

Pa. Public Utility Commission

Robert J. Jones,

Complainant

v.

PPL Electric Utilities Corp.

Respondent

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| F-2020-3021737
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ANSWER TO DEFENDANT’S REPLY
Re EXCEPTIONS of Robert J. Jones, Complainant

Secretary of the Commission:

In response to the Defendant’s argument pertaining to allegations of not adhering to 52 Pa. Code § 5.533 (b), the argument is specious in that the issue and matter concerns only rules of administrative practice or procedure by apparent failure or omission in providing proper notice by the PUC for the rescheduled hearing date and time, cf., § 1.53 - Service of Documents by the Commission. In that regard, strict requirement for a citation of a specific basis in law for the filed exception is out of context for such kind of flaw or omission within administrative practice and procedure matters of the court. An administrative requirement for such proper delivery of notice to the parties is an axiomatic provision before commencement of a hearing.

Moreover, § 1.2(a) - Liberal Construction has provision by the “...presiding officer at any stage of an action or proceeding that may disregard an error or defect of procedure which does not affect the substantive rights of the parties for a just,

speedy, and inexpensive determination”, i.e., without undue burdens of paperwork and time in billable hours extraneous to the central issue for determination. Also, § 1.2(c) allows provision by the “... presiding officer at any stage of an action or proceeding that may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party”; and § 1.2(d) further provides that these liberal construction provisions “apply with particularity in proceedings involving *pro se* litigants”. That liberal intent is also indicated by provision of § 1.91- Applications for waiver of formal requirements.

With regard to the Respondent’s insinuation that the Complainant received notice of the rescheduled hearing, the Complainant averred that no such notice by mail or email from the PUC was received. As was also stated, all delivered emails are diligently checked and rechecked in the inboxes, since other timely important business correspondence is routinely delivered. The U.S.P.S. 1st Class mail, although very often delayed, is generally delivered within two weeks.

It was also noted that all prior expected correspondence from the PUC was delivered and received by both mail and email. As for the mailed second copies of the Respondent’s exhibits, it was averred that an emailed second attached copy was received and the accompanying header and message text did not refer to the rescheduled date. The later received emailed and mailed second copies were not opened, since the prior digital and hard copies were already received and retained

for reference. Regardless, the expectation and requirement is for the official administrative notices to be transmitted by the PUC, as cited hereinabove.

The Complainant hereby again avers, and also affirms below according to unsworn statements, that no mailed or emailed notice of the rescheduled hearing date was received from the PUC and ignored or forgotten. Furthermore, the Complainant was not aware of the rescheduled date at that time; otherwise, the Complainant would have been present or would have requested a continuance in the event of any serious scheduling conflict.

Therefore, Complainant again requests vacating the prior order for dismissal and proceeding with a scheduled hearing on the central issues and matter of the Complaint.

VERIFICATION

Complainant, Robert J. Jones, affirms that statements and claims presented herein are true and correct to his best knowledge, information, and belief.

I understand that false statements are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

By: /s/ Robert J. Jones

CERTIFICATE OF SERVICE

I hereby certify that I have this day, Jan. 25,2021, served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

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By: /s/ Robert J. Jones

