



COMMONWEALTH OF PENNSYLVANIA

November 1, 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:

On November 1, 2018, PPL Electric Utilities Corporation (“PPL”) served a letter in response to the Office of Small Business Advocate’s (“OSBA”) October 30, 2018, letter to the Pennsylvania Public Utility Commission (“Commission”). The OSBA’s October 30th letter requested that the Commission strike the improperly served PPL Exceptions from the above-listed docket.

The OSBA submits this letter to correct and clarify various statements made by PPL in its November 1st Letter.

First, the October 29th email message from PPL to the parties (referenced in PPL’s November 1st letter) did *not* include a link to PPL’s Exceptions. A link “to the document on the electronic filing system” is required by 52 Pa. Code Section 1.54(b)(3)(ii)(A)(IV).

Second, the OSBA disputes PPL’s claim that its service was as “required by prior Orders in this matter.” For example, in Administrative Law Judge (“ALJ”) Elizabeth Barnes’s February 13, 2018, *Procedural Order*, the ALJ required in-hand service “no later than 4:30 pm on the dates listed” for the testimony and briefs. *Procedural Order*, at paragraph 8. The ALJ allowed parties to meet that requirement using email with a hard copy sent by first class mail. *Id.*

Third, PPL’s mail service of its hardcopy Exceptions on Tuesday, October 30, 2018, is neither timely nor in compliance with the Commission’s instructions set forth in the September 28, 2018, Cover Letter to the ALJ’s Initial Decision (“ID”).

Fourth, the Commission will observe that nowhere in PPL’s November 1st letter does it state that PPL emailed a copy of its Exceptions to the OSBA on October 29, 2018. In fact, PPL Counsel admitted that Ultimate Sports counsel contacted them to report that they were unable to access PPL’s Exceptions using PPL’s Monday, October 29th email message. PPL then emailed a copy of its Exceptions to Ultimate Counsel, but not the OSBA. *PPL November 1st Letter*. This

is a violation of 52 Pa. Code Section 1.54(b)(3)(B), as PPL was aware that their e-filing notice was defective.

Fifth, the OSBA is unaware of any Commission Order that holds that “substantial compliance” is sufficient.

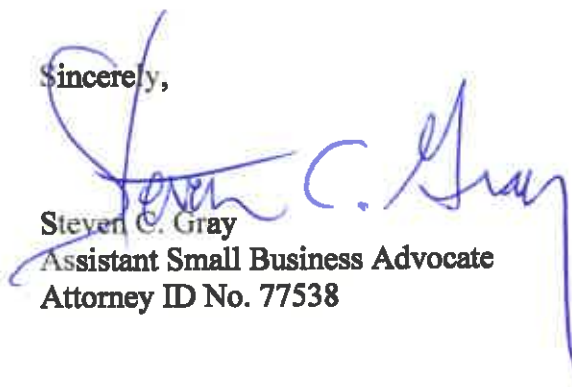
Finally, the OSBA observes that the ALJ’s ID was issued on September 28, 2018. According to PPL’s October 18, 2018, *Amended Motion to Extend Deadlines*, PPL counsel had the ID in their possession on October 4, 2018. *Amended Motion*, at paragraph 3. That provided PPL counsel with 25 days to: read the PUC’s cover letter; review the regulations on service; or ask the parties for guidance on service of Exceptions.

Therefore, for the reasons set forth above and in the OSBA’s October 30th Letter, the OSBA respectfully requests that the Commission strike the PPL Exceptions from this docket.

Copies of this letter 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,

A handwritten signature in blue ink that reads "Steven C. Gray". The signature is fluid and cursive, with a long vertical line extending downwards from the end of the name.

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

Enclosures

cc: Robert D. Knecht
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**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)

Kimberly G. Krupka, Esquire
Gross McGinley LLP
33 South Seventh Street
PO Box 4060
Allentown, PA 18105
kkrupka@grossmcginley.com

Thomas E. Groshens, Esquire
Groshens Law Associates
233 South 24th Street
Philadelphia, PA 19103
TGroshens@cyforelex.com

Richard A. McGrath, President
531 & 539 North Fourth Street
PO Box 286
Denver, PA 17517
ramcgrath@msn.com

Commission's Office of Special Assistants
ra-OSA@pa.gov
(Via Email Only)

DATE: November 1, 2018


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