

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Raja Kannam	:	
	:	
v.	:	C-2020-3016736
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Steven K. Haas  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the formal complaint of Raja Kannam against PPL Electric Utilities Corporation because Mr. Kannam failed to appear for the hearing and prosecute his complaint.

**HISTORY OF THE PROCEEDING**

On January 24, 2020, the Complainant, Raja Kannam, filed a formal complaint against PPL Electric Utilities Corporation (PPL) with the Pennsylvania Public Utility Commission (Commission). In his complaint, Mr. Kannam disputed certain charges that appeared on his PPL bills. He requested that the overcharges and late fees be removed from his PPL account.

On February 13, 2020, PPL filed an answer to Mr. Kannam's complaint. In its answer, PPL denied that there were any incorrect charges on his bills and requested that the complaint be dismissed.

By notice dated April 22, 2020, a telephonic hearing was scheduled in this proceeding for June 8, 2020. I was assigned as the Presiding Officer.

The June 8, 2020 hearing was convened as scheduled. Both PPL and Mr. Kannam appeared at the hearing. Prior to taking testimony, the parties had an off-the-record discussion about Mr. Kannam's complaint. It was determined that the charges about which he was complaining were from alternative electricity suppliers and not PPL. The parties agreed at that time that Mr. Kannam would attempt to contact his electricity suppliers to discuss the disputed charges, and then he and PPL would further discuss his complaint against PPL to see if a resolution could be reached. Accordingly, the hearing was continued, and the parties were given time to try to work toward an informal resolution.

The parties' settlement efforts were ultimately unsuccessful. Subsequently, by e-mail dated September 23, 2021, I reached out to both parties and directed PPL to attempt to contact Mr. Kannam to discuss his complaint and determine if a further hearing was necessary. My e-mail was sent to Mr. Kannam at the e-mail address provided by him on his formal complaint form. By e-mail addressed to both me and Mr. Kannam dated September 23, 2021, Ms. Krupka, attorney for PPL, indicated that she left a voicemail message and an e-mail message for Mr. Kannam, using the contact information provided by him on his formal complaint form, wherein she asked him to contact her to discuss his complaint. By e-mail dated September 30, 2021, I again reached out to both Ms. Krupka and Mr. Kannam, and I directed Mr. Kannam to contact Ms. Krupka and me to inform us if he intended to continue to pursue his complaint against PPL. I informed him that if, in fact, he wished to pursue his complaint and the parties were unable to reach a settlement, I would schedule a new hearing. Neither I nor Ms. Krupka received any responses to our attempts to contact Mr. Kannam. Accordingly, by Further Call-In Telephone Hearing Notice dated October 8, 2021, a further telephonic hearing was scheduled for November 10, 2021, at 10:00 a.m. The hearing notice instructed the parties that they may lose the case if they failed to appear for the hearing.

Also on October 8, 2021, I served the parties a prehearing order in which I provided certain instructions for participation in the hearing. My prehearing order also informed

the parties that they may lose their case if they did not appear for the hearing. Both the hearing notice and my prehearing order were sent to Mr. Kannam using the contact information provided by him on his formal complaint form.

The November 10, 2021, hearing was convened as scheduled at 10:00 a.m. Kimberly Krupka, Esquire appeared at the hearing on behalf of PPL. Mr. Kannam did not connect to the hearing. We waited to begin the hearing until approximately 10:10 a.m. in case Mr. Kannam was running late. He never connected to the hearing. The hearing began in his absence.

Counsel for PPL moved for dismissal of the complaint due to lack of prosecution pursuant to 52 Pa. Code § 5.245. The record closed on November 12, 2021, two days after the hearing, and consists of a brief transcript. As more fully explained below, I will grant PPL's motion and dismiss the complaint.

#### FINDINGS OF FACT

1. The Complainant is Raja Kannam.
2. The Respondent is PPL Electric Utilities Corporation.
3. On January 24, 2020, the Complainant filed a formal complaint with the Commission against PPL.
4. On February 13, 2020, PPL filed an answer to Mr. Kannam's complaint.
5. By notice dated April 22, 2020, a telephonic hearing was scheduled for June 8, 2020, at 10:00 a.m.
6. The June 8, 2020 hearing was convened as scheduled and the parties agreed to continue the hearing so that they could pursue settlement negotiations.

7. Settlement negotiations were not successful and, accordingly, by e-mails to the parties dated September 23, 2021, and September 30, 2021, I instructed the parties to attempt to contact each other to discuss Mr. Kannam's complaint and for Mr. Kannam to inform PPL and I if he intended to pursue his complaint and, if so, if he were willing to again discuss settlement with PPL.

8. Mr. Kannam did not respond to any of my e-mails.

9. By notice dated October 8, 2021, a further telephonic hearing was scheduled for November 10, 2021.

10. On October 8, 2021, I served the parties a prehearing order in which I provided certain instructions for participation in the telephonic hearing.

11. Both the hearing notice and prehearing order were sent to Mr. Kannam using the contact information provided by him on his formal complaint form.

12. Neither the hearing notice nor the prehearing order were returned to the Commission as undeliverable.

13. Both the hearing notice and prehearing order advised the parties that their case may be dismissed if they did not participate in the hearing.

14. The telephonic hearing was convened as scheduled on November 10, 2021, at 10:00 a.m.

15. I waited until 10:10 a.m. to start the hearing in case Mr. Kannam was running late.

16. Mr. Kannam did not call in to the November 10, 2021, hearing.

17. Counsel for PPL was present at the hearing and moved for dismissal of the complaint for failure of Mr. Kannam to prosecute his complaint.

### DISCUSSION

Administrative agencies such as the Commission are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). The essential elements of due process in an administrative proceeding are notice and an opportunity to be heard. *J.P. v. Dep't of Human Servs.*, 150 A.3d 173 (Pa. Cmwlth. 2016). Notice electronically served to a party with no notification that service failed is presumed received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Final Order entered December 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered April 7, 2017); and *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered January 31, 2017). The Commission noted in *Strydio v. PPL Elec. Utils. Corp.*, Docket No. C-2017-263304, p. 6 (Opinion and Order entered July 18, 2018), "[o]nce notice of a hearing and the opportunity to be heard have been provided by the Commission, it is the responsibility of the parties to appear and participate in the hearing." (citing, *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Order entered January 24, 2002)); *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Order entered October 25, 1993).

Here, some time had passed since the initial hearing on June 8, 2020, during which time it was intended that Mr. Kannam would contact his electricity suppliers to discuss the disputed charges and then the parties to this proceeding would pursue settlement negotiations. As noted, a settlement was never achieved. Consequently, by e-mails dated September 23, 2021, and September 30, 2021, I instructed the parties to discuss Mr. Kannam's complaint and for Mr. Kannam to inform PPL and I if he intended to pursue his complaint and, if so, if he was willing to again discuss settlement with PPL. Ms. Krupka was responsive to my e-mails. Mr. Kannam, however, did not respond to either my e-mails or those sent by Ms. Krupka. As a result, I decided to schedule a further telephonic hearing to conclude this proceeding.

By Further Call-In Telephone Hearing Notice dated October 8, 2021, a further telephonic hearing was scheduled for November 10, 2021, at 10:00 a.m. The hearing notice instructed the parties that they may lose the case if they failed to appear for the hearing. Also on October 8, 2021, I sent to the parties a prehearing order in which I provided certain instructions for participation in the hearing. My prehearing order informed the parties that they may lose their case if they did not appear for the hearing. Both the hearing notice and my prehearing order were sent to Mr. Kannam using the contact information provided by him on his formal complaint form. Neither of the notices sent to Mr. Kannam were returned to the Commission as undeliverable. I conclude that Mr. Kannam received due notice of the hearing and chose not to appear. Accordingly, he has waived the opportunity to participate in the hearing. 52 Pa. Code § 5.245(a); *Jefferson v. UGI Utils., Inc.*, 1995 Pa. PUC LEXIS 159 (Opinion and Order entered December 26, 1995).

Finally, Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of any request for relief. Mr. Kannam was advised in the hearing notice and the prehearing order that he could lose the case for failure to participate in the hearing or present facts on the issues raised. By failing to appear and proffer any evidence to support the allegations in his complaint, Mr. Kannam failed to meet this burden. Consequently, the complaint will be dismissed. *El-Ayazra v. W. Penn Power Co.*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered December 26, 1995); 52 Pa. Code § 5.245. Therefore, the Motion of PPL to dismiss the matter for failure to prosecute will be granted.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The Complainant received notice of the hearing. *Chartiers Indus. & Com. Dev. Auth. v. Allegheny Cnty. Bd. of Prop. Assessment Appeals & Review*, 645 A.2d 944 (Pa. Cmwlth. 1994), *appeal den.*, 653 A.2d 1234 (Pa. 1994).

3. The due process rights of the Complainant have been fully protected in this proceeding. *J.P. v. Dep't of Human Servs.*, 150 A.3d 173 (Pa. Cmwlth. 2016); *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered October 25, 1993); 52 Pa. Code § 5.245(a).

4. As the party seeking affirmative relief from the Commission, the Complainant bears the burden of proof. 66 Pa.C.S. § 332(a).

5. The Complainant did not appear and participate in the hearing, did not present any evidence, and, therefore, has failed to meet the burden of proving that the Complainant is eligible for the relief sought from the Commission. 66 Pa.C.S. § 332(a).

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion of PPL Electric Utilities Corporation to dismiss the formal complaint filed by Raja Kannam at Docket Number C-2020-3016736, is granted.

2. That the formal complaint of Raja Kannam against PPL Electric Utilities Corporation at Docket Number C-2020-3016736, is dismissed.

3. That Docket Number C-2020-3016736 be marked closed.

Date: November 18, 2021

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/s/  
Steven K. Haas  
Administrative Law Judge