

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                               |   |                           |
|-------------------------------|---|---------------------------|
| Jeru B. King,                 | : |                           |
| Complainant                   | : |                           |
|                               | : |                           |
| v.                            | : |                           |
|                               | : | Docket No. F-2014-2418934 |
| PPL Electric Utilities Corp., | : |                           |
| Dominion Retail, Inc.,        | : |                           |
| Direct Energy Services, LLC,  | : |                           |
| Respondent                    | : |                           |

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**MOTION TO FILE ANSWER  
*NUNC PRO TUNC* OF DOMINION RETAIL, INC.**

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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 submit its Motion to submit its Answer to the above-captioned complaint, *Nunc Pro Tunc* in accordance with Sections 5.103 and 1.15 of the Commission’s regulations, 52 Pa. Code §§5.103 & 1.15. In support thereof, DES states and avers as follows:

1. On June 18, 2014, DES received a Motion Judge Assignment Notice from the Pennsylvania Public Utility Commission (“Commission”) dated June 9, 2014. Said Notice indicated that Administrative Law Judge Elizabeth H. Barnes had been assigned as Presiding Officer in the above-captioned proceeding to resolve any preliminary issues. This letter was the first actual notice received by inside counsel for DES. Neither the Notice, nor other correspondence issued prior to it, were addressed to Gary A. Jeffries, who is the in-house

company attorney designated by DES for receipt and handling of all official correspondence and notices from the Commission.

2. On June 20, 2014, DES contacted the undersigned counsel, who initially contacted the Commission's Secretary to verify whether the Commission's records indicated that DES had been served with the Complaint. The Secretary's Bureau had indicated that DES had been served. Despite attempts to do so, inside counsel for DES was unable to locate a copy of the document that was served upon DES. However, DES has no basis upon which to dispute that the Complaint was served upon DES. Rather, DES can attribute the fact that the appropriate person did not receive the Complaint or subsequent documents to the fact that it has gone through a major downsizing lately, as it exits the electric retail energy supply business, and it is possible that the personnel in the mailroom did not know to whom to forward the correspondence, because it was not addressed to a specific individual within the company.

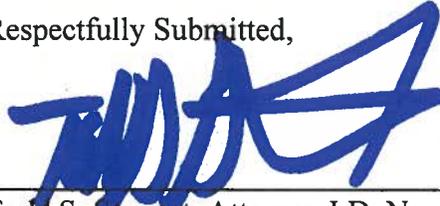
3. The Commission's regulations provide for the extensions of time in which to file documents for good cause shown. 52 Pa. Code § 1.15(a)(1). DES avers that the service of the document upon the company generally, as opposed to a specified individual, coupled with its own internal reorganization and potential to have untrained people in the mailroom who would not know the correct person upon whom to forward such mail are the likely cause of counsel not receiving service of the Complaint. In this case, the correspondence was addressed to Paul Russell of PPL, and only generically to Direct Energy and Dominion Retail, and not to any specific individual. DES believes and therefore avers that these circumstances lead to confusion internally that resulted in counsel for DES not receiving any correspondence regarding this matter until June 18, 2014, nearly a month and a half after the Complaint was re-served by the Commission.

4. Accordingly, DES avers that sufficient reason exists; including the fact that not answering the Complaint could lead to the allegations of the Complaint being deemed admitted by DES, which would seriously harm DES's rights and due process rights in this matter; and the lack of prejudice to any other party, and therefore believes that sufficient cause has been shown to allow for the filing of the Answer *Nunc Pro Tunc* and for the Commission to consider fully the responses therein as being responsive to allegations of the Complaint.

5. DES is aware that the Presiding Administrative Law Judge Elizabeth H. Barnes has referred this matter to mediation and DES has no objection to that procedure going forward.

Wherefore, Dominion Retail, Inc. respectfully requests that it be permitted to file the Answer, attached hereto, *nunc pro tunc*, and that its Answer be considered timely filed by the Commission for the reasons discussed above.

Respectfully Submitted,



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Dominion Energy Solutions*

Dated: June 23, 2014