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November 19, 2019

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Ross Schell v PPL Electric Utilities Corporation
Docket No: C-2019-3012244

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is PPL Electric Utilities Corporation's Replies to Complainant's Exceptions to the Initial Decision Issued by the Special Agent Alphonso Arnold, III on October 24, 2018.

Please note that this filing was eFiled with the Commission on the date indicated above.

Very truly yours,



GRAIG M. SCHULTZ

GMS/tb

Enclosure

cc: Special Agent Alphonso Arnold, III (w/ enc.)
Ross Schell (w/enc.)
Michelle L. Bartomomei (w/enc.) *via email only*
Shelbie Frederick Bayda (w/enc.) *via email only*

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROSS SCHELL,

Complainant,

v.

PPL ELECTRIC UTILITIES
CORPORATION,

Respondent.

No. C-2019-3012244

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S REPLIES TO
COMPLAINANT'S EXCEPTIONS TO THE INITIAL DECISION ISSUED BY
SPECIAL AGENT ALPHONSO ARNOLD, III ON OCTOBER 24, 2019**

Respondent PPL Electric Utilities Corporation ("Respondent"), by and through its counsel, Gross McGinley, LLP, replies to Complainant Ross Schell's ("Complainant") Exceptions as follows:

Introduction

On October 24, 2019, Special Agent Alphonso Arnold ("Special Agent Arnold") issued an Initial Decision, which granted Complainant's Petition to Withdraw his formal Complaint against Respondent. On November 4, 2019, Special Agent Arnold's Initial Decision was served upon the parties. On November 11, 2019, counsel for Respondent was served with Complainant's Exceptions to the Initial Decision.

**Standard Applicable to Complainant's Exceptions and
Respondent's Replies to Exceptions**

The Pennsylvania Administrative Code (the "Code") provides that the proper way to except to an initial decision is by filing exceptions. *See* 52 Pa. Code. § 5.533. More specifically, exceptions may be filed by a party and served within twenty (20) days after the initial, tentative or recommended decision is issued. 52 Pa. Code § 5.533(a). Exceptions must

be “concise.” 52 Pa. Code § 5.533(c). Additionally, the Code provides that each exception must be numbered, identify the finding of fact or conclusion of law to which exception is taken, and cite relevant pages of the decision. 52 Pa. Code § 5.533(b). Further, supporting reasons for the exceptions shall follow each specific exception. *Id.*

Replies are permissible, not mandatory. 52 Pa. Code § 5.535(a). However, if a party chooses to file a replies, they must also be concise. *Id.* In addition, replies must incorporate relevant portions of the record, when appropriate, and will be limited to responding to the arguments or issues raised in the exceptions. *Id.*

Replies to Complainant’s Exceptions

1. Admitted in part, and denied in part. It is specifically denied that Complainant did not request a continuance of his Initial Telephonic Hearing on October 17, 2019. To the contrary, Mr. Schell’s October 17, 2019 correspondence to Special Agent Arnold specifically states: “I am writing you to request that the current hearing be cancelled and rescheduled for a later date....” This correspondence is correctly memorialized in Finding of Fact No. 5. Notwithstanding the foregoing, it is admitted that Mr. Schell requested that his Complaint be withdrawn. By way of further answer, Respondent did not object to the withdrawal of Complainant’s formal Complaint. These facts are correctly outlined by Special Agent Arnold in Finding of Fact Nos. 7 and 8, and Conclusion of Law Nos. 1 and 2.

2. Denied. This paragraph fails to identify one finding of fact and/or one conclusion of law to which an exception is taken. In addition, Complainant fails to cite to the relevant pages of Special Agent Arnold’s Initial Decision to which this exception is taken. Further, this paragraph also fails to provide supporting reasons for the alleged exception. In light of Complainant’s failure to conform to the various Code provisions cited above, Respondent

respectfully requests that this Exceptions be dismissed due to lack of compliance with the Code. *See, e.g., Forward Twp. Mun. Auth. v. W. Pennsylvania Water Co.*, No. C-882171, 74 Pa.P.U.C. 421, 1991 WL 476309 (Feb. 15, 1991) (“We note that the Complainant’s Exception [] constitutes a bald assertion. Consonant with [Section 5.533(b)], we shall deny this Exception of the Complainant.”); *Fulton v. PECO Energy Co.*, No. C-2004-2502, 2005 WL 1838683, at *3 (Pa.P.U.C. June 29, 2005) (“We will deny the Complainant’s Exceptions....Nor does the Complainant cite to any error of the ALJ based upon the record evidence before her.”). Lastly, and most importantly, at no point in this paragraph does Complainant dispute the fact that he voluntarily withdrew his formal Complaint against Respondent, or allege that Special Agent Arnold committed an error when he permitted the withdrawal of his Complaint and closed this docket.

3. Denied. This paragraph fails to identify one finding of fact and/or one conclusion of law to which an exception is taken. In addition, Complainant fails to cite to the relevant pages of Special Agent Arnold’s Initial Decision to which this exception is taken. Further, this paragraph also fails to provide supporting reasons for the alleged exception. In light of Complainant’s failure to conform to the various Code provisions cited above, Respondent respectfully requests that this Exceptions be dismissed due to lack of compliance with the Code. *See, e.g., Forward Twp. Mun. Auth. v. W. Pennsylvania Water Co.*, No. C-882171, 74 Pa.P.U.C. 421, 1991 WL 476309 (Feb. 15, 1991) (“We note that the Complainant’s Exception [] constitutes a bald assertion. Consonant with [Section 5.533(b)], we shall deny this Exception of the Complainant.”); *Fulton v. PECO Energy Co.*, No. C-2004-2502, 2005 WL 1838683, at *3 (Pa.P.U.C. June 29, 2005) (“We will deny the Complainant’s Exceptions....Nor does the Complainant cite to any error of the ALJ based upon the record evidence before her.”). Lastly,

and most importantly, at no point in this paragraph does Complainant dispute the fact that he voluntarily withdrew his formal Complaint against Respondent, or allege that Special Agent Arnold committed an error when he permitted the withdrawal of his Complaint and closed this docket.

4. Denied. This paragraph fails to identify one finding of fact and/or one conclusion of law to which an exception is taken. In addition, Complainant fails to cite to the relevant pages of Special Agent Arnold's Initial Decision to which this exception is taken. Further, this paragraph also fails to provide supporting reasons for the alleged exception. In light of Complainant's failure to conform to the various Code provisions cited above, Respondent respectfully requests that this Exceptions be dismissed due to lack of compliance with the Code. *See, e.g., Forward Twp. Mun. Auth. v. W. Pennsylvania Water Co.*, No. C-882171, 74 Pa.P.U.C. 421, 1991 WL 476309 (Feb. 15, 1991) ("We note that the Complainant's Exception [] constitutes a bald assertion. Consonant with [Section 5.533(b)], we shall deny this Exception of the Complainant."); *Fulton v. PECO Energy Co.*, No. C-2004-2502, 2005 WL 1838683, at *3 (Pa.P.U.C. June 29, 2005) ("We will deny the Complainant's Exceptions....Nor does the Complainant cite to any error of the ALJ based upon the record evidence before her."). Lastly, and most importantly, at no point in this paragraph does Complainant dispute the fact that he voluntarily withdrew his formal Complaint against Respondent, or allege that Special Agent Arnold committed an error when he permitted the withdrawal of his Complaint and closed this docket.

Conclusion

Based upon the foregoing reasons, there is no basis in which to grant Complainant's Exceptions. Respondent respectfully requests that Complainant's Exceptions be denied in their entirety.

Dated: November 19, 2019

Respectfully submitted,



By: _____

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Attorneys for Respondent:
PPL Electric Utilities Corporation

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROSS SCHELL,

Complainant,

v.

PPL ELECTRIC UTILITIES
CORPORATION,

Respondent.

No. C-2019-3012244

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Respondent PPL Electric Utilities Corporation's Replies to Complainant's Exceptions to the Initial Decision Issued by Special Agent Alphonso Arnold, III on October 24, 2019, was served on this 19th day of November, 2019, upon the following via e-mail and first class mail:

Special Agent Alphonso Arnold, III
Commonwealth of Pennsylvania
Public Utility Commission
400 North Street
Harrisburg, PA 17120

Ross Schell
203 Knollwood Drive
Harrisburg, PA 17109



By: _____
Graig M. Schultz