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May 16, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Silver Valley Apartments v. PPL Electric Utilities Corporation
Docket No: C-2018-3000758

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is PPL Electric Utilities Corporation's Preliminary Objections to the Reply of Silver Valley Apartments.

Please note that this filing was eFiled with the Commission on the date indicated above.

Very truly yours,



GRAIG M. SCHULTZ

GMS/ejm
Enclosure

cc: Silver Valley Apartments (w/enc.)
Donna Kingcaid (w/enc.) *via email only*
Kimberly R. Hanson (w/enc.) *via email only*
Holly M. Groth (w/enc.) *via email only*
Shelbie Frederick Bayda (w/enc.) *via email only*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SILVER VALLEY APARTMENTS,

No. C-2018-3000758

Complainant,

v.

PPL ELECTRIC UTILITIES CORP.,

Respondent.

NOTICE TO PLEAD

To: Silver Valley Apartments
c/o Mike Vianello
258-1 Silver Valley Road
Saylorsburg, PA 18353

Pursuant to 52 Pa. Code § 5.101(d), you are hereby notified that you have ten (10) days from the date of service of Respondent PPL Electric Utilities Corp.'s Preliminary Objections to the Reply of Silver Valley Apartments which to file a written answer with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, and that if you fail to so file a written answer within ten (10) days from the date of service, Respondent's Preliminary Objections may be granted without further notice.

By: _____



Graig M. Schultz

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SILVER VALLEY APARTMENTS,

No. C-2018-3000758

Complainant,

v.

PPL ELECTRIC UTILITIES CORP.,

Respondent.

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S PRELIMINARY
OBJECTIONS TO THE REPLY OF SILVER VALLEY APARTMENTS**

Respondent PPL Electric Utilities Corporation, by and through its counsel of record, Gross McGinley, LLP, hereby objects to the Reply of Silver Valley Apartments, pursuant to 52 Pa. Code § 5.101, as follows:

1. On March 26, 2018, Complainant Silver Valley Apartments ("Complainant") initiated this action with the filing of a formal Complaint.

2. The Complainant alleges that Respondent PPL Electric Utilities Corporation ("Respondent") threatened to terminate Complainant's electric service, requests a payment arrangement, and alleges that incorrect charges appear on Complainant's electric bill. *See* Complaint at ¶ 4.

3. On April 17, 2018, Respondent filed its Answer, whereby it admitted that it provided notice to terminate Complainant's electric service due to an unpaid balance. In addition, Respondent denied that Complainant was not previously provided with the most advantageous payment arrangement to which it was entitled. Finally, Respondent denied that any incorrect charges appear on any of Complainant's electric bills. *See* Answer at ¶ 4.

4. On May 14, 2018, Respondent was served with Complainant's Reply to its Answer ("Complainant's Reply"). A true and correct copy of Complainant's Reply is attached hereto as **Exhibit "A"**.

5. Complainant, through its Reply, improperly responds to Respondent's Answer to the Complaint, and improperly raises new matter in the form of allegations which were previously included in the Complaint and/or should have been included in the Complaint. For the reasons set forth below, Complainant's Reply is inappropriate, and must be stricken.

6. Section 5.101 of the Commission's Rules of Administrative Practice and Procedure (the "Code") provides for the filing of Preliminary Objections. 52 Pa. Code § 5.101.

7. Preliminary objections are properly filed by a respondent when a filing fails to conform to the provisions of the Code, or if a filing includes scandalous or impertinent matter. *See* 52 Pa. Code § 5.101(a)(6).

8. Preliminary objection practice before the Public Utility Commission (the "Commission") is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, No. C-00935435, 1994 WL 932315, * 1 (Pa. P.U.C. July 18, 1994).

9. Preliminary objections in civil practice will be granted only where the right to relief is clearly warranted and free from doubt. *See, e.g., Interstate Traveller Services, Inc. v. Pa. Dept. of Environment Resources*, 406 A.2d 1020, 1022 (Pa. 1979). The Commission follows the same standard when adjudicating preliminary objections. *See Montague v. Philadelphia Electric Company*, 0088 WL 1534888, 66 Pa. PUC 24 (Pa. P.U.C. Jan. 6, 1988).

10. The Code provides that the pleadings in an action before the Commission include the following: (1) application and protest; (2) formal complaint, answer, new matter and reply to

new matter; (3) order to show cause and answer; (4) petition and answer; (5) preliminary objections; and (6) motions. 52 Pa. Code § 5.1(a).

11. Complainant's Reply to Respondent's Answer is not recognized as a pleading pursuant to the provisions of the Code. *See id.*

12. Further, Complainant's new matter is not properly raised in its Reply. *See* 52 Pa. Code. § 5.62(b) (an affirmative defense shall be pleaded in the respondent's answer to the complaint).

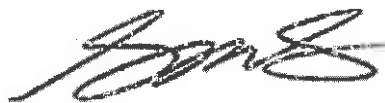
13. Given this, Complainant's Reply clearly fails to conform to the applicable provisions of the Code.

14. As such, Complainant's Reply is improper, and must be stricken with prejudice.

WHEREFORE, Respondent respectfully requests that Complainant's Reply be stricken with prejudice.

Dated: May 16, 2018

Respectfully submitted,



By: _____
Graig M. Schultz (I.D. No. 207123)
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Attorneys for Respondent:
PPL Electric Utilities Corp.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SILVER VALLEY APARTMENTS,

No. C-2018-3000758

Complainant,

v.

PPL ELECTRIC UTILITIES CORP.,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Respondent PPL Electric Utilities Corporation's Preliminary Objections to the Reply of Silver Valley Apartments, was served, this 16th day of May, 2018, via first class mail, upon the following:

Silver Valley Apartments
c/o Mike Vianello
258-1 Silver Valley Road
Saylorsburg, PA 18353

By: _____



Graig M. Schultz

EXHIBIT “A”

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SILVER VALLEY APARTMENTS,

Complainant,

vs

PPL ELECTRIC UTILITIES CORPORATION,

Respondent

COMPLAINT DOCKET

NO. C-2018-3000758

REPLY OF SILVER VALLEY APARTMENTS

SILVER VALLEY APARTMENTS, COMPLAINANT, hereby replies to the answer of PPL:

1. Regarding paragraph 4 of PPL's answer it is admitted that PPL stated their position, however it is denied that complainant defaulted on the said agreement.

2. Complainant objects to PPL's answer 4 because it combines a number of issues that should have been set forth in separate paragraphs (Pa.R.C.P. 1022) and therefore making it extremely difficult to respond to said paragraph 4 to the extent an answer might be required.

(a) It is denied the complainant requested reinstatement of the payment arrangement, to the contrary, complainant requested that PPL resume and continue the payment arrangement which PPL had broken.

(b) It is denied complainant defaulted on the payment agreement.

(c) PPL impermissibly accelerated the balance due.

(d) Therefore, it is improper for PPL to have demanded the complainant pay the accelerated balance of \$5,814.00.

(e) It is denied that complainant is requesting a payment arrangement as worded by PPL. Complainant is requesting and demanding that PPL comply with the original payment agreement and add \$646.00 to each months electric service bill until it is fully liquidated.

MAY 14 2018

- (f) It is denied that PPL has offered complainant the most advantageous payment arrangement to which complainant is entitled.
- (g) It is denied that all charges are appropriate and accurate.
- (h) Strict proof to the contrary is demanded at the time of the hearing for this matter.

NEW MATTER

- 3. PPL's paragraph number 4 includes new matter. New matter should be set forth in a separate section entitled New Matter (Pa.R.C.P. 1030).
- 4. On April 10, 2018 Silver Valley Apartments received a bill from PPL covering electric use from March 6 to April 5, 2018. (Exhibit A)
- 5. The electric use and distribution amount was \$393.65.
- 6. In addition there was a "payment plan amount" of \$646.00.
- 7. On April 19, 2018 Silver Valley Apartments paid to PPL a total of \$1,039.65 reflecting the amounts set forth in paragraphs 5 and 6.

DATE: 5/10/18

Silver Valley Apartments



Mike Vianello
258-1 Silver Valley Road
Saylorsburg, PA 18353

CERTIFICATE OF SERVICE

This is to certify that the REPLY on behalf of SILVER VALLEY APARTMENTS was mailed to counsel for PPL by first class United States mail.

10 May 2018



Mike Vianello

VERIFICATION

I, Mike Vianello, hereby certify that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and/or belief) and that I expect to be able to prove the same at a hearing held in this matter.



Mike Vianello

10 May 2018

Understanding Your Payment Programs

- Your balance includes the \$5,814.00 down payment due on or before Apr 9, 2018. This down payment amount is from your original payment plan.

Your Message Center

- The \$7,394.66 balance includes \$1,189.91 in prior late payment charges.
- With paperless billing, you can receive and pay your PPL Electric Utilities bills online. The process is free, quick, convenient and secure. To learn more or sign up, visit ppllectric.com.
- Learn how to save energy and get information about energy efficiency rebates on our website, ppllectric.com.
- Clean the lint filter on your dryer between loads. A clogged filter cuts air flow and wastes energy. A clean filter shortens drying time and saves money.

General Information

Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utility Commission regulates distribution rates and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

PPL Electric Utilities uses about \$75.33 of this bill to pay state taxes and about \$458.19 is used to pay the PA Gross Receipts Tax.

Understanding Your Bill

Customer Charge - Monthly charge to recover costs of billing, meters and equipment.

Distribution Charge - Monthly charge to recover costs of local equipment used to deliver electricity from high-voltage transmission lines (see Transmission Charge) and safely step down voltage for use in your home or business.

System Improvement Charge - Monthly charge to recover costs for improving, repairing and replacing equipment that delivers electricity to your home or business.

Generation Charge - Monthly charge to recover the cost of the production or purchase of electricity.

kWh (Kilowatt-hour) - A measure of how much electricity your household uses. One kilowatt-hour equals the amount of electricity used by ten 100-watt lights left on for one hour.

Rate RS - Rate for service to a private home.

Billing Details - (Bill Acct. 38451-31065)

Previous Balance	\$7,798.45	
Payment Received Mar 21, 2018 - Thank You!	-\$403.79	
Balance as of Apr 5, 2018		\$7,394.66
Charges for - PPL Electric Utilities		
Residential Rate: RS for Mar 6 - Apr 5		
Distribution Charge:		
Customer Charge	17.15	
3,013 kWh at 4.29400000¢ per kWh	129.38	
System Improvement Charge at -0.02%	-0.03	
PA Tax Adj Surcharge at -0.00600000%	-0.01	
PA Sales Tax	22.29	
Total Distribution Charges		\$168.78
Generation & Transmission Charges for Mar 6 - Apr 5		
Transmission Charge:		
3,013 kWh at 1.66200000¢ per kWh	50.08	
Generation Charge:		
Capacity and Energy		
3,013 kWh at 5.80100000¢ per kWh	174.79	
Total Generation & Transmission Charges		\$224.87
Other Charges for PPL Electric Utilities		
Payment Plan Adjustment	-1,580.66	
Payment Plan Amount	646.00	
Total of Other Charges		\$-934.66
Amount Due By Apr 26, 2018		\$6,853.65
Account Balance		\$7,788.31

393.65

= 1,039.65

(\$541.01)

EXHIBIT A