

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Borough of Blakely, :
 :
 Complainant, :
 :
 v. :
 :
 PPL Electric Utilities Corporation, :
 :
 Respondent. :

Docket No. C-2019-3010412

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**BOROUGH OF BLAKELY'S ANSWER
TO PRELIMINARY OBJECTIONS OF
PPL ELECTRIC UTILITIES CORPORATION**

NOW, comes the Borough of Blakely, by and through counsel, Abrahamsen, Conaboy & Abrahamsen, P.C., and in response to PPL Electric Utilities Corporation's Preliminary Objections, states the following:

1. Admitted in part and denied in part. It is admitted that PPL Electric is a public utility and an electric distribution company. However, Blakely Borough also fits that same definition for its local service area.

2. Denied. Upon information and belief, the Borough of Blakely is without enough information sufficient to form a belief as to the truth of the matters asserted. Strict proof is demanded. By way of further response, this paragraph does not seem relevant to the issue herein concerning the specific properties at issue.

3. Denied as stated. The attachment speaks for itself. By way of further response, the attachment referenced by PPL Electric does not specifically define the area within Blakely at issue and, as such, is irrelevant for purposes of the instant Complaint.

4. Denied. Upon information and belief, the Borough of Blakely is without enough

information sufficient to form a belief as to the truth of the matters asserted. Strict proof is demanded. By way of further response, this paragraph does not seem relevant to the issue herein concerning specific properties at issue.

5. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the matters asserted. By way of further response, the merger between Scranton Electric and PPL Electric is irrelevant to the issue herein given the fact the Blakely Electric was formed subsequent to the merger.

6. Denied as stated. Although Respondent PPL Electric has provided a territory covered by Tariff Electric, as Exhibit C, that exhibit does not specifically define the areas within which the Borough of Blakely has provided electric versus the area where PPL has provided electric and also the Borough's equal entitlement to providing electric power to its residents.

7. This paragraph is irrelevant to the Complaint at issue. Blakely Borough's Electric Light Company was not put in place until after 1956 and after Tariff Electric Pa. P.U.C. No. 196 was established. As such, Tariff 196 and Tariff 197 issued May 1, 1963 are irrelevant and serve no purpose to the Complaint at issue herein.

8. See response to Paragraphs 6 and 7 above. By way of further response, Tariff Electric Pa. P.U.C. No. 198 also was issued prior to the existence of Blakely Borough Electric Light Company which was formed after Tariff Electric 198 which became effective May 14, 1971.

9. Admitted in part and denied in part. It is admitted that the Borough has requested that PPL Electric transfer the service customers at issue to the Borough. PPL has denied the same and, as such, necessity of filing of a Complaint has arisen. The Borough has the ability to provide their own facilities of the said electric.

10. Denied. It is specifically denied that the Complaint should be denied and dismissed.

In fact, Borough of Blakely has properly established in the underlying Complaint that forms the necessity for the Commission to review and make a determination of transfer of the subject customers.

11. Admitted.

12. Admitted.

13. Admitted.

14. The Borough of Blakely incorporates their response to Paragraphs 1 through 13 as though they were fully set forth at length herein.

15. Denied. This paragraph states conclusions of law to which no responsive pleading is required. Strict proof to the alternative is demanded.

16. Admitted.

17. Denied as stated. The Borough of Blakely specifically and appropriately has alleged violations of Section 701 and the attempt to misconstrue, take out of context and improperly cite only a portion of Section 701 is inappropriate. Section 701 must be read in its entirety in the context of the Public Utility Code.

18. Denied. This paragraph states conclusions of law to which no responsive pleading is required. Strict proof to the alternative is demanded.

19. Denied. This paragraph states conclusions of law to which no responsive pleading is required. Strict proof to the alternative is demanded.

20. Denied. This paragraph states conclusions of law to which no responsive pleading is required. Strict proof to the alternative is demanded.

21. Denied. It is specifically denied that the Borough has not cited the violations acted by PPL in failing to turn over customers within the Borough's territory.

22. Denied at stated. The Complaint speaks for itself. Respondent, PPL, is attempting to take out of context, mischaracterize and misconstrue portions of the Borough's Complaint. The same must be read in its entirety.

23. Denied. This paragraph states conclusions of law to which no responsive pleading is required. By way of further response, the Borough has alleged appropriate violations including violations of Section 701 and their Complaint must be read in its entirety to understand the violations of PPL.

WHEREFORE, Complainant respectfully requests that PPL Electric's Preliminary Objections be denied and dismissed.

24. The Borough of Blakely incorporates their response to Paragraphs 1 through 23 as though they were fully set forth at length herein.

25. Denied. This paragraph states conclusions of law to which no responsive pleading is required. Strict proof is demanded.

26. Denied. This paragraph states conclusions of law to which no responsive pleading is required. Strict proof to the alternative is demanded. By way of further response, the PUC specifically denied that although the Borough cannot unilaterally force a public utility to abandon its certificated service territory, the PUC can do so. It is by way of a Complaint filed by the Borough that that will lead to the PUC's determination.

27. Although PPL Electric is providing service to the subject customers, the PUC has the authority to hear the Borough's Complaint and make a determination that the PPL Electric must turn over the services of the subject customers to the Borough. See Complainant's response to Paragraphs 3 through 8 previously identified.

28. PPL Electric has refused to file an application to transfer the customers to Blakely

Borough and, as such, the Borough has been forced to request the action by the Public Utility Commission because of PPL's refusal.

29. PPL Electric has refused to file an application to transfer the customers to Blakely Borough and, as such, the Borough has been forced to request the action by the Public Utility Commission because of PPL's refusal. As such, this Complaint is the appropriate means to accomplish the result.

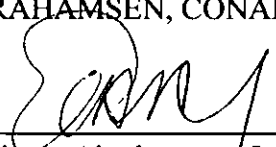
30. Denied as stated. Please see the Borough's Complaint as well as their response to Paragraphs 1 through 29 above evidencing the Borough's authority to request the PUC to transfer power to the Borough.

WHEREFORE, it is respectfully requested that the Commission deny and dismiss PPL Electric's Preliminary Objections.

Respectfully submitted,

ABRAHAMSEN, CONABOY & ABRAHAMSEN, P.C.

By:

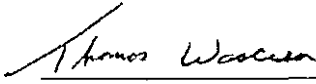


Edwin A. Abrahamsen, Jr. Esquire
Attorney ID Number 92851

1006 Pittston Avenue
Scranton, PA 18505
(570) 348-0200
cabrahamsen@law-aca.com

VERIFICATION

I, Thomas J. Wascura, hereby verify that I am the Manager for the Borough of Blakely herein, and that the statements contained in the foregoing "Answers to Preliminary Objections" are true and correct to the best of my information, knowledge and belief, and that the statements are made subject to the penalties of 18 Pa. C.S.A Section 4904 pertaining to unsworn falsification to authorities.



Thomas Wascura, Manager
Borough of Blakely

DATE: 7/22/19, 2019

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CERTIFICATE OF SERVICE

I, Edwin A. Abrahamsen, Jr., Esquire, do hereby certify that on the 22nd day of July, 2019,

I served a true and correct copy of the attached "Answer to Preliminary Objections" upon the following via U.S. First Class Mail to:

Devin T. Ryan, Esquire
Post & Schell, P.C.
17 North Front Street, 12th Floor
Harrisburg, PA 17101-1601

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

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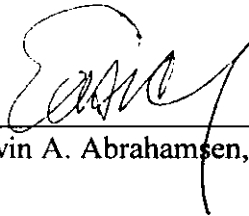
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Edwin A. Abrahamsen, Jr., Esquire