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June 3, 2013

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

RE: Douglas Champlin v PPL Electric Utilities Corporation
Docket No: C-2012-2328598

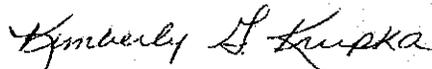
Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is an original of the Reply of PPL Electric Utilities Corporation to Complainant, Douglas Champlin's Exceptions, along with the attached Certificate of Service.

Pursuant to 52 Pa. Code §1.11, the enclosed document is to be deemed eFiled on or before June 3, 2013.

Thank you for your cooperation in this matter.

Very truly yours,



KIMBERLY G. KRUPKA

KGK/dm
Enclosure

cc: Douglas Champlin (w/enclosure/via U.S. Mail)
The Honorable Elizabeth H. Barnes (w/enclosure); *via email only*
Kimberly R. Safford (w/enclosure); *via email only*

00534351.DOCX

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOUGLAS CHAMPLIN,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET
NO. C-2012-2328598

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S REPLY TO
COMPLAINANT'S EXCEPTIONS**

AND NOW comes Respondent PPL Electric Utilities Corporation ("Respondent"), and files the within Reply to Complainant's Exceptions, alleging in support thereof as follows:

1. Given Complainant's Exceptions' non-compliance with 52 Pa.Code §5.533 (b), it is not possible for Respondent to directly respond to Complainant's Exceptions in the usual and customary manner. However, Respondent will endeavor to do its best to respond to each separate exception raised by Complainant.

2. In general, Respondent replies to Complainant's Exceptions by noting that all of the findings of fact and conclusions of law set forth in the Administrative Law Judge's Initial Decision in this case are well supported by the evidence which conforms that Complainant had due notice of the hearing and failed to appear.

3. Complainant asserts a right to a new hearing due to his failure to be available for a duly noticed telephonic hearing on the date and time scheduled. Where Complainant has failed to assert a compelling reason for his failure to attend the hearing (telephonically), his Exceptions should be denied.

First, it is undisputed that the ALJ properly notified Complainant of the hearing. On February 14, 2013, the Commission served a Hearing Cancellation/Reschedule Notice which clearly informed all parties of an Initial Telephonic Hearing on Monday March 25, 2013 at 10:00 a.m. This notice further notified Complainant that the ALJ would contact him at telephone number 717-386-4366. This is the precise telephone number that Complainant listed in his Customer Complaint. Complainant does not dispute that on March 25, 2013, ALJ Barnes placed two telephone calls to this number in an attempt to reach Mr. Champlin. In fact, Mr. Champlin admits that he received a voicemail message (although he claims it was since lost). PPL Electric expended significant time and resources to have an attorney and employee witness available for the hearing. Complainant's failure to be available for either of the two telephone attempts which were made at the time set forth in the telephonic hearing notice is inexcusable.

Second, Complainant alleges that the error in his participation was due in part to the ALJ utilizing the PPL Electronic telephonic conference line. This allegation simply has no merit. Prior to the date of the hearing, PPL Electric advised the ALJ in writing of the telephone number where all PPL Electric participants would be available. While the ALJ used this conference line to place the calls to Complainant, this in no way affected the Complainant. The Hearing Notice clearly indicates that the ALJ could contact Complainant at telephone number 717-386-4366. The actual number from which the call was placed to Complainant is irrelevant. In addition, even if Complainant was unavailable for the first call, the ALJ placed a second call to the Complainant. He chose not to answer either of the calls.

Third, the Complainant failed to file timely Exceptions. The initial decision was rendered on April 8, 2013. All Exceptions were due on or before April 29, 2013.¹ Complainant alleges that he mailed Exceptions to the PUC on April 23, 2013 without a docket number. However, Complainant has no proof of the same. In fact, his own allegations are contradictory. Complainant alleges that “[u]nfortunately, I had just typed up the letter, printed it, and mailed it from the office of the company I work for, and I did not save the letter.” However, Complainant then alleges “I work in a group home, and do not have a printer at the group home, or at home.” Therefore, he claims that he printed the letter even though he had no access to a printer.

Claimant has a significant history of non-payment on this account. As set forth by the ALJ in her initial decision, Complainant originally filed a Complaint with the PUC at Docket Number C-2011-2266920. After filing a timely Answer, PPL Electric was able to reach an agreement with the Complainant on a payment arrangement. That arrangement was verified in an April 5, 2012 Certificate of Satisfaction. Complainant failed to comply with the Certificate of Satisfaction. Thereafter, Complainant filed the current Complaint at Docket Number C-2012-2328598.

The burden of proof rested with the Complainant. Patterson v. Bell Telephone Company of Pennsylvania, 72 Pa. PUC 196 (1992). Complainant was required to show by a preponderance of the evidence that he was entitled to a payment arrangement. Samuel J. Lansberry, Inc. v. Pa Public Utility Commission, 134 Pa. Cmwlt. 218, 221-222, 578 A.2d 600, 602 (1990). Complainant was required to provide evidence outweighing that of Respondent that he was entitled to the relief he requested. Se-Ling Hosiery v. Margulies, 364 Pa. 45, 70 A.2d

¹ April 28, 2013 was a Sunday. Therefore, the time for filing Exceptions was extended until April 29, 2013.

854 (1950). Complainant has failed to produce any evidence of entitlement to a new payment arrangement as he has failed to attend the duly noticed hearing. Complainant does not even allege that he did not receive notice of the hearing. Rather, Complainant was merely unavailable when the ALJ placed two separate telephone calls to the number he provided. Given the resources expended by the Commission and PPL Electric, the Exceptions should be denied.

Respectfully submitted,

GROSS MCGINLEY, LLP



By: _____

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Attorneys for PPL Electric Utilities Corporation

Dated: June 3, 2013
at Allentown, Pennsylvania

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOUGLAS CHAMPLIN,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2012-2328598

CERTIFICATE OF SERVICE

This is to certify that the **RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S REPLY TO COMPLAINANT'S EXCEPTIONS** on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record DOUGLAS CHAMPLIN, on behalf of Respondent by first class United States mail, postage on this the 3rd day of June 2013.

DOUGLAS CHAMPLIN
1956B FRY LOOP AVE.
CARLISLE, PA 17013

GROSS MCGINLEY, LLP



By: _____

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