

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Paul Boronow

v.

PPL Electric Utilities Corporation

:
:
:
:
:

C-20065958

DOCUMENT
FOLDER

ORDER DENYING PETITION
TO JOIN AN INDISPENSABLE PARTY

DOCKETED
JAN 10 2007

On March 2, 2006, Paul Boronow (Complainant) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (Respondent). The Complainant alleges that Respondent is holding him responsible for a bill accrued by Cynthia Ligon¹ that is not related to foreign wiring² discovered at the rental property. Complainant asserts that portions of the balance transferred to him are related to a previous account for service Ms. Ligon held with Respondent.

On March 27, 2006³, Respondent filed an Answer with New Matter and a Petition to Join an Indispensable Party (Petition). The Petition argues that Cynthia Ligon, be joined as a party to this proceeding since she may be held responsible for payment of certain amounts if it is determined that a portion of the account balance was improperly transferred to Complainant. Respondent further avers that Ms. Ligon's current whereabouts are unknown⁴.

On April 7, 2006, Complainant, through counsel, filed a response to the New Matter portion of Respondent's Answer and its Petition. Complainant averred that Ms. Ligon's rights will not be clearly determined by this proceeding but that he has no objection to her being joined as a party if her whereabouts can be ascertained.

BA

¹ Ms. Ligon is a former tenant of Complainant.

² Complainant does not dispute that foreign load existed at the property. This situation has been rectified.

³ Respondent was served with a copy of the Complaint on March 7, 2006.

⁴ Respondent mailed a copy of its petition to Ms. Ligon's last known address. It is unknown whether this document was returned to Respondent as undeliverable.

This matter was assigned to me by Motion Judge Assignment Notice dated March 31, 2006 and is ripe for ruling.

The Supreme Court of the United States has defined an indispensable party as one "whose interests in the subject-matter of the suit, and the relief sought, are so bound up with that of the other parties, that their legal presence as [a party] to the proceeding is an absolute necessity, without which the court cannot proceed." Kendig v. Dean, 97 U.S. 423, 24 L.Ed 1061 (1878). In Pennsylvania, a party is indispensable "only where its rights are so connected with the claims of the litigants that no order or decree can be affected without impairing such rights." Nason v. Commw. of Pa., 494 A.2d 499 (Pa. Commw. 1985); Powell v. Shepard, 113 A.2d 261 (Pa. 1955); See also, Columbia Gas Transmission Corp. v. Diamond Fuel Co., 346 A.2d 788 (Pa. 1975); Tigue v. Basalyga, 304 A.2d 119 (Pa. 1973); Nudi v. Township of Pine, 498 A.2d 55 (Pa. Commw. 1985). The Commission has adopted this standard. See, Woods v. United Telephone Co., 1991 Pa. PUC LEXIS 4 (March 1, 1991); Nelson v. Duquesne Light Co., 1990 Pa. PUC LEXIS 24 (August 6, 1990).

To determine whether a party is indispensable, the following inquiries must be considered:

1. Do absent parties have a right or interest related to the claim?
2. If so, what is the nature of that right or interest?
3. Is that right or interest essential to the merits of the issue?
4. Can justice be afforded without violating the due process rights of the absent parties?

Campanaro v. Pennsylvania Electric Company, 656 A.2d 491, 493 (Pa. Super. 1995) *citing* Mechanicsburg Area School District v. Kline, 431 A.2d 953, 956 (Pa. 1981).

In the instant case, although Ms. Ligon may be an interested party to this proceeding, her interest is not essential to the merits of the issues raised. Complainant is requesting that he not be held responsible for payment of a balance allegedly accrued by Ms. Ligon at a prior address. A determination of whether the disputed amounts were improperly transferred to Complainant may be made without Ms. Ligon's participation. Any action taken by Respondent subsequent to a determination favorable to Complainant is not at issue here and Ms. Ligon's due process rights are not affected by her absence in this proceeding. She may bring a separate proceeding at a later date if she disputes bills issued by Respondent.

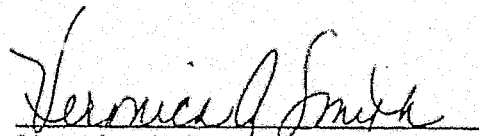
Accordingly, Respondent's Petition to Join an Indispensable Party is denied and this case will be set for hearing.

THEREFORE,

IT IS ORDERED:

1. That the Petition to Join an Indispensable Party filed by PPL Electric Utilities Corporation at Docket No. C-20065958 is denied.
2. That this matter be set for hearing.

Dated: May 9, 2006


Veronica A. Smith
Chief Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 12, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20065958

(SEE ATTACHED LIST)

Paul Boronow v. PPL Electric Utilities Corporation
Billing Dispute

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephonic Hearing
Date: Wednesday, August 30, 2006
Time: 10:00 a.m.
Presiding: Administrative Law Judge Robert P. Meehan
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: 412.565.3550
Fax: 412.565.5692

DOCKETED
JUL 28 2006

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

DOCUMENT
FOLDER

At the above date and time, the Presiding Officer will contact the parties as follows:

Paul Boronow	717-859-6300
John F. Gross, Esquire	610-871-1324

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Meehan
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

GROSS, MCGINLEY, LABARRE & EATON, LLP

MALCOLM J. GROSS
PAUL A. MCGINLEY
DONALD LABARRE, JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
PATRICK J. RULLY
ANNE K. MANLEY
SUSAN ELLIS WILD
VICTOR J. CAVACINI
ROBERT A. ALPERT
JOHN P. SERVIS
ALLEN L. TULLAK
RICHARD T. CURLEY
RAYMOND J. DERAYMOND

ATTORNEYS AT LAW
33 SOUTH SEVENTH STREET
P.O. BOX 4060
ALLENTOWN, PENNSYLVANIA 18105-4060

(610) 820-5450
TELEFAX (610) 820-6006
E-MAIL jgross@gmle.com
Direct number: (610) 871-1324

JOHN F. GROSS
KIMBERLY G. KRUPKA
K. A. SPOTTS-KIMMEL
ERROL C. DEANS, JR. *
ANDREW H. RALSTON, JR.
LOREN A. WALMER

OF COUNSEL
DAVID C. KEEHN

*Also admitted in NY

EASTON OFFICE:
717 WASHINGTON ST
EASTON PA 18042
(610) 258-1506

August 28, 2006

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

RE: Paul Boronow v. PPL Electric Utilities Corporation
No. C-20065958

Dear Mr. McNulty:

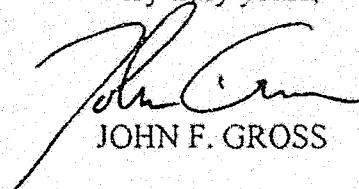
Enclosed for filing in the above-captioned matter are an original and three copies of a Certificate of Satisfaction of Complaint under 52 Pa. Code § 5.24(b).

Because all legal and factual issues in this proceeding have been resolved, PPL respectfully requests that this docket be terminated.

I hereby certify that I have provided a copy of the Certificate to the Complainant in this proceeding.

Thank you for your assistance.

Very truly yours,


JOHN F. GROSS

DOCUMENT
FOLDER

JFG/jeh

Enclosure

cc, w/ enc.: Administrative Law Judge
Robert P. Meehan, via e-mail only
Stephen M. Hladik, Esquire, via fax only
Susan Licon

William N. Grooms, II, via e-mail only
Deidre L. Bilger, via e-mail only
Linda J. Waskevich, via e-mail only

\\WDOX\CLIENTS\ppl-puc\2154\00140578.DOC

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PAUL BORONOW,
Complainant.

v.

PPL ELECTRIC UTILITIES CORPORATION,
Respondent.

Complaint Docket
NO. C-20065958

NOTICE

PPL hereby notifies Respondent of the filing of this Certificate of Satisfaction, and that if Complainant objects to or disagrees with the terms of the Certificate of Satisfaction, Complainant must notify the Commission in writing of his objection and/or disagreement within ten (10) days of the date this Certificate of Satisfaction was signed and served, or the terms of the Certificate of Satisfaction will become final and binding.

PPL Electric Utilities Corporation

By:



JOHN F. GROSS, ESQUIRE

Dated: 8/28/2006
at Allentown, Pennsylvania

RECEIVED
AUG 29 2006
PPL ELECTRIC UTILITIES CORPORATION

ORIGINAL

20060908 11:51:14

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PAUL BORONOW,
Complainant,
v.

Complaint Docket
NO. C-20065958

PPL ELECTRIC UTILITIES CORPORATION,
Respondent.

CERTIFICATE OF SATISFACTION OF COMPLAINT

1. Complainant is Paul Boronow.
2. Respondent is PPL Electric Utilities Corporation (hereafter referred to as "PPL").
3. This Certificate of Satisfaction of Complaint is submitted pursuant to 52 Pa. Code § 5.24(b).
4. PPL hereby certifies that the parties to the above-referenced formal Complaint, now pending before the Pennsylvania Public Utility Commission, have mutually and voluntarily agreed upon the following terms as full satisfaction of all outstanding legal and factual disputes in this proceeding, and Complainant has acknowledged satisfaction to PPL:
 - (a) Complainant agrees to pay \$975.00 to PPL within ten (10) days of the date of this Certificate.
 - (b) PPL agrees that the payment described in 4(a) shall constitute full and final payment on account number 65890-86051 and that said account shall be closed upon receipt of the payment described in 4(a).
 - (c) Complainant agrees to withdraw his Complaint with prejudice.


DOCUMENT
FOLDER

DOCKETED
SEP 08 2006

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the docket be marked closed in this matter.

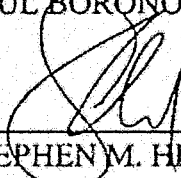
Respectfully submitted,

PPL Electric Utilities Corporation

By: 
JOHN F. GROSS, ESQUIRE

Dated: 8/28/2006
at Allentown, Pennsylvania

PAUL BORONOW

By: 
STEPHEN M. HLADIK, ESQUIRE
Attorney for Paul Boronow

Dated: 8/25/06
at Lansdale, Pennsylvania

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PAUL BORONOW,
Complainant,
v.

PPL ELECTRIC UTILITIES CORPORATION,
Respondent.

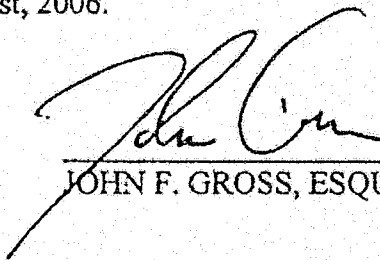
Complaint Docket
NO. C-20065958

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true copy of the foregoing document upon the participant, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant):

STEPHEN M. HLADIK, ESQUIRE
KERNS, PEARLSTINE, ONORATO & HLADIK, LLP
PO BOX 29
LANSDALE, PA 19446-0029

Dated this 28th day of August, 2006.



JOHN F. GROSS, ESQUIRE

OALJ Hearing Report

Please check those blocks which apply

Docket No.:	C-20065958		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	Paul Boronow	Hearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
	v.	Testimony Taken:	<input type="checkbox"/>	<input type="checkbox"/>
	PPL Electric Utilities Corporation	Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Pittsburgh	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
Date:	August 30, 2006			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Robert P. Meehan	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<i>Cancelled</i>	
			<i>Certificate of Substantive Compliance - Clerk by Secretariat</i>	
			<i>10/1/06</i>	

DOCUMENT FOLDER

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?						
Paul Boronow	1894 Eden Road	Complainant						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 0.8em;">City</td> <td style="text-align: center; font-size: 0.8em;">State</td> <td style="text-align: center; font-size: 0.8em;">Zip</td> </tr> <tr> <td>Lancaster</td> <td>PA</td> <td>17601-5526</td> </tr> </table>	City	State	Zip	Lancaster	PA	17601-5526	
City	State	Zip						
Lancaster	PA	17601-5526						
Telephone: 717-859-6300	E-mail Address:	Fax Number:						
Stephen M. Hladik, Esq.	425 West Main Street	Complainant						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 0.8em;">City</td> <td style="text-align: center; font-size: 0.8em;">State</td> <td style="text-align: center; font-size: 0.8em;">Zip</td> </tr> <tr> <td>Landsdale</td> <td>PA</td> <td>19446</td> </tr> </table>	City	State	Zip	Landsdale	PA	19446	
City	State	Zip						
Landsdale	PA	19446						
Telephone: 215-855-9521	E-mail Address:	Fax Number:						
John F. Gross, Esq.	Gross McGinley LaBarre & Eaton LLP 33 South 7th St., P.O. Box 4060	Respondent						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 0.8em;">City</td> <td style="text-align: center; font-size: 0.8em;">State</td> <td style="text-align: center; font-size: 0.8em;">Zip</td> </tr> <tr> <td>Allentown</td> <td>PA</td> <td>18105-4060</td> </tr> </table>	City	State	Zip	Allentown	PA	18105-4060	
City	State	Zip						
Allentown	PA	18105-4060						
Telephone: 610-871-1324	E-mail Address:	Fax Number:						

Check this box if additional parties or attendees appear on back of form.

elf

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: September 5, 2006
SUBJECT: C-20065958 Paul Boronow v. PPL Electric Utilities Corporation
TO: Wanda Zeiders
Docket Management
FROM: Susan Licon, ALJ Support Staff
Office of Administrative Law Judge

DOCUMENT
FOLDER

On August 28, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Robert P. Meehan
Beth Plantz
Case File

DOCKETED
SEP 13 2006