



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
File #: 167945

October 1, 2019

VIA ELECTRONIC FILING

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

Re: John and Janet Holder & June Maculesky v. PPL Electric Utilities Corporation
Docket Nos. F-2019-3008809 and F-2019-3008832

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) for Extension of Time to File Responsive Pleadings to the Amended Formal Complaint and for Continuance of Hearing in the above-referenced proceeding.

As stated in the enclosed Motion, PPL Electric respectfully requests that: (1) the deadline for the Company to file its Responsive Pleadings to the Amended Complaint be extended from October 2, 2019, to January 3, 2020; and (2) the October 22, 2019 hearing in this proceeding be continued until April 2020. The Motion also explains that good cause for the requested extension and continuance exists due to PPL Electric needing to review and respond to the Complainants’ voluminous Amended Formal Complaint, totaling approximately 405 pages, and the extensive documents attached as proposed exhibits to the Amended Formal Complaint, totaling approximately 386 documents, photos, and/or videos.

Copies will be provided as indicated on the Certificate of Service.

Sincerely,

Devin Ryan

DTR/dmc

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

Rosemary Chiavetta, Secretary
October 1, 2019
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Enclosures

cc: Honorable Elizabeth Barnes (*w/Enclosure*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA OVERNIGHT DELIVERY

June Maculesky
1823 Butztown Road
Bethlehem, PA 18017

Janet Holder
(POA for June Maculesky)
2424 Lafayette Avenue
Bethlehem, PA 18017

John & Janet Holder
2424 Lafayette Avenue
Bethlehem, PA 18017

Date: October 1, 2019


Devin Ryan

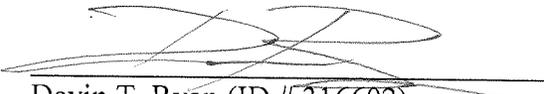
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John and Janet Holder,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. F-2019-3008809
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	
	:	
June Maculesky,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2019-3008832
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com



Devin T. Ryan (ID # 316602)
Garrett P. Lent (ID # 321566)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dryan@postschell.com
glent@postschell.com

Curtis S. Renner (ID # 326488)
Watson & Renner
1901 Pennsylvania Avenue, NW
Suite 1005 - ENS
Washington, DC 20006
Phone: 202-737-6302
E-mail: crenner@w-r.com

Date: October 1, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John and Janet Holder,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. F-2019-3008809
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	
	:	
June Maculesky,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2019-3008832
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADINGS TO THE
AMENDED FORMAL COMPLAINT AND FOR CONTINUANCE OF HEARING**

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code §§ 1.15(a)-(b) and 5.103 and requests that Administrative Law Judge Elizabeth H. Barnes (the “ALJ”) extend the time prescribed for PPL Electric to file its Responsive Pleadings to the Amended Formal Complaint of John and Janet Holder and June Maculesky (“Complainants”) from October 2, 2019, to January 3, 2020, and continue the hearing scheduled in this consolidated proceeding from October 22, 2019, until April 2020, subject to the availability of the Complainants, PPL Electric’s witnesses, and the ALJ. Good cause for the

requested extension and continuance exists in light of PPL Electric needing to review and respond to the Complainants' voluminous Amended Formal Complaint, totaling approximately 405 pages, and the extensive documents attached as proposed exhibits to the Amended Formal Complaint, totaling approximately 386 documents, photos, and/or videos.

In support thereof, the Company states as follows:

I. BACKGROUND

1. PPL Electric is a public utility that provides electric distribution and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of 29 counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

2. By Secretarial Letters dated March 27, 2019, PPL Electric was served with the above-captioned Formal Complaints filed by the Complainants. The issues raised in the Formal Complaints concern the planned installation of new AMI meters pursuant to the Public Utility Code and the 2015 Smart Meter Order at the Holders' and Ms. Maculesky's service addresses.

3. On April 16, 2019, PPL Electric filed an Answer to each of the above-captioned Complaints.

4. On April 23, 2019, PPL Electric filed a Motion to Consolidate the above-captioned Complaints.

5. The ALJ granted PPL Electric's Motion to Consolidate on May 13, 2019.

6. Also on May 13, 2019, a Notice was issued scheduling a telephonic evidentiary hearing for October 22, 2019.

7. On July 24, 2019, PPL Electric served its Set I Discovery on the Complainants.

8. On September 12, 2019, PPL Electric was electronically served with the Complainants' Amended Formal Complaint. The Amended Formal Complaint contained approximately 405 pages, including references and summaries of approximately 386 proposed exhibits included on a flash drive accompanying the Amended Formal Complaint.

9. Pursuant to 52 Pa. Code §§ 5.61(a) and 5.101(d), PPL Electric's Answer and any Preliminary Objections to the Amended Formal Complaint are due on October 2, 2019.¹

10. No Prehearing Order has yet been issued in this consolidated proceeding.

II. MOTION

11. Pursuant to 52 Pa. Code § 1.15(a)(1):

[W]henever under this title or by order of the Commission, or notice given thereunder, an act is required or allowed to be done at or within a specified time, presiding officer or other authorized person, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended.

52 Pa. Code § 1.15(a)(1).

12. In addition, 52 Pa. Code § 1.15(b) states that a request for continuance of a hearing will be considered “[o]nly for good cause shown.” 52 Pa. Code § 1.15(b).

13. Neither Section 1.15(a)(1) nor Section 1.15(b) of the Commission's regulations defines the “good cause” requirement.

14. However, the Commission has previously recognized the Pennsylvania Supreme Court's definition of good cause as “conduct which is reasonable under all of the circumstances, thereby justifying the [c]laimant's actions.” *See In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, Docket No. A-310006, 1992 Pa. PUC LEXIS 56, at *9

¹ To the extent that PPL Electric's request for an extension of time to answer the Amended Formal Complaint is not granted by October 2, 2019, PPL Electric will file an Answer and Preliminary Objections to the Amended Formal Complaint on October 2, 2019, but fully reserves its rights to amend its pleadings pursuant to Section 5.91(a) of the Commission's regulations. *See* 52 Pa. Code § 5.91(a).

(1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 466 Pa. 81, 351 A.2d 631 (Pa. 1976)).

15. Good cause exists for extending the time permitted for PPL Electric to file Responsive Pleadings to the Amended Formal Complaint and continuing the hearing scheduled in this case.

16. PPL Electric was served with the Amended Formal Complaint on September 12, 2019. As such, its Answer and any Preliminary Objections to the Amended Formal Complaint would be due on October 2, 2019.

17. In addition, the telephonic evidentiary hearing is currently scheduled for October 22, 2019.

18. The Amended Formal Complaint is approximately 405 pages in length, and references and cites approximately 386 other documents, photos, and/or videos that ostensibly constitute the Complainants' hearing exhibits, which themselves are substantial in length. For example, proposed Exhibit 4H is 465 pages long and proposed Exhibit 29C-18 is a video approximately 38 minutes in length. PPL Electric submits that it is unreasonable to require it to complete the necessary review and analysis of these documents to respond to the Amended Formal Complaint on October 2, 2019, or to prepare and serve responsive testimony and address the proposed exhibits at the October 22, 2019 hearing.

19. Furthermore, Complainants' rights will not be prejudiced by granting the requested extension and continuance. PPL Electric will work with the Complainants to determine mutually agreeable potential hearing dates.

20. Finally, counsel for PPL Electric communicated its intent to file the instant Motion to the Complainants on October 1, 2019, via telephone call. Complainants were unable to confirm whether or not they would object to this Motion at the time of the call.

21. Considering the foregoing circumstances, PPL Electric requests an extension of time to file its Responsive Pleadings to the Amended Formal Complaint until January 3, 2020. In addition, PPL Electric requests a continuance of the hearing scheduled in this proceeding until April 2020, subject to the availability of the Complainants, PPL Electric's witnesses and the ALJ.

III. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Elizabeth H. Barnes grant this Motion, extend the time permitted for PPL Electric to file Responsive Pleadings to Amended Formal Complaint until January 3, 2020, and continue the hearing in this matter until April 2020, subject to the availability of the Complainants, PPL Electric's witnesses and the ALJ.

Respectfully submitted,



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

Devin T. Ryan (ID # 316602)
Garrett P. Lent (ID # 321566)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dryan@postschell.com
glent@postschell.com

Curtis S. Renner (ID # 326488)
Watson & Renner
1901 Pennsylvania Avenue, NW
Suite 1005 - ENS
Washington, DC 20006
Phone: 202-737-6302
E-mail: crenner@w-r.com

Date: October 1, 2019

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, Michael J. Shafer, being Senior Counsel at PPL Services Corporation, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and that if asked orally at a hearing in this matter, my answers would be as set forth therein.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 1, 2019



Michael J. Shafer
Senior Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101