

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Robert Strydio
v.
PPL Electric Utilities Corporation

Public Meeting July 12, 2018
2633043-OSA
Docket No. C-2017-2633043

JOINT MOTION OF COMMISSIONER DAVID W. SWEET
AND COMMISSIONER NORMAN J. KENNARD

Before the Commission are the exceptions of Robert Strydio (Mr. Strydio or Complainant) to the Initial Decision of Administrative Law Judge (ALJ) David A. Salapa, which dismissed the formal complaint when Mr. Strydio failed to appear at the scheduled hearing without having sought a continuance or provided a reason for his failure to appear. Instead, the Complainant waited until the record had closed and the Initial Decision had been served a month later before making his assertion in Exceptions that he had failed to appear at the hearing due to a medical emergency.

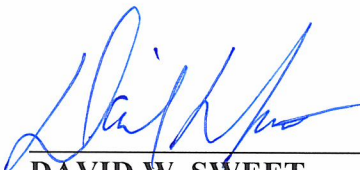
Prehearing notices and orders routinely inform parties of their duty to either attend the hearing or to seek a continuance prior to the hearing. Of course, there will be those occasions when appearance is unavoidable and last minute, which necessitates contact with the ALJ's office to provide the appropriate reasons and request for a rescheduled hearing.

Where a complainant's failure to appear at a scheduled hearing is unavoidable, the ALJ has the discretion to recognize that and to reschedule the hearing. However, when the complainant fails to bring the situation to the attention of the ALJ prior to the issuance of an Initial Decision, the record closes and the ALJ can no longer exercise that discretion. The record is closed, and the complainant is now charged with not only challenging the findings and conclusions of the Initial Decision but with providing a compelling explanation of why he failed to raise his excuses in a timely fashion so that the ALJ could determine whether or not to reschedule the hearing.

In this situation, Mr. Strydio did not present any reason why he failed to contact the ALJ to explain his absence or to seek a continuance. Accordingly, the Initial Decision should be adopted.

THEREFORE, WE MOVE:

1. That the Exceptions of Robert Strydio to the Initial Decision of Administrative Law Judge David A. Salapa are denied.
2. That the Initial Decision of Administrative Law Judge David A. Salapa is affirmed.
3. That the Office of Special Assistants prepare an order consistent with this motion.



DAVID W. SWEET
COMMISSIONER



NORMAN J. KENNARD
COMMISSIONER

Date: July 12, 2018