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December 7, 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-2017-2592821**

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is PPL Electric Utilities Corporation's Replies to Exceptions of Complainant, Ross E. Schell.

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.)  
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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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROSS E. SCHELL,

COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. C-2017-2592821

**PPL ELECTRIC UTILITIES CORPORATION'S REPLIES  
TO EXCEPTIONS OF COMPLAINANT, ROSS E. 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:

3<sup>1</sup>. On November 3, 2017, Administrative Law Judge Watson issued an Initial Decision which denied the formal complaint file by Complainant, Ross E. Schell against PPL Electric Utilities Corporation. Complainant filed Exceptions which are numbered three (3) through five (5) and ten (10) through twenty (20). It appears that such numbers relate to the Findings of Fact and Discussion points set forth in the Initial Decision of Administrative Law Judge Watson.

Finding of Fact No. 3 of the Initial Decision states "Complainant complained of momentary interruptions of electric service at the service location with a duration of approximately one to two seconds; however, he did not know the dates of the outages. Tr. 20-22." Complainant excepts to this, but does not in his Exceptions provide any such

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<sup>1</sup> Given that Complainant numbers his Exceptions beginning with "3", Respondent PPL Electric's replies will be numbered to match the numbered exceptions.

dates. To the extent Complainant contends unreasonable service, the burden rests upon Complainant to produce evidence of interruptions of service. Moreover, the evidence of record shows that upon Complainant notifying PPL Electric of momentary interruptions, PPL Electric took efforts to increase vegetation management including adding animal guarding to lines. Complainant was no longer experiencing such momentary interruptions at the time of the hearing.

4. Finding of Fact No. 4 of the Initial Decision states “Complainant did not report any of the alleged outages to Respondent. Tr. 23-24; 54-56; 65-66.” Complainant admits this finding in his own exception, and accordingly no response of Respondent is required.

5. Finding of Fact No. 5 of the Initial Decision states “[a]s a result of issues raised by Complainant, Respondent made a continuing offer to install a volt recording meter on Complainant’s line at no cost to Complainant. Tr. 28-29.” Complainant admits that he was provided with this option and refused the same. Further, Respondent denies that volt recording meters do not provide additional information. To the extent Complainant is asserting interruptions of service which PPL Electric has been unable to verify, the installation of such meter to provide additional information is proper however Complainant has refused where PPL Electric has offered to install the meter and it would be of no cost to Complainant, his refusal belies reason.

10. Finding of Fact No. 10 of the Initial Decision states “Respondent’s records indicate no power outages that would have affected Complainant’s service during the time period in dispute. Tr. 66.” While Complainant alleges he has submitted such information and it has been denied, Complainant still does not offer any specifics within

his Exceptions. It is denied that Respondent, PPL Electric is required to provide perfect service without any occasional interruptions of service. Complainant has failed to show that he suffered any current repeated or ongoing interruptions of service.

11. Complainant has attached as an Exhibit to his Exceptions a copy of the Initial Decision with handwritten numbers next to portions of the Discussion Section. It appears that Complainant's "eleventh" exception is to the statement of law that "[a]s the party seeking relief from the Commission, Complainant bears the burden of proving Respondent violated provisions of the Code or the Commission's regulation in some fashion." This is a correct statement based on 66 Pa.C.S. § 332(a) and thus Complainant's exception should be denied.

12. It appears that Complainant's "twelveth" exception is to the Court's citation to 66 Pa.C.S. §1501. The ALJ has properly cited 66 Pa.C.S. § 1501 and properly found that PPL Electric has not failed to provide efficient, safe and reasonable service. Rather Complainant has refused to notify Respondent of momentary outages when then occurred and has refused the offer for installation of a volt meter. The ALJ assessed credibility and properly found that PPL Electric has provided efficient, safe and reasonable service.

13. It appears that Complainant's "thirteenth" exception is to the finding that Complainant has not presented proof of momentary outages of one to two second duration resulting in reliability, safety or quality problems." This exception should be denied as even in Complainant's exceptions he fails to cite to proof.

14. It appears that Complainant's "fourteenth" exception is to the Court's interpretation of 66 Pa.C.S. § 1501. As the ALJ appropriately cited to *Manuel A. Biason v. Metropolitan Edison Company*, Complainant's exception should be denied.

15. It is appears that Complainant's "fifteenth" exception challenges the ALJ's finding that Complainant failed to make any complaints to PPL Electric concerning monetary interruptions, which would have enabled PPL Electric to investigate any issues so that they could be addressed. Complainant's exception does not dispute this finding but simply attempts to provide justification for not notifying PPPL Electric of alleged service issues. Accordingly, where Complainant agrees with the factual finding, his exceptions should be denied.

16. It is appears that Complainant's "sixteen" exception challenges the ALJ's finding that Complainant failed to make any complaints to PPL Electric concerning monetary interruptions and refused PPL Electric's offer to install a volt meter. Complainant's exception does not dispute this finding but simply attempts to provide justification for not notifying PPPL Electric of alleged service issues or accepting PPL Electric's offer of further investigation. Accordingly, where Complainant agrees with the factual finding, his exceptions should be denied.

17. It appears that Complainant's "seventeenth" exception challenges the ALJ's acceptance of Michael Hadginske's testimony and the "time period" in dispute. Credibility decisions lie well within the discretion of the ALJ. As issues beyond four years are time barred or have otherwise been addressed in prior actions, the ALJ properly limited the time period in dispute.

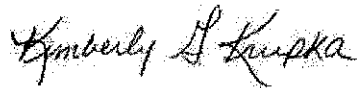
18. It is appears that Complainant's 'eighteenth' exception challenges the AL's finding that Complainant could not asserts claims going back eighteen years. Complainant has filed in excess of ten (10) Complainants, all alleging monetary interruptions of service. As issues beyond four years are time barred or have otherwise been addressed in prior actions, the ALJ properly limited the time period in dispute.

19. It is appears that Complainant's 'nineteenth' exception states "Proven without shadow of a doubt by Ppl (sic) and Me. Ignored again by the PUC and Judge." It appears that Complainant is alleging her has proven unreasonable or inadequate service. However, without any further explanation to support such exception, it should be denied.

20. It is appears that Complainant's 'twentieth' exception states "Proven beyond belief but evidence was ignored again. By Judge Watson." (sic). It appears that Complainant is alleging her has proven unreasonable or inadequate service. However, without any further explanation to support such exception, it should be denied.

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

GROSS MCGINLEY, LLP



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

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Date: December 7, 2017

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROSS E. SCHELL,

COMPLAINANT,

VS.

PPL ELECTRIC UTILITIES CORPORATION,

RESPONDENT.

COMPLAINT DOCKET

NO. C-2017-2592821

**CERTIFICATE OF SERVICE**

This is to certify that the Replies to Exceptions of Complaint 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 7<sup>th</sup> day of December, 2017.

Administrative Law Judge Jeffrey A. Watson

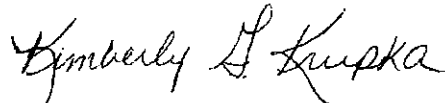
Via Email only: jeffwatson@pa.gov

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

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