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

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July 14, 2021

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: 600 Scranton LLC v. PPL Electric Utilities Corporation  
Docket No.: C-2019-3014952  
Motion to Compel**

Dear Secretary Chiavetta:

Regarding the above-captioned matter, enclosed please find Complainant's Motion to Compel Respondent to Produce its Billing Statements of Sugarman's Plaza, LTD for Years 2016 and 2017.

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  
Enclosures

cc: The Honorable Dennis Buckley, Administrative Law Judge (w/enc)  
Kimberly Krupka, Esquire (w/enc.)

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

<b>600 SCRANTON LLC</b>	:	
<b>Complainant,</b>	:	
	:	
<b>v.</b>	:	<b>C-2019-3014952</b>
	:	
<b>PPL ELECTRIC UTILITIES CORPORATION</b>	:	
	:	
<b>Respondent</b>	:	

**COMPLAINANT, 600 SCRANTON LLC'S, MOTION TO COMPEL  
RESPONDENT, PPL ELECTRIC UTILITIES CORPORATION TO PRODUCE ITS  
BILLING STATEMENTS OF SUGARMAN'S PLAZA, LTD FOR YEARS 2016 AND 2017**

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 Utilities Corporation. ("PPL") to fully respond to and produce complete responses to the requests contained in Complainant's First and Second Set of Interrogatories and Motion for Production of Documents, for billing statements of Complainant's immediate predecessor in ownership of 600 Scranton-Carbondale Highway, Archbald, PA 18403. This is Complainant's Second Motion to Compel, as its previous motion, that of a greater scope, filed may 28, 2021 has yet to be decided.

**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.

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

In support of Its Motion to Compel limited 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 Complainant<sup>1</sup>, 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 requested and required 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 Lorenzetti, as an employee of the bankrupt Sugarman's Plaza Ltd., who 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, prior 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.

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, 2016 until August 1, 2017.

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<sup>1</sup> It has been disputed that it was appropriate for Mr. Kurtz to have the Title, In-House Counsel, for 600 Scranton 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.

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 its 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 1<sup>st</sup> 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 \$612.00.

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.

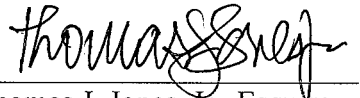
D. In Response to Complainant's Second Set of Interrogatories No. 4 requesting information regarding who authorized "Summary Billing" of the 5 separate electric metered billing accounts, PPL identified "Volvey Polatchek". Summary Billing is contrary to the conservation of energy provisions of Act 129 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".

WHEREFORE, Complainant 600 Scranton, LLC respectfully requests this Honorable Court to compel Respondent, PPL Electric Utility Corporation to produce and provide Complainant with a true, full, accurate and complete set of billing statements of Sugarmans Plaza, LTD, for years 2016 and 2017, together with any and all correspondence, notes, inclusive of its tariff rate, charged to said business, records, memos or other written documents related to any phone communications between Mr. Stafford and Mr. Lorenzetti and Mr. Potatcheck for this period of time.

Respectfully submitted,

**THOMAS J. JONES, JR., P.C.**

A handwritten signature in black ink, appearing to read "Thomas J. Jones, Jr.", written over a horizontal line.

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

Dated: July 14, 2021

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

600 SCRANTON, LLC	:	
	:	
Complainant	:	
	:	
v.	:	C-2019-3024207
	:	
PA AMERICAN WATER	:	
	:	
Respondent	:	

CERTIFICATE OF SERVICE

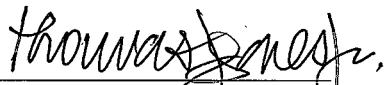
I, Thomas J. Jones, Jr., Esquire, hereby certify that I have served the foregoing Motion to Compel upon the individuals electronically at the addresses set forth below.

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

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

July 14, 2021

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