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January 23, 2014

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

RE: Kenneth Singh v. PPL Electric Utilities Corp. - Docket No. C-2013-2383113;  
**ANSWER OF DOMINION RETAIL, INC. TO INTERIM ORDER  
JOINING AN INDISPENSABLE PARTY**

Dear Secretary Chiavetta:

Enclosed for e-filing with the Commission is the Answer of Dominion Retail, Inc. to Interim Order Joining an Indispensable Party in the above-captioned docket. Copies of this Answer have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions related to this filing, please do not hesitate to contact my office.

Very truly yours,

Todd S. Stewart  
*Counsel for Dominion Retail, Inc., d/b/a  
Dominion Energy Solutions*

TSS/jld  
Enclosure

cc: Honorable Katrina L. Dunderdale (via email and first class mail)  
Per Certificate of Service

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**MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**VIA FIRST CLASS MAIL**

Kenneth Singh  
130 Donald Avenue  
Middletown, PA 17057

**VIA EMAIL AND FIRST CLASS MAIL**

Kimberly Krupka, Esquire  
Gross McGinley LLP  
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PO Box 4060  
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Todd S. Stewart

Dated: January 23, 2014

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KENNETH SINGH

v.

PPL ELECTRIC UTILITIES CORP.

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Docket No. C-2013-2383113

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**ANSWER OF DOMINION RETAIL, INC.  
TO INTERIM ORDER  
JOINING AN INDISPENSABLE PARTY**

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**NOW COMES** Dominion Retail, Inc., d/b/a Dominion Energy Solutions (“DES”), by and through its counsel in the above-captioned matter, Hawke McKeon & Sniscak, LLP, and hereby submits its Answer, in opposition, the Interim Order that would join it as an Indispensable Party to the above-captioned matter. The basis of the objection is simple: DES has already reached a settlement with the Complainant in a matter involving the identical complaint, but which was docketed under a separate number against DES. Accordingly, to require Dominion to participate as a party in the instant Complaint against PPL would require DES and the Complainant to litigate the Complaint, when they already have settled the matter. For the reasons set forth herein, the Order to Join DES should be rescinded immediately so as to relieve DES of the need to prepare for a hearing.

**I. BACKGROUND**

1. On or about September 10, 2013, Kenneth Singh (“Complainant”) filed a Formal Complaint with the Pennsylvania Public Utility Commission. That Complaint named both PPL Electric Utilities Corporation and DES as Respondents.

2. On or about September 16, 2013, it appears that the Commission's Secretary's Bureau served the Complaint upon PPL Electric Utilities Corporation ("PPL") and docketed it at a proceeding, C-2013-2383113. On that same day, the Secretary's Bureau also served a copy of the Complaint upon DES and docketed that matter at C-2013-2383115. Neither DES nor PPL were notified that the other had been served separately with the Complaint.

3. In his Complaint, the Complainant alleges that "there are incorrect charges on his billing statements from his distribution company and that DES had increased his commodity charge without proper notification. Complainant requested a refund for the amounts allegedly overcharged and also sought punitive damages against DES.

4. Counsel for DES contacted the Complainant and was successful in negotiating an amicable resolution of the matter and on September 27, 2013, DES filed a Certificate of Satisfaction, in lieu of an Answer to the Complaint against it at Docket No. C-2013-2383115. That Certificate of Satisfaction is reflected in the Commission's records.

5. Neither Mr. Singh nor any other individual filed any document, let alone any opposition to the Certificate of Satisfaction filed by DES with regard to this matter.

6. On January 15, 2014, counsel for DES was served with a copy of Administrative Law Judge Katrina L. Dunderdale's Interim Order referenced above, which would purport to join DES as an indispensable party in the identical proceeding involving PPL.

7. On January 17, 2014, the undersigned counsel for DES sent an email to the Presiding Administrative Law Judge informing her of the fact that DES had, in fact, settled the Complaint with the Complainant and copied counsel for PPL with that message.

## **II. DISCUSSION**

8. The basis for seeking to include DES is that the "Complainant specified the commodity rate charge by DES was increased without his knowledge and consent. Complainant

named both PPL and Dominion Energy in the Complaint and a full appreciation of the allegations requires an understanding of not only his generation and distribution usage, but also the billing statements issued by PPL.” (Interim Order at p. 2).

9. The Interim Order goes on to conclude “it is appropriate to join Dominion Energy as an Indispensable Party to this action.”

10. While it is true that DES’s charges were billed by PPL and were the basis of the Complaint, the basis and the level of those charges and the alleged increase in those charges without notification are the subject of a Settlement Agreement between the Complainant and DES. The Complainant has resolved those matters and they are no longer “live”. If Complainant chooses to continue his allegations that PPL incorrectly billed him for charges from DES, he is free to do so, but for DES’s part, it believes that those issues have been resolved and that any further proceeding in this matter is not necessary, unless Complainant can articulate a separate cause of action against PPL.

11. Because DES has satisfied the Complaint, there is no dispute that can be resolved and the Commission must acknowledge that DES has no further responsibility to the Complainant with regard to the subject matter of the Complaint. To do otherwise would violate the plain requirements of the Public Utility Code, 66 Pa. C.S. § 703(a), which requires the Commission to dismiss a complaint that has been satisfied and which requires that the “party shall be relieved from responsibility only for the specific matter complained of.” Moreover, because there no longer exists any controversy between them, the Commission lacks the ability to adjudicate, as the Commission’s power is limited to resolving actual controversies. 66 Pa. C.S. §§ 701. Here DES has satisfied the Complaint and there remain no issues as between DES and Complainant. The matter must be marked as closed and DES should be excused from any further participation.

12. Because Mr. Singh has accepted the settlement terms from DES, which involved the payment of money to him by DES, and DES has no practical opportunity to recoup that settlement payment should it be forced to re-litigate these issues before Your Honor, DES would be prejudiced, and its due process rights undeniably violated. The Commission has a long-standing policy in recognition of settlements, 52 Pa. Code §5.231(1) (“It is the policy of the Commission to encourage settlements.”), and that promotes negotiation over litigation. Not giving full weight to the settlement in this matter would vitiate that policy and would chill future efforts to obtain settlements due to the lack of permanence, thereof.

### III. CONCLUSION

13. For all of these reasons, DES hereby objects to being joined as an Indispensable Party in the above-captioned matter, and asserts to the contrary that this matter, as to DES, has been conclusively and finally resolved. Accordingly, DES respectfully requests that the ALJ issue a ruling making it clear that DES no longer need participate in this matter, and that Your Honor do so prior to the hearing date, so DES will be spared the expense for having to prepare for a hearing for a matter in which it no longer plays any role.

Respectfully Submitted,



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*Counsel for Dominion Retail, Inc. d/b/a  
Dominion Energy Solutions*

Dated: January 23, 2014