

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*

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

March 2, 2017

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

RE: Ross E. Schell v PPL Electric Utilities Corporation
Docket No: C-2016-2565671; C-2016-2565235; C-2016-2565236

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter are the Replies to Claimant's Exceptions 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: Administrative Law Judge Jeffrey A. Watson (w/enc.) *via email only*
Ross E. Schell (w/enc.)
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*

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROSS E. SCHELL,

COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. C-2016-2565671

C-2016-2565235

C-2016-2565236

**PPL ELECTRIC UTILITIES CORPORATION'S REPLIES
TO EXCEPTIONS OF COMPLAINANT, ROSS SCHELL**

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. On February 21, 2017, Administrative Law Judge Watson issued an initial decision which dismissed the three (3) consolidated Complaints of Complainant, Ross E. Schell. On February 22, 2017, Complainant filed "Petition for Exceptions for Judge Watson's Initial Decision Dates 3 February 2017." As the Initial Decision was issued on February 21, 2017, Respondent's Replies are filed prior to its deadline of March 23, 2017.

Complainant's "Petition for Exceptions" is a three (3) page letter that fails to cite to any specific Finding of Fact or Conclusion of Law. Moreover, each Exception of Complainant is unnumbered and fails to cite to relevant pages of the decision. Nonetheless, to the extent Complainant's Exceptions are accepted, Respondent, PPL Electric, files the following Replies.

Complainant's first Exception appears to be to ALJ Watson's finding that "Complainant failed to meet his burden of proving that Respondent violated the Public Utility Code, a Commission regulation or a Commission order. 66 Pa.C.S. § 332(a)." (COL No. 3, pg 9). Such Exception is not supported by the substantial evidence submitted in this case. In particular, ALJ Watson appropriately found that the basis of Complainant's first Complaint (C-2016-2565671) was for an interruption of electric service for approximately ten (10) seconds on September 7, 2016 at

approximately 4:04 p.m. (N.T. at pg. 8-10, 34). In addition, Complainant's second and third Complaints were based on the same outage, a ten (10) second outage on September 4, 2016 at approximately 6:43 a.m. (N.T. at 14-16, 22, 23). After conducting a full hearing on all issues, ALJ found that the September 7, 2016 outage was caused by the failure of a 25 KVA transformer. (N.T. at 34-36). Unfortunately, there is no manner for PPL Electric to test all of the transformers in the field in order to "predict" which transformer may fail in the future. (N.T. at 35-36). The momentary outage of September 7, 2016 was unpreventable and was quickly rectified, with power restored within ten (10) seconds. Further, the momentary outage of September 4, 2016, occurred during a tree trimming operation. (N.T. at 35-37). PPL Electric was in the process of trimming any branches or brush which could come into contact with the line to prevent future interruptions of service. Further, PPL Electric was installing "animal guards" on transformers to prevent small animals, such as squirrels, from chewing through wires which cause outages. (N.T. at 45-46). These efforts of PPL Electric appear to have ended the momentary outages.

It was Complainant's contention that Respondent, PPL Electric, violated the provisions of 66 Pa. C. S. § 1501 by failing to provide adequate and reasonable electrical service. However, as ALJ Watson correctly found, adequate, efficient, safe and reasonable service does not require perfect service. Biason v. Metropolitan Edison Co., PUC Docket No. C-00004450 (December 19, 2001). Rather, the service provided need only be reasonably continuous and without unreasonable interruptions or delay. Complainant Shell cannot meet this burden, or showing inadequate, inefficient, unsafe or unreasonable service due to limited momentary outages. Moreover, as found by ALJ Watson, PPL Electric has been engaged in active tree trimming and installation of animal guarding to best protect against environmental events which could lead to outages. (Findings of Fact 15-16, N.T. 47-48). Accordingly, ALJ Watson correctly found that Complainant Schell failed to meet his burden of proving that Respondent, PPL Electric, violated the Public Utility Code, a Commission regulation or a Commission order. (Conclusion of Law 3).

For the foregoing reasons, PPL Electric requests that Complainant's Exceptions be dismissed.

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: March 2, 2017

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROSS E. SCHELL,

COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. C-2016-2565671

C-2016-2565235

C-2016-2565236

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 2nd day of March, 2017.

Administrative Law Judge Jeffrey A. Watson
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105
VIA EMAIL ONLY

Ross E. Schell
203 Knollwood Drive
Harrisburg, PA 17109

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