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File #: 140074

October 11, 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: Borough of Blakely v. PPL Electric Utilities Corporation
Docket No. C-2019-3010412

Dear Secretary Ciavetta:

Enclosed for filing is the Motion to Compel Responses to the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on the Borough of Blakely – Set I, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DR', with a long horizontal flourish extending to the right.

Devin Ryan

DTR/jl
Enclosures

cc: Certificate of Service

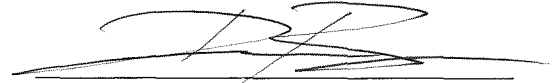
CERTIFICATE OF SERVICE

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 E-MAIL & FIRST CLASS MAIL

Edwin A. Abrahamsen, Jr., Esquire
Abrahamsen Conaboy & Abrahamsen, P.C.
1006 Pittston Avenue
Scranton, PA 18505
E-mail: cabrahamsen@law-aca.com

Date: October 11, 2019



Devin Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Borough of Blakely,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010412
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN FIVE (5) 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.

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Date: October 11, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Borough of Blakely,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010412
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION TO
COMPEL RESPONSES TO
DISCOVERY PROPOUNDED ON THE BOROUGH OF BLAKELY – SET I**

TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:

Pursuant to 52 Pa. Code §§ 5.342(g) and 5.349(d), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Compel Responses to Discovery Propounded on the Borough of Blakely (“Borough”) – Set I. In support of its Motion, PPL Electric states as follows:

I. INTRODUCTION

1. On August 22, 2019, PPL Electric served Interrogatories and Requests for Production of Documents on the Borough – Set I (“PPL to Borough Set I”) via email and first class mail.¹ A true and correct copy of PPL to Borough Set I is attached hereto and marked as **Appendix A.**

¹ Although the certificate of service states first class mail, a copy was also sent via email to the Borough’s attorney at 4:18 PM.

2. Pursuant to the Commission's regulations, objections to PPL to Borough Set I were due on or before September 3, 2019,² and responses were due on or before September 11, 2019.

3. The Borough never served any objections or answers to PPL to Borough Set I.

4. On September 17, 2019, counsel for PPL Electric emailed the Borough's attorney and asked about the status of the Borough's overdue discovery responses.

5. On September 19, 2019, the Borough's attorney responded via email that he was going to meet with the Borough Manager and would be serving complete responses by the end of the following week, *i.e.*, by September 27, 2019.

6. On October 4, 2019, counsel for PPL Electric emailed the Borough's attorney again. PPL Electric's counsel observed that the Company served its responses to the Borough's discovery requests on October 4, 2019. Notably, the Borough's discovery requests were propounded on September 4, 2019, *i.e.*, 13 days after PPL Electric served its discovery requests. Counsel for PPL Electric stated that if the Company did not receive the overdue discovery response, it would proceed with filing a Motion to Compel the following week.

7. On October 7, 2019, the Borough's attorney sent an email stating that he expected to have the remaining information from the Borough on October 8, 2019, and would serve complete responses by October 9, 2019.

8. To date, no responses to PPL to Borough Set I have been received, despite the multiple assurances of the Borough's attorney.

² Normally, September 2, 2019, would have been the due date for objections, but it was Labor Day.

II. MOTION TO COMPEL

9. PPL Electric respectfully requests that Deputy Chief Administrative Law Judge Joel H. Cheskis (the “ALJ”) direct the Borough to answer fully all of the interrogatories set forth in PPL to Borough Set I.

10. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of whether the information sought “relates to the claim or defense of the party seeking discovery or to the claim or defense of another party.” *Id.*

11. Answers to interrogatories are due within 20 days of the service date. 52 Pa. Code § 5.342(d).

12. Here, PPL Electric served its first set of interrogatories on August 22, 2019. Consequently, answers to PPL to Borough Set I were due on or before September 11, 2019.

13. Approximately one month after the due date for answers, PPL Electric still has not received any responses to PPL to Borough Set I.

14. Further, the Borough never objected to any of the questions in PPL to Borough Set I.

15. Therefore, the Borough has waived the right to object to these interrogatories and must provide answers to them. *See* 52 Pa. Code §§ 5.342(a)(4) (stating that a party must “[a]nswer each interrogatory fully and completely unless an objection is made”).

16. In addition, the interrogatories propounded by PPL Electric are highly relevant to the issues to be decided in this case.

17. In Question 1, PPL Electric simply requests the Borough to provide copies of all exhibits it intends to present or utilize in this proceeding, and for each exhibit, to identify the witness who will be sponsoring the exhibit.

18. PPL Electric is entitled to discovery of such basic materials and information in advance of the hearing, so that the Company can adequately prepare its case in response. To deny the Company otherwise would violate PPL Electric's due process rights.

19. In Questions 2 and 3, PPL Electric merely asks for the Borough to identify its lay and expert witnesses, explain the subject matters about which they will be testifying, provide the sources of information upon which those witnesses will rely, and provide a copy of any expert witness's curriculum vitae.

20. Again, PPL Electric must know, before the hearing, the identities of the Borough's witnesses and the subject matters of their testimony. Without such information, PPL Electric cannot adequately prepare for cross-examination and its case in response. The Company will be denied due process if such information is not provided in response to these interrogatories.

21. In Question 4, PPL Electric has asked for background information on the Borough's provision of electric service, specifically when it began providing electric distribution service to customers.

22. This information is needed to establish basic findings of fact in this case.

23. Moreover, interrogatory directly relates to the Borough's averment in Paragraph 4 of the Supplemental Information attached to the Formal Complaint that the Borough has been providing electric distribution service "for over forty years." However, no specific date was provided by the Borough, and PPL Electric seeks that information here.

24. Further, the interrogatory is related to PPL Electric's affirmative defense of laches. As stated in the Company's Answer and New Matter, the Borough's delay in filing this Complaint is unjustified and has prejudiced PPL Electric. (PPL New Matter ¶¶ 16-22.) Therefore, PPL Electric is entitled to discovery of the exact length of time that the Borough has been providing electric distribution service in the Borough before deciding to initiate litigation against PPL Electric to try to obtain the eight customers at issue.

25. In Question 5, PPL Electric requests complete copies of the Borough Ordinance and any other documents in the Borough's possession setting forth the Borough's current rates for electric service.

26. This information is needed to establish basic background information in this case.

27. Further, interrogatory directly relates to the Borough's averment in Paragraph 4 of the Supplemental Information attached to the Formal Complaint that the Borough currently provides electric service within the Borough.

28. In addition, it is well-established that when there are overlapping service territories, a customer's preference generally controls. *See, e.g., Borough of Aspinwall v. Duquesne Light Co.*, Docket No. C-17788, 41 Pa. P.U.C. 301 (Order entered Jan. 20, 1964); *Columbia Gas of Pa., Inc. v. Peoples Natural Gas Co.*, 44 Pa. P.U.C. 308 (Order entered July 7, 1969); *In re: General Elec. Co.*, 58 Pa. P.U.C. 97 (Order entered June 5, 1984), *affirmed*, *Borough of Grove City v. Pa. PUC*, 505 A.2d 346, 354 (Pa. Cmwlth. 1986).

29. However, the Commission also considers whether a customer's switch would result in unnecessary competition among fixed electric utilities within the same geographic or overlapping service areas³ and whether a customer's switch would result in duplicate facilities.⁴

³ *Mendez v. Metro. Edison Co.*, Docket No. C-833863, 58 Pa. PUC 487, 1984 Pa. PUC LEXIS 34, at *2 (Order entered July 20, 1984) (citing *Koppers Co., Inc. v. N. Penn Gas Co.*, 42 Pa. P.U.C. 73 (1966) and *Painter v.*

30. To date, it is completely unknown whether any of the eight customers at issue have been advised that the Borough is trying to acquire them from PPL Electric or that those customers would even want to switch to the Borough's electric service.

31. Discovery of the Borough's rates for electric service, which are not available on the Borough's website, is needed to determine whether these customers would reasonably want to switch from PPL Electric to the Borough and whether the transfer of these customers would result in unnecessary competition.

32. In Question 6, the Company relatedly asks the Borough to state whether the Borough has informed any of the eight customers that it is attempting to have them switch from PPL Electric to the Borough and to provide written materials related to this inquiry.

33. These eight customers are entitled to due process. *See Schneider v. Pa. PUC*, 479 A.2d 10, 15 (Pa. Cmwlth. 1984) (citation omitted) (stating that due process is satisfied when a party is "afforded notice and the opportunity to appear and be heard"); 66 Pa. C.S. § 332(c) (providing that "[e]very party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts").

34. In this case, the Borough is requesting relief that would materially affect the electric service received by these customers—changing their electric service provider from PPL Electric to the Borough—which may result in the customers paying higher rates for electric service.

Pa. PUC, 169 A.2d 113 (Pa. Super. 1961)); *see Peck v. Metro. Edison Co.*, Docket Nos. P-00900429C001, *et al.*, 1993 Pa. PUC LEXIS 69, at *27 (Order entered Apr. 2, 1993) (rejecting customers' request to switch electric utilities on the grounds that it was "consistent with [the Commission's] longstanding policy of not permitting such actual competition"), *affirmed*, *West Penn Power Co. v. Pa. PUC*, 643 A.2d 125 (Pa. Cmwlth. 1994).

⁴ *See Mendez*, 1984 Pa. PUC LEXIS 34; *Peck*, 1993 Pa. PUC LEXIS 69; *cf. Young and Haros, LLC v. Metro. Edison Co.*, Docket No. C-2013-2355974, p. 18 (Order entered May 22, 2014). Indeed, "[t]his Commission has had a longstanding policy of discouraging duplication of facilities." *Mendez* at *3 (citing *Perry Cnty. Tele. & Teleg. Co. v. Pa. Pub. Serv. Comm'n*, 161 Pa. Super. Ct. 529, 531, 532 (1918)).

35. If the customers have no notice that the Borough is requesting such relief, and by extension, are denied an opportunity to be heard, then those eight customers will be denied due process.

36. Therefore, the Company is entitled to discovery of any notifications the Borough has provided to these customers and any related materials.

37. In Question 7, PPL Electric asks how long the Borough has known that PPL Electric has been providing electric service to these eight customers and also requests related documents.

38. Again, such information is directly related to PPL Electric's affirmative defense of laches. *See* Paragraph 24, *supra*.

39. In Question 8, PPL Electric asks for information and materials related to the Borough's ability to provide electric service to the eight customers at issue.

40. This interrogatory is directly related to the Borough's averment in Paragraph 9 of the Borough's Answer to PPL Electric's Preliminary Objections that "[t]he Borough has the ability to provide their own facilities of the said electric." (Borough Answer to PPL Preliminary Objections ¶ 9.)

41. If the Borough is incapable of providing electric service to the eight customers, then its requested relief should not be granted.

42. In Question 9, the Company requests information about where the Borough currently provides electric service.

43. At the very least, this information is needed to determine whether the eight customers can be served by the Borough.

44. Moreover, the information directly relates to the Borough's claim that it is a "public utility and an electric distribution company" for "its local service area." (Borough Answer to PPL Preliminary Objections ¶ 1.)

45. It is unclear whether the Borough is claiming that it is a "public utility" that is or should be subject to the Commission's jurisdiction or not. Determining where the Borough currently serves is critical to that analysis. *See, e.g.*, 66 Pa. C.S. § 1102(a)(5); *Ass'n of Cmty. Orgs. for Reform Now v. Guarino*, 512 A.2d 1312, 1315 (Pa. Cmwlth. 1986) ("Although a municipality furnishing water service solely within its political boundaries is exempt from regulations by the Commission, once it extends its services to customers outside its boundaries the municipality becomes a public utility subject to all of the regulatory powers of the Commission.") (citations omitted).

46. In Question 10, PPL Electric has requested all non-privileged documents and other materials in the Borough's possession that are related to: (1) the Borough's request to have the Company transfer the customers to the Borough; and (2) PPL Electric's alleged refusal of the Borough's request to transfer the customers to the Borough.

47. Such documents and materials specifically relate to the Borough's claim in Paragraph 4 of the Supplemental Information attached to its Complaint that it "has attempted to work with PPL to have that electric power transferred to the Borough of Blakely and PPL has refused."

48. Therefore, the documents and materials are necessary to establishing the credibility of this averment.

49. In addition, these documents and materials may lead to the discovery of other admissible evidence in this case, given that they are explicitly limited to issues relevant to this

case and the Borough's requested relief: the Borough's request for PPL Electric to transfer the customers to the Borough.

50. In fact, PPL Electric has responded to substantially similar interrogatories propounded by the Borough.

51. For these reasons, PPL Electric respectfully requests that the ALJ grant its Motion to Compel Responses to Discovery.

III. SANCTIONS

52. Upon the motion of a party, the presiding officer may make an appropriate order for sanctions if a party fails to answer or otherwise respond to a discovery request or refuses to obey an order of the presiding officer respecting discovery. *See* 52 Pa. Code § 5.371(a).

53. In ruling upon a motion for sanctions, the presiding officer may, among other things, issue: (1) “[a]n order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order”; (2) [a]n order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony”; and (3) “[a]n order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.” *Id.* § 5.372(a)(1)-(3).

54. To the extent that this Motion is granted and the Borough fails to answer fully PPL to Borough Set I, or otherwise comply with the ALJ's order, PPL Electric intends to file an appropriate motion pursuant to 52 Pa. Code §§ 5.371(a) and 5.372(a) to dismiss the Complaint with prejudice.

55. The Commission has regularly dismissed formal complaints with prejudice, which were even filed by *pro se* complainants, due to the complainants' failure to answer discovery in compliance with the presiding administrative law judge's orders granting motions to compel. *See, e.g., Carol Sojda & Carol Lutzkanin v. Metropolitan Edison Co.*, Docket No. C-2017-2638350, pp. 7-8 (Jan. 9, 2019), *adopted*, Docket No. C-2017-2638350 (Order entered Mar. 28, 2019); *Kimberly Beckmann v. Metropolitan Edison Co.*, Docket No. C-2017-2613702, pp. 7-10 (Jan. 31, 2019), *adopted*, Docket No. C-2017-2613702 (Order entered Apr. 11, 2019); *Darlene Stanton v. Pennsylvania Electric Co.*, Docket No. C-2018-3001144, pp. 6-11 (May 10, 2019), *adopted*, Docket No. C-2018-3001144 (Order entered July 11, 2019); *Diana Cook v. West Penn Power Co.*, Docket No. C-2018-3003051, pp. 6-10 (May 1, 2019), *adopted*, Docket No. C-2018-3003051 (Order entered July 11, 2019); *Kyle M. Denlinger v. PPL Electric Utilities Corp.*, Docket No. C-2018-3005721, pp. 4-11 (Aug. 16, 2019), *adopted*, Docket No. C-2018-3005721 (Order entered Sept. 26, 2019).

IV. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Deputy Chief Administrative Law Judge Joel H. Cheskis grant this Motion to Compel Responses to Discovery and direct the Borough of Blakely to answer fully PPL to Borough Set I, as described above within three (3) days from the date of the order.

Respectfully submitted,



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Michael J. Shafer (ID # 205681)
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Date: October 11, 2019

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on the Borough of Blakely – Set I



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File #: 140074

August 22, 2019

VIA FIRST-CLASS MAIL

Edwin A. Abrahamsen, Jr., Esquire
Abrahamsen Conaboy & Abrahamsen, P.C.
1006 Pittston Avenue
Scranton, PA 18505

Re: **Borough of Blakely v. PPL Electric Utilities Corporation**
Docket No. C-2019-3010412

Dear Mr. Abrahamsen:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Borough of Blakely – Set I in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Please provide answers to the enclosed discovery within twenty (20) days of the date of service, pursuant to 52 Pa. Code § 5.342.

Respectfully submitted,



Devin Ryan

DTR/kl
Enclosures

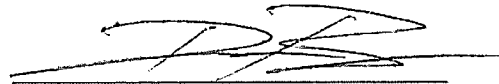
CERTIFICATE OF SERVICE

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 FIRST CLASS MAIL

Edwin A. Abrahamsen, Jr., Esquire
Abrahamsen, Conaboy & Abrahamsen, PC
1006 Pittston Avenue
Scranton, PA 18505

Date: August 22, 2019

A handwritten signature in black ink, appearing to read 'D. Ryan', is written over a horizontal line.

Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Borough of Blakely,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010412
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON THE
BOROUGH OF BLAKELY – SET I**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on the Borough of Blakely (“Borough”) – Set I.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or

any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding

Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing, and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. "Formal Complaint" means the Formal Complaint filed by the Borough at Docket No. C-2019-3010412.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON THE
BOROUGH OF BLAKELY – SET I**

PPL to Borough-I-1

Please provide copies of all exhibits you intend to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of your direct case, please identify the witness who will be sponsoring the exhibit.

PPL to Borough-I-2

Please identify each person you plan to call as a lay witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

PPL to Borough-I-3

Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

PPL to Borough-I-4

Please reference Formal Complaint, Supplemental Information, Paragraph 4.

Please provide the exact date that the Borough began providing electric distribution service to customers. Please provide copies of all documents, correspondence, and notes relied upon by you in responding to this interrogatory.

PPL to Borough-I-5

Please reference Formal Complaint, Supplemental Information, Paragraph 4.

Please provide complete copies of the Borough Ordinance and any other documents in the Borough's possession setting forth the Borough's current rates for electric service.

PPL to Borough-I-6

Please reference Formal Complaint, Supplemental Information, Paragraph 1.

Please state whether the Borough has informed any of the eight customers that it is attempting to have them switch from PPL Electric's electric distribution service to the Borough's electric distribution service. Please provide copies of all documents, correspondence, and notes relied upon by you in responding to this interrogatory, including any correspondence related to the Borough's request that the Borough sent to or received from any of the eight customers.

PPL to Borough-I-7

Please reference Formal Complaint, Supplemental Information, Paragraph 1.

Please state how long the Borough has known that PPL Electric has been providing electric distribution service to these eight customers. Please provide copies of all documents, correspondence, and notes relied upon by you in responding to this interrogatory.

PPL to Borough-I-8

Please reference the Borough's Answer to PPL Electric's Preliminary Objections and Formal Complaint, Supplemental Information, Paragraph 1.

Paragraph 9 of the Borough's Answer to the Preliminary Objections states that "[t]he Borough has the ability to provide their own facilities of the said electric."

- (a) Please describe in detail how the Borough will extend its electric distribution facilities to interconnect with and serve the eight customers identified in Formal Complaint.
- (b) Please provide copies of any engineering studies and analyses for the extensions of facilities described in response to subpart (a).
- (c) Please provide copies of any other documents, correspondence, and notes relied upon by you in responding to this interrogatory.

PPL to Borough-I-9

Please reference Paragraph 1 of the Borough's Answer to PPL Electric's Preliminary Objections.

- (a) Is the "local service area" the same as the Borough's municipal boundaries? If not, please provide a metes and bounds description of the "local service area."
- (b) Please provide a map of the Borough's "local service area."
- (c) Please provide a map of the Borough's municipal boundaries.
- (d) Does the Borough provide electric service to customers located outside of the "local service area"? If so, please state where those customers are generally located and provide the number of customers by classification (e.g., residential, commercial, industrial) that the Borough serves outside of its local service area.
- (e) Does the Borough provide electric service to customers located outside of its municipal boundaries? If so, please state where those customers are generally located and provide the number of customers by classification (e.g., residential, commercial, industrial) that the Borough serves outside of its municipal boundaries.

PPL to Borough-I-10

Please reference Formal Complaint, Supplemental Information, Paragraph 4. The Borough states that it "has attempted to work with PPL to have that electric power transferred to the Borough of Blakely and PPL has refused."

- (a) Please provide all non-privileged documents, notes, memoranda, correspondence, internal communications, writings, etc. in the Borough's possession that are related to the Borough's request to have the Company transfer these customers to the Borough.
- (b) Please provide all non-privileged documents, notes, memoranda, correspondence, internal communications, writings, etc. in the Borough's possession that are related to the Company's refusal of the Borough's request to have the Company transfer these customers to the Borough.