

*Continuing a 69 year family tradition of
providing the highest quality legal representation
to the people of Northeastern Pennsylvania*

Law Office of
THOMAS J. JONES, JR., P.C.
A Professional Corporation
Jones Building
410 Spruce Street, Suite 301
Scranton, Pennsylvania 18503

*"The difficult legal challenges we
complete immediately; the impossible
ones take a little longer."*

Phone: (570) 342-9296
Fax: (570) 342-6011
E-mail: tjjoneslaw@gmail.com

May 26, 2021

Honorable Dennis Buckley
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Via Email: debuckley@pa.gov

**RE: 600 Scranton, LLC v. PPL Electric Utility Corp.
C-2021-3014952**

Dear Judge Buckley:

It is my understanding you have scheduled an "Expedited" Hearing in this Case for June 15, 2021 on the basis of Respondent's new Counsel's factually incorrect email statement to Mediator, Matt Homsher, representing that there have been "events at the Complainant's property that cause grave safety concerns."

Frankly, I am concerned a bold and inaccurate statement of such urgency without a Verified Petition of Record and without opportunity to respond is such an aberration of PUC Substantive and Procedural Rules to warrant an "Expedited" Hearing.

Will Pa. American Water have a burden of proof at hearing to prove "grave safety concerns"? Or will the scope of the hearing be expanded to other issues? We have no opportunity and cannot respond to such a slanderous, false and unverified accusation by officials of Respondent to their counsel reported in the message to Mediator Hamsher.

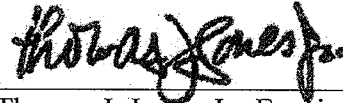
Of course, Pa. American Water can withdraw from Mediation at its discretion, but it may not use false and inaccurate reasons now in the Record of this Case, to circumvent the Rules and obtain an "Expedited" Hearing.

Accordingly, we respectfully request Pa. American Water be ordered to file a Petition for an Expedited Hearing, with Verification, and 600 Scranton, LLC be provided an opportunity to respond. Please consider this a Request for Reconsideration in order that appeal rights to the full Commission be preserved.

Honorable Dennis Buckley
May 21, 2021
Page 2

If you have any questions or concerns, please do not hesitate to contact me. Thanking you for your attention hereto, I am,

Very truly yours,
THOMAS J. JONES, JR. P.C.

A handwritten signature in black ink, appearing to read "Thomas J. Jones, Jr.", written in a cursive style.

Thomas J. Jones, Jr., Esquire

TJJ,Jr./rf

cc: Matt Homsher
Kimberly Krupka

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

600 SCRANTON LLC

Complainant,

v.

C-2019-3014952

PPL ELECTRIC CO.

Respondent

**COMPLAINANT, 600 SCRANTON LLC'S, MOTION TO COMPEL
RESPONDENT, PPL ELECTRIC CO. RESPONSES TO COMPLAINANT'S
FIRST AND SECOND SETS OF INTERROGATORIES AND MOTION
FOR PRODUCTION OF DOCUMENTS**

Pursuant to 52 Pa. Code §§ 5.342 and 5.321(c), 600 Scranton LLC, ("Complainant" or "600 Scranton") by and through its attorney, Thomas J. Jones, Jr., Esq., hereby respectfully requests that the Pennsylvania Public Utility Commission (the "Commission") to compel PPL Electric Co. ("PPL") to fully respond to and file complete responses to Complainant's First and Second Set of Interrogatories and Motion for Production of Documents.

I. SUMMARY

PPL has submitted Objections to the Interrogatories and Motion to Produce propounded upon it by 600 Scranton; specifically, PPL objected to First Set Interrogatories 4, 7, 8, and 9 and Second Set of Interrogatories 1, 2, 3, 4 and 8. The Objections are unfounded, baseless and contrary to 52 Pa. Code §5.321(c), which states:

Scope. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that

the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

Moreover, the Objections hinder the intent of discovery as set forth in 52 Pa. Code §5.321(f), which states:

Purpose and methods. A party may obtain discovery for the purpose of preparation of pleadings, or for preparation or trial of a case, or for use at a proceeding initiated by petition or motion, or for any combination of these purposes, by one or more of the following methods:

- (1) Deposition upon oral examination or written questions.
- (2) Written interrogatories to a party.
- (5) On the record data requests in rate cases.

As such, Complainant respectfully requests that the Commission dismiss PPL's Objections and compel that the interrogatories be answered.

These interrogatories were propounded in large part to ascertain whether or not under 66 Pa. C.S. §1501, PPL did "furnish and maintain adequate, efficient, safe and reasonable" electric service to the property of 600 Scranton, LLC.

II. SPECIFIC GROUNDS TO COMPEL RESPONSES AND DISMISS PPL'S OBJECTIONS

In support of its Motion to Compel complete responses to Complainant's First and Second Set of Interrogatories, and Motion for Production of Documents, Complainant avers as follows:

A. The First Set of Interrogatories No. 4 stated:

4. The prior owner of the property, Sugarmans Plaza Ltd. filed for Bankruptcy in 2016 and 600 Scranton LLC purchased the property approved by the Judge and Creditors Committee for \$6.5 Million Dollars. Deed was recorded July 7, 2017. Provide the PPL Billing Statements for Sugarmans Plaza Ltd. for the two (2) year period prior to July 2017 and for Claimant from that Date to November 1, 2020.

Respondent's ANSWER served on Complainant January 8, 2021: "**Respondent objects to this request to the extent that it has no obligation to provide documents which pertain to another ratepayer. By way of further answer, Respondent will**

release the prior customers usage history upon receiving a properly completed release form.”

On February 4, 2021 Respondent filed Supplemental Objections and Answers specifically objecting to Interrogatory 4 again stating: **“The requested information was provided to David Kurtz, in-house counsel for Complainant¹, on April 17, 2019. By way of further answer, Respondent retains customer billing statements for a period of two (2) years, and supplied all existing information pertaining to Sugarman’s Plaza Ltd. at that time. Please see the attached email correspondence and corresponding billing information.”**

The attached email correspondence from April 17, 2019, Mr. Kurtz to PPL Senior Counsel, Michael Shafer, included the Release of Chaim Laufer, Owner of the Bankrupt, Sugarman’s Plaza Ltd., and requesting the “Billing Statements” for the past 5 years including the Billing Statements of Sugarman’s Plaza Ltd.

Respondent has only provided “Monthly Usage” (kWh) and not the Billing Statements” which would show the PPL Tariff Rate being charged the Bankrupt, Sugarman’s Plaza Ltd., whether LP4-RTP or another Rate.

Sugarman’s Plaza Ltd. was still in Bankruptcy Court (Eastern District of New York) until the end of August 2017, with Ben Lorrenzetti, as an employee of the Bankrupt Sugarman’s Plaza Ltd., and he was never an employee or authorized to represent 600 Scranton LLC in any manner, time or place.

It is probative and relevant to the Case *sui juris*, for Complainant to learn what was the PPL Tariff Rate being charged the prior owner in Bankruptcy and agreed to by the prior Owner’s employee while still in Bankruptcy, and which PPL argues now binds the Complainant for a substantial period of time.

Respondent demands again, 600 Scranton, LLC provide a Release from Chaim Laufer Owner, as necessary for the Respondent to provide any billing statement for Scranton Plaza Ltd. Attached please find the Release from Chaim Laufer which has already been provided Respondent on two earlier occasions.

¹ It has been disputed that it was appropriate for Mr. Kurtz to have the Title, In-House Counsel, for 600 Scranton, LLC when he first started under contract in March, 2019. He soon thereafter was the “Acting General Manager” following the former General Manager’s termination from employment in May 2019. Mr. Kurtz was appointed General Manager in the Fall of 2019.

It is respectfully requested the Respondent be Ordered to provide to Complainant the PPL Billing Statements (inclusive of the Tariff Rate charged for electric service) for Sugarman's Plaza Ltd. from July 1, 2015 until August 1, 2017.

B. Respondent Refuses to Produce All Requested Documents Relevant to the Issue of the Respondent's Failure to Obtain Necessary and Required Customer Authorization to Receive Electric Service from the Electric Distribution Company (EDC) at the Highest Cost Possible, Contrary to the Act 129 Requirement "at the Least Cost to the Customer."

Respondent sets forth in It's Objections and Answers to Complainant's Second Set of Interrogatories and Request for Production of Documents in the first paragraph:

SPECIFIC OBJECTIONS AND ANSWERS

1. Question No. 2 of the 1st Set of Interrogatories stated: "Provide the Name, date and authority of the person who authorized Claimants request for PPL Electrical Service in the summer of 2017".

The Respondent replied ANSWER: "On July 14, 2017, Benjamin Lorenzetti, former senior property manager at 600 Scranton LLC called Brian Stafford to confirm that the property was sold to new owners and to establish new electric service accounts."

Benjamin Lorenzetti was an employee of Sugarmans Plaza LTD, the bankrupt prior Owner of the premises. On July 7, 2017 he was notified he would not be retained in employment by the new Owner, 600 Scranton LLC and immediately left the premises. He was never a Senior Property Manager of 600 Scranton LLC, nor ever an Employee in any capacity, and never was granted authority to request Utility Service on behalf of 600 Scranton LLC.

Attached hereto is a true and correct copy of PPL Correspondence dated July 11, 2017 (Exhibit A) informing 600 Scranton LLC, Route 6 Scranton Carbondale Highway that 2 Accounts were opened for Electric Service: 1) Account 98347-48014 requiring a Security Deposit of \$1,801; and 2) Account 86019-31013 requiring a Security Deposit of \$612.

Explain the discrepancy between the above Response and the PPL Correspondence dated July 11, 2017. Provide true and correct copies of any and all correspondence, notes, records, memos or other written documents related to any phone

communications between Mr. Stafford and Mr. Lorenzetti from July 1, 2017 through July 30, 2017. (Emphasis added)

ANSWER: On July 11 2017, Benjamin Lorenzetti contacted PPL Electric and spoke with Customer Service Representative Dana Brunner to request that two accounts, account numbers 98347- 48014 and 86019 - 31013, be transferred into the name of 600 Scranton LLC. On the same date, correspondence, as referenced, was mailed to 600 Scranton LLC. On July 14 2017, Brian Stafford noted that the July 11 2017 telephone request was for only two of three accounts and placed a call to Benjamin Lorenzetti to determine whether account number 18291-13047 should likewise be transferred to 600 Scranton LLC. On Aug 1, 2017, Benjamin Lorenzetti confirmed that account number 18291-13047 should be placed in the name of 600 Scranton, LLC. Such request was honored. At all times, the representatives of PPL Electric believed Benjamin Lorenzetti had authority to act on behalf of 600 Scranton LLC and had no reason to suspect otherwise.

Respondent continues to fail to Provide true and correct copies of any and all correspondence, notes, records, memos or other written documents related to any phone communications. The numerous phone encounters between Mr. Lorenzetti and PPL Representatives, surely in the normal course of business, would have resulted in correspondence, notes, records, memos or other written documents relevant to the Issue: Did the EDC provide safe, efficient and adequate Service in allowing an unauthorized person, employee of the prior Owner still in Bankruptcy, order the most expensive Electric Rate for Service in contradiction to PPL Conservation Policy and Act 129.

C. In PPL Answer to Second Set of Interrogatories 1 and 2, it is learned from PPL that in addition to the Phone Communications of Benjamin Lorenzetti on July 11, 2017 and July 14, 2017, he also had Phone Communications with PPL Representatives and PPL Accounts Manager, Brian Stafford, on August 1, 2017 and August 14, 2017. In addition to correspondence, notes, records, memos or other written documents (including faxes)

relevant to the phone communications of July 11 and July 14, 2017 to be produced, those of August 1, and August 14, 2017 also should be ordered provided to Complainant.

D. In Response to Complainant's Second Set of Interrogatories No. 4 requesting information regarding who authorized "Summary Billing" of the 5 separate electric metered Billing Accounts, PPL identified "Volvey Polatcheck". Summary Billing is contrary to the conservation of energy provisions of Act 129 and Complainant seeks an Order directing PPL to produce correspondence, notes, records, memos or other written documents relevant to the communication between PPL Stafford and Mr. "Polatcheck".

E. Number 10 of Complainant's First Set of Interrogatories stated:

The "Quality Assurance" Provision of the Pa. Consumer Choice and Fair Competition Act, 66 Pa.C.S 2801 et. seq. states the EDC should be, after request: 1) "auditing of buildings, equipment and processes to determine cost effectiveness of energy efficiency and conservation measures"; and permitting 2) "independent inspection of completed energy efficiency and conservation measures." Provide copies of all correspondence between Claimant and PPL related to Claimant's requests for an audit of buildings, equipment and processes to determine cost effectiveness of energy efficiency and conservation measures.

Respondent Answered in its Objections and Answers to the First Set of Interrogatories:

Respondent objects to this request insofar as the ALJ's March 10, 2020 Order Limiting the Scope of Proceeding struck Complainant's request that Respondent be made to perform an energy audit of its premises and usage period.

It is true and correct the ALJ denied a proposed Remedy suggested by Complainant of requiring Respondent to conduct an energy audit of the premises. However, this does not foreclose the Issue Complainant made a good faith effort to bring the former Bankrupt and failing Brownfields Premises into compliance with the energy efficiency and conservation provisions of Act 129 which would lower PPL Electric Bills. The communications between 600 Scranton and Respondent regarding an energy audit will establish Respondent failed to comply with the requirements of Act 129 resulting in greater energy consumption and higher electric bills.

Respectfully submitted,
Thomas J. Jones, Jr., P.C.



Thomas J. Jones, Jr.
Attorney for Complainant
600 Scranton LLC

Dated: May 21, 2021

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

600 SCRANTON, LLC

Complainant

v.

C-2019-3014952

PPL ELECTRIC UTILITIES CORPORATION

Respondent

CERTIFICATE OF SERVICE

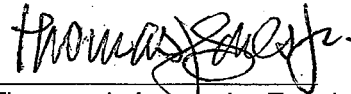
I, Thomas J. Jones, Jr., Esquire, hereby certify that I have served the foregoing Motion to Compel Production of Documents, upon the individuals electronically at the addresses set forth below.

Honorable Dennis Buckley
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
debuckley@pa.gov

Kimberly G. Krupka, Esq.
GROSS McGINLEY LLP
33 S. Seventh Street,
Allentown, PA 18105
kkrupka@grossmcginley.com

May 21, 2021

Thomas J. Jones, Jr., P.C.



Thomas J. Jones, Jr., Esquire
Attorney for Plaintiff
600 Scranton, LLC