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600 SCRANTON LLC : BEFORE THE PENNSYLVANIA
Complainant : PUBLIC UTILITY COMMISSION
vs. : C-2019-3014952
PPL ELECTRIC UTILITIES CO. : JUDGE BUCKLEY
Respondent :

COMPLAINANT’S MOTION FOR PRE-HEARING CONFERENCE

AND NOW, comes the Complainant, 600 Scranton LLC, by and through its Counsel, Thomas J. Jones Jr., Esquire, of Thomas J. Jones, Jr. P.C. moving for the scheduling of a Pre-Hearing Conference before Administrative Law Judge, Dennis Buckley, pursuant to the Policy of the PUC and 52 Pa. Code § 5.222 and setting forth the following in support thereof:

1. On December 13, 2019, Complainant filed a Formal Complaint against Respondent, PPL Electric Utilities Corporation (hereinafter PPL or Respondent).

2. On January 2, 2020, Attorney Kimberly G. Krupka on behalf of Respondent, PPL filed an Answer to the Complaint.

3. On January 9, 2020, the PUC Office of Administrative Law Judges gave Notice a Hearing on the Formal Complaint was scheduled for February 20, 2020 before ALJ Dennis Buckley.

4. For numerous reasons such as the Covid Pandemic Restrictions, Discovery Issues, availability of Counsel involved with other PUC Cases, the final hearings in the case at bar have not been scheduled until the May 9, 2022 Order from ALJ Buckley providing for Hearing on June 23, 2022.

5. Complainant requests, pursuant to the policy of the PUC and 52 Pa. Code § 5.222, the Administrative Law Judge schedule a Pre-Hearing Conference between the parties to address the following issues:

a. The Complainant has requested since 2019, the Electric Rate Schedule that was being billed by PPL for the Three Phase Electric Service provided the prior owner of the property, Sugarmans Plaza Ltd. then in bankruptcy in July 2017. The principal issue in this case is: Did PPL provide Complainant with safe, adequate, efficient and reasonable electric service permitting an officer of the bankrupt prior owner without authorization of the new owner, to make agreement for payment of the highest possible rate of LP4-RTP? The base line for this Complaint is: Is there a lower rate for the same electric service that Complainant received? Best evidence would be the PPL electric rate charge of the prior owner for the same service.

Finally, after the presiding ALJ ruled favorably on Complainant's Motion to Compel Production of Documents, PPL officially confirmed the prior owner was charged the lower LP4 electric rate eliminating the LP4-RTP (Real Time Pricing based upon the Peak Monthly Demand of the Pennsylvania, New Jersey and Maryland Grid).

Complainant respectfully requests PPL be sanctioned for the long time delay in providing the evidence requested by preparing an Exhibit with side by side comparison of Complainant's actual monthly electric service as charged by the LP4-RTP and if it were charged LP4.

b. The parties have had difficulty scheduling the deposition of PPL Accounts Manager, Brian Stafford, and would want to arrange that oral deposition (preferably after receipt of the prepared Exhibit as set forth in 1. above).

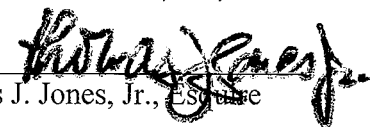
c. The Complainant would call as the necessary factual Witness, David Kurtz, 600 Scranton LLC General Manager. By Order of ALJ Buckley dated April 26, 2021, the credibility of Mr. Kurtz was brought into question by the ALJ's own Opinion. As the Fact Finder in this Case, Complainant has reasonable concerns about the fairness and impartiality or bias of ALJ Buckley toward Mr. Kurtz. Accordingly, at the Prehearing Conference a proceeding should be scheduled to determine

5. I have attempted to contact Attorney Krupka, Counsel for PPL, via phone, for concurrence of the scheduling of a Pre-Hearing Conference, but had no return call to date.

WHEREFORE it is respectfully requested the Complainant's Motion for Pre-Hearing Conference be granted, then scheduled for telephone conference call.

THOMAS J. JONES, JR., PC

By:


Thomas J. Jones, Jr., Esquire

ATTORNEY VERIFICATION

I, Thomas J. Jones, Jr., Esquire hereby verify that the facts set forth in the foregoing Motion are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

May 17, 2022

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

Thomas J. Jones, Jr., Esquire