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March 6, 2020

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: Treasure Hoffman v. PPL Electric Utilities Corporation
Docket No. C-2019-3010414

Dear Secretary Chiavetta:

Enclosed for filing is the Motion in Limine of PPL Electric Utilities Corporation to Prohibit the Complainant From Presenting Testimony and Exhibits Related to Evangeline Hoffman-Lorah's Alleged Health Issues in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/kl
Enclosures

cc: Honorable Elizabeth Barnes (*w/enclosures*)
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 OVERNIGHT DELIVERY

Treasure Hoffman
4 North Street
P.O. Box 204
Port Clinton, PA 19549

Date: March 6, 2020



Devin T. Ryan

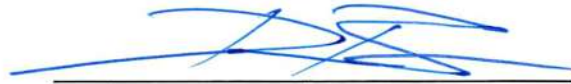
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Treasure Hoffman,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010414
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) 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: March 6, 2020

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Treasure Hoffman,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010414
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION IN LIMINE OF
PPL ELECTRIC UTILITIES CORPORATION TO
PROHIBIT THE COMPLAINANT FROM PRESENTING
TESTIMONY AND EXHIBITS RELATED TO
EVANGELINE HOFFMAN-LORAH’S ALLEGED HEALTH ISSUES**

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion in Limine pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code § 5.103 and requests that Administrative Law Judge Elizabeth H. Barnes (the “ALJ”) prohibit Treasure Hoffman (“Complainant”) from presenting any testimony and exhibits related to the alleged health issues of Evangeline Hoffman-Lorah, the Complainant’s mother, at the March 27, 2020 evidentiary hearing.

In the Commission’s December 19, 2019 Order remanding this case for hearing, the Commission explicitly stated that “this case does not involve [the Complainant’s] mother’s allegations of her own health impacts from [automated metering infrastructure (“AMI”)] smart meters, which ha[ve] been fully litigated and which is on petition for review before the Commonwealth Court of Pennsylvania.” December 19, 2019 Order, p. 18. Further, the Commission declared that “[i]n accordance with 52 Pa. Code §5.403, the ALJ is empowered on

remand to limit the scope of this proceeding accordingly and to control the receipt of relevant and probative evidence during the course of the proceeding.” *Id.*, pp. 18-19.

Yet, on February 6, 2020, the Complainant served her hearing exhibits, which included copies of Ms. Hoffman-Lorah’s medical records marked as Complainant’s Exhibit C. Therefore, it is evident that the Complainant plans to present evidence and allegations about her mother’s alleged health issues, despite the Commission’s explicit pronouncement in the December 19, 2019 Order.

For these reasons, PPL Electric respectfully submits this Motion in Limine and requests that the Complainant be prohibited from presenting any testimony or exhibits related to the alleged health issues of Ms. Hoffman-Lorah at the March 27, 2020 evidentiary hearing.

In support thereof, the Company states as follows:

I. BACKGROUND

1. PPL Electric is a public utility that provides electric distribution and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of 29 counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

2. On June 10, 2019, PPL Electric was served with the Formal Complaint filed by the Complainant, disputing the installation of an AMI meter at her residence at 4 North Street, Port Clinton, Pennsylvania 19549.

3. On July 1, 2019, PPL Electric filed its Answer and New Matter and its Preliminary Objections to the Complainant

4. On July 10, 2019, Complainant filed an Answer to the Company's Preliminary Objections.

5. On or about August 14, 2019, Administrative Law Judge Elizabeth H. Barnes (the "ALJ") issued her Initial Decision sustaining the Preliminary Objections of the Company and dismissing the Complaint.

6. On or about September 3, 2019, the Complainant filed Exceptions to the ALJ's Initial Decision. Because no Certificate of Service was included with the Exceptions, the Commission's Secretary's Bureau served a copy on PPL Electric by Secretarial Letter dated September 9, 2019, and extended the due date for Exceptions until September 19, 2019.

7. On September 19, 2019, PPL Electric filed its Replies to the Complainant's Exceptions.

8. On December 19, 2019, the Commission entered an Order granting the Complainant's Exceptions, reversing the Initial Decision, and remanding the matter for further proceedings.

9. On December 20, 2019, a Notice was issued scheduling a telephonic evidentiary hearing for February 13, 2020, at 10:00 AM.

10. On December 26, 2019, the ALJ issued a Prehearing Order on Remand, which set forth various procedural rules and due dates for the remanded proceeding.

11. On January 27, 2020, the Company filed a Motion for Protective Order.

12. On January 28, 2020, the Complainant filed a letter requesting that the hearing be rescheduled for March 27, 2020.

13. On January 31, 2020, a Notice was issued rescheduling the telephonic evidentiary hearing for March 27, 2020, at 1:00 PM.

14. Also on January 31, 2020, the ALJ issued a Second Prehearing Order on Remand, which updated the due dates set forth in the first Prehearing Order on Remand to reflect the new hearing date.

15. On February 6, 2020, the Complainant served her hearing exhibits to be introduced at the March 27, 2020 hearing.

II. MOTION IN LIMINE

16. PPL Electric respectfully requests that the ALJ grant the instant Motion in Limine and prohibit the Complainant from presenting her pre-served Exhibit C and any other evidence or testimony concerning the alleged health issues experienced by her mother, Evangeline Hoffman-Lorah.

17. The Commission was clear in its Order remanding the matter that Ms. Hoffman-Lorah's health issues are outside the scope of the instant proceeding, explaining:

We admonish the Parties that this case does not involve her mother's allegations of her own health impacts from AMI smart meters, which ha[ve] been fully litigated and which is on petition for review before the Commonwealth Court of Pennsylvania. In accordance with 52 Pa. Code §5.403, the ALJ is empowered on remand to limit the scope of this proceeding accordingly and to control the receipt of relevant and probative evidence during the course of the proceeding. We also caution the Parties that the denial of PPL's Preliminary Objections is not a determination on the Complaint itself.

December 19, 2019 Order, pp. 18-19.

18. By serving Complainant's Exhibit C, the Complainant is attempting to introduce evidence of her mother's adverse health effects allegedly caused by the Company's AMI meters.

19. Therefore, it is obvious that the Complainant intends to introduce testimony and evidence about her mother's alleged adverse health effects.

20. In addition, Ms. Hoffman-Lorah has an appeal pending before the Commonwealth Court regarding the installation of an AMI meter at her property.¹

21. Accordingly, the Commonwealth Court has jurisdiction over Ms. Hoffman-Lorah's alleged health issues, not the Commission, and those issues cannot be raised in this proceeding.

22. Moreover, if Exhibit C and other evidence relating to Ms. Hoffman-Lorah's alleged health issues were introduced, the Company would, in essence, be forced to litigate two complaints simultaneously about those issues.

23. To prevent this undue prejudice, the Complainant should be prohibited from presenting any testimony and exhibits that relate to Ms. Hoffman-Lorah's alleged health issues, including the medical records included in Complainant's Exhibit C.

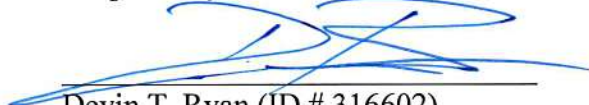
24. For these reasons, PPL Electric respectfully requests that the ALJ grant the instant Motion in Limine and prohibit the Complainant from introducing into evidence any exhibits and testimony related to Evangeline Hoffman-Lorah's alleged health issues.

¹ Ms. Hoffman-Lorah's appeal is docketed at 712 C.D. 2019.

III. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Elizabeth H. Barnes grant this Motion in Limine and prohibit the Complainant from presenting any testimony and exhibits related to Evangeline Hoffman-Lorah's alleged health issues at the evidentiary hearing.

Respectfully submitted,



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Date: March 6, 2020

Attorneys for PPL Electric Utilities Corporation