

THOMAS J. JONES, JR., P.C.
By: Thomas J. Jones, Jr., Esquire
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600 SCRANTON, LLC, : BEFORE THE PENNSYLVANIA
Complainant : PUBLIC UTILITY COMMISSION
vs. : C-2019-3014952
PPL ELECTRIC UTILITIES CORPORATION, : 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. and moves 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 of Gross McGinley, P.C. entered her appearance on behalf of Respondent, PPL and filed an Answer to the aforementioned Complaint.

3. On January 9, 2020, the PUC Office of Administrative Law Judges gave notice that 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, etc., the final hearings in the within case have not been scheduled until the May 9, 2022, Order from ALJ Buckley, providing for hearing on June 23, 2022.

5. On May 27, 2022, Attorney Krupka agreed to schedule PPL Billing Manager, Brian Stafford, for a deposition to be taken the week of June 6-June 10, 2022.

6. Later in the afternoon of May 27, complainant's counsel received notice Attorney Krupka and her law firm were withdrawing as counsel of record for Respondent, PPL.

7. An entry of appearance was later filed by new counsel for Respondent: Michael J. Shaffer, Esquire, PPL Senior Counsel, Devin T. Ryan, Esquire and Garrett P. Lent, Esquire of the law firm Post & Schell, Harrisburg, PA.

8. The main issue of the filed complaint raised by 600 Scranton, LLC is the PPL electric service was ordered at the highest rate, LP4-RTP, by an unauthorized employee of Sugarmans Marketplace, LTD, then in bankruptcy in July, 2017.

9. The Complainant paid the August, 2017 PPL bill for the LP4-RTP account, then subsequently, no PPL bills were received until December, 2017 when there were four (4) monthly bills presented for collection. PPL convinced the Complainant that future billing should be a summary bill which contains four metered accounts and the total electric service consumption, but no information regarding KW, Kwh, peak demand and other relevant information.

10. There have been other issues raised: 1) the prevention by Respondent for Complainant to have an overconsuming tenant to be separately metered with a Smart Meter pursuant to Act 129; 2) the failure of Respondent to conduct an audit of Complainant's electric system and machinery and equipment at Complainant's request to comply with Act 129. This supports Complainant's contention that Respondent has failed to provide safe, efficient, adequate and economical utility service. However, there is no claim sought for money damages, as the Complainant has been well aware from the beginning, one cannot receive an award for money damages within the jurisdiction of the PUC.

11. The only relief requested by Complainant has been to recalculate the time period the Complainant was charged with the LP4-RTP rate with the lower LP4 rate that was charged the prior owner.

12. 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 issue, particularly since a new law firm is now representing the Respondent as of last

Friday and counsel should be afforded an opportunity to explore the possibility of an amicable resolution of the case:

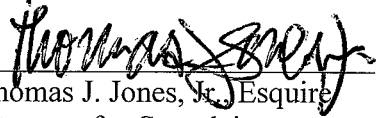
The Complainant has requested since 2019, the Electric Rate Schedule that was being billed by PPL for the three phase electric service provided the prior owner of the property, Sugarmans Plaza, Ltd., then in bankruptcy July, 2017. The principal issue in this case is: Did PPL provide Complainant with 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 attributable to the new owner at 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.

13. Respondent's prior counsel refused to disclose for over two (2) years, despite repeated requests, the electric rate charged the prior owner and further, when directly asked by the undersigned counsel, denied there even was an LP4 PPL tariff rate. In fact, PPL's prior counsel insisted on Complainant obtaining the prior owner's written permission to release to Complainant what their actual tariff rate was at the time Complainant acquired the property and, after Complainant did acquire same, it was provided 2 or 3 times without PPL providing the requested disclosure.

14. Complainant believes and therefore avers that the true issue in this dispute is a narrow one which should be resolved between the parties if given the opportunity to engage in discussions with PPL's new counsel of record.

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

Respectfully submitted,
THOMAS J. JONES, JR., PC

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

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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.

Date: June 6, 2022

THOMAS J. JONES, JR., PC


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

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BEFORE THE PENNSYLVANIA
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JUDGE BUCKLEY

CERTIFICATE OF SERVICE

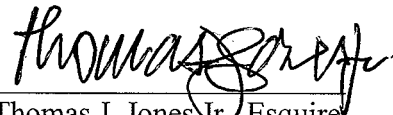
I, THOMAS J. JONES Jr., hereby certify that I have served the foregoing Motion for Pre-Hearing Conference on the individuals at the address set forth below via electronic service.

Michael J. Shafer, Esquire
mjshafer@pplweb.com

Devin T. Ryan, Esquire
dryan@postschell.com

Garrett P. Lent, Esquire
glent@postschell.com

THOMAS J. JONES, JR., PC



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

Date: June 6, 2022