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

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July 1, 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. Pennsylvania American Water and PPL
C-2021-3024207 and C-2019-3014952**

Dear Judge Buckley:

Please find enclosed herein, Complainant's Motion to Consolidate Cases.

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.



Thomas J. Jones, Jr., Esquire

TJJ,Jr./rf

cc: Timothy McHugh, Esquire
Michael Guin, Esquire
Kimberly Krupka, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

600 SCRANTON, LLC	:	
	Complainant	:
	:	
v.	:	C-2019-3024207
	:	C-2019-3014952
PA AMERICAN WATER	:	
	Respondent	:
	:	
PPL ELECTRIC UTILITIES CORPORATION	:	

CERTIFICATE OF SERVICE

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

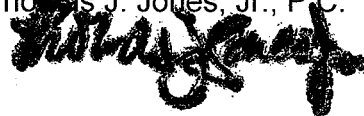
Honorable Dennis Buckley
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
debuckley@pa.gov

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July 1, 2021

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



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

600 Scranton, LLC	:	
	:	
v.	:	C-2021-3024207
	:	
PA American Water Company	:	
	:	
600 Scranton LLC	:	
	:	
v.	:	C-2019-3014952
	:	
PPL Electric Utilities Corporation	:	

MOTION TO CONSOLIDATE CASES

AND NOW, comes Thomas J. Jones, Jr., Esquire, of Thomas J. Jones, Jr., P.C., Counsel for the Complainant, 600 Scranton LLC, in the above two captioned Cases currently before the Public Utility Commission and Administrative Law Judge, Dennis J. Buckley, bringing this Motion to Consolidate the Cases pursuant to 52 Pa. Code §5.81 based upon the paramount common issue of the two cases before the same Administrative Law Judge and setting forth the following in support thereof.

The common issue raised by Complainant is:

The public utilities, Pennsylvania American Water and PPL, have not provided recovering and rehabilitated, brownfield commercial areas adequate, safe, economical and efficient service to the commercial customer. Further, the Public Utilities discriminatorily, do provide substantial Rate Payer funded public utility service to the developers of the new Commercial and Business Park in the same municipality; the Greater Scranton Chamber of Commerce.

The premises owned by Complainant, 600 Scranton LLC, known locally as "Sugarmans" (no apostrophe), was a past project of the Lackawanna Industrial Development Authority (LIDA), now defunct and no longer in operation. The Successor to the LIDA is the Greater Scranton Chamber of Commerce and its development arm, the Scranton Lackawanna Industrial Building Company (SLIBCO).

The factual evidence to be presented in support of the common issue present in the two separate Public Utility Cases:

A. Pa. Water does not provide adequate notice of a catastrophic water leak (undetectable subsurface, drained into abandoned coal mines below) on the commercial property side of the meter until the regular monthly bill is delivered. That bill showed Complainant had used 8 million gallons of water, already a Bill that could not be afforded by a reasonable commercial consumer.

1. Pa. Water: Evidence will show there was a maze of water pipes underground on the premises funded by the defunct LIDA for the future industrial and commercial development off premises. As a result of no maps or diagrams available to search for the leak on the 58-acre premises, all reasonable and extraordinary efforts to detect the location of the leak were to no avail. 600 Scranton, LLC had already commenced installation of a new 8-Inch water line when the leak revealed itself by erupting through the floor of a tenant. By that time the total water loss was 32 million gallons (Exhibit B).

B. PPL: PPL permitted an unauthorized employee of the bankrupt previous owner of the premises, while still in bankruptcy, to order electric service for 600 Scranton, LLC at the highest possible electric rate, then delayed billing for 4 months, after 600 Scranton, LLC paid the first electric bill in August 2017. Further, PPL started billing 600 Scranton, LLC with summary billing in January 2018 which prevented 600 Scranton, LLC from tracking demand and usage to reduce energy consumption. Additionally, 600 Scranton, LLC's request for an audit of onsite equipment and usage pursuant to Act 129 Energy Conservation Law, was ignored or denied by PPL and the practice of requiring tenants to agree to Complainant's request to have tenants separately metered is directly in conflict with published PPL policy and tariff rules.

The significant common issue existing with the Pa Water Case and the PPL Case is: Did the public utilities provide safe, adequate, efficient and economical service to the consumer owner of a recovering, antiquated brownfield site? And, of course, this is juxtaposed with the public utility's service being provided new construction and development in the new Archbald Business Park. The LERTA Exemption for the new businesses (No and reduced real estate taxes for a 10-year period) is a substantial

governmental discriminatory practice that falls outside the jurisdiction of the Pa. Public Utility Commission.

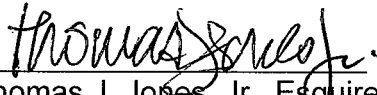
The Pa. Water Respondent's pending Motion to Limit Scope of the Hearing will be impactful on the paramount common issue of the 2 Cases. The Motion of 600 Scranton, LLC to consolidate the 2 cases is the proper and permitted process to efficiently address this important common issue before the same Administrative Law Judge.

Furthermore, in consideration of Pa Water, Respondent's new co-counsel, Attorney Michael Gruin's suggestion at the Second Prehearing Conference, that the case should be settled now that the catastrophic water leak has ended with the installation of a new water main, Complainant would very much like to resume settlement discussions pursuant to the request the case be resubmitted to Mediator, Mathew Homsher pursuant to the Interim Order Setting Resolution Conference issued by Chief Administrative Law Judge, Charles E. Rainey, Jr. on March 12, 2021.

600 Scranton, LLC in good faith, believes if a similar Order would apply to the PPL case (after partial Discovery now completed) and consolidation permitted by ALJ Buckley, then it is reasonably likely one or both cases will be settled. In this way, both Cases might be resolved efficiently without further substantial litigation expenses hurtful to all Parties. Otherwise, the Pa. Water pending Motion to Limit the Scope of the Hearing on the common issue present in both cases will subject everyone to protracted inefficient litigation expense and expenditure of time and resources by the Public Utility Commission.

WHEREFORE the Complainant, 600 Scranton LLC, respectfully requests for the reasons above stated that the case of PA American Water Company- C-2021-3024207 and the case of PPL- C-2019-3014952 be consolidated and both cases be resubmitted to Mediator, Mathew Homsher pursuant to the Interim Order Setting Resolution Conference issued by Chief Administrative Law Judge, Charles E. Rainey, Jr. on March 12, 2021.

Respectfully submitted,
THOMAS J. JONES, JR., P.C.



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