produce Deborah Thiel, a supervisor of billing, and Richard Hoffman, a PPL employee specializing in financial information technology, to testify at the hearing scheduled for November 30, 2011.

9. Complainant has sought to subpoena Anthony Osmanski for the November 30, 2011 hearing.

10. Mr. Osmanski supervises the metering department, and holds an expertise in the mechanics of the electric meters himself. Mr. Osmanski does not engage in billing functions on behalf of PPL.

11. The only issues raised in the instant Complaint pertain to the premature cancellation of Complainant's payment arrangement. Any issues pertaining the mal/functioning of Complainant's meter were resolved pursuant to the Certificate of Satisfaction filed in case C-20077882.

12. Complainant has failed to show how the testimony of Anthony Osmanski, a metering supervisor, would be relevant to his claims concerning the premature cancellation of a payment arrangement.

13. Where Complainant has failed to allege how the testimony of a metering supervisor may be relevant to a claim concerning the premature cancellation of a payment arrangement, Complainant's application for subpoena, as to Anthony Osmanski, should be denied as it would be

unduly burdensome and oppressive to require the attendance of an employee without information relevant to the instant action.

14. Complainant has sought to subpoena Michelle Lawall-Schmidt for the November 30, 2011 hearing.

15. Following the filing of the Complaint in the instant action by Complainant, e-mail communications were provided to Richard Hoffman and Michelle Lawall-Schmidt inquiring as to how the error occurred.

16. Following the filing of the Complaint, Michelle Lawall-Schmidt assisted Richard Hoffman in determining how the payment arrangement was prematurely cancelled.

17. Complainant has requested of PPL, and PPL has voluntarily agreed, to produce Richard Hoffman at the November 30, 2011 hearing.

18. Any testimony which could be offered by Michelle Lawall-Schmidt would be completely duplicative of the testimony that will be offered by Richard Hoffman.

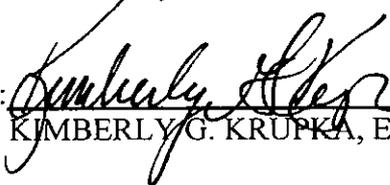
19. Michelle Lawall-Schmidt's sole involvement in the instant action began after Complainant filed a Complaint, and occurred in conjunction with that of Richard Hoffman.

20. It would be cumulative, and therefore unduly burdensome, to require both Richard Hoffman and Michelle Lawall-Schmidt to attend a hearing and testify to the same issues.

WHEREFORE, Respondent respectfully requests Complainant's application for subpoenas be denied.

Respectfully submitted,

Gross McGinley, LLP

By: 
KIMBERLY G. KRUPKA, ESQUIRE

Dated: November 25, 2011
at Allentown, Pennsylvania

RECEIVED

NOV 28 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THADDEUS D'AMBROSIA,
COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,
RESPONDENT.

COMPLAINT DOCKET
NO. F-2010-2181822

CERTIFICATE OF SERVICE

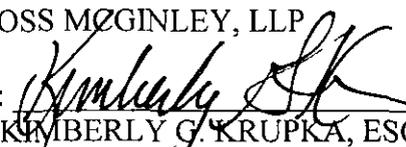
THIS IS TO CERTIFY THAT THE RESPONDENT'S OBJECTIONS TO COMPLAINANT'S APPLICATION FOR SUBPOENA FOR MICHELLE LAWALL-SCHMIDT AND ANTHONY M. OSMANSKI WAS MAILED TO COUNSEL/COMPLAINANT OF RECORD ON BEHALF OF COMPLAINANT BY FIRST CLASS UNITED STATES MAIL, POSTAGE ON THIS THE 25TH DAY OF NOVEMBER 2011.

THADDEUS D'AMBROSIA
2736 MASSACHUSETTS CT.
HARRISBURG, PA 17112

ADMINISTRATIVE LAW JUDGE KANDACE F. MELILLO
PENNSYLVANIA PUBLIC UTILITIES COMMISSION
P.O. BOX 3265
KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PA 17120

GROSS MCGINLEY, LLP

BY:


KIMBERLY C. KRUPKA, ESQUIRE
I.D. # 83071

COUNSEL FOR DEFENDANT,
PPL ELECTRIC UTILITIES CORPORATION
33 SOUTH 7TH STREET, P.O. BOX 4060
ALLENTOWN, PA 18105
PHONE (610) 820-5450
FAX (610) 820-6006

RECEIVED

NOV 28 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

From: (610) 820-5450 Origin ID: ABEA
KIMBERLY G. KRUPKA, ESQUIRE
GROSS, McGINLEY, LaBARRÉ & EATON
33 S. SEVENTH STREET



J11201108050225

ALLENTOWN, PA 18105

Ship Date: 25NOV11
ActWgt: 1.0 LB
CAD: 5879494/NET3210

Delivery Address Bar Code

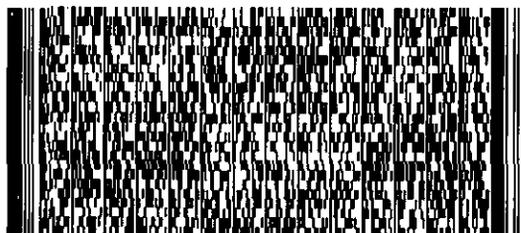


SHIP TO: (717) 772-7777 BILL SENDER
Rosemary Chiavetta, Secretary
PENNSYLVANIA PUBLIC UTILITY COMMISS
400 NORTH ST
COMMONWEALTH KEYSTONE BULDING
HARRISBURG, PA 17120

Ref # D'Ambrosia(02)
invoice #
PO #
Dept #

MON - 28 NOV A1
PRIORITY OVERNIGHT

TRK# 7954 3981 9136
0201



SH MDTA

17120
PA-US
MDT



50FG18C50/F5F4

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

RECEIVED

NOV 28 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU