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July 31, 2018

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

RE: Taliatha Bradley v. PPL Electric Utilities Corporation
Docket No: C-2017-2619994

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter are the Replies on behalf of PPL Electric Utilities Corporation, to Complainant's Exceptions to the Initial Decision Issued by The Honorable Mary D. Long on June 29, 2018.

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: Taliatha Bradley (w/ enc.)
Administrative Law Judge Mary D. Long (w/enc); *via email only*
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**

TALITHA BRADLEY,
Complainant,

No. C-2017-2619994

v.

PPL ELECTRIC UTILITIES
CORPORATION,
Respondent.

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S REPLIES TO
COMPLAINANT'S EXCEPTIONS TO THE INITIAL DECISION ISSUED BY
THE HONORABLE MARY D. LONG ON JUNE 29, 2018**

AND NOW, comes Respondent PPL Electric Utilities Corporation ("Respondent PPL"), by and through its counsel, Gross McGinley, LLP, and replies to Complainant's Exceptions as follows:

Introduction

On June 29, 2018, the Honorable Mary D. Long ("Judge Long") issued an Initial Decision, which dismissed Complainant Talitha Bradley's ("Ms. Bradley" and/or "Complainant") Complaint due to her failure to satisfy her burden of proof at the time of the telephonic hearing which was held on April 13, 2018. On July 9, 2018, Judge Long's Initial Decision was served upon the parties. On July 24, 2018, counsel for Respondent was served with Ms. Bradley's Exceptions to the Initial Decision.

Replies to Complainant's Exceptions

The Pennsylvania Administrative Code (the "Code") provides that the proper way to except to an initial decision is by filing exceptions. *See* 52 Pa. Code. § 5.533. More specifically, exceptions may be filed by a party and served within twenty (20) days after the

initial, tentative or recommended decision is issued. 52 Pa. Code § 5.533(a). Exceptions must be “concise.” 52 Pa. Code § 5.533(c). Additionally, the Code provides that each exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. 52 Pa. Code § 5.533(b). Further, supporting reasons for the exceptions shall follow each specific exception. *Id.*

As an initial matter, the Exceptions filed by Ms. Bradley must be dismissed because they do not comply with the Code provisions cited above. The one-paragraph narrative letter submitted by Ms. Bradley fails to identify the finding(s) of fact or conclusion(s) of law to which each exception is taken. Additionally, Ms. Bradley’s Exceptions fail to cite to the relevant pages of Judge Long’s decision to which each exception is taken. Further, Ms. Bradley’s Exceptions fail to provide supporting reasons for each exception. In light of Ms. Bradley’s failure to conform to the various Code provisions cited above, Respondent respectfully requests that her Exceptions be dismissed due to his lack of compliance with the Code. *See, e.g., Forward Township Municipal Authority v. Western Pennsylvania Water Co.*, No. C-882171, 74 Pa. P.U.C. 421, 1991 WL 476309 (Feb. 15, 1991) (“We note that the Complainant’s Exception [] constitutes a bald assertion. Consonant with [Section 5.533(b)], we shall deny this Exception of the Complainant.”); *Fulton v. PECO Energy Company*, No. C-2004-2502, 2005 WL 1838683, at *3 (Pa.P.U.C. June 29, 2005) (“We will deny the Complainant's Exceptions....Nor does the Complainant cite to any error of the ALJ based upon the record evidence before her.”).

The Exceptions filed by Ms. Bradley must also be dismissed, notwithstanding the aforementioned request for dismissal based upon nonconformity. That is to say, Ms. Bradley fails to explain the reasons for her disagreement with the Initial Decision, other than to generically state that she disagrees with her current account balance. At no point does Ms.

Bradley state that she disagrees with any of Judge Long's findings of fact or conclusions of law, or that Judge Long committed an error of law and/or otherwise abused her discretion in reaching any one of her findings of fact and/or conclusions of law.

At the time of the April 13, 2018 telephonic hearing, Ms. Bradley failed to offer any competent evidence that her account balance is incorrect, or that there are otherwise incorrect charges on her account. Much to the contrary, the overwhelming evidence submitted by Respondent at the time of the telephonic hearing clearly demonstrated that Ms. Bradley's account balance accumulated to its current amount as a direct result of the fact that she neglected to pay her electric bill each month. *See generally* PPL Ex. 1. Further to this point, during the months when Ms. Bradley chose to make a payment toward her monthly electric bill, the amount of her payment was much less than the actual total amount of her monthly electric bill. For example, when analyzing Ms. Bradley's last nine (9) payments to Respondent, the evidence reveals that in May 2016 she made a payment to respondent in the amount of \$45.00, even though her monthly electric bill for that month totaled \$168.66. *See, e.g.*, PPL Ex. 1; and Findings of Fact Nos. 11 & 12. In May of 2017, Ms. Bradley made a payment to respondent in the amount of \$30.00, even though her monthly electric bill for that month totaled \$247.14. *Id.* Further, in June of 2017, Ms. Bradley made a payment to respondent in the amount of \$40.00, even though her monthly electric bill for that month totaled \$128.07. *Id.* Moreover, in July of 2017, Ms. Bradley made payments to respondent in the amount of \$90.00, even though her monthly electric bill for that month totaled \$100.80. *Id.* In August of 2017, Ms. Bradley made a payment to respondent in the amount of \$60.00, even though her monthly electric bill for that month totaled \$81.36. *Id.* Additionally, in September of 2017, Ms. Bradley made a payment to respondent in the amount of \$50.00, even though her monthly electric bill for that month totaled

\$64.71. *Id.* In October of 2017, Ms. Bradley made a payment to respondent in the amount of \$50.00, even though her monthly electric bill for that month totaled \$96.88. *Id.* Finally, in November of 2017, Ms. Bradley made a payment to respondent in the amount of \$25.00, even though her monthly electric bill for that month totaled \$107.85. *Id.* As a result of Ms. Bradley's poor and inconsistent payment history, her total account balance at the time of the telephonic hearing was \$3,639.70. *See* PPL Ex. 1; and Finding of Fact No. 16. In sum, Ms. Bradley's Exceptions are meritless, and must be denied.

Conclusion

Based upon the foregoing reasons, Respondent respectfully requests that Complainant's Exceptions be denied in their entirety.

Dated: July 31, 2018

Respectfully submitted,



By: _____

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TALITHA BRADLEY,
Complainant,

No. C-2017-2619994

v.

PPL ELECTRIC UTILITIES
CORPORATION,
Respondent.

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a true and correct copy of Respondent PPL Electric Utilities Corporation's Replies to Complainant's Exceptions to the Initial Decision Issued by the Honorable Mary D. Long on June 29, 2018 was forwarded on the 31st day of July, 2018, to the following:

VIA EMAIL ONLY

Administrative Law Judge Mary D. Long
Public Utility Commission
400 North Street
Harrisburg, PA 17120

VIA FIRST CLASS MAIL

Talitha Bradley
319 E Market Street
Williamstown PA 17098


By: _____
Graig M. Schultz