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January 21, 2021

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

RE: Robert Jones v PPL Electric Utilities Corporation
Docket No: F-2020-3021737

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 Honorable Joel H. Cheskis.

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

Very truly yours,



KIMBERLY G. KRUPKA

KGK/tb
Enclosure

cc: Joel H. Cheskis (w/ enc.) *via email only*
Robert Jones (w/enc.) *via First Class Mail and email*
Michelle L. Bartomomei (w/enc.) *via email only*
Shelbie Frederick Bayda (w/enc.) *via email only*
01542868.DOCX

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT JONES,
Complainant,

No. F-2020-3021737

v.

PPL ELECTRIC UTILITIES
CORPORATION,
Respondent.

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S REPLIES TO
COMPLAINANT'S EXCEPTIONS TO THE INITIAL DECISION ISSUED BY
THE HONORABLE JOEL H. CHESKIS**

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

Introduction

On January 13, 2021, the Honorable Joel H. Cheskis ("Judge Cheskis") issued an Initial Decision, which dismissed Complainant Robert Jones' Complaint ("Mr. Jones" and/or "Complainant") due to his failure to satisfy his burden of proof at the time of the telephonic hearing which was held on December 22, 2020. On January 13, 2021, Judge Cheskis' Initial Decision of the same date, was served upon the parties. Complainant filed Exceptions on January 19, 2021. These Replies are offered in response thereto.

**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 and 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.*

As an initial matter, the Exceptions filed by Mr. Jones must be dismissed because they do not comply with the Code provisions cited above. The one page submitted by Mr. Jones fails to identify the finding(s) of fact or conclusion(s) of law to which each exception is taken, or the relevant pages of the decision to which he excepts. In light of Mr. Jones’ failure to conform to the various Code provisions cited above, Respondent respectfully requests that his Exceptions be dismissed due to his lack of compliance with the Code. *See, e.g., Forward Township Municipal Authority v. Western 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 Company*, 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.”).

The Exceptions filed by Mr. Jones must also be dismissed for failure to identify a proper basis for reversal of the decision of the ALJ, notwithstanding the aforementioned request for dismissal based upon nonconformity. That is to say, Mr. Jones fails to establish a proper basis for a new hearing.

Replies to Complainant's Exceptions

For the following reasons, Respondent respectfully requests that Complainant's Exceptions be denied in their entirety. By notice dated September 24, 2020, an initial hearing was scheduled for November 4, 2020. Such notice, pursuant to the Certificate of Service, was served via electronic mail on Complainant at RRulph@live.com. (See a true and correct copy of the Notice of Hearing for November 4, 2020 attached hereto as Exhibit "A"). However, as counsel for Respondent was attached in an ongoing jury trial that commenced October 29, 2020 and proceeded longer than anticipated, a continuance was requested by counsel for Respondent and granted. A Telephonic Hearing Cancellation/Reschedule Notice was thereafter sent on November 2, 2020 rescheduling the Initial Telephonic Hearing for December 22, 2020. This Notice was likewise served on Complainant via e-mail at RRulph@live.com; the same e-mail address as the original notice. (See a true and correct copy of the Notice of Hearing for November 4, 2020 attached hereto as Exhibit "A"). Thereafter, Respondent served their proposed exhibits, with a copy provided to Complainant via both e-mail and regular mail, on December 14, 2020 which included a cover letter setting forth the date of the hearing.

Despite this notification, Complainant failed to appear for the hearing on December 22, 2020. On January 2, 2021, Complainant sent an e-mail to the office of counsel for Respondent inquiring as to any further date for a hearing. By this date, the hearing had already occurred eleven days prior. While Complainant was informed that the docket did not include any additional hearing notices, there was a misunderstanding that Mr. Jones was inquiring as to any Notices since the November 2, 2020 Notice scheduling the hearing for December 22, 2020. Further, in contacting the office of counsel for Respondent, Complainant "replied" to the December 14, 2020 e-mail which contained the proposed exhibits and cover letter confirming the

December 22, 2020 date. As noted by Complainant in his Exceptions, while he received the December 12, 2020 e-mail, he did not open the same until January 2, 2020 or a date thereafter.

Based upon the hearing notices of record, Notice was sent on November 2, 2020 advising of the date and time of the hearing. This Notice was sent to the same e-mail address as Complainant used to serve his Exceptions. In addition, Respondent provided proposed exhibits on December 14, 2020 which referenced, within the cover letter, the December 22, 2020 hearing. Moreover, Complainant did not contact counsel for Respondent's office until Saturday, January 2, 2021; eleven days after the hearing. Accordingly, while Respondent's office's reply meant to indicate no Orders after the November 2, 2020 Order, any such communications are irrelevant as they occurred more than ten days after the hearing. There were no communications prior to the December 22, 2020 hearing which could have caused any confusion, and the Complainant failed to attend the December 22, 2020 hearing.

Conclusion

For the foregoing reasons, Respondent respectfully requests the Exceptions be denied and the decision of the ALJ be affirmed.

GROSS MCGINLEY, LLP

BY: 
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Attorney for Respondent
PPL Electric Utilities Corporation
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Ph. (610) 820-5450; Fax (610) 820-6006

Date: January 21, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT JONES,

Complainant,

v.

PPL ELECTRIC UTILITIES
CORPORATION,

Respondent.

No. F-2020-3021737

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 the Honorable Joel H. Cheskis, was served on this 21st day of January, 2021, upon the following via e-mail and first class mail:

Administrative Law Judge Joel Cheskis
Commonwealth of Pennsylvania
Public Utility Commission
400 North Street, 2nd floor west
Harrisburg, PA 17120

Robert Jones
27 West West Avenue
Pottsville, PA 17901
rrulph@live.com

GROSS MCGINLEY, LLP

BY: _____



KIMBERLY G. KRUPKA, ESQUIRE
ID No: 83071

Attorney for Respondent
PPL Electric Utilities Corporation
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Allentown PA 18105-4060
Ph. (610) 820-5450; Fax (610) 820-6006

EXHIBIT “A”



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
400 NORTH STREET, HARRISBURG, PA 17120
September 24, 2020

IN REPLY PLEASE
REFER TO OUR FILE

Via electronic service only due to Emergency Order at M-2020-3019262

In Re: F-2020-3021737

Robert Jones v. PPL Electric Utilities Corporation

Appeal of BCS Decision - Various Disputes

Telephonic Hearing Notice

This is to inform you that an Initial Call-In hearing on the above-captioned case will be held as follows:

Type: Initial Call-In Telephonic
Date: Wednesday, November 4, 2020
Time: 10:00 AM
Presiding: Administrative Law Judge Joel Cheskis
400 North Street 2nd Floor West
Harrisburg, PA 17120
Phone: 717.787.1399

At the above date and time, you must call into the hearing. If you fail to do so, your case will be dismissed. You will not be called by the Presiding Officer.

To participate in the hearing,

- You must dial the toll-free number listed below
- You must enter a PIN number when instructed to do so, also listed below
- You must speak your name when prompted
- The telephone system will connect you to the hearing

Toll-free Bridge Number: 877.931.3508
PIN Number: 32041174

If you have any witnesses you want to have present during the hearing, you must provide them with the telephone number and PIN number.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

If you have any hearing exhibits to which you will refer during the hearing, one (1) copy must be emailed to the Presiding Officer at jcheskis@pa.gov and one (1) copy each must be sent to every other party. All copies **must be received** at least five (5) business days **before** the hearing.

You must email the Presiding Officer with a copy of ANY document you file in this case.

Individuals representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you require an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Please email the Presiding Officer at least ten (10) business days prior to your hearing to submit your request.

- AT&T Relay Service number for persons who are deaf or hearing-impaired:
1.800.654.5988

The Public Utility Commission offers a free eFiling Subscription Service, which allows users to automatically receive an email notification whenever a document is added, removed, or changed on the PUC website regarding a specific case. Instructions for subscribing to this service are on the PUC's website at http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf.

F-2020-3021737 - ROBERT JONES v. PPL ELECTRIC UTILITIES CORPORATION

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POTTSVILLE PA 17901
570.449.0103

Via e-mail only due to Emergency Order at M-2020-3019262
Rrulph@live.com

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