

SUSAN MESSICK,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2018-3004260

**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION TO COMPLAINANT'S  
PETITION FOR RECONSIDERATION**

PPL Electric Utilities Corporation (“Respondent” or “PPL Electric”), by and through its counsel, hereby Answers Complainant’s Petition for Reconsideration in the above-captioned proceeding as follows:

1. On or about August 23, 2018, Complainant, Susan Messick (hereinafter “Complainant” or “Ms. Messick”) filed her formal Complaint with the Pennsylvania Public Utility Commission against PPL Electric, alleging PPL Electric’s contractor killed two of her decorative Mimosa trees when trimming power lines.

2. On September 12, 2018, PPL Electric filed its Answer to the Complaint denying causing any harm to the trees or improper vegetation management.

3. An in person hearing was conducted on December 2, 2018.

4. On March 21, 2019, ALJ Steven K. Haas signed an Initial Decision which was issued on March 26, 2019. The Initial Decision included a Notice to all parties that any Exceptions were required to be filed within twenty (20) days of the issuance date, which would have been due on April 15, 2019.

5. No timely Exceptions were filed.

6. Ms. Messick, as the Complainant, had the option to file and receive notification of filings via mail (hard copy) or via e-service. Ms. Messick voluntarily requested to receive notice via e-service.

7. On May 3, 2019, Complainant filed a letter with the Commission stating “I did not realize that e-service would mean that I would not also be sent the Decision of Judge Haas by “Certified Mail.” Complainant does not allege that the Initial Decision, and Notice accompanying the same, were not provided to her via e-service. In fact, she attached a copy of the Initial Decision to her letter request.

8. Complainant does not allege that the Initial Decision, and Notice accompanying the same, were not provided to her via e-service. In fact, she references the findings of ALJ Haas in her letter.

9. Complainant has failed to provide a satisfactory reason for her approximate 18 day delay in filing any response to the Initial Decision.

10. The PA PUC e-filing systems permits consumers to file certain documents electronically without filing paper copies, to serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the Commission. (See <https://www.puc.state.pa.us/efiling/default.aspx>). E-filing is not mandatory on consumers. When a consumer voluntarily elects e-service, the consumer cannot then complain about being served by the Commission electronically.

11. Moreover, Complainant’s letter dated April 29, 2019 and filed May 3, 2019 should not be interpreted or accepted as Exceptions. As set forth in the Notice accompanying the Initial Decision, Exceptions must comply with 52 Pa. Code 5.533 which states “(b) 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. Supporting reasons for the exceptions shall follow each specific exception.”

12. Complainant’s letter, as filed on May 3, 2019, fails to comply with 52 Pa. Code 5.533 in that it fails to identify any of the findings of fact or conclusions of law to which she disagrees. Rather, Complainant simply states that she presented pictures of dead trees at the

hearing and previously had living trees. Such does not meet the burden of proof, as set forth in Findings of Fact 35 through 40 of the March 26, 2019 Initial Decision.

WHEREFORE, in light of the foregoing, PPL Electric Utilities Corporation respectfully requests that the Commission deny Complainant's request for Reconsideration.

DATE: 7/5/19

GROSS MCGINLEY, LLP

Handwritten signature of Kimberly G. Krupka in cursive script.

BY: \_\_\_\_\_

KIMBERLY G. KRUPKA, ESQUIRE  
Attorney ID # 83071  
Attorney for Respondent  
PPL Electric Utilities Corporation  
33 S. Seventh Street; P O Box 4060  
Allentown PA 18105-4060  
Ph. (610) 820-5450; Fax (610) 820-6006

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SUSAN MESSICK,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2018-3004260

**CERTIFICATE OF SERVICE**

This is to certify that the ANSWER TO PETITION FOR RECONSIDERATION on behalf of PPL ELECTRIC UTILITIES CORPORATION was mailed to the complainant of record on behalf of Respondent by First Class Mail, on this the 5<sup>th</sup> day of July, 2019.

SUSAN MESSICK  
2011 N MARKET ST  
ELIZABETHTOWN, PA 17022

GROSS MCGINLEY, LLP



BY: \_\_\_\_\_

KIMBERLY G. KRUPKA, ESQUIRE  
Attorney ID # 83071  
Attorney for Respondent  
PPL Electric Utilities Corporation  
33 S. Seventh Street; P O Box 4060  
Allentown PA 18105-4060  
Ph. (610) 820-5450; Fax (610) 820-600