

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120

Evangeline Hoffman-Lorah
v.
PPL Electric Utilities Corporation

Public Meeting December 19, 2019
2644957-OSA
Docket No. C-2018-2644957

MOTION OF COMMISSIONER RALPH V. YANORA

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Petition for Supersedeas (or Stay) (Petition) filed by Evangeline Hoffman-Lorah (Ms. Hoffman-Lorah) in response to our Opinion and Order entered on May 23, 2019 (*May 23 Order*) in the above-captioned proceeding.

In our *May 23 Order*, the Commission denied Ms. Hoffman-Lorah's Complaint against PPL Electric Utilities Corporation (PPL) which objected to the installation of a smart meter at her residence for health reasons, privacy and cyber security issues, cost increases, and fire and safety hazards. The Commission found that Ms. Hoffman-Lorah failed to meet her burden of proof that the installation of a smart meter at her residence would violate Section 1501 of the Public Utility Code (Code),¹ the Commission's Regulations, or any Commission order. Specifically, the Commission concluded, *inter alia*, that Ms. Hoffman-Lorah failed to establish that the installation of a smart meter would contribute to, or exacerbate, any of her alleged medical symptoms.

On May 27, 2019, Ms. Hoffman-Lorah filed the instant Petition. In her Petition, Ms. Hoffman-Lorah seeks to retain her analog meter during the pendency of her appeal of the Commission's *May 23 Order* to the Commonwealth Court (Court).² Ultimately, she seeks to avoid the installation of a smart meter at her residence and to avoid termination of her PPL electric service should she refuse installation of a smart meter.

On June 6, 2019, PPL filed its Answer in response to the Petition. PPL argues that the Petition fails to satisfy the legal standards required to obtain a stay of this matter pending resolution of Ms. Hoffman-Lorah's appeal before the Court. Accordingly, PPL requests that the Petition be denied.

The Commission has adopted the standards set forth in *Pa. PUC v. Process Gas Consumers Group*³ for guidance regarding the issuance of a stay or supersedeas. In order to prevail on such a petition, the petitioner must:

- (1) Make a strong showing of the likelihood to prevail on the merits;
- (2) Show that denial of a stay will cause irreparable injury;

¹ 66 Pa. C.S. § 1501.

² Commonwealth Court Docket No. 712 C.D. 2019.

³ *Pa. PUC v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983) (*Process Gas*).

- (3) Show that the issuance of a stay will not substantially harm other interested parties in the proceedings; and
- (4) Show that issuance of a stay will not adversely affect the public interest.

Id. at 808-809. A petitioner must make a strong showing on *each* of the above criteria for a stay to be issued. *Id.*

Upon review of the record in this matter, Ms. Hoffman-Lorah has failed to establish the second criteria of *Process Gas* which requires her to demonstrate that denial of a stay will cause her irreparable injury.⁴ As previously stated, the Commission found that Ms. Hoffman-Lorah failed to establish that the installation of a smart meter at her service address would contribute to, or exacerbate, any of her alleged medical symptoms. Because we found in our *May 23 Order* that Ms. Hoffman-Lorah failed to sustain her burden of proof that the installation of the PPL smart meter will cause any adverse health effects, we find that she has failed to establish irreparable injury by virtue of the installation of such meter.

If Ms. Hoffman-Lorah refuses the installation of the proposed PPL smart meter, she will be at risk of termination of her PPL electric service. Although Ms. Hoffman-Lorah argues that the termination of her electric service will cause irreparable injury, such termination is within her control. Additionally, the Commission has found that the harm of electric service termination is speculative and cannot form the basis to establish irreparable injury.⁵ As such, we find that Ms. Hoffman-Lorah has failed to establish irreparable injury.

Because Ms. Hoffman-Lorah failed to satisfy the second criteria of the *Process Gas* standard, there is no need to address the remaining three criteria. Accordingly, her Petition is denied.

THEREFORE, I Move:

1. That the Petition for Supersedeas filed by Evangeline Hoffman-Lorah on May 27, 2019, directed to the Opinion and Order of the Commission entered May 23, 2019, in the formal complaint of *Evangeline Hoffman-Lorah v. PPL Electric Utilities Corporation*, Docket No. C-2018-2644957, is denied.
2. That the Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

DATE: December 19, 2019


RALPH V. YANORA
COMMISSIONER

⁴ See, *Alan Schmukler v. Pa. PUC*, No. 1102 C.D. 2019 (Pa. Cmwlth. Ct. Petition for Supersedeas denied December 16, 2019).

⁵ See *Petition of PECO Energy Company for Approval of its Default Service Plan*, Docket No. P-2012-2283641 (Order entered February 20, 2014).