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File #: 140074

June 13, 2022

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

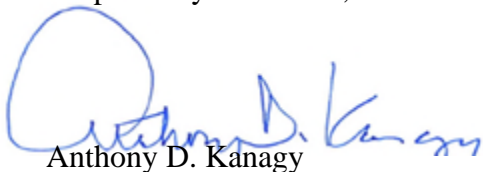
**Re: 600 Scranton LLC v. PPL Electric Utilities Corporation**  
**Docket No. C-2019-3014952**

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Dear Secretary Chiavetta:

Attached for filing is the Answer to Motion for Prehearing Conference on behalf of PPL Electric Utilities Corporation in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Anthony D. Kanagy

ADK/kl  
Attachments

cc: Honorable Dennis E. Buckley (*via email; w/att.*)  
Certificate of Service

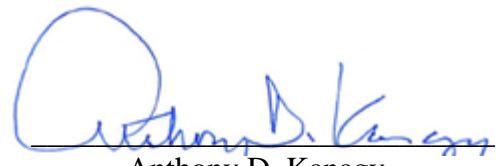
## CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA E-MAIL

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Dated: June 13, 2022



Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

600 Scranton LLC,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3014952
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**ANSWER OF RESPONDENT PPL ELECTRIC UTILITIES CORPORATION  
OPPOSING COMPLAINANT’S MOTION FOR PRE-HEARING CONFERENCE**

PPL Electric Utilities Corporation (“PPL Electric”) hereby files the following Answer Opposing Complainant’s Motion for Pre-Hearing Conference. This case, at its core, is quite simple. Complainant began receiving electric service at its site with multiple large, commercial tenants in July 2017 under the applicable tariff rate. Complainant did not choose a competitive supplier for electricity supply and therefore, under the tariff rules, was billed for default service at Real Time Prices (“RTP”). Complainant is an LP-4 distribution customer and the only default service rate applicable to the Complainant is the RTP. In its Complaint, Complainant seeks to unlawfully avoid paying for its default supply charges.

The Complaint was initially filed several years ago, in December 2019. During that time, Complainant has avoided paying for much of its electric service and currently has a significant outstanding and overdue balance. This case has been quite prolonged with 5 separate prehearing conferences. On May 17, 2022, Complainant requested that the Hearing scheduled for June 23, 2022, be converted to a pre-hearing conference, and this request was denied by Administrative Law Judge Dennis J. Buckley on May 27, 2022. Despite this denial, Complainant filed another Motion For Pre-Hearing Conference on June 6, 2022, in yet another attempt to delay a final

decision on the merits. PPL Electric opposes Complainant's Motion for another Pre-Hearing Conference and requests that the Hearing proceed as scheduled on June 23, 2022.

1. Admitted.

2. Admitted.

3. Admitted.

4. PPL Electric admits that the hearing in this proceeding is scheduled for June 23, 2022. PPL Electric denies Complainant's reasons for why the hearing was delayed, as stated.

5. There have been several attempts to schedule a deposition in this proceeding. PPL Electric has agreed to a deposition of PPL Electric's witness Brian Stafford, which is scheduled for the morning of June 14, 2022.

6. Admitted.

7. Admitted.

8. Denied. The issue in this proceeding is whether Complainant can unlawfully avoid the applicable tariffed default service supply rate when the Complainant did not elect a competitive supplier.

9. PPL Electric denies Complainant's averments that it "convinced" Complainant to elect summary billing. Complainant requested summary billing from PPL Electric. In addition, Complainant could elect to stop summary billing at any time.

10. PPL Electric denies that any of the averments raised in Paragraph 10 are relevant to the Complaint or are within the jurisdiction of the Pennsylvania Public Utility Commission.

11. PPL Electric admits that this is the only relief sought by Complainant. However, Complainant's request for relief is unlawful and must be denied. Complainant requests a recalculation of the LP4-RTP rate charged to Complainant with the LP4 rate charged the prior

owner. This recalculation is not relevant because the LP4-RTP rate charged to the Complainant includes default service supply because the Complainant did not choose a competitive supplier. The LP4 rate charged to the prior owner did not include default supply because the prior owner chose a competitive supplier and did not take default service from PPL Electric. Both the Complainant and the prior owner were charged the same tariffed rate – LP4 – for distribution service. However, because the Complainant did not choose a competitive supplier, by tariff, Complainant was charged and must pay for default service supply at the applicable RTP default service rate. The Complainant cannot avoid default service supply charges when it did not elect a competitive supplier.

12. PPL Electric denies that a 6<sup>th</sup> pre-hearing conference is necessary to discuss any issues. The issue raised by the Complainant is ready for hearing. Counsel for PPL Electric does not require additional time for hearings. In addition, counsel for PPL Electric has explained its position to counsel for Complainant and requested that Complainant provide any settlement proposals for consideration. PPL Electric will make itself available informally for any settlement discussions requested by the Complainant and does not require a further pre-hearing conference to do so.

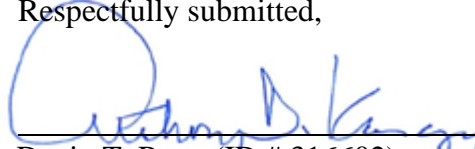
Complainant requests the same rate that was billed to the prior owner. To be clear, Complainant was billed the same distribution rate – LP4- as the prior owner. PPL Electric cannot bill the same supply rate to the Complainant that the prior owner received because the prior owner had a separate supply contract with a third-party supplier. PPL Electric’s default service supply rate is set forth in its Commission-approved tariff and PPL Electric cannot lawfully charge a different rate. PPL Electric also cannot lawfully assign a customer to a third-party supplier when the customer does not choose a third-party supplier.

13. The averments in Paragraph 13 are denied as stated. Moreover, Complainant sought the prior owners billing records to determine what supply rate the prior owners paid to a third-party supplier. PPL Electric cannot provide a third-party supply rate to a customer when the customer does not choose the third-party supplier. PPL Electric must provide its tariffed default service rate.

14. Denied as stated. However, PPL Electric agrees that the issue to be decided is narrow – whether the Complainant can unlawfully avoid paying PPL Electric’s tariffed default service charges when the Complainant did not choose a competitive supplier. In addition, PPL Electric remains open to settlement discussions but opposes any request for a 6<sup>th</sup> pre-hearing conference and opposes any request to further delay the hearings in this proceeding.

WHEREFORE, Complainant's request for a further pre-hearing conference should be denied.

Respectfully submitted,



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Date: June 13, 2022

Attorneys for PPL Electric Utilities Corporation