

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

DOCKET No. C-2020-3019763

Lawrence Kingsley,  
Complainant

v.

PPL Electric Utilities,  
Respondent

**PRELIMINARY OBJECTIONS TO  
PPL'S ANSWER**

1. Pursuant to PUC Code § 5.101(e) and 231 Pa. Code § 1028(a)(3-4), the complainant Lawrence Kingsley hereby states his preliminary objections to PPL's Answer filed on June 30, 2021.<sup>1</sup>
2. Significant portions of PPL's Answer are so vague, ambiguous, or evasive that the complainant cannot determine their true nature and adequately respond.

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<sup>1</sup> These objections also act as a Motion for More Definite Statement.

3. In almost every paragraph of PPL's Answer there is insufficient specificity.
4. Furthermore, where property damage is concerned, averments in support of additional relief must be denied specifically under 231 Pa. Code Rule 1029(e)(2).  
  
The additional relief that the complainant seeks is a decree requiring PPL to furnish verifiable (not just feigned) notice when nonemergency vegetation management is intended and statement of the work's scope.
5. As a whole and where noted below, PPL's Answer is legally insufficient or tantamount to admission of wrongdoing inasmuch as PPL tends to rely on evasive generalities, pretentious reticence, and sweeping ipse dixits which fail to come to terms with allegations in the Complaint.
6. Thus, in answer to ¶ 3 of the Complaint ("PPL Electric Utilities . . . continues to withhold from me a response to my Interrogatories, Second Request for Production of Documents, and its report to Judge Rainey"), PPL alleges that it "has provided all responsive documents and copies of all communications. Denied that a report was made to Judge Rainey."
7. However, PPL should state or append a list of documents and communications purported to have been provided other than the jumble of unattested, unexplained, uncategorized exhibits which PPL filed on April 21, 2021, the subject of the complainant's Motion to Strike.
8. As the complainant's Motion to Compel Discovery makes clear, PPL has not

made the slightest effort to answer any Interrogatories, and its Production of Documents was incomplete.

9. On June 10, 2020 Judge Rainey ordered PPL to report results of the parties' mediation to the court. Whether the report was addressed to Judge Rainey or to his clerk is immaterial: it is the report ordered by Judge Rainey which is in question. PPL understands this reference and in ¶ 4 of the Answer is splitting hairs to try to distract attention from "distortion that PPL may have entered behind my back," in the language of the Complaint (¶ 4). Long ago PPL would have served this report on the complainant if there was not some reason to conceal it.
10. Since PPL "has a history of appearing without notice and performing excessive amputation of tree limbs" at the complainant's property, as alleged in the Complaint, PPL either should admit this fact or state why it is incapable of addressing it, as PPL alleges in ¶ 5 of the Answer.
11. In ¶¶ 6-7 of the Answer PPL resorts to generalities, but should state exactly which work notices PPL believes that it furnished, why it cannot identify its customers who are the complainant's immediate neighbors, and why it believes its community reputation to be unimportant ("such allegations are irrelevant to the instant Complaint"). In fact, PPL's propensity to alienate Pennsylvania citizenry and to degrade the Commonwealth's environment mirrors this case and forms the

immediate background of it.

12. In ¶ 8 of the Answer PPL should identify the easement which it assumes since no easement for high voltage wiring was ever granted to PPL for the complainant's property.
13. In ¶¶ 9-10 and ¶¶ 12-13 of the Answer PPL should state why it "is without sufficient information" to respond when PUC, the Better Business Bureau, and the complainant's well-documented experience with PPL provides an extensive database of complaints against PPL. Averment that one "is without sufficient information" does not excuse failure to admit or deny a factual allegation when it is clear that the pleader must know whether a particular allegation is true or false. See *Cercone v. Cercone*, 254 Pa. Super. 381, 386 A.2d 1 (1978).
14. In ¶¶ 14-15 of the Answer PPL should not hide behind generalities, but instead state which notices, if any, were ever given to the complainant about intended work, by whom and in what manner these notices are alleged to have been given, and, if any notification actually took place, how it can be verified.
15. In ¶ 16 of the Answer PPL should explain its rationale as opposed to relying on a bald statement. If "more work, more pay" is not an incentive for contractors to engage in aggressive tree cutting, PPL should elaborate.
16. In ¶ 17 of the Answer PPL refers vaguely to its "approved management plans," but what are these plans and how are they conveyed to the contractors? PPL has

refused to comply with all discovery demands for information about training and supervision of contractors. If the havoc that already has occurred at the complainant's property signifies an approved management plan, we should know what other disasters are planned next.

17. In ¶ 18 of the Answer PPL should state why it chooses to ignore the specific dates of excessive tree amputation cited by the complainant, including the recent date when the extent of this damage was discovered.
18. In ¶ 21 of the Answer PPL should not be allowed to claim, by sweeping averment, that it never violated its notification requirements. Instead, PPL should state specific dates and means by which notification was given, if it ever was.
19. In ¶ 22 of the Answer PPL should state why it believes that stringing wiring through wooded backyards, instead of burying the wiring or using conventional poles on the street, was proper.
20. In ¶ 23 of the Answer PPL should identify the right of way that it alleges to have obtained. If PPL is implying that its incomplete document production included indicia about a right of way, PPL should identify the particular document in question. PPL's document production is a mass of unsorted material that is not in the proper form inasmuch as PPL fails to list each documents under the specific demand to which each document pertains, and

none of the surrendered documents shows a right of way for high voltage wiring on the complainant's property.

21. In ¶ 24 of the Answer PPL should state why, except by sweeping averment, it disputes clear evidence that it breached §§ 1501-1502 of the PUC Code.
22. In ¶ 25 PPL again resorts to bald statements without addressing specifics of the Complaint—namely, breached §§ 1501-1502 of the PUC Code.
23. Again in ¶¶ 26-27 of the Answer PPL fails to provide any proof of the required notification. If PPL has this proof, it should be stated.
24. In ¶ 28 of the Answer PPL should state why, except by sweeping averment, it rejects the alternative means of resolution proposed by the Complaint:

. . . dialog with PPL, arbitration, a new complaint to PUC, or injunctive relief in the Court of Common Pleas. If the intended work is reasonable, PPL should have nothing to fear from a hearing during which I present photographs and expert testimony about how much work is appropriate.

If the answer is that PPL wants to conduct business as usual, while trampling on the rights of property owners, PPL should state as much. Instead PPL pretends that, on its mere say-so, a central element of the Complaint will go away.

25. In ¶ 30 of the Answer PPL should state why it believes that the requested 30-day notification and “written statement of how much work on my property is intended” are conclusions of law (as opposed to simple, matter-of-fact measures that would narrow this dispute).

26. In ¶¶ 31-36 of the Answer PPL should address the allegations of Count II of the Complaint and not dismiss them with vague evasions. In particular, we should learn PPL's rationale for refusing to refund the sums in question and, like any creditor billing a decedent, apply to the proper court for payment—the New York Surrogate's Court.
27. PPL is fully aware of the procedure for collecting payment from a decedent, and in ¶ 33 of the Answer PPL should state why it is refusing to follow this procedure.
28. In ¶¶ 34-36 of the Answer PPL should account for its spoliation of evidence during 22 of the 29 months in question and provide a reasonable estimate of its billing during this period.

#### Conclusion

29. Boilerplate answers fail to mask PPL's evasions and obfuscation, which cannot substitute for lack of definite statement and legal sufficiency.
30. PPL should answer the Complaint fully so that both the complainant and court can determine how to proceed in this case, especially in respect to evidence and argument at the next hearing.
31. For too long, PPL has been PUC's coddled darling and feels immune from normal pleading practices. That arrogance by PPL must stop.

Notice to Plead

32. An answer to the above objections must be filed within 10 days of the date of service of this motion.

Dated: Lancaster, PA  
July 3, 2021

Respectfully submitted,

/S/

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Certificate of Service

I hereby certify that on July 3, 2021 I emailed a true copy of the forgoing Motion to PPL's counsel:

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Respectfully submitted,

/S/

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