

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION - NO. C-2019-3008272

Michael and Sharon Hartman,

Complainants,

v.

PPL Electric Utilities Corp.,

Respondent.

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COMPLAINANTS MICHAEL AND SHARON HARTMAN MOTION TO COMPEL RESPONDENT TO HONOR COMPLAINANT'S REQUEST FOR DOCUMENT PRODUCTION.

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1. On or about March 1, 2019, Complainant filed a formal complaint.
2. On or about May 2, 2019, your complainant submitted a 20 item Request for Document Production.
3. During the period May 2, 2019 until on or about June 13, 2019 when Judge Andrew M. Calvelli issued a Hearing Type Change Notice, counsel for the Respondent PPL ignored the Request for Document Production. Furthermore, counsel for the Respondent PPL failed to return numerous telephone calls and emails from your complainant. In fact, Gross McGinley's receptionist, paralegal and legal assistant never afforded your complainant an opportunity to speak to then counsel Kimberly Krupka.
4. On or about June 20, 2019, counsel for PPL presented a number of boilerplate objections to your complainant's 20 Item Request for Document Production.
5. On June 26, 2019, counsel for PPL advised Administrative Law Judge Andrew M. Calvelli and your complainant that PPL was simultaneously producing the documents requested.
6. On or about June 27, 2019, counsel for PPL transmitted a superficial 134 page document production that addressed only four (4) of the 20 items requested, and consisted essentially of

communications among your complainants and PPL, and public documents associated with PPL's Erosion and Sediment Control Plan (ESCP).

7. PPL failed to provide any documents associated with compensation and accommodations afforded your complainant's neighbors.

8. As reported in your complainant's initial complaint and complainant's response to PPL's Motion for Summary Judgment, PPL's disparate treatment of neighboring landowners is material to determining whether PPL acted with integrity and reasonableness.

9. During November 2017, a PPL ROW Specialist told your complainant that complainant's neighbors were compensated to modify their ROWs from 50' to 100' incident to the new construction. The ROW Specialist stated that PPL did not intend to compensate your complainant for the new and undefined construction. Your complainant since learned, however, that PPL already possessed a 100' ROW on the neighbors' properties, and in fact negotiated new ROWs under the premise that PPL already possessed a 100' ROW. Your complainant's will offer one or more neighbors at the hearing that will testify that they were advised orally and in writing, and as reflected in their deeds, that PPL possessed a 100' ROW on their prospective properties before and after purchase 15 to 20 years ago. And when the PPL Acquisition Team re-negotiated said ROWs, the PPL representatives made no mention of a 50' ROW, but rather negotiated a new 100' ROW.

10. Attached to your complainant's Motion to Compel, and incorporated by reference, is Complainant's summary of PPL actions that your complainant respectfully submit reflect PPL's unreasonable use and degradation of complainant's property and the environment to the detriment of the public and in support of this Motion to Compel.

11. Accordingly, your complainant requests that the Court order PPL to produce complete and comprehensive documentation for all 20 items requested, to include the below items associated with disparate and unreasonable treatment afforded your complainant by PPL:

Item 10. Please furnish any and all notes, emails, memoranda, letters, reports and agreements reflecting notice and communications to the Hartman's and the Hartman's Primrose and Linden Lane neighbors to the south and east, and the Federal Government to the north prior to the construction of the DHARP project pertaining to the DHARP project.

Item 11. Please furnish any and all notes, emails, memoranda, letters, reports, photographs, depictions and surveys reflecting the location, dimensions and square footage of the Hartman property contained within the PPL ROW, and the location, dimensions and square footage of the Primrose and Linden Lane neighbors to the south and east, and the Federal Government to the north contained within the PPL ROW prior to, during and after the DHARP Project.

Item 12. Please furnish any and all photographs, surveys and visual depictions of the Hartman property and the Primrose and Linden Lane neighbors to the east and south, and the Federal Government to the north prior to, during and after the DHARP Project to include but not be limited to the survey referenced by PPL representatives during the April 25, 2019 meeting wherein the PPL representatives stated that the entire 100 foot ROW overlapped or was contained within the Hartman's property.

Item 13. Please furnish any and all photographs, visual depictions, notes, emails, memoranda, letters and reports completed and distributed by PPL employees, agents, representatives and contractors to memorialize and report the April 25, 2019 meeting with Michael Hartman at the Hartman's property.

Item 14. Please furnish any and all notes, emails, memoranda, letters, reports, and agreements which reflect or document payments and compensation, to include but not be limited to the basis used to calculate payments and compensation, afforded by PPL to the Hartman's Primrose and Linden Lane neighbors to the south and east, and the Federal Government to the north pursuant to the DHARP project, to include but not be limited to new ROW agreements and related agreements to further compensate property owners.

Item 15. Please furnish any and all notes, emails, memoranda, letters, reports, and agreements which reflect or document the nature and cost of reclamation efforts, and accommodations, actual and intended, afforded by PPL to the Hartman's and the Hartman's Primrose and Linden Lane neighbors to the south and east, and the Federal Government to the north pursuant to the DHARP project to include but not be limited to the results of soil samples and the selection of the appropriate seed, lime and fertilizer to stabilize the ROW.

Item 16. Your attention is invited to a June 19, 1990 letter from Pennsylvania Power & Light Company to Mr. Raymond Stanley Miller, attached, and Exhibit 3 to the Hartman Complaint, particularly Exhibit A, which depicts a 100 foot PPL ROW that adjoins and overlaps Primrose

Lane. Please identify the author of Exhibit A, and furnish any and all notes, emails, memoranda, letters, reports and agreements which reflect communications among PPL and Raymond Stanley Miller related to the June 19, 1990 letter and/or the width, 50 feet or 100 feet, of the ROW adjoining Primrose Lane.

Item 17. Please furnish any and all notes, emails, memoranda, letters, reports, and agreements which reflect or document PPL's notice or disclosure to the Hartman's Primrose and Linden Lane neighbors to the south and east that the PPL ROW across their respective properties was 50 feet, not 100 feet as depicted in Exhibit A to the June 19, 1990 letter to Raymond Stanly Miller and Cottonwood Subdivision Plans filed with Dauphin County.

Item 18. Please furnish any and all Cottonwood Subdivision Plans, to include but not be limited to Plan Book K, Volume 5, Pages 45 - 52 possessed by PPL, its employees, agents and contractors, and associated notes, memoranda, letters and reports which reflect the date PPL originally possessed the Cottonwood Subdivision Plans.

Item 19. Please furnish any notes, emails, memoranda, letters and reports which reflect PPL's estimated maintenance costs and necessity to access the Hartman property ROW with heavy motorized equipment post installation and reclamation of the DHARP project.

Item 20. Please furnish the name, position, employer, telephone number and email address for all members of the PPL acquisition team assigned to the DHARP Project.



Michael and Sharon Hartman

Complainants

1650 Primrose Lane

Dauphin, PA 17018