



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

---

Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1985 Direct Fax  
File #: 140074

November 30, 2017

***VIA E-MAIL & REGULAR MAIL***

Honorable Joel H. Cheskis  
Administrative Law Judge  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Jay Larry Moyer v. PPL Electric Utilities Corporation**  
**Docket Nos. C-2015-2511904**

Your Honor:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) respectfully submits this letter in response to Mr. Moyer’s (“Complainant”) letter dated November 28, 2017, which was filed in the above-captioned proceeding. In the letter, the Complainant objects to the telephonic evidentiary hearing scheduled for December 11, 2017, because: (1) he has filed a Petition for Review with the Commonwealth Court at Docket No. 1636 C.D. 2017; and (2) the hearing date does not afford him enough time to prepare for the hearing. PPL Electric herein opposes any continuation of the December 11, 2017 evidentiary hearing beyond 30 days.

First, the Complainant’s Petition for Review is frivolous and will very likely be quashed by the Commonwealth Court. Notably, the Complainant’s Petition for Review does not appeal from any final order of the Pennsylvania Public Utility Commission (“Commission”), as required by law. *See* Pa. R.A.P. 341; 42 Pa. C.S. § 763 (vesting the Commonwealth Court with “exclusive jurisdiction of appeals from final orders” of the Commission) (emphasis added); *Parkesburg Borough v. Pa. PUC*, 681 A.2d 872, 875-76 (Pa. Cmwlth. 1996) (citations omitted) (quashing petition for review because it was not appealing a final Commission order); *Duquesne Light Co. v. Pa. PUC*, 382 A.2d 991, 993-95 (Pa. Cmwlth. 1978) (citations omitted) (quashing petition for review because it was not appealing a final Commission order). Although Pa. R.A.P. 1701(a) generally provides that the Commission may no longer proceed in a matter if an appeal from a Commission order is taken, there is no appealable order in this Complaint proceeding at Docket C-2015-2511904. Therefore, even if the Complainant’s Petition for Review is not

properly quashed by the Commonwealth Court, such appeal would not act as a stay or otherwise remove the Commission's jurisdiction in this proceeding.

Second, the Complainant has had plenty of time to prepare for the evidentiary hearing. The hearing notice in this proceeding was issued on November 9, 2017, providing all parties over a month's notice to prepare for the hearing on December 11, 2017. Moreover, this proceeding began over two years ago in early November 2015, when PPL Electric was served with the Complainant's third Formal Complaint ("Third Complaint"). Thus, the Complainant has had over two years to prepare his case. In fact, since that time, the Complainant has repeatedly claimed that the instant proceeding has been moving too slow toward a final disposition. Indeed, this allegation formed the basis for the Complainant's Petition for Review filed at Docket No. 1636 C.D. 2017. Despite these claims, the Complainant now contends that the evidentiary hearing should not be held because the date of the hearing is too soon. Clearly, the Complainant's contradictory claims do not warrant a lengthy continuance of the hearing.

Finally, the issues to be decided in this case are discrete and limited to: (1) whether PPL Electric prepared and credited the Complainant's bills subject to the Third Complaint<sup>1</sup> in accordance with the applicable regulations and orders, including the Company's manual billing process approved by the Commission by its Order entered on May 19, 2016, at Docket Nos. C-2011-2273645 and C-2014-2444864 and affirmed by the Commonwealth Court on March 13, 2017, at Docket No. 882 C.D. 2016; (2) whether the Complainant's bills subject to the Third Complaint are accurate; and (3) whether the termination notices the Complainant received were for his failure to pay the undisputed amounts of his bills. Given the Complainant filed the Third Complaint over two years ago, he has had more than enough time to prepare for an evidentiary hearing on these simple and straightforward issues.

Both PPL Electric and the Commission have incurred significant time and expense responding to the Complainant's numerous and duplicative complaints and various filings. The facts and issues that are the genesis of the pending Third Complaint occurred over two years ago, and the parties have had more than sufficient time to prepare their respective cases. The Third Complaint is ripe for disposition, and PPL Electric submits that it is time to fully and finally address and resolve this matter without further delay.

To that end, PPL Electric respectfully submits that if the evidentiary hearing is to be continued, such continuance should not extend beyond 30 days.

---

<sup>1</sup> Although the Complainant filed a letter in the instant proceeding on July 28, 2017, alleging that he did not receive a credit on his July 2017 residential bill and raising an issue with a termination notice he received dated June 7, 2017, these claims are the subject of the Complainant's pending fourth Formal Complaint ("Fourth Complaint"), served on October 18, 2017, at Docket No. C-2017-2629683. Therefore, these issues are beyond the scope of the Third Complaint proceeding.

Honorable Joel H. Cheskis  
November 30, 2017  
Page 3

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Devin Ryan', with a long horizontal line extending to the right.

Devin Ryan

DTR/jl

cc: Rosemary Chiavetta  
Certificate of Service


**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

Jay Larry Moyer  
370 West Johnson Street  
Apartment C-1  
Philadelphia, PA 19144  
E-mail:[gtown73@hotmail.com](mailto:gtown73@hotmail.com)

Date: November 30, 2017



Devin T. Ryan