

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Christopher Foti
vs.
PPL Electric Utilities Corp.

Public Meeting – November 19, 2020
3015285-ALJ
Docket No. C-2020-3015285

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

On January 2, 2020, Christopher Foti (Complainant) filed a formal Complaint against PPL Electric Utilities Corporation (PPL) alleging incorrect billing due to a metering issue. On January 23, 2020, PPL filed an Answer to the Complaint admitting that there had been an outage and that upon investigating found that there had also been a meter mix-up at the service address. PPL stated that the problem had been corrected and the Complainant properly billed.

On January 27, 2020, a hearing Notice was sent to the Parties setting March 11, 2020 as the date for a call-in telephonic hearing. On February 2, 2020, a prehearing Order was issued reminding the Parties of the date and time of the hearing and stating various procedures that would be applicable to the call-in hearing. On March 9, 2020, a further hearing Notice was sent to the Parties setting April 28, 2020 as a new hearing date. That hearing convened as scheduled but neither Party appeared, and the hearing adjourned. On May 7, 2020, another hearing Notice was issued setting July 7, 2020, at 10:00 a.m., as the date and time for an initial call-in telephonic hearing in this matter.

On July 7, 2020, the telephonic hearing convened. The Complainant did not appear. After waiting for approximately 20 minutes, PPL moved for dismissal of the Complaint, with prejudice, for failure to prosecute.

On July 7, 2020, approximately 30 minutes after adjournment, the Complainant called the Office of Administrative Law Judge (OALJ) inquiring why he had not been contacted for the hearing. Upon being told that the hearing was a call-in hearing, Complainant stated that he expected to receive a call. The Complainant then submitted an informal petition by email to reopen the record. PPL objected to that request.

The presiding ALJ dismissed the Complaint, with prejudice. I disagree with this resolution.

The Complainant called the OALJ less than an hour after the scheduled hearing adjourned, this is not the action of a disinterested litigant and mistakes sometimes happen as evidenced by the failure of both Parties to appear on April 28, 2020. The Complaint should be dismissed; but, without prejudice.¹

¹ *Windell C. Wiggins v. PECO Energy Company*, Docket No. C-2010-2190335 (Order entered October 27, 2011).

THEREFORE, I MOVE THAT:

1. The Initial Decision of Administrative Law Judge Dennis Buckley dated July 22, 2020, be modified consistent with this Motion.
2. The Office of Special Assistants shall prepare an opinion and order consistent with this Motion.



November 19, 2020

Date

Gladys Brown Dutrieuille
Chairman