



**Kimberly G. Krupka**  
33 S. Seventh Street, P.O. Box 4060  
Allentown, PA 18105  
610/820-5450 • 610/820-6006  
kkrupka@grossmcginley.com

**ATTORNEYS**

MALCOLM J. GROSS  
PAUL A. MCGINLEY  
HOWARD S. STEVENS  
DONALD LaBARRE, JR.  
J. JACKSON EATON, III  
MICHAEL A. HENRY  
ANNE K. MANLEY  
SUSAN ELLIS WILD† •  
VICTOR F. CAVACINI  
THOMAS E. REILLY, JR.  
STUART T. SHMOOKLER  
JAMES A. RITTER  
JOHN F. GROSS  
ALLEN I. TULLAR  
RAYMOND J. DeRAYMOND  
THOMAS A. CAPEHART  
KIMBERLY G. KRUPKA  
KIMBERLY A. SPOTTS-KIMMEL  
LOREN L. SPEZIALE\*\*  
CHARLES J. FONZONE  
SAMUEL E. COHEN\*  
JENNIFER L. WEED \*\*  
ADRIAN K. COUSENS\*  
GRAIG M. SCHULTZ\*  
MICHAEL J. BLUM\* \*  
ZACHARY R. FOWLER  
NICOLE J. O'HARA\*  
CHRISTOPHER W. GITTINGER  
CONSTANCE K. NELSON  
DANIEL A. PRESTOSH  
SARAH K. HART\*  
SARAH M. MURRAY  
RYAN L. STAUFFER\*

February 3, 2017

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

**RE: Bronwyn Fischer v PPL Electric Utilities Corporation**  
**Docket No: C-2016-2532893**

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter are the Replies on behalf of PPL Electric Utilities Corporation, to Complainant's Exceptions.

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

Very truly yours,

KIMBERLY G. KRUPKA

KGK/ejm  
Enclosure

cc: Bronwyn Fischer (w/ enc.)  
Administrative Law Judge Dennis J. Buckley (w/enc.); *via email only*  
Patricia L. Moore (w/enc.) *via email only*  
Kimberly R. Hanson (w/enc.) *via email only*  
Holly M. Groth (w/enc.) *via email only*  
Shelbie Frederick Bayda (w/enc.) *via email only*

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Of Counsel:  
PATRICK J. REILLY  
THE HON. JOHN P. LAVELLE (Ret.)  
MARIANNE S. LAVELLE

\*Also admitted in NY  
\*Also admitted in NJ  
\*Also admitted in DC  
\*Also admitted in MD  
\*Also admitted in MA  
\*Also admitted in TX  
\*Also admitted in NM

Allentown Office:  
33 S. Seventh Street  
P.O. Box 4060  
Allentown, PA 18105  
Phone: 610/820-5450  
Fax: 610/820-6006

Easton Office:  
101 Larry Holmes Drive, Suite 202  
Easton, PA 18042  
Phone: 610/258-1506  
Fax: 610/258-0701

Emmaus Office  
111 East Harrison Street, Suite 2  
Emmaus, PA 18049  
Phone: 610/967-1030  
Fax: 610/967-0622

Lehighton Office  
415 Mahoning Street  
Lehighton, PA 18235  
Phone: 610/377-0500

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BRONWYN FISCHER,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2016-2532893

**PPL ELECTRIC UTILITIES CORPORATION'S REPLIES  
TO EXCEPTIONS OF COMPLAINANT, BRONWYN FISCHER**

AND NOW, comes the Respondent, PPL Electric Utilities Corporation ("PPL Electric") by and through its attorney of record, Gross McGinley, LLP, and files the within Replies to Exceptions, alleging in support thereof as follows:

1. Denied. Complainant fails to set forth her Exceptions in numbered paragraphs and further fails to identify with particularity any Conclusions of Law to which she excepts (Complainant has excepted to Finding of Fact No. 5). Nonetheless, it appears that Complainant excepts to the Initial Decision of Administrative Law Judge Buckley, Conclusion of Law No. 2, to the extent that it finds "The Complaint has not met her burden of proving that she is entitled to relief. 66 Pa.C.S. § 332(a)," as such Conclusion is based on a determination that a branch of a tree not within a PPL Electric right of way fell onto a PPL Electric wire and displaced a neutral bushing which resulted in Complainant receiving a power surge of up to 240 volts. (Opinion at 4). PPL Electric responds accordingly.

On March 5, 2016, Complainant filed her formal Complaint against PPL Electric alleging a failure to provide adequate, efficient, safe and reasonable service as a result of a power surge

which occurred on May 16, 2014 after a tree, outside of PPL Electric's right of way for trimming, fell on a wire, dislodging a neutral bushing, and resulting in 240 volts of electric flowing through electric lines. (N.T. at 11, 30-32, 43). PPL Electric could not have reasonably prevented the tree branch from coming into contact with the utility's wire and bushing, and therefore, could not have prevented the power surge. In such cases where PPL Electric could not have prevented such surge, PPL Electric did not provide inadequate, unsafe or unreasonable service.

The evidence of records supports the Findings of Fact and Conclusions of Law of the Administrative Law Judge. While Complainant expressed concerns that it was an act on the part of a PPL Electric crewman which led to the damages within her home, Complainant was unable to provide any proof to support the same. However, PPL Representatives Joyce Clement and Metering Supervisor Michael Perrin provided substantial and persuasive testimony as to the events which led to the alleged failure of Complainant's appliances.

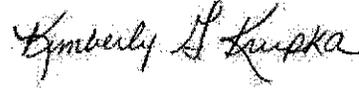
As testified to by PPL Electric's Representatives, a storm occurred through the evening of May 15-16, 2014. (N.T. at 28). A tree limb fell across a distribution line and caused a neutral bushing to fail. (N.T. at 30-32). This tree was not located within a PPL Electric right of way, and therefore, PPL Electric did not have the legal right to trim or cut the tree. (N.T. at 30-32). The resultant dislodging of the neutral bushing at the transformer caused a 240 volt surge to Complainant's 120 volt appliances. (N.T. at 43). However, as the tree which caused the neutral bushing to become dislodged during the storm was not within a PPL Electric right of way, PPL Electric did not have the right or obligation to trim the branch (and there is no evidence that such trimming would have prevented the contact). Accordingly, where the outage was an act of nature, PPL Electric did not violate any Rule or Regulation of the Commission.

Moreover, while Complainant contends that an unidentified PPL crew member stated that PPL Electric "connected it wrong," Complainant was unable to provide any further evidence to support this claim. Moreover, PPL Electric provided ample evidence through its metering supervisor that the surge happened immediately when the neutral bushing was dislodged, and not upon re-connection of electricity. (N.T. at 33-37). By the time the PPL Electric repairman was onsite to repair the neutral bushing, the power surge had already occurred. Accordingly, any alleged actions of the repairman (for which there was no evidence) could not have caused the power surge.

Complainant attempts to raise a concern that the tree branch which caused the dislodgment of the neutral bushing was not on her property, but that of a neighbor. Whether the Commission finds that the tree was on the property of Complainant or a neighbor, there is no evidence that it was within any PPL Electric right of way. Therefore, PPL Electric has no duty to maintain the tree. Moreover, even when proper vegetation maintenance is conducted, storms and other weather related events (high winds) can cause tree branches to fail and come into contact with PPL Electric equipment. Accordingly, the only evidence of record is that due to a storm, a tree came into contact with PPL Electric equipment causing a neutral bushing to dislodge, and a resultant power surge. Unfortunately, nothing can prevent such occurrences, and such occurrences do not violate any of the Rules or Regulations of the Commission.

For the foregoing reasons, it is respectfully requested that the Commission deny Complainants' Exceptions.

GROSS MCGINLEY, LLP



BY: \_\_\_\_\_

KIMBERLY G. KRUPKA, ESQUIRE; ID # 83071

Attorney for Respondent

PPL Electric Utilities Corporation

33 S. Seventh Street; P O Box 4060

Allentown PA 18105-4060

Ph. (610) 820-5450; Fx. (610) 820-6006

Date: 2/3/17

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BRONWYN FISCHER,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2016-2532893

**CERTIFICATE OF SERVICE**

This is to certify that the Reply to Claimant's Exceptions 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 3rd day of February, 2017.

BRONWYN FISCHER  
1184 SALEM PARK LANE  
LAKE ARIEL PA 18436

ADMINISTRATIVE LAW JUDGE DENNIS J BUCKLEY  
PA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265  
HARRISBURG, PA 17105  
**VIA EMAIL ONLY**

GROSS MCGINLEY, LLP



BY: \_\_\_\_\_

KIMBERLY G. KRUPKA, ESQUIRE  
Attorney ID # 83071  
Attorney for Respondent  
PPL Electric Utilities Corporation  
33 S. Seventh Street; P O Box 4060  
Allentown PA 18105-4060  
Ph. (610) 820-5450; Fx. (610) 820-6006