

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ULTIMATE SPORTS COMPANY, INC.,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2017-2633651

PREHEARING CONFERENCE MEMORANDUM OF RESPONDENT, PPL
ELECTRIC UTILITIES CORPORATION

AND NOW COMES the Respondent, PPL Electric Utilities Corporation (hereinafter “PPL Electric”) by and through its attorneys, Gross McGinley, LLP, offers the following Prehearing Conference Memorandum, and states as follows:

I. Proposed procedural schedule:

A. Written Discovery –

a. To be propounded on or before February 20, 2018.

b. Responses to be provided on or before March 12, 2018.

B. Initial Hearing – In person to be held on or about March 29, 2018.¹

C. Briefs –

a. Main briefs to be filed on or before May 15, 2018.

b. Responsive briefs to be filed on or before May 31, 2018.

II. Discovery Rule Modifications Proposed:

a. See above for service and response deadlines.

¹ While Respondent does not believe this is a matter appropriate for written direct examination, Respondent would not oppose a schedule which permits Complainant and/or the OSBA to file written direct examination or before March 22, and then continue to proceed with a hearing on or about March 29, 2018.

III. Pleadings – shall be deemed closed.

IV. Issues and Proposed Stipulations:

a. Factual Background:

1. Complainant, Ultimate Sports Company, is the owner/landlord of a commercial property located at 531 & 539 N. Fourth Street, Denver, Pennsylvania.
2. Complainant's property has been/is provided with electric service by Respondent, PPL Electric.
3. On or about April 2015, Complainant began accumulating an unpaid balance on its electric account with PPL Electric.
4. On or about the same time Complainant began accumulating a balance on its account, Complainant was renting a portion of the commercial facilities to an entity known as Custom Fab.
5. On or about May 2015, PPL Electric issues a notice of intent to terminate service for non-payment.
6. On or about June 15, 2015 Complainant requested a password be placed on the account for any transactions on the account.
7. During the summer of 2015, PPL Electric worked with Complainant and tenant to attempt to reach a resolution of issues, including the possibility of splitting services to the two portions of the commercial facility.

8. In order to avoid termination of service, the tenant, in possession of the premises, made two large payments on the account in dispute.
9. As of March 16, 2016, payment on the account was current.
10. Complainant's tenant, Custom Fab, is no longer in the premises and it is believed, and therefore averred, that Complainant has a new tenant occupying the premises.
11. Complainant has refused to permit service to the premises to be removed from the name of Ultimate Sports Company.
12. Between March 16, 2016 and February 5, 2018, no payments were made on the account.
13. Complainant currently has a balance on its account that exceeds \$32,000.

b. Issues for hearing:

1. Did PPL Electric violate any law, rule or regulation of the Commission in sending notice of intent to terminate Complainant's commercial service based on a substantial and long overdue balance.
2. Whether any incorrect charges placed on Complainant's bill when Complainant insisted that the account remain in the name of Ultimate Sports Company and Ultimate Sports Company sought continuation of service at all relevant times.

3. Whether PPL Electric violated any law, rule or regulation of the Commission when it provided billing information to a tenant in possession sufficient to enable the tenant to pay an outstanding bill to prevent termination of service to the facilities occupied by the tenant.
4. Whether the Commission has authority to award any damages, or otherwise reduce a bill for services rendered at the request of the Claimant in accordance with the prices established by tariff.

c. Proposed Stipulations:

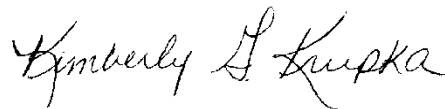
1. None at this time.

V. Proposed Witnesses

- a. Dennis Worthington
Regulatory Compliance Specialist
827 Hausman Road
Allentown, PA 18104
- b. Upon receipt of the Prehearing Conference Memorandum of Complainant and OSBA, and any proposed direct examination, Respondent reserves the right to supplement its Witness list.

Respectfully submitted,

GROSS MCGINLEY, LLP



BY: _____

KIMBERLY G. KRUPKA, ESQUIRE
Attorney for Respondent, PPL Electric Utilities Corporation

Dated: 02/09/18

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CERTIFICATE OF SERVICE

This is to certify that the PREHEARING CONFERENCE MEMORANDUM on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to counsel/complainant of record on behalf of Respondents by Email and First Class United States mail, postage on this the 9th day of February, 2018.

The Honorable Elizabeth H. Barnes
Administrative Law Judge
Pennsylvania Public Utility Commission
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400 North Street
Harrisburg, PA 17105-3265

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BY: _____

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