

9 September 2016

To: The Pa Public Utility Commission Secretary
400 North Street
Harrisburg, PA 17120

From: Ross E. Schell
203 Knollwood Drive
Harrisburg, PA 17109-5515
PH# 717-651-0824
Fax# same but call First.

To whom this may concern:

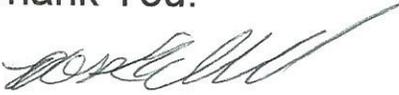
I am writing this in regards to the secretary Letter from September, 8th, 2016. I have faxed and confirmed that with e filing certificate of service every document I have generated, With a docket number as per another letter. And according to federal law including the FCC, if you maintain a fax number and a fax machine you are required to receive any fax sent to it. Even legal papers or just stupid stuff like advertisements. Faxing is the only way I can serve these documents. As I provided in an earlier filing they are as legal as a letter being sent via United States Post office.

All parties involved with my complaints have agreed to service by electronic filing or e filing this is the same as a fax which under all federal and state laws are considered electronic servicing.

Besides when I efile any document with the PUC you are to send a notification to all party's that it was e filed. This under the law is

considered served electronically. So there is really no need for me to efile a certificate of service with every document since I e file everything. And all parties have agreed to e file.

Thank You!

A handwritten signature in black ink, appearing to read "Ross E. Schell", written in a cursive style.

Ross E. Schell



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE
C-2016-2535220
C-2016-2538023
C-2016-2539969

September 8, 2016

Re: **Ross E. Schell v. PPL Electric Utilities Corporation**
Docket Nos. C-2016-2535220; C-2016-2538023; and C-2016-2539969
Petition for Review and Answer to Material Question

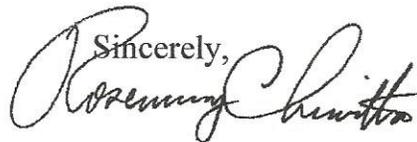
TO ALL PARTIES:

Ross E. Schell (Complainant) filed a Petition for Interlocutory Review and Answer to a Material Question (Petition) at the above docket numbers. The Petition was filed on July 22, 2016, at Docket Nos. C-2016-2535220, C-2016-2538023, and C-2016-2539969. By Secretarial Letter dated August 1, 2016, the Commission waived the 30-day period for consideration of this Petition, set forth in 52 Pa. Code § 5.303.

Based on our review of the filing, there is no indication that the Petition contained a Certificate of Service or that the Complainant properly served the Petition on PPL Electric Utilities Corporation (PPL). While service may be made by fax instead of first class mail if the Parties agree to such service, 52 Pa. Code § 1.54(b)(4), there is no indication in the record that the Parties have agreed to service by fax in this case.

Accordingly, by this Secretarial Letter, we are serving a copy of the Petition on PPL. In order to avoid prejudice to the Parties, PPL is provided with ten days from the issuance date of this Secretarial Letter to file a Brief in Opposition to the Petition, consistent with 52 Pa. Code § 5.302(b).

Should you have any questions, you may contact the Office of Special Assistants, Cheryl Walker Davis, Director. Please direct your inquiry to Jaime McClintock, Esq., at (717) 346-2615 or jmclintoc@pa.gov.

Sincerely,


Rosemary Chiavetta
Secretary

§ 1.54. Service by a party.

(a) Pleadings, submittals, briefs and other documents, filed in proceedings pending before the Commission shall be served upon parties in the proceeding and upon the presiding officer, if one has been assigned.

(b) Service may be made by one of the following methods:

(1) *First class mail.* Service may be made by mailing the requisite number of copies to each party as provided in § 1.59 (relating to number of copies to be served), properly addressed with postage prepaid.

(2) *Personal.* Service may be made personally.

(3) *Electronic.*

(i) *Documents not filed with the Commission.* Service may be made electronically to those parties who have agreed to accept service in that manner.

(ii) Documents filed with the Commission. Service may be made electronically to filing users who have agreed to receive electronic service. Filing users who have agreed to receive electronic service shall be served with an electronic mail notice stating that a document was filed on the electronic filing system. The notice constitutes service.

(A) The electronic mail notice must contain the following provisions:

(I) The name of the filing user and the party on whose behalf the document was filed.

(II) The type of document.

(III) A brief description of the document.

(IV) A link to the document on the electronic filing system.

(V) The docket number when available.

(VI) An indication that the party is seeking expedited relief, if applicable.

(B) When a filing user becomes aware that the electronic mail notice was not transmitted successfully, the filing user shall resend the electronic

mail notice or serve the document by another method authorized by this

subpart.

(C) Documents of 250 pages or less, including attachments, need not be followed by service of a hard copy to filing users who have agreed to receive electronic service. Filing users shall serve each other with a hard copy of documents that exceed 250 pages, including attachments, unless the parties otherwise agree.

(4) *Telefacsimile.* Service may be made by telefacsimile to those parties who have agreed to accept service in that manner. Documents served electronically need not be followed by service of a hard copy if the parties have so agreed.

(c) In a proceeding in which only some of the parties participate, the parties, with the authorization of the presiding officer, may limit the service of documents

§ 5.1. Pleadings allowed.

(a) The pleadings in an action before the Commission include the following:

(1) Application and protest.

(2) Formal complaint, answer, new matter and reply to new matter.

(3) Order to show cause and answer.

(4) Petition and answer.

(5) Preliminary objections.

(6) Motions.

(b) A pleading except a preliminary objection may be subject to a preliminary objection as set forth in § 5.101 (relating to preliminary objections).

Authority

The provisions of this § 5.1 amended under the Public Utility Code, 66 Pa.C.S. § 501, 504—506,

1301 and 1501.

Source

The provisions of this § 5.1 adopted October 12, 1984, effective January 1, 1985, 14 Pa.B. 3819; amended April 28, 2006, effective April 29, 2006, 36 Pa.B. 2097. Immediately preceding text appears at serial page (225637).

Cross References

This section cited in 52 Pa. Code §

1103).

FORMAL COMPLAINTS

§ 5.21. Formal complaints generally.

(a) A person complaining of 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, may file a formal complaint with the Commission.

(b) If the complaint relates to a provision in a tariff, regulation, report or other similar document on file with the Commission as a matter of public record, the document should be identified.

(c) A copy of the complaint will be served by the Commission, by certified mail, upon the respondent. If the complaint proposes to change an existing or proposed tariff rate of a fixed public utility subject to the jurisdiction of the Commission, a copy of the complaint will be served by the Commission on the Office of Trial, Office of Consumer Advocate and Office of Small Business Advocate.

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d) The filing of a formal complaint entitles the complainant to a formal hearing before the Commission except that the Commission may dismiss any

complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. Motions may be filed in accordance with §§ 5.101 and 5.102 (referring to preliminary objections; and motions for summary judgment and judgment on the pleadings). (e) With respect to complaints filed against the Commission, no answer need be filed. The issues in the proceeding will be determined by prehearing conference memoranda or as specified by the presiding officer. (f) Subsections (a)—(e) supersede 1 Pa. Code § 35.9 (relating to formal complaints generally).

Authority

The provisions of this § 5.21 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 5.21 adopted October 12, 1984, effective January 1, 1985, 14 Pa.B. 3819; amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 414. Immediately preceding text appears at serial pages (215940) and (222431).

Notes of Decisions

Hearings

The Pennsylvania Public Utility Commission's decision to dismiss a complaint or protest regarding an application for certificate of public convenience, without conducting a hearing, will be reversed by Commonwealth Court only if there was an abuse of discretion. *Chester Water Authority v. Pennsylvania Public Utility*, 822 A.2d 146 (Pa. Cmwlth. 2003); appeal granted 854 A.2d 968 (Pa. 2004); order reversed 868 A.2d 384 (Pa. 2005). Where issues of material fact are raised, however, a hearing is required to protect due process concerns. *Id.* at 152. *Standing Gas* marketing company had standing to file a formal complaint against utility on behalf of its 150

customers who were also customers of the utility, alleging that the utility's proposed MSSS rate would adversely affect the customers' operating costs and would permit impermissible discrimination against some of those customers in violation of section 1304 of the Public Utility Code. *Interstate Gas Marketing, Inc. v. Pennsylvania Public Utility Commission*, 679 A.2d 1349 (Pa. Cmwlth. 1996); reargument denied (1996).

Cross References

This section cited in 52 Pa. Code § 5.22 (relating to content of formal complaint); 52 Pa. Code § 30.52 (relating to commencement of complaints); 52 Pa. Code § 62.111 (relating to bonds or other security); 52 Pa. Code § 62.142 (relating to standards of conduct); and 52 Pa. Code § 63.144 (relating to remedies).

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(2) If the complainant is represented by an attorney, the name, mailing address, telephone number, telefacsimile number and Pennsylvania Supreme Court identification number of the attorney and, if available, the electronic mailing address.

(3) The name, mailing address and certificate or license number of the respondent complained against, if known, and the nature and character of its business.

(4) The interest of the complainant in the subject matter—for example, customer, competitor, and the like.

(5) A clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation.

(6) A clear and concise statement of the relief sought.

(7) Except for a document referenced within § 5.21(b) (relating to formal complaints generally), a document, or the material part thereof, or a copy must be attached when a claim is based upon the document, the material part thereof, or a copy. If the document, the material part thereof, or a copy is not accessible,

the complaint must set forth that the document, the material part thereof, or the copy is not accessible and the reason, and set forth the substance of the document or material part thereof.

(b) A verification executed in accordance with § 1.36 (relating to verification) shall be attached to the formal complaint.

(c) A complaint brought by a public utility or other person licensed by the Commission regarding the act, a regulation or order of the Commission must be substantially in the form prescribed by subsection (a). The complaint must reference the act, the regulation or order and shall quote the pertinent portions thereof.

(d) Subsections (a) and (c) supersede 1 Pa. Code § 35.10 (relating to form and content of formal complaints).

Authority

The provisions of this § 5.22 amended under the Public Utility Code, 66 Pa.C.S. §§ 309—311, 315, 331—335, 501, 504—506, 701—703, 1101—1103, 1301 and 1501.

Source

The provisions of this § 5.22 adopted October 12, 1984, effective January 1, 1985, 14 Pa.B. 3819; amended December 2, 1988, effective January 3, 1989, 18 Pa.B. 5451; amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 414; amended April 28, 2006, effective April 29, 2006, 36 Pa.B. 2097. Immediately preceding text appears at serial pages (318334) and (225643).

Notes of Decisions

Pleadings

The fact that a letter contained all information required by this section was not enough to make it a “formal complaint.” It must contain an affidavit, and notify the Pennsylvania Public Utility Commission that it was intended to be a formal complaint. *Schellhammer v. Pennsylvania Public Utility*

Commission, 629 A.2d 189 (Pa. Cmwlth. 1993).

§ 5.24. Satisfaction of formal complaints.

(a) If the respondent satisfies a formal complaint either before or after an hearing, the complainant shall file with the Commission a certified statement to that effect. The certified statement must set forth that the complaint is satisfied and that the complaint docket should be marked closed. The presiding officer is not required to render a decision upon submission of the certified statement concerning the satisfaction of a complaint unless the parties request one for good cause.

(b) In lieu of the certified statement required by subsection (a), the respondent may provide a certified writing to the Commission that it has addressed the complaint and at least one of the following:

(1) That the complainant has acknowledged satisfaction to the respondent.

(2) That the complainant has acknowledged to the respondent that the

complainant no longer wishes to pursue the complaint.

(c) In the case of certification of satisfaction under subsection (b), the respondent shall simultaneously serve a copy of the respondent's certified writing, including a statement informing the complainant of the complainant's right to object in writing within 10 days, upon the complainant. Unless the complainant objects, in writing, to the certification within 10 days of its filing, the complaint docket will be marked closed.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 35.41 (relating to satisfaction of complaints).

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(354956) No. 436 Mar. 11 *Copyright* _ 2011 *Commonwealth of Pennsylvania*

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(332426) Authority

The provisions of this § 5.32 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 5.32 adopted April 28, 2006, effective April 29, 2006, 36 Pa.B. 2097.

PETITIONS

§ 5.41. Petitions generally.

(a) *General requirements.* Petitions for relief under the act or other statute that the Commission administers, must be in writing, state clearly and concisely the interest of the petitioner in the subject matter, the facts and law relied upon, and the relief sought. Petitions for relief must comply with § 1.51 (relating to Instructions for service, notice, and protest).

(b) *Service.* **A copy of the petition shall be served on all persons directly**affected and on other parties whom petitioner believes will be affected by the petition.** Copies of the petition shall be served upon the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate. Service shall be evidenced with a certificate of service filed with the petition.

***(c) Copies. Copies shall also be served as directed by the Commission.**

(d) Subsection (a) supersedes 1 Pa. Code § 35.17 (relating to petitions generally).

Authority

The provisions of this § 5.41 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—

506, 1301 and 1501.

Source

The provisions of this § 5.41 adopted October 12, 1984, effective January 1, 1985, 14 Pa.B. 3819; amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 414; amended April 28, 2006, effective April 29, 2006, 36 Pa.B. 2097. Immediately preceding text appears at serial pages (225644) and (287757).

Notes of Decisions

Letter from corporate officer requesting reinstatement of Certificate of Public Convenience was properly considered although not in formal compliance with regulations. *P-I-E Nationwide, Inc. v. Pennsylvania Public Utility Commission*, 567 A.2d 1124 (Pa. Cmwlth. 1989).

Cross References

This section cited in 52 Pa. Code § 3.2 (relating to petitions for issuance of emergency orders); 52 Pa. Code § 3.4 (relating to hearings following issuance of emergency); 52 Pa. Code § 3.6 (relating to petitions for interim emergency orders); 52 Pa. Code § 3.601 (relating to general); 52 Pa. Code § 5.211 (relating to notice of rulemaking proceedings); 52 Pa. Code § 5.232 (relating to settlement petitions and stipulations of fact); and 52 Pa. Code § 57.86 (relating to exceptions).

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5-12 (332426) No. 401 Apr. 08 *Copyright _ 2008 Commonwealth of Pennsylvania*

§ 5.43. Petitions for issuance, amendment, repeal, or waiver of Commission regulations.

(a) A petition to the Commission for the issuance, amendment, waiver or repeal of a regulation must set forth clearly and concisely the interest of the petitioner in the subject matter, the specific regulation, amendment, waiver or repeal requested, and cite by appropriate reference the statutory provision or other authority involved. The petition must set forth the purpose of, and the facts claimed to constitute the grounds requiring the regulation, amendment, waiver or

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(368401) No. 469 Dec. 13

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repeal. Petitions for the issuance or amendment of a regulation shall incorporate the proposed regulation or amendment.

(b) A copy of the petition shall be served on all persons directly affected and on other parties who petitioner believes will be affected by the petition. Copies of the petition shall be served on the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate. Service shall be evidenced with a certificate of service filed with the petition.

(c) Copies shall also be served in compliance with Commission direction.

(d) Subsection (a) is identical to 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or repeal of regulations).

Authority

The provisions of this § 5.43 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—

506, 1301 and 1501.

Source

The provisions of this § 5.43 adopted October 12, 1984, effective January 1, 1985, 14 Pa.B. 3819; amended April 28, 2006, effective April 29, 2006, 36 Pa.B. 2097. Immediately preceding text appears at serial page (287758).

Cross References

This section cited in 52 Pa. Code § 3.4 (relating to hearings following issuance of emergency); 52 Pa. Code § 3.601 (relating to general); 52 Pa. Code § 5.41 (relating to petitions generally); 52 Pa. Code § 57.63 (relating to promotional activities); 52 Pa. Code § 54.184 (relating to default service provider obligations); and 52 Pa. Code § 57.64 (relating to promotional allowances).

So anything I file with the PUC that has otting to do with the other parties does not have to have a proof of service summited for it.. I will try to summit one for this since you guys have doubts about the laws.

Ross Schell

Ross E. Schell