

C-2019-3009735

Donna and John Bengen
11235 W. Rte. 973
Jersey Shore, Pa. 17740

~~Confidential~~

Per RC 10-10-19 *AW*

October 2, 2019

Secretary Rosemary Chiavetta
P.O. Box 3265
Harrisburg, Pa. 17105-3265

Good day,

Enclosed please find Donna and John Bengen's **MOTION TO INTERVENE**

~~Confidential.~~

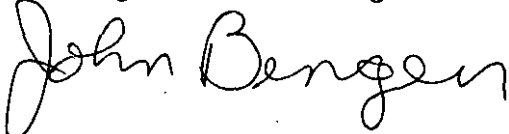
Please contact us if there are any questions.

Respectfully,

Donna Bengen



John Bengen



cc: Attorney Devin Ryan via electronic transmission and first class mail

Attorney Michael J Shafer via electronic transmission

Rosemary Chiavetta Secretary, Pa.PUC via certified mail

Hon. Elizabeth Barnes ALJ Pa PUC via certified mail

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2019 OCT -4 PM 1:44
PA PUC
SECRETARY'S BUREAU
FRONT DESK

Donna and John Bengen.

Complainants

Docket No. C-2019-3009735

vs:

PPL Electric Utilities.

MOTION TO INTERVENE

~~CONFIDENTIAL~~

Complainants hereby request the Court intervene to have PPL Electric Utilities, their Attorneys, the Pennsylvania Public Utility Commission, Secretary Rosemary Chiavetta, Secretary Pa. PUC, and any other parties involved in the proceedings give reasonable accommodations according to the Americans with Disabilities Act. I,

Donna has been disabled since 2012. I have copied all parties including Judge Barnes and Rosemary Chiavetta, Secretary with the disability award

letter. I am asking the court intervene and order all parties to

accommodate my disability by:

1. Requiring I have more than 20 days to reply to PPL Electric Utilities objections to our interrogatories: 30 days would be helpful.
2. Requiring that any Motion that is due in 10 days be given 25 days due to the complexity of the response from Donna.
3. Requiring PPL Electric to put a date the answers, objections, or any other response in their letter to us.

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4. Any court proceedings not to be longer than 2 hours since that is my limit.

On September 24, 2019 we ' responded' to PPL Electric objections with a Motion to dismiss objections and compel responses. I made several calls to the PUC to speak with an attorney for clarification on when this Motion was due. The first call was place on September 16, 2019 at 9:21 am. I left a voicemail for the attorney to call back. I did not receive a call back. So on September 17, 2019 at 1:01 pm I called the pa. PUC again to speak to an attorney. I got a voicemail that said the office was closed until Thursday September 19, 2019. It said voicemails would be retrieved so I left another asking for a return call from an attorney. I did not get a return call again. Thursday September 19, 2019 I waited all day and did not receive a call. So I called again on September 20,2019 at 11:29 am. I finally received a call back but missed it until the second return call at 1:48 pm. I specifically had questions on my reply to the motion and was told I had 20 days. So I continued to work on it and submitted it on September 24, 2019. I received a email stating PPL did not have to reply since it was a Response. So please clarify this.

1. I clarified my interrogatory questions which PPL will not answer they will argue they were not timely.

2. They would have been there in 10 days if the PUC attorney had returned my call on September 16; 2019, and if the office was not closed for a conference when I again called. Then on September 20, 2019 when the PUC Attorney told me I had 20 days I did not rush to get it finished.
3. I filed this as a response with clarified interrogatory questions as not to file another motion to compel.

Enclosed phone records for the calls I made to and received from the Pa. PUC Attorney.

Enclosed please also find email correspondence between Attorney Devin Ryan and myself, Donna Bengen.

I have filed a formal complaint with the ADA on this matter.

**The Americans with Disabilities Act of 1990 and Revised ADA
Regulations Implementing Title II and Title III.**

From: **Ryan, Devin** DRyan@postschell.com
Subject: **RE: Mailing**
Date: **Sep 30, 2019 at 4:12:54 PM**
To: **J Bengen** jbengentwinkle@yahoo.com

Good afternoon,

Upon further review, it appears that your document dated September 24, 2019, is a "Response" to PPL's Answer to your Motion to Compel, rather than another Motion. Therefore, the Company does not need to file an Answer to that Response.

Thank you.

Devin Ryan,
Associate
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101

717-612-6052 (Phone)
717-731-1981 (Fax)
DRyan@PostSchell.com
www.postschell.com

-----Original Message-----

From: **Ryan, Devin**
Sent: **Friday, September 27, 2019 8:26 AM**
To: **J Bengen**
Subject: **RE: Mailing**

Good morning,

The PUC's regulations are publicly available online. However, as I am not your attorney, I cannot advise you of all the applicable regulations and deadlines in this process. I only am required to provide notice of deadlines when specifically required to do so under the PUC's regulations. As an example, I am required to include a Notice to Plead with any Motion that I file, which states when an Answer to that Motion is due.

As to your question about discovery, PPL Electric wants the prehearing conference so that we can try to resolve all of the discovery issues that have been occurring. For example, the Company is going to be filing an Answer to your Third Motion to Compel regarding your second set of discovery on Monday, before Judge Barnes has even ruled on any of the other two Motions to Compel. It is a time-intensive and costly process for both parties to file all of these discovery motions and answers. We think it would be beneficial to talk through all of the discovery issues with Judge Barnes and see if we can resolve these issues.

Thank you.

Devin Ryan
Associate
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101

717-612-6052 (Phone)

717-731-1981 (Fax)

DRyan@PostSchell.com

www.postschell.com

-----Original Message-----

From: J Bengen [mailto:jbengentwinkle@yahoo.com]

Sent: Thursday, September 26, 2019 2:10 PM

To: Ryan, Devin

Subject: Re: Mailing

Well I certainly wasn't aware of this and with my bad health I am doing the best I can. Did it say anywhere on your objections how long I had to reply?

How. Was I supposed to gather this information? I spoke with an attorney at the PUC on Friday September 20th and stated 20 days and he did not say 10 days to reply. Plus I left 2 messages at the PUC requesting clarification of this on the 16th and 19th of September. They were all away at a conference so I never got a return call. So in good faith I was trying to get it done but without clarification from the PUC and them being out of the office I had no one to ask questions of. So you are saying you are going to try to stop my discovery?

On Sep 26, 2019, at 10:19 AM, Ryan, Devin <DRyan@postschell.com> wrote:

Mr. and Mrs. Bengen,

Your Motion to Dismiss Objections and Compel Responses was due

within 10 days of service of PPL Electric's Objections to your Third Set of Discovery. See 52 Pa. Code § 5.342(g). Therefore, your Motion was due by September 19, 2019. No such Motion was filed, and if one is in the future, PPL Electric will argue that it is untimely.

Moreover, PPL Electric served responses to most of those discovery requests on September 19, 2019.

PPL Electric has tried to be accommodating throughout this discovery process by providing responses to your discovery requests when it can, without the need for Judge Barnes to rule on the merits of PPL Electric's Objections.

However, this approach only appears to be resulting in frivolous discovery motions being filed, several of which are filed before Judge Barnes even rules on the already pending Motions to Compel.

Accordingly, PPL Electric will be filing a request for a prehearing conference to be held with you all before Judge Barnes to discuss the status of discovery in this case.

Sincerely,

Devin Ryan
Associate
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101

717-612-6052 (Phone)

717-731-1981 (Fax)

DRyan@PostSchell.com

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-----Original Message-----

From: J Bengen [<mailto:jbengentwinkle@yahoo.com>]

Sent: Thursday, September 26, 2019 7:23 AM

To: Ryan, Devin

Subject: Mailing

Good morning,

Would you object to us mailing our reply to your letter and documents dated September 9, 2019 on Monday September 30, 2019? It would be a day late. Since the due date is on a Sunday I was hoping this would be acceptable. We have had company since Sunday so I am a little behind.

Thank you,

Donna

This message is from the law firm Post & Schell, P.C. . This message and any attachments may contain legally privileged or confidential information, and are intended only for the individual or entity identified above as the addressee. If you are not the addressee, or if this message has been addressed to you in error, you are not authorized to read, copy, or distribute this message and any attachments, and we ask that you please delete this message and attachments (including all copies) and notify the sender by return e-mail or by phone at 215-587-1000. Delivery of this message and any attachments to any person other than the intended recipient(s) is not intended in any way to waive confidentiality or a privilege. All personal messages express views only of the sender, which are not to be attributed to Post & Schell, P.C., and may not be copied or distributed without this statement.

→ UNKNOWN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
→ UNKNOWN	(717) 787-1191	3m 30s	PLACED	9:21 AM EDT	Mon	Sep 16, 2019	
→ UNKNOWN	(717) 787-0481	7s	PLACED	9:21 AM EDT	Mon	Sep 16, 2019	
→ UNKNOWN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
→ UNKNOWN	(717) 787-1191	2m 46s	PLACED	1:01 PM EDT	Tue	Sep 17, 2019	
→ [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
→ COPA.	(717) 265-8423	7m 27s	ANSWERED	1:48 PM EDT	Fri	Sep 20, 2019	
→ COPA.	(717) 783-6172	2m 14s	ANSWERED	11:34 AM EDT	Fri	Sep 20, 2019	
→ UNKNOWN	(717) 787-1191	7m 44s	PLACED	11:29 AM EDT	Fri	Sep 20, 2019	

about:blank

CERTIFICATE OF SERVICE

Docket No C-2019-3009735

Date *10-2-19*

We 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).

Hon. Elizabeth Barnes via certified mail

Attorney Devin Ryan via electronic transmission and first class mail

Attorney Michael J. Shafer via electronic transmission

Rosemary Chiavetta, Secretary PUC via ~~first~~ certified mail

Donna Bengen



John Bengen

