

**THOMAS J. JONES, JR., P.C.**  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**600 SCRANTON LLC  
V.  
PPL ELECTRIC UTILITIES CORPORATION  
C-2019-3014952**

**COMPLAINANT'S MOTION FOR 2<sup>nd</sup> PRE-HEARING CONFERENCE**

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AND NOW comes the Complainant, 600 Scranton LLC, by and through its Counsel, Thomas J. Jones Jr. Esquire, of Thomas J. Jones, Jr. P.C. moving for the scheduling of a 2<sup>nd</sup> Pre-Hearing Conference before Administrative Law Judge, Dennis Buckley, pursuant to the Policy of the PUC and 52 Pa. Code § 5.222 and setting forth the following in support thereof:

1. On December 13, 2019, Complainant filed a Formal Complaint against Respondent, PPL Electric Utilities Corporation (hereinafter PPL or Respondent).
2. On January 2, 2020, Attorney Kimberly G. Krupka on behalf of Respondent, PPL filed an Answer to the Complaint.
3. On January 9, 2020, the PUC Office of Administrative Law Judges gave Notice a Hearing on the Formal Complaint was scheduled for February 20, 2020 before ALJ Dennis Buckley.
4. On January 17, 2020, Complainant filed a Motion requesting that the hearing on February 20, 2020 be converted to a Preliminary Conference to facilitate discovery, among other matters. PPL has not filed an Answer to that Motion.
5. On February 6, 2020, AKSD Discount Stores a/k/a P&R Discounts filed a Petition to Intervene in this matter pursuant to 52 Pa. Code § 5.71 et seq.

6. On February 14, 2020, Complainant filed an Answer to AKSD's Petition to Intervene.

7. Also on February 14, 2020 Administrative Law Judge Buckley issued a Pre-Hearing Order which stated *inter alia*:

The following matters shall be addressed at the prehearing conference:

- (a) Oral argument with respect to AKSD's Petition to Intervene.
- (b) Establishment of a tentative litigation schedule.
- (c) Resolution of any discovery issues and any proposed modification of the Commission's rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code § 5.421).
- (d) Other matters that may aid in the orderly conduct or disposition of the proceeding.
- (e) Obtaining admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing.

7. On February 20, 2020, an on the record initial Pre-Hearing Conference took place originating from the Commission's office in Harrisburg, Pennsylvania. Almost the entirety of the Pre-Hearing Conference was consumed by Oral Argument and Discussion of the Petition to Intervene filed by AKSD.

8. On March 10, 2020 ALJ Buckley issued an Initial Decision and Order denying the Petition to Intervene filed by AKSD.

9. Also on March 10, 2020 ALJ Buckley issued an Order Limiting the Scope of Proceedings which stated *inter alia*:

1. That the scope of this proceeding is limited to: (1) the allegation that PPL assigned 600 Scranton an incorrect rate, that allegedly being Rate LP-4 RTP, and any alleged violation of default service provider requirements, if relevant; (2) billing disputes, particularly the lawfulness of a recalculation of the rate charged to 600 Scranton for the period July 1, 2017 to the present from LP-4 RTP to the PPL Basic Rate LP-4; and, (3) whether PPL complied with the regulations of the Commission and the provisions of PPL's tariff relative to termination notices.
2. That this case will be scheduled for an evidentiary hearing.

10. On March 16, 2020 Pennsylvania Governor Wolf issued a Covid-19 Statewide Lockdown of Non-essential Businesses including Courts and Law Offices.

11. On June 17, 2020 ALJ Buckley issued a Notice of the Hearing by Telephonic Conference scheduled for August 4, 2020.

12. On June 26, 2020 Governor Wolf and the Pa. Department of Health lifted the Yellow Designation for Lackawanna County and converted to Green Designation permitting Law Offices to reopen and conduct business still under certain restrictions.

13. The original Pre-Hearing Conference of February 20, 2020 being consumed with the Argument and Discussion of the AKSD Petition to Intervene did not address the remaining Issues:

- (b) Establishment of a tentative litigation schedule.
- (c) Resolution of any discovery issues and any proposed modification of the Commission's rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code § 5.421).
- (d) Other matters that may aid in the orderly conduct or disposition of the proceeding.
- (e) Obtaining admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing.

14. Complainant requests, pursuant to the Policy of the PUC and 52 Pa. Code § 5.222, the Administrative Law Judge schedule a 2<sup>nd</sup> Pre-Hearing Conference between the Parties to facilitate Discovery and other matters relevant to the efficient and adequate consideration of the Issues raised in the Formal Complaint and Answer.

WHEREFORE it is respectfully requested the Complainant's Motion for Pre-Hearing Conference be granted, then scheduled for Telephone Conference Call.

THOMAS J. JONES, JR., PC  
*Thomas J. Jones Jr.*  
By: Thomas J. Jones, Jr., Esquire


CERTIFICATE OF SERVICE

I, THOMAS J. JONES Jr., hereby certify that I have served the foregoing Motion for 2<sup>nd</sup> Pre-Hearing Conference on the individual at the address set forth below via electronic service.

Kimberly G. Krupka, Esq.  
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Date: July 2, 2020

By: THOMAS J. JONES, JR., PC

Handwritten signature of Thomas J. Jones Jr. in cursive script.

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Thomas J. Jones Jr., Esquire

