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May 21, 2015

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: David & Beverly Goodall v. PPL Electric Utilities Corporation
Docket No: C-2015-2479957

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter are the Preliminary Objections on behalf of PPL Electric Utilities Corporation.

Please note that this filing was eFiled with the Commission on the date indicated above.

Very truly yours,

GRAIG M. SCHULTZ

GMS/cl
Enclosure
00728542.DOCX

cc: David & Beverly Goodall (w/encl.)
Amy M. Bellizia (w/encl.) via email only
Kim Safford (w/encl.) via email only

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID & BEVERLY GOODALL,
Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,
Respondent.

COMPLAINT DOCKET

NO. C-2015-2479957

PRELIMINARY OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION

PPL Electric Utilities Corporation (“Respondent PPL Electric”), by and through its attorneys of record, Gross McGinley, LLP, hereby raises the following Preliminary Objections to the Complaint of David and Beverly Goodall (“Complainants”), pursuant to 52 Pa. Code § 5.101, and in support thereof, alleges as follows:

1. Respondent PPL Electric hereby incorporates those averments set forth in its Answer and New Matter contemporaneously filed in the above-captioned case as if more fully set forth at length.

2. Complainants filed a Complaint against Respondent PPL Electric alleging that Respond Power, their electric supplier, failed to notify them of a variable rate increase, and therefore, they were billed at a higher than expected rate during the “winter of 2013-2014.” *See* Complaint at ¶¶ 4-5, a true and correct copy of which is attached hereto as **Exhibit “A.”**

3. As a result of the variable rate increase by respond Power, Complainants “now have a \$3,900 electric bill that is financially impossible” for them to pay. *Id.* at ¶ 4.

4. Preliminary objections are properly filed by a respondent when the complaint is legally insufficient. 52 Pa. Code § 5.101(a)(4).

5. The provision at 52 Pa. Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. *See Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d 557, 564 (Pa. Cmwlth. 1989).

6. Preliminary objection practice before the Public Utility Commission (the “Commission”) is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 WL 932315 (Pa. P.U.C. July 18, 1994).

7. Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dept. of Environment Resources*, 406 A.2d 1020, 1022 (Pa. 1979). The Commission follows this standard. *See Montague v. Philadelphia Electric Company*, 0088 WL 1534888, 66 Pa. PUC 24 (Pa. P.U.C. January 6, 1988).

8. The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602, 604 (Pa. Cmwlth. 1988).

9. Given this, the Commission must view the complaint in the light most favorable to the complainant and should dismiss the complaint only if it appears that the complainant would not be entitled to relief under any circumstances as a matter of law. *See Equitable Small Transportation Intervenors, supra.*

10. The Commission regulations state that a person may file a formal complaint claiming a violation of a statute that the Commission has jurisdiction to administer. *See 52 Pa. Code § 5.21(a)*

11. Additionally, the regulations authorize the Commission to dismiss a complaint if a hearing is not necessary and authorizes preliminary objections to be filed in response to a complaint. *See 52 Pa. Code § 5.21(d)*

12. Complainants' Complaint alleges that Respond Power increased their rates without Complainant's knowledge. *See Complaint at ¶¶ 4-5.* As a result, Complainants allege that they incurred a balance for which they cannot pay.

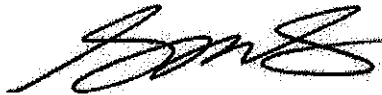
13. In order to be legally sufficient, a complaint must set forth "...an act done or omitted to be done by a person subject to the jurisdiction of the Commission, in violation, or claimed violation of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission." *See 52 Pa. Code § 5.21(a).*

14. In this case, the Complaint does not allege any facts that could be construed as a violation by Respondent PPL Electric of any statute, regulation or order which the Commission has jurisdiction to administer.

15. As such, the Complaint is legally insufficient, and therefore, must be denied and dismissed with prejudice.

DATE: 05/21/15

GROSS MCGINLEY, LLP



BY: _____

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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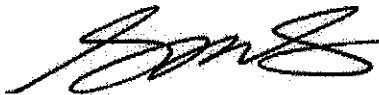
COMPLAINT DOCKET
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CERTIFICATE OF SERVICE

This is to certify that the PRELIMINARY OBJECTIONS on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record on behalf of Respondents by first class United States mail, postage on this the 21st day of May, 2015.

DAVID & BEVERLY GOODALL
6104 SHEPHERD HILLS AVENUE
WESCOSVILLE, PA 18106

GROSS MCGINLEY, LLP



BY: _____

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EXHIBIT "A"

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name David & Beverly Goodall

Street/P.O. Box 6104 Shepherd Hills Ave. Apt #

City Wescosville State PA Zip 18106

County Lehigh

Telephone Number(s) Where We Can Contact You During the Day:

(610) 366-1894 (home)

(610) 767-6384 (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 91500-08020

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

RECEIVED

Name

Street/P.O. Box

APR 23 2015

City State Zip

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PPL

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
 GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
 WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
 STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service. *They (CPPL) will shut off our service if we do not follow a payment agreement they offered. We have informed them that this is impossible for us to do.*
- I would like a payment agreement.

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

- Other (explain). *We agreed to have Respond Power as our alternate supplier via telephone. We were not aware that it was a variable rate which increased over the winter of 2013-2014 to 29.9 per kWh. We also tried to notify them in Dec that we were going back to PPL & they did not notify PPL until March (continue).*

7: ~~communication~~ (Respond Power)

As a result of their exorbitant rate during the winter of 2013-2014 we now have a \$3900. electric bill that is financially impossible for us to pay. PPL is now holding us responsible for that amount.

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

We would like Respond Power to refund the overcharges to PPL. They should also be banned from selling electric in PA because of their deceptive business tactics.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public. *NO*

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. **Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

I DAVID GOODALL Beverly Goodall, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Beverly Goodall Beverly Goodall 4-21-15
(Signature of Complainant) (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.