

AA 00099.00000 (40/40)

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- | | | |
|--------------------------|---|-----------------------------|
| 1. REPORT DATE: 00/00/00 | : | |
| 2. BUREAU: ALJ | : | |
| 3. SECTION(S): | : | |
| 5. APPROVED BY: | : | 4. PUBLIC MEETING DATE: |
| DIRECTOR: | : | 00/00/00 |
| SUPERVISOR: | : | |
| 6. PERSON IN CHARGE: | : | 7. DATE FILED: 03/23/07 |
| 8. DOCKET NO: C-20077505 | : | 9. EFFECTIVE DATE: 00/00/00 |

PARTY/COMPLAINANT: MORALES, DAVID
 RESPONDENT/APPLICANT: PPL ELECTRIC UTILITIES CORP
 COMP/APP COUNTY: SUSQUEHANNA UTILITY CODE: 110500

ALLEGATION OR SUBJECT

COMPLAINANT STATES COMPLAINT CONCERNS THE POLE ON HIS PRIVATE PROPERTY. PPL HAS NO EASEMENT ON RECORD FOR POLE #58468-N55141. HE WANTS THE PUC TO INSTR-UCT PPL TO REMOVE THE POLE TO ANOTHER LOCATION; NOT TO TAKE ADVANTAGE OF PRIVATE PROPERTY OR PROPERTY WONERS; TO REQUIRE EASEMENTS ON PLACEMENTS OF POLES.

**DOCUMENT
FOLDER**

DOCKETED
MAR 30 2007

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

C-20077505

SEC. 101.01
2007 JUN 23 11:10:31

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

ORIGINAL

Name David Morales

Street/P.O. Box HCY Box 7410 Apt # N/A

City Lenoxville State PA Zip 18441

County Susquehanna

Area Code/HOME Phone (570) 239-3796

Area Code/WORK Phone (570) 434-9141

Utility Account Number N/A
(from your bill)

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

Name N/A

Street/P.O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PPL

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

14

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other.
(explain)

Pole on my private property
PPH has no easement on record for pole

B. State the facts of your complaint. PPL # 58468-N55141

PPH Refusal to remove Pole
Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

1. Contacted PPH regarding Pole # 58468-N55141 Mr Ramirez, met with Mr Heron on 5-2-06 in an effort to have pole removed from my private property. The pole is in direct conflict with new drive way to be constructed on Rte 106 Clifford Township, PA Restricting my Company's billboard advertisement (west side) in direct path-way of excavation for a storage facility to be erected - PPH has not produced an easement to date

5.

RELIEF What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

1. Instruct PPH utility to remove pole # 58468-N55141 to another location
2. Instruct PPH utility not to take advantage of private property or property owners rights (by taking)
3. Instruct PPH utility to require easements on placement of poles
4. Instruct PPL utility that this pole is in direct violation of the law being no easement can be provided
5. Instruct PPL utility that the burden of proof that a grant does not exist is not my responsibility to prove.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES
NO N/A

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES
(includes appeals of BCS determinations) N/A
NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why. talked to Mr. Ramirez &

8. VERIFICATION AND SIGNATURE Mr. Heron

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I David Morales 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).

David Morales (Signature) 3-21-07 (Date)

Previously Represented 5-4-06 + 5-19-06

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name Howard M. Spizer
Street 724 Banks Towers Bldg. 321 Spruce St.
City Scranton State PA Zip 18503
Area Code/Phone Number (570) 346-1111

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
--	--

Facsimiles and/or electronic filings of the complaint form 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 complaint for your records.

TWP RC
387

EDWARD WILKINS
D 0 439 P 528

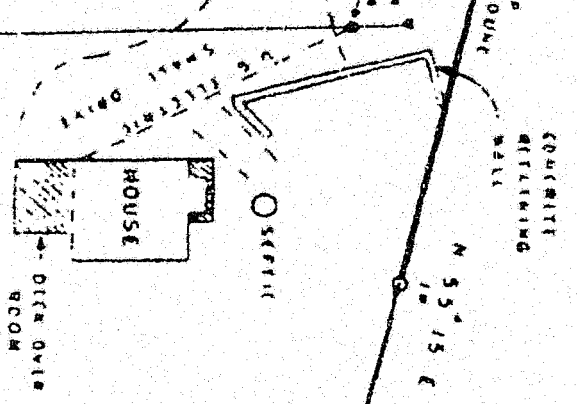
N 87° 09' W 214.74

35'

JOSEPH CATERINA
D 0 447 P 96

POLE
38463
85310

85,695 S.F.
1.97 ACRES
D 0 451 P 16

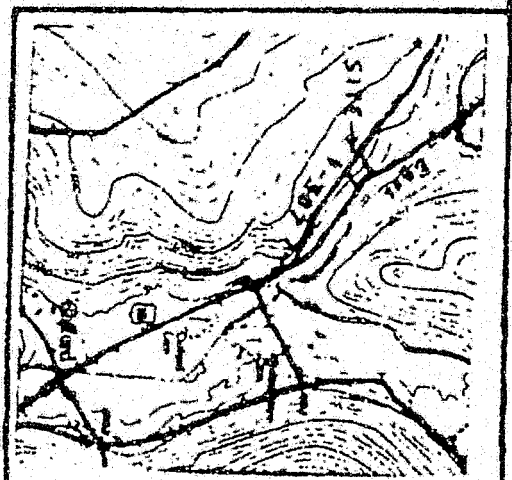


901 R 106

S 25° 05' E 161.8'

S 30° 33' E 130.36

S 35° 12' E 122.37



LOCATION MAP

SURVEY OF LOT OF
DOUGLAS V. R. ADAMS
TO BE CONVEYED TO
DAVID MORALES

IN CLIFFORD TWP., SUSQ. COUNTY, PA
MARCH 1, 2000 SCALE 1" = 50'

Ernie Ramirez
Right-of-Way Agent
Tel: 570-348-1009 Fax: 570-348-4671
E-mail: eramirez@ppiweb.com

PPL Electric Utilities
600 Larch Street
Scranton, PA 18509
Tel: 570-348-1009



May 19, 2006

Howard M. Spizer & Associates
Attention: Howard M. Spizer, Esquire
724 Bank Towers Building
321 Spruce Street
Scranton, PA 18503

(Previously
represented
5-4-06 & 5-19-06)

RE: David Morales property
PPL pole 58468N55141

Dear Attorney Spizer

In response to your recent correspondence pertaining to the above referenced pole, we are unable to locate a right-of-way agreement, however, our records indicate that it was replaced in 1979. Since that time PPL has enjoyed uninterrupted use of this location. Poles on the opposite side of the highway were installed in 1929. The burden of proof that a grant does not exist for the subject pole is the responsibility of the person making the assertion.

If I may be of further assistance, please do not hesitate to contact me.

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Ernie Ramirez".
Ernie Ramirez
Right of Way Agent

ER:sbe

HOWARD M. SPIZER

&

ASSOCIATESRespond by mail
to Scranton office724 BANK TOWERS BUILDING
321 SPRUCE STREET
SCRANTON, PA 18503
(570) 346-1111 • Fax (570) 346-1168
E-MAIL: hspizer@aol.comTUNKHANNOCK OFFICE
130 BRIDGE STREET
TUNKHANNOCK, PA 18657
(570) 836-5878

May 5, 2006

VIA: Fax # 348-4670
U S. MailErnie Ramirez/Dave Heron
PPI Electric Utilities
600 Larch Street
Scranton, PA 18509RE: David J. Morales
Osweld Johnson Road

Dear Mr. Ramirez and Mr. Heron:

As you may be aware, this office represents the interests of David J. Morales who owns real estate at HC-7, Box 7410, Osweld Johnson Road, Clifford Township, Susquehanna County, Pennsylvania.

Mr. Morales indicated that he spoke with Mr. Ramirez and met on site with Mr. Heron, on May 2, 2006, with regard to PPL Pole #58468 - N55141, which is located on his property, in an effort to have the pole removed by PPL. Mr. Morales intends to construct a new driveway to make a safer exit from his property onto Route 106. He also has plans to erect billboards and erect a storage building on this land. This is his private property and the pole is directly interfering with those plans.

It is my understanding from speaking with my client that PPL has no intention of removing the pole unless the cost of same is borne by Mr. Morales.

I am, therefore, requesting that you provide me with any easement documents of record which provide proof that PPL has a right of way for said Pole #58468 - N55141.

Sincerely yours,

Howard M. Spizer
Howard M. Spizer, Esquire

HMS/ks

cc: David J. Morales

Dictated, but not reviewed.

(Previously
represented
5-4-06 & 5-19-06
CLIENT'S COPY



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: APRIL 2, 2007

C-20077505

PPL ELECTRIC UTILITIES CORPORATION
PAUL E RUSSELL GEN COUNSEL
TWO N 9TH ST
ALLENTOWN PA 18101-1179

DOCUMENT
FOLDER

Dear Mr. Russell:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DAVID MORALES. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either, personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

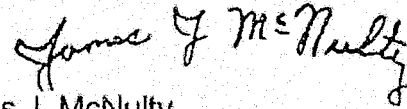
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

APRIL 2, 2007

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in black ink that reads "James J. McNulty". The signature is written in a cursive style with a large initial "J" and "M".

James J. McNulty
Secretary

jih

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: APRIL 2, 2007

DAVID MORALES
Complainant

v.

PPL ELECTRIC UTILITIES CORPORATION
Respondent

Complaint Docket
No: C-20077505

DOCUMENT
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

DOCKETED
MAR 30 2007

TO: PPL ELECTRIC UTILITIES CORPORATION

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

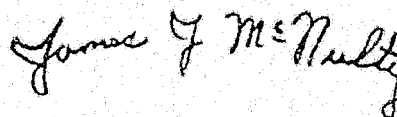
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

GROSS, MCGINLEY, LABARRE & EATON, LLP

MALCOLM J GROSS
PAUL A MCGINLEY
DONALD LABARRE JR
J JACKSON EATON, III
MICHAEL A HENRY
PATRICK J REILLY
ANNE K MANLEY
SUSAN ELLIS WILD
VICTOR F CAVACINI
THOMAS E REILLY, JR
ROBERT A ALPERT
ALLEN I TULLAR
RICHARD T CURLEY
RAYMOND J DERAYMOND
THOMAS A CAPELLI
JOHN F GROSS

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

(610) 820-5450
TELEFAX (610) 820-6006
E-MAIL aralston@gmle.com
Direct Dial (610) 871-1323

KIMBERLY G KRUPKA
K A SPOTTS-KIMMEL
ERROL C DEANS, JR *
ANDREW H. RALSTON, JR
LUCAS J REPKA

OF COUNSEL
DAVID C. KEEHN
MICHAEL J. PIOSA

*Also admitted in NY

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

DOCKETED

APR 25 2007

April 23, 2007

ORIGINAL

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

VIA FEDERAL EXPRESS

RECEIVED

APR 28 2007

RE: Morales v. PPL Electric Utilities Corporation
Docket No. C-20077505

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

Enclosed for filing in the above-captioned matter are an original and three (3) copies of the Answer of PPL Electric Utilities Corporation.

Pursuant to 52 Pa. Code §1.11, the enclosed document is to be deemed filed on April 23, 2007, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

In addition, please date and time-stamp the enclosed extra copy of this letter and return it to me in the envelope provided.

Very truly yours,

ANDREW H. RALSTON, JR.

DOCUMENT FOLDER

Enclosures

cc: Howard M. Spizer, Esquire (w/enc.)
Mr. David Morales (w/ enc.)
Deidre L. Bilger (w/ encls.)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

DAVID MORALES,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION

Respondent.

COMPLAINT DOCKET
NO. C-20077505

DOCKETED

APR 25 2007

RECEIVED

APR 23 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

ANSWER OF PPL ELECTRIC UTILITIES CORPORATION

PPL Electric Utilities Corporation (hereafter "PPL"), by its attorney, hereby answers the Complaint in the above-captioned proceeding as follows:

1. Admitted.
2. Admitted. By way of further answer, the correct name of the utility is PPL Electric Utilities Corporation.

DOCUMENT
FOLDER

3. Admitted.
4. Admitted in part and Denied in part. It is admitted that PPL has a pole located on Complainant's property which is designated #58468-N55141. Complainant has filed a Complaint with the Pennsylvania Public Utility Commission ("PUC") which sets forth a property dispute between himself and PPL and asks the following question: does PPL have the right to maintain its pole in its present location on Complainant's property? The PUC has no jurisdiction over the subject matter of Complainant's Complaint. PPL incorporates its Preliminary Objection to Complainant's Complaint herein. Complainant's allegations regarding PPL's right to

maintain its pole at its present location on Complainant's property are ones properly raised only in the state courts of Pennsylvania. That being said, PPL would point out that any state court action brought by Complainant will not succeed because PPL has both an irrevocable license and an easement by presumption to maintain the pole at issue in its present location under the circumstances. See The Morning Call v. Bell Atlantic-Pennsylvania, Inc., 761 A.2d 139 (Pa.Super. 2000). In addition, because PPL has the power of eminent domain, and because the pole has been located in its present location, uninterrupted, since at least 1979, any request for a board of view in inverse condemnation proceedings is barred by the applicable statute of limitations.

At all times material and relevant hereto, PPL has furnished and maintained adequate, efficient, safe, and reasonable service and facilities. PPL has not violated any rule or regulation of the PUC, nor any provision of its tariff.

5. Denied. This paragraph constitutes a request for relief to which no answer is required. Without waiving the foregoing, and to the extent that an answer were to be required, PPL states that the PUC has no jurisdiction over this property dispute. As such, PPL incorporates its Preliminary Objections to Complainant's Complaint, filed simultaneously with this Answer, herein.

6. N/A

7. Admitted.

8. N/A

9. Denied. PPL is without knowledge or information sufficient to form a belief about the truth or falsity of the corresponding paragraph of Complainant's Complaint.

10. N/A

WHEREFORE, in view of the foregoing, PPL respectfully requests that the Pennsylvania Public Utility Commission deny the above-captioned Complaint.

Respectfully submitted,

PPL Electric Utilities Corporation

By:



ANDREW H. RALSTON, JR.

Attorney for PPL Electric Utilities Corp.
33 South 7th Street, P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450
I.D. #88770

Dated: April 23, 2007
at Allentown, Pennsylvania

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID MORALES,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET
NO. C-20077505

CERTIFICATION OF SERVICE

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

Howard M. Spizer, Esquire
724 Bank Towers Building
321 Spruce Street
Scranton, PA 18503

David Morales
HC7 PO Box 7410
Lenoxville, PA 18441

Dated this the 23rd day of April, 2007.

RECEIVED

APR 23 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

GROSS, MCGINLEY, LABARRE & EATON, LLP

By: 

ANDREW H. RALSTON, JR., ESQUIRE
Attorney for PPL Electric Utilities Corp.
33 South 7th Street, P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450
I.D. #88770

ORIGINAL

GROSS, MCGINLEY, LABARRE & EATON, LLP

MALCOLM J. GROSS
PAUL A. MCGINLEY
DONALD LABARRE, JR.
J. JACKSON EATON, III
MICHAEL A. HENRY
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OF COUNSEL
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*Also admitted in NY

EASTON OFFICE:
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April 23, 2007

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

VIA FEDERAL EXPRESS

RE: Morales v. PPL Electric Utilities Corporation
Docket No. C-20077505

DOCUMENT
FOLDER

Dear Mr. McNulty:

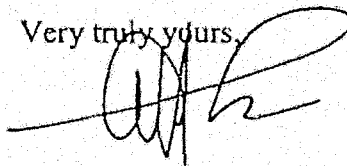
Enclosed for filing in the above-captioned matter are an original and three (3) copies of the Preliminary Objections of PPL Electric Utilities Corporation.

Pursuant to 52 Pa. Code §1.11, the enclosed document is to be deemed filed on April 23, 2007, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

In addition, please date and time-stamp the enclosed extra copy of this letter and return it to me in the envelope provided.

DOCUMENT
FOLDER

Very truly yours,



ANDREW H. RALSTON, JR.

BTL

Enclosures
cc: Howard M. Spizer, Esquire (w/enc.)
Mr. David Morales (w/enc.)
Deidre L. Bilger (w/encl.)

RECEIVED

APR 23 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID MORALES,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET
NO. C-20077505

NOTICE TO PLEAD

TO: Howard M. Spizer, Esquire
724 Bank Towers Building
321 Spruce Street
Scranton, PA 18503

David Morales
HC7 PO Box 7410
Lenoxville, PA 18441

Pursuant to 52 Pa. Code Section 5.101(d), you are hereby notified that you have ten (10) days from the date of service of the within Preliminary Objection within which to file a written answer with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, and that if you fail to so file a written answer within ten (10) days from the date of service, Respondent's Preliminary Motion may be granted without further notice.

Respectfully submitted,

PPL Electric Utilities Corporation

BY: 

ANDREW H. RALSTON, JR., ESQ.

Dated: April 23, 2007
at Allentown, Pennsylvania

RECEIVED

APR 23 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID MORALES,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET
NO. C-20077505

DOCUMENT
FOLDER

RECEIVED

APR 23 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PRELIMINARY OBJECTION OF PPL ELECTRIC UTILITIES CORPORATION

PPL Electric Utilities Corporation, by and through its attorneys or record, hereby makes the following Preliminary Objection to Complainant's Complaint pursuant to Section 5.101(a)(2) and (3), Title 52 of the Pennsylvania Code, 52 Pa.Code §5.101(a)(2) and (3), alleging in support thereof as follows:

1. Complainant David Morales ("Complainant") has filed a Complaint against PPL Electric Utilities Corporation ("PPL") setting forth a property dispute between himself and PPL and asking the following question: does PPL have the right to maintain its pole in its present location on Complainant's property? See Complaint, ¶¶4-5. Complainant asks the PUC to: (a) instruct PPL to remove its pole to another location; (b) instruct PPL not to take advantage of private property or property owner's rights; (c) instruct PPL to require easements on placement of poles; (d) instruct PPL that this pole is in direct violation of the law, being no easement can be found; and (e) instruct PPL regarding who holds the burden of proof in this matter.

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2. PPL incorporates the factual averments set forth in its Answer to Complainant's Complaint herein, as if more fully set forth at length.

3. As a creature of legislation, the PUC possesses only the authority that the State Legislature has specifically granted to it in the Public Utility Code ("Code"), 66 Pa.C.S. §§101, et seq.

4. Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. Feingold v. Bell of PA, 477 Pa. 1, 282 A.2d 1191 (1977).

5. Nothing in the Code confers jurisdiction upon the PUC to arbitrate property disputes between public utilities and property owners. See generally Fairview Water Co. v. Pennsylvania Public Utility Com'n, 502 A.2d 162, 509 Pa. 384 (1985)(Public Utility Commission did not have jurisdiction to determine scope and validity of condemnation of right-of-way by public utility).

6. Jurisdiction over such claims is solely vested in the state courts of Pennsylvania and has not conferred upon the PUC by its enabling legislation.

7. Because Complainant's Complaint concerns a property dispute between PPL and Complainant, the Pennsylvania Public Utility Commission has neither authority, nor jurisdiction, over Complainant's Complaint to provide the relief requested by Complainant.

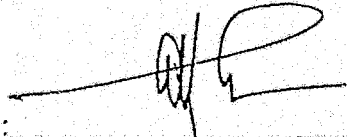
8. PPL would also point out that Complainant will not succeed on the merits of any state court action because PPL has both an irrevocable license and an easement by presumption to maintain the pole at issue in its present location under the circumstances.

9. The PUC should, accordingly, dismiss Complainant's Complaint with prejudice.

WHEREFORE, in view of the foregoing, PPL respectfully requests that the Pennsylvania Public Utility Commission grant PPL's Preliminary Objection to Complainant's Complaint and dismiss Complainant's Complaint with prejudice for the reason that the PUC lacks jurisdiction over the relief requested therein.

Respectfully submitted,

PPL Electric Utilities Corporation

BY: 

ANDREW H. RALSTON, JR., ESQUIRE

Dated: April 23, 2007
at Allentown, Pennsylvania

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID MORALES,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET
NO. C-20077505

CERTIFICATION OF SERVICE

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

Howard M. Spizer, Esquire
724 Bank Towers Building
321 Spruce Street
Scranton, PA 18503

David Morales
HC7 PO Box 7410
Lenoxville, PA 18441

Dated this the 23rd day of April, 2007.

GROSS, MCGINLEY, LABARRÉ & EATON, LLP

By: 

ANDREW H. RALSTON, JR., ESQUIRE
Attorney for PPL Electric Utilities Corp.
33 South 7th Street, P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450
I.D. #88770

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

April 23, 2007

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

VIA FEDERAL EXPRESS

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APR 23 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Morales v. PPL Electric Utilities Corporation
Docket No. C-20077505

Dear Mr. McNulty:

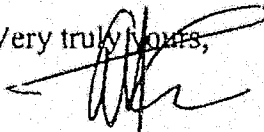
Enclosed in the above-captioned matter are an original and three (3) copies of the Verification signed by Robert M. Geneczko, a representative of PPL Electric Utilities Corporation to be attached to the Preliminary Objections of PPL Electric Utilities Corporation which I forwarded to the Pennsylvania Public Utility Commission this date.

Also enclosed are an original and three (3) copies of the Verification to be attached to the Answer of PPL Electric Utilities Corporation which I forwarded to the Pennsylvania Public Utility Commission this date.

The Verifications for both documents were inadvertently not included with the original filings this date.

In addition, please date and time-stamp the enclosed extra copy of this letter and return it to me in the envelope provided.

**DOCUMENT
FOLDER**

Very truly yours,


ANDREW H. RALSTON, JR.

Enclosures

cc: Howard M. Spizer, Esquire (w/enc.)
Mr. David Morales (w/enc.)
Deidre L. Bilger (w/encl.)

BTL

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VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
: SS
COUNTY OF LEHIGH)

I, Robert M. Geneczko, 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).

Robert M. Geneczko

Date: 4-23-07

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
May 1, 2007

IN REPLY PLEASE
REFER TO OUR FILE

Re: C-20077505

(SEE ATTACHED LIST)

David Morales v. PPL Electric Utilities Corporation

Pole location dispute

Motion Judge Assignment Notice

DOCUMENT
FOLDER

This is to inform you that a Preliminary objection was filed on the above-captioned case. This objection is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the objection was served on you to file an answer.

If you file any pleading or document relating to this objection with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

717-783-5452

pc: Special Agent Amanda Rumsey
Janean Spiegel
Beth Plantz
Docket Section

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