



COMMONWEALTH OF PENNSYLVANIA

February 9, 2018

E-FILED

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Richard McGrath/Ultimate Sports Company, Inc. v PPL Electric Utilities Corporation / Docket No. C-2017-2633651

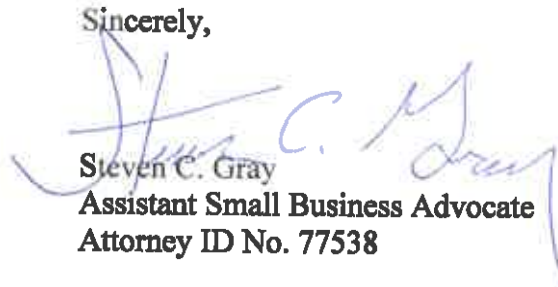
Dear Secretary Chiavetta:

I am delivering for filing today the Prehearing Memorandum, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: The Honorable Elizabeth H. Barnes
Mr. Robert D. Knecht
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**RICHARD MCGRATH/ULTIMATE SPORTS :
COMPANY, INC., :**

.v.

PPL ELECTRIC UTILITIES CORPORATION :

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DOCKET NO. C-2017-2633651

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in this matter as follows:

Steven C. Gray, Esq.
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
sgray@pa.gov

II. FILING BACKGROUND

On November 14, 2017, Ultimate Sports filed a Complaint against PPL Electric Corporation LLC.

The Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention on November 16, 2017.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Robert D. Knecht
Industrial Economics Incorporated
2067 Massachusetts Avenue
Cambridge, MA 02140
(617) 354-0074
(617) 354-0463 – Fax
rdk@indecon.com

The OSBA will participate in this proceeding to assure that the interests of small business customers in general are adequately represented and protected. The OSBA does not represent Ultimate Sports or any other party to this proceeding.

After a review of the Complaint, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether an Electric Distribution Company (“EDC”) may refuse to comply with a Commercial Customer’s request to terminate service, and, if so, what specific criteria must be met in order for such a refusal to be lawful, just, and reasonable.
2. Whether it is lawful, just, and reasonable for an EDC to refuse to comply with a Commercial Customer’s request to terminate service based upon the fact that the Commercial

Customer has a Commercial tenant.

3. Whether it is lawful, just, and reasonable for an EDC to reveal password protected account information relating to a Commercial Customer to any entity other than an authorized representative of the Commercial Customer.

4. Whether it is lawful, just, and reasonable for an EDC to enter into a payment arrangement with a Commercial tenant of a Commercial Customer.

5. Whether it is lawful, just, and reasonable for an EDC to enter into a payment arrangement with a Commercial tenant of a Commercial Customer without that Commercial Customer's knowledge and consent.

The OSBA reserves the right to pursue additional issues that may arise throughout this proceeding.

IV. SERVICE OF DOCUMENTS

The OSBA requests that all parties serve a hard copy of any document filed upon the OSBA and the OSBA witness identified above. In addition to hard copies of pleadings and briefs, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, there is no agreement on a procedural schedule.

Consequently, the OSBA proposes the following schedule:

Written Direct Testimony of the OSBA & Ultimate Sports: Tuesday, March 27th

Written Rebuttal Testimony (All Parties): Friday, April 27th

Written Surrebuttal Testimony (All Parties): Tuesday, May 22nd

Evidentiary Hearing: Thursday, May 31st

Main Brief: Friday, June 22nd

Reply Brief: Friday, July 6th

Considering the Governor's restrictions on travel for offices under his jurisdiction, the OSBA respectfully requests that the evidentiary hearings take place in Harrisburg.

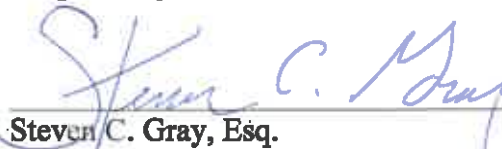
VII. DISCOVERY

The OSBA proposes the following discovery modifications:

- (1) Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service. Discovery requests received after Noon on a Friday will be deemed as served on the following Monday.
- (2) Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories.
- (3) Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of communication of the objections.

- (4) Answers to motions to dismiss objections and/or answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
- (5) Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within ten (10) calendar days of service.
- (6) Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- (7) Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days of the requests.

Respectfully submitted,



Steven C. Gray, Esq.
Assistant Small Business Advocate
Attorney ID No. 77538

Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: February 9, 2018

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**RICHARD MCGRATH/ULTIMATE SPORTS :
COMPANY, INC., :**

v. :

PPL ELECTRIC UTILITIES CORPORATION :

DOCKET NO. C-2017-2633651

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (*unless other noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Elizabeth H. Barnes
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120

ebarnes@pa.gov

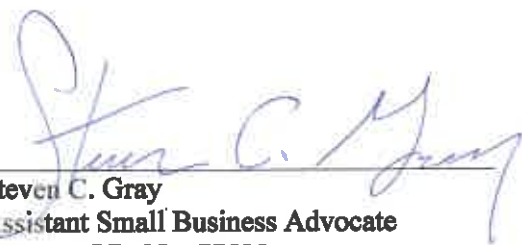
(Email and Hand Delivery)

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DATE: February 9, 2018



Steven C. Gray
Assistant Small Business Advocate
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