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File #: 140074

December 22, 2015

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Jay Larry Moyer v. PPL Electric Utilities Corporation**  
**Docket Nos. C-2015-2511904**

Secretary Chiavetta:

Enclosed for filing please find the Motion of PPL Electric Utilities Corporation to Stay Discovery Pending the Ruling on its Preliminary Objections in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DR', is written over a horizontal line.

Devin Ryan

DTR/jl  
Enclosures

cc: Certificate of Service  
Office of Administrative Law Judge


**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL & FIRST CLASS MAIL**

Jay Larry Moyer  
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Philadelphia, PA 19144  
E-mail: [gtown73@hotmail.com](mailto:gtown73@hotmail.com)

Date: December 22, 2015



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer	:	
	:	
v.	:	Docket No. C-2015-2511904
	:	
PPL Electric Utilities Corporation	:	

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**NOTICE TO PLEAD**

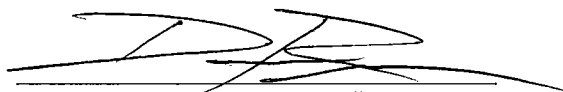
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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer	:	
	:	
v.	:	Docket No. C-2015-2511904
	:	
PPL Electric Utilities Corporation	:	

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**MOTION OF PPL ELECTRIC UTILITIES CORPORATION  
TO STAY DISCOVERY PENDING THE  
RULING ON ITS PRELIMINARY OBJECTIONS**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.103, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Stay Discovery Pending the Ruling on Its Preliminary Objections in the above-captioned proceeding. In support of its Motion, PPL Electric states as follows:

**I. BACKGROUND**

1. PPL Electric was served with the above-captioned Formal Complaint on November 6, 2015 (“Third Complaint”), which is the third complaint filed by the Complainant concerning PPL Electric’s virtual meter aggregation program and billing process.

2. On November 24, 2015, the Company separately filed an Answer and Preliminary Objections to the Third Complaint. The Preliminary Objections argued that the Third Complaint should be dismissed in its entirety for several reasons.

3. Both the Answer and Preliminary Objections were served on the Complainant on November 24, 2015, via first-class mail. The Complainant never filed or served an Answer to PPL Electric's Preliminary Objections, which was due on or before December 17, 2015.

4. On December 9, 2015, the Complainant served his first set of interrogatories on PPL Electric in the above-captioned proceeding via first-class mail. Concurrent with filing this Motion, the Company is serving its objections to the Complainant's first set of interrogatories.

5. PPL Electric's Preliminary Objections remain pending before the Commission.

6. For the reasons stated below, PPL Electric respectfully requests that the Commission grant this Motion and order that all discovery, including the Complainant's interrogatories served on December 9, 2015, as well as any discovery disputes, be stayed pending the disposition of the Company's Preliminary Objections. Further, the Company requests that if its Preliminary Objections are ultimately denied, the answer period for the December 9, 2015 interrogatories should begin anew on the effective date of the order denying the Preliminary Objections.

## **II. MOTION TO STAY DISCOVERY**

7. The Company avers that discovery should be stayed because PPL Electric's Preliminary Objections, which seek to dismiss the Third Complaint in its entirety, are still pending before the Commission for disposition.

8. If the Company's Preliminary Objections are granted and the Third Complaint is dismissed in its entirety, the discovery requests would be moot. Therefore, forcing PPL Electric to prepare responses to these discovery requests would be a waste of resources.

9. Even if the Company's Preliminary Objections are denied or otherwise only granted in part, the outcome of the Preliminary Objections will directly impact the proper scope

of the issues to be addressed, which, in turn, will directly define the scope of permissible discovery requests that are relevant to the issues that survive the Preliminary Objections, if any.

10. Further, absent a stay of discovery pending the outcome of the Preliminary Objections, the parties and the Commission will be required to address and resolve any discovery disputes that may ultimately become moot following the disposition of the Preliminary Objections.

11. PPL Electric also notes that the Commission has granted motions to stay discovery when parties have filed preliminary objections. *See Joint Application of Columbia Water Co. and Marietta Gravity Water Co.*, Docket Nos. A-2012-2282219, A-2012-2282221 (Mar. 16, 2012) (Melillo, J.) (“*Columbia Water*”).

12. In *Columbia Water*, Judge Melillo granted the water companies’ motion to stay discovery because they had filed preliminary objections to dismiss the City of Lancaster’s protest. *Id.* at 4-6. Although the City contended that parties should engage in discovery early in a proceeding, Judge Melillo concluded that “the time and expense in requiring responses when the party status of the propounding party is uncertain outweighs the City’s stated concerns.” *Id.* at 5. Therefore, discovery was stayed pending a ruling on the water companies’ preliminary objections. *Id.* at 6. Moreover, Judge Melillo ordered that the time periods for answering the outstanding discovery would start anew on the date of the ruling on the preliminary objections and other dispositive motions. *Id.* at 6.

13. Likewise, discovery should be stayed in this proceeding because PPL Electric filed Preliminary Objections seeking to dismiss the Third Complaint in its entirety. Notably, the Complainant has failed to timely file or serve any answer or response to the Preliminary Objections.

14. Again, if the Company's Preliminary Objections are granted, the Third Complaint would be dismissed and the Complainant's discovery requests would be moot. Thus, PPL Electric submits that it would be unnecessary and a waste of the parties' and the Commission's resources for the parties to engage in discovery now.

15. In addition, no party would be prejudiced by granting a stay of discovery. If the Company's Preliminary Objections were ultimately denied, the Complainant would still have ample opportunity to engage in further permissible and relevant discovery. The above-captioned proceeding was initiated less than a month ago, and no prehearing conference or evidentiary hearing dates have been set.

16. For these reasons, PPL Electric respectfully requests that the Commission stay all discovery, including any discovery disputes, pending a ruling on the Company's Preliminary Objections. PPL Electric also respectfully requests, consistent with *Columbia Water*, that the time period for answering the interrogatories begin anew on the date of any order denying its Preliminary Objections.

**III. CONCLUSION**

For the reasons set forth above, PPL Electric Utilities Corporation requests that the Pennsylvania Public Utility Commission grant this Motion to Stay Discovery Pending the Ruling on Its Preliminary Objections as described herein.

Respectfully submitted,



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