

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

DOCKET No. C-2020-3019763

Lawrence Kingsley,  
Complainant

v.

PPL Electric Utilities,  
Respondent

**MOTION FOR RECONSIDERATION**

1. The complainant Lawrence Kingsley moves for reconsideration of his:
  - A. Preliminary Objections to PPL's Answer and
  - B. Motion to Compel Discovery and Motion for Sanctions.
  - C. Motion to Strike.
2. Procedural issues are complicating this case and restricting evidence available for review. The complaint sets forth the following facts as simply as he can, without trying to draw adverse inferences.

### Preliminary Objections to PPL's Answer

3. Informally, via email on July 5, 2021 at 10:03 A.M., the court rejected the Preliminary Objections under misapprehension that this document was not filed with the Secretary's Bureau or with PPL.
4. In fact, as shown by the exhibit, the complainant had transmitted the Preliminary Objections to the Secretary's Bureau on July 4 at 12:12 P.M. and the Secretary's Bureau completed the filing at 8:30 A.M. on July 5. The complainant received Confirmation Number 2185808.
5. The Secretary's Bureau was closed on July 4, but updated its records prior to the court's email on July 5.
6. The complainant replied to Judge Buckley by email:

I served PPL via "cc:" of the same email sent to you on July 3. I had to complete this service before efilng the same material with the Secretary's Bureau since my Certificate of Service attached thereto swore that I had already served PPL. The Secretary's Bureau would not allow me to log on for efilng until the next day, when I completed the efilng—well before your below message. I received Confirmation No. 2185808.

7. Although as yet there is no formal ruling about the complainant's Preliminary Objections, the disposition of the court is unmistakable in the July 5 email, and before the next hearing, the complainant needs information which PPL continues to withhold.<sup>1</sup>

### Motion to Compel Discovery and Motion for Sanctions

8. In the same July 5 email Judge Buckley observes that the Motion to Compel Discovery and Motion for Sanctions was denied on May 6, 2021.

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<sup>1</sup> Judge Buckle wrote on July 6, 2021: " I cannot issue a formal ruling because you have not filed the document with the Secretary of the Commission."

9. At that time the parties did not understand that when Judge Buckley asked for “exhibits” at the May 26 hearing he meant copies of documents that already had been efiled.<sup>2</sup>
10. Correcting this procedural error, the complainant emailed the Motion to Compel Discovery and Motion for Sanctions to Judge Buckley and again to PPL. The complainant explained: “To this extent that I easily rectified this deficiency and was asking for reconsideration, I then refiled this motion on June 10, 2021.”<sup>3</sup>
11. It is well-known that “The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties. “ Title 52, Ch. 1, § 1.2(a).
12. However, for clarity and in prudence, in case there earlier was want of formality, the complaint renews his request for reconsideration in the instant motion.
13. He again asserts that PPL has violated PUC procedures by refusing to answer the entirety of the complainant’s Interrogatories and by submitting a highly incomplete production of documents.<sup>4</sup>
14. Only one item that PPL has refused to disclose, despite the court’s insistence that all parties are to be served, is the report that Judge Rainey ordered about the failed mediation. Contrary to the court’s July 7 email, the complainant has no intention of trying to introduce this report as evidence at the next hearing.
15. However, to set the record straight, he should rebut any distortion from PPL that “poisoned” the record in this case. PPL’s refusal to disclose this report suggests that PPL is trying to get away with falsehoods uttered behind the

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<sup>2</sup> PPL made the same mistake as the complainant. The post-hearing order reads: “the only communication that I have received from the parties was the April 21, 2021 email containing PPL’s proposed exhibits. I was never properly served with the Amended Complaint or PPL’s Answer thereto.”

<sup>3</sup> See Affidavit attached to complainant’s Motion for Continuance, Dated June 22, 2021.

<sup>4</sup> Explained in the complainant’s Motion to Compel Discovery and Motion for Sanctions.

complainant's back. Otherwise, for simplicity, PPL, the author of this report, would have surrendered it long ago when first asked for it.

16. Contrary to the court, the complainant never sought a copy of the mediator's report to Judge Rainey, if there is one. The complainant instead has sought PPL's report ordered by Judge Rainey.<sup>5</sup> It would be strange if PPL's counsel did not retain a copy of her own case file, and she should have served the complainant when she first served the court.

#### Motion to Strike

17. On May 6 the court also denied the complainant's Motion to Strike on procedural grounds (failure to email Judge Buckley another copy of what had been efiled at the Secretary's Bureau).
18. Here, too, the complainant corrected this deficiency when he personally emailed Judge Buckley and PPL on June 10, 2021.
19. The court went on to say: "Complainant's Motion to Strike is denied as there is at present no testimony or document before the presiding officer to strike. Any objectionable material or testimony may be properly objected to at hearing."
20. However, the complainant was not attempting to strike testimony, but only PPL's unattested, undocumented, unexplained exhibits which PPL submitted on Nov.16, 2020 and then resubmitted on April 21, 2021.
21. PPL never presented these exhibits properly, and they are potentially prejudicial to the complainant. They not only clutter the record, but introduce red herrings.

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<sup>5</sup> Judge Buckley wrote in his July 5 email (underscore included): "There is no report to or from Chief Judge Rainey from the mediator that is discoverable or admissible in this proceeding, and PPL could not have a copy of such a document as it would be internal to the Office of Administrative Law Judge, only."

22. PPL's only use for these exhibits presumably is to surprise the complainant at some point in the future with material taken out of context.<sup>6</sup>
23. The complainant would have objected to this material at the May 6 hearing, but the court never gave him a chance to do so and cut him off when he tried to speak.

### Conclusion

24. There is a sense of déjà vu in the court's rejection of the Preliminary Objections since the complainant's previous submissions on May 26 also were rejected on erroneous assumptions.<sup>7</sup>
25. The complainant continues to be deprived of discovery that he needs for the next hearing. He is doubly handicapped and unable to respond properly to PPL inasmuch as significant portions of PPL's Answer, as shown by his Preliminary Objections, are vague, ambiguous, and evasive.
26. Meanwhile, he has been besmirched for properly filed documents, denied access to clerical help from the Secretary's Bureau, stripped of his right to defend himself (re: Motion for Declaratory Judgment),<sup>8</sup> and forced to expend enormous labor on what should be simple motion practice.
27. In comparison, PPL violates PUC procedures with impunity in regard to discovery, service on an opponent, need for specificity in pleadings, and, as in the unexplained exhibits, advising of "the parties and the Commission as to the nature of the defense."<sup>9</sup>
28. Meanwhile, without restraint PPL wrecks havoc on private property and

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<sup>6</sup> The Motion to Strike elaborates.

<sup>7</sup> Despite the complainant's cover letter for this filing, PUC clerks mistook the Amended Complaint ordered by Judge Buckley for a new complaint and wanted it labelled as such. The complainant remonstrated that he had to comply with the outstanding order, as opposed to duplicating the current case, and that he did not want to be seen as trying to amend a case which had not even been filed yet.

<sup>8</sup> Indexed under Confirmation Number 2184761.

<sup>9</sup> See 66 Pa.C.S. § 561(b)(2).

degrades the Commonwealth's environment.<sup>10</sup>

29. The complainant believes that PUC should protect the Commonwealth and its citizens, not just PPL's owners in Boston.
30. Granting this motion will help to rectify that imbalance.
31. The complainant's Motion for Continuance, Dated June 24, 2021 also should be granted so that PPL will have the statutory ten days to amend its Answer. PPL already has had ample time to answer the discovery requests.

Dated: Lancaster, PA  
July 12, 2021

Respectfully submitted,

/S/

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Lawrence Kingsley  
2161 West Ridge Drive  
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646-543-2226

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<sup>10</sup> See complainant's Memorandum, Dated October 5, 2020 and refiled on June 10, 2021.

Certificate of Service

I hereby certify that on July 12, 2021 I emailed a true copy of the forgoing Motion to PPL's counsel:

Kimberly G. Krupka, Esq.,  
Gross McGinley, LLP  
33 S. Seventh Street, PO Box 4060  
Allentown, PA 18105-4060

Respectfully submitted,

/S/

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**EXHIBIT:  
PUC CONFIRMATION OF EFILING**

Docket Number

C-2020-3019763

Case Description

Lawrence Kingsley v. PPL Electric Utilities

Transmission Date

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Uploaded File List

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<a href="#"><u>Preliminary Objections to PPL's Answer.pdf</u></a>	Preliminary Objection	7/4/2021, 3:11:29 PM