

not required), provided that the receiving party acknowledges receipt by an email confirmation; and (4) any objections to discovery requests must be served in writing within **three business days** of service.

III. No Amended Complaint

Ultimate **is not** requesting leave to file an Amended Complaint.

IV. Issues and Stipulations

Until several months ago, Ultimate operated a sports apparel and equipment manufacturing company from a portion of a 75,000 square-foot manufacturing and warehouse facility in Denver, Pennsylvania. Ultimate's founder and sole owner, Richard A. McGrath, purchased the Facility in 2000. From December 2013 through April 2016, McGrath leased approximately 40,000 square feet of the facility to a pipe manufacturing company operating as "Custom Fab." At all times relevant to this proceeding, PPL Electric Utilities Corp. provided electric utility services to the facility in the name of and invoiced to "Ultimate Sports Co."

On November 14, 2016, following unsuccessful mediation, Ultimate filed a Formal Complaint alleging that PPL.: (1) violated PUC regulations and Pennsylvania common law by disclosing to Custom Fab Ultimate's confidential customer account information; (2) failed to follow Ultimate's instruction to terminate services, and (3) substantially overcharged Ultimate for electric services provided.

On December 4, 2016, PPL filed its Answer to the Formal Complaint, admitting (stipulating) that: (1) Ultimate was its customer; and (2) PPL had in fact

“release[d] information concerning the amount of bills and payments required to maintain service at the premises.” [PPL Answer at ¶¶ 1, 6].

PPL’s improper disclosures of confidential information occurred both before and after June 15, 2015 – the date on which McGrath instructed PPL to place a “password on acc[ount] for any transactions on acc[ount].” PPL’s unauthorized disclosure of account information to Custom Fab, its continued communications with and acceptance of utility payments from Custom Fab, and its failure to follow Ultimate’s directions regarding service termination substantially prejudiced Ultimate’s position in litigation with Custom Fab, then pending in the Lancaster County Court of Common Pleas.

V. Ultimate’s Identification of Witnesses

Ultimate intends to present the testimony of two witnesses, Richard A. McGrath, and Dennis Worthington, who during the relevant time served as PPL’s head of regulatory compliance in Pennsylvania:

Richard A. McGrath
2245 Country Club Drive
Huntingdon Valley, PA 19006-5607
(215) 327-5785
ramcgrath@msn.com

Dennis Worthington
PPL Electric Utilities Corp.
827 Hausman Road
Allentown, PA 18104
drworthington@pplweb.com

Respectfully submitted,

/s/ *Thomas E. Groshens*

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Dated: February 9, 2018

Certificate of Service

I served true and correct copies of the attached Pre-Hearing Memorandum on the Court and on counsel of record, in the manner and to the addresses set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant). I hereby certify that

The Honorable Elizabeth H. Barnes
Administrative Law Judge
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Dated: February 9, 2018