

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

DOCKET No. C-2020-3019763

Lawrence Kingsley,
Complainant

v.

PPL Electric Utilities,
Respondent

**COMPLAINANT'S MOTION TO COMPEL
INTERROGATORY ANSWERS,
DATED JUNE 24, 2021**

1. The complainant moves for an order compelling Interrogatory Answers from PPL or, in the alternative, for finding of adverse presumption.
2. Pursuant to the court's July 21, 2021 order, which reopened discovery, the complainant propounded a revised set of Interrogatories to PPL on Aug. 27,

2021. These Interrogatories were limited to issues of billing at the complainant's address.

3. Via email on Oct. 12, 2021 the court permitted the complainant to file the instant motion and corrigenda of the July 20, 2021 hearing by Nov. 1, 2021. **Exhibit III.** The instant motion complies with this deadline.
4. PPL has not answered a single Interrogatory.
5. The Interrogatories seek simple, specific information commonly disclosed in discovery. For example, I asked: "On what specific part of documents do you intend to rely when the hearing in this case resumes?" See **Exhibit I.**
6. PPL should be compelled to answer simple questions about billing, which is central to PPL's business in Pennsylvania. PPL should have nothing to fear from candor about its records, but PPL's reticence suggests that there is something which, in its view, should not be brought to light.
7. This missing information is likely to substantiate allegations in Count II of the Complaint, the subject of the next hearing in this now bifurcated case.
8. The withheld information will help to simplify this case and thereby expedite the next hearing. Accordingly, this information is in the interest of judicial economy.
9. PPL's discovery violations represent another example of PPL's arrogance and effrontery to PUC's regulations like 52 Pa. Code § 5.321.

10. PPL’s flagrant disregard of discovery obligation is not only indefensible, but tantamount to “thumbing its nose” at PUC and, by implication, the court.
11. WHEREFORE, an order should enter compelling PPL to answer the subject Interrogatories at once and sanctioning PPL for causing both the complainant and the court unnecessary work to resolve this matter.
12. If PPL still refuses to provide candid answers to these Interrogatories or has spoliated evidence, the court should enter an order finding adverse presumption that the withheld evidence shows improper billing at the complainant’s address as well as outright thievery of the security deposit that PPL routinely requires for new customers.
13. In support of these facts the complainant appends the following Affidavit.

Dated: Lancaster, PA
Oct. 30, 2021

Respectfully submitted,

/S/

Lawrence Kingsley
2161 West Ridge Drive
Lancaster, PA 17601
646-543-2226

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

DOCKET No. C-2020-3019763

Lawrence Kingsley,
Complainant

v.

PPL Electric Utilities,
Respondent

**AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL
INTERROGATORY ANSWERS OR FOR FINDING
OF ADVERSE PRESUMPTION**

I, Lawrence Kingsley, complainant in the above-entitled action, being duly sworn, state as follows.

For the third time, PPL has refused to comply with its discovery obligations under 52 Pa. Code § 5.321.¹

All of my Interrogatories ask for specific information well within PPL's possession, custody, or control.

During the period in question PPL issued bills in the name of Linda Schoener, my former fiancée, who died on March 20, 2015. I was not appointed Administrator (e.g., executor) of her estate until six months later on Sept. 25, 2015

¹ On March 1, 2021 PPL made a seriously deficient response to my demand for production of documents. On Feb. 28, 2020 I propounded Interrogatories on wider issues than those now at bar, but PPL refused to respond at all.

(**Exhibit II**) and did not move into her house until Feb. 1, 2020. During this intervening period I lived in New York, paying ConEd for gas and electricity. However, for prudence I asked PPL for an account in my own name on Aug. 24, 2017. Approximately 29 months from Ms. Schoener's death to the start of my own account with PPL are a period when the estate was the account holder, rather than me. PPL, in fact, billed Ms. Schoener during this period, except that I was forced to pay her bills on behalf of the estate. I needed electricity for security and maintenance of the estate, especially to keep pipes from freezing in her house. I asked PPL to rebill the estate for these invoices, but PPL ignored me.

PPL is unwilling or unable to confirm even the amount for 22 of the 29 months in question, as though reticence will defeat my request for reimbursement of bills owed by the estate, not by me personally.

PPL furthermore is unwilling to acknowledge the security deposit paid by Ms. Schoener or her mother. Linda Schoener became the personal representative of her mother and later her mother's sole heir. As Administrator of the estate, I should be able to inquire about PPL's policy of collecting a security deposit and what exactly occurred at my address. PPL, however, seems intent on "stealing" Ms. Schoener's security deposit and accumulated interest on it.

This dispute initially was the subject of my informal complaint (BCS Case Number 3682784), filed on March 19, 2019. PPL should have preserved evidence

that was the subject of litigation. Because PPL continues to withhold or has spoliated evidence highly relevant to this case, we can form an adverse presumption that this evidence is damaging to PPL.

Dated: Lancaster, PA
Oct. 31, 2021

Respectfully submitted,

/S/

Lawrence Kingsley
2161 West Ridge Drive
Lancaster, PA 17601
646-543-2226

Certificate of Service

I hereby certify that on Oct. 31, 2021 I emailed a true copy of the forgoing Motion and supporting Affidavit 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/

Lawrence Kingsley, *Pro Se*
2161 W. Ridge Dr.
Lancaster, PA 17603
646-453-2226

EXHIBIT I

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

DOCKET No. C-2020-3019763

Lawrence Kingsley,
Complainant

v.

PPL Electric Utilities,
Respondent

**COMPLAINANT’S REVISED SET OF
INTERROGATORIES PROPOUNDED TO PPL,
FILED AUG. 27, 2021**

PPL failed to answer Interrogatories which the complainant filed on March 25, 2021. Pursuant to the court’s July 21, 2021 order, which reopened discovery, the complainant is now limiting the frame of reference to questions of misbilling and submitting a revised version of the previous Interrogatories. PPL still should answer the previous Interrogatories except to the extent that it can do so here.

Pursuant to 52 Pa. Code § 5.321(f)(2), the complainant requests that the respondent (“PPL”) answer the following within 20 (twenty) days. For the respondent’s convenience each Interrogatory is listed on a separate page.

1. On what specific part of documents do you intend to rely when the hearing in this case resumes, and what is the substance of each document?

2. What persons, if any, possess documents responsive to the previous Interrogatory, and what is the complete business address of these persons?

3. Please state in complete detail each and every assertion, if any, which PPL made about billing at the complaint's property in your report to Mediator Matthew Homsher, which PUC ordered on June 10, 2020.

4. During the last ten years what records has PPL submitted to the Pennsylvania Public Utility Commission about the methods and scope of billing when the account holder is deceased?

5. In Lancaster Country or Pennsylvania in general what is PPL's policy about requiring a security deposit from a new customer?.

6. For Lancaster County which C-Suite or senior individuals at PPL administer the policies cited above in Interrogatory No. 5, and how can these individuals be contacted? If you believe that these individuals are exempt from disclosure, please state the specific reason for your decision.

7. Please state the professional qualifications and educational background of each individual cited above.

8. Who, if anyone, has possession, custody, or control of an application for PPL service at the complainant's address for any account paid by the complainant?

9. Does PPL retain a security deposit for any account paid by the complainant?

10. What are the original and current amounts of the security deposit referenced by the preceding Interrogatory and from whom did PPL receive this security deposit?

11. If PPL intends to refund the security deposit referenced above, when should it be expected?

12. What were the amounts of all PPL bills paid by the complainant during March 1, 2015 to the present, whether addressed to him or to Linda Schoener?

13. If not included above and exclusive of meter readings or privileged communication in this case, what reports within PPL's possession, custody, or control reference any account holder at the complainant's billing address? If you assert privilege for any such report, what is the general nature of each report, its date, and reason why you believe the report to be privileged?

14. If not included above, but exclusive of routine notices mailed to all PPL customers and records already filed in this case, what records show correspondence, phone calls, and email messages notices which PPL sent to or received from the complainant about billing or that included billing during March 1, 2015 to the present?

15. In reference to the previous Interrogatory, what audio recordings or verbatim transcripts of phone calls with the complainant does PPL have, as opposed to purported summaries of these calls?

16. Exclusive of the instant case and cases filed in any Pennsylvania Court of Common Pleas, how many complaints has PPL received about its billing practices in Pennsylvania during the last ten years?

17. What persons, government agencies, or other entities have made the complaints cited in the previous Interrogatory, and how were each of these complaint resolved when resolution was possible? If you believe that any of this information is confidential, please list parts of each record which are not confidential and the reason(s) why you believe the rest of these records to be confidential.

18. Which of the complaints, if any, cited in the previous Interrogatory were not resolved and which issues resulted in or contributed to the lack of resolution?

19. Please state the date and substance of any and all billing agreements into which the complainant, Linda Schoener, or her estate entered as the result of mediation or arbitration and include the name of the mediator or arbitrator.

20. Why does PPL still list Linda Schoener as an account holder at the complainant's address?

21. Are you willing to rebill Linda Schoener's estate for electric service since her death on March 20, 2015? If not, please state in complete detail the reason(s) for your refusal and any legal authorities on which your refusal is based.

22. Pending final judgment in this case and any appeals that you file, are you willing to refund payments to PPL that the complainant was forced to make on behalf of Linda Schoener's estate? If not, please state in complete detail the reason(s) for your refusal and any legal authorities on which your refusal is based.

Dated: Lancaster, PA
Aug. 27, 2021

Respectfully submitted,

/S/

Lawrence Kingsley
2161 West Ridge Drive
Lancaster, PA 17601
646-543-2226

Certificate of Service

I hereby certify that on Aug. 27, 2021 I emailed a true copy of the foregoing Interrogatories Propounded to PPL to the PPL's counsel:

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

Respectfully submitted,

/S/

Lawrence Kingsley, *Pro Se*
2161 W. Ridge Dr.
Lancaster, PA 17603
646-453-2226

EXHIBIT II

Certificate# 24702

**SURROGATE'S COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

File#: 2015-3522

CERTIFICATE OF VOLUNTARY ADMINISTRATION

IT IS HEREBY CERTIFIED that an affidavit for Voluntary Administration of the estate of the decedent named below was filed with the court and the Voluntary Administrator named below has been found qualified and is authorized to act as follows:

Name of Decedent: **Linda Schoener**
Date of Death: **March 20, 2015**
Domicile of Decedent: **County of New York**
Voluntary Administrator: **Lawrence Kingsley**
Mailing Address: **300 West 106th Street
Suite 78
New York NY 10025**

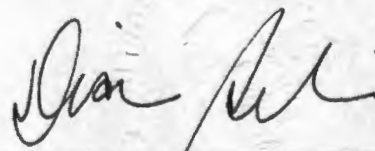
The Voluntary Administrator is only authorized to collect and receive the following personal property of the decedent:

ESTATE ACCOUNT NOT TO EXCEED \$30,000.00

Date Original Affidavit Filed: **September 18, 2015**
Date Certificate Issued: **September 25, 2015**

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the New York County Surrogate's Court at New York, New York.

WITNESS, Hon. Nora S. Anderson, Judge of the New York County Surrogate's Court.



Diana Sanabria, Chief Clerk
New York County Surrogate's Court

This certificate is Not Valid Without the Raised Seal of the New York County Surrogate's Court

EXHIBIT III

Lawrence Kingsley

From: Buckley, Dennis <debuckley@pa.gov>
Sent: Tuesday, October 12, 2021 7:58 AM
To: Lawrence Kingsley
Cc: kkrupka@grossmcginley.com
Subject: RE: [External] RE: C-2020-3019763 Kingsley v PPL

Good morning, Mr. Kingsley,

Although we are well past the regulatory deadline for transcript corrections under the Commission's regulation at 52 Pa. Code, Section 5.253, those time limits were instituted without the contemplation of a global pandemic and its effects. Therefore, I will waive the time limit and ask that you file your proposed corrections by November 1, 2021. It would be appropriate to file any hearing motions—such as a motion to compel—at the same time.

Judge Buckley

From: Lawrence Kingsley <file@research-1.com>
Sent: Tuesday, October 12, 2021 5:18 AM
To: Buckley, Dennis <debuckley@pa.gov>
Cc: kkrupka@grossmcginley.com
Subject: [External] RE: C-2020-3019763 Kingsley v PPL

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.*

I am sorry to bother Your Honor, but in prudence I would like to ask, please, if there is a particular deadline by which I should submit the proposed corrigenda (re: transcript) and my new motion to compel discovery (limited to billing issues). Unfortunately, other pressing work and medical needs have delayed my completion of these tasks.

Lawrence Kingsley
646-543-2226