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July 15, 202

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Lawrence Kingsley v. PPL Electric Utilities Corporation
Docket No: C-2020-3019763

Dear Ms. Chiavetta:

Enclosed for eFiling in the above-captioned matter is the Reply of PPL Electric Utilities Corporation to the Exceptions of Complainant, Lawrence Kingsley

Please note that this filing was eFiled with the Commission on the date indicated above.

Very truly yours,

KIMBERLY G. KRUPKA

KGK/tb

Enclosure

cc: Administrative Law Judge Dennis J. Buckley (w/enc.) *via email only*
Lawrence Kingsley (w/enc.) *via email and First Class Mail*
Michelle L. Bartolomei (w/enc.) *via email only*
Shelbie Frederick Bayda (w/enc.) *via email only*

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LAWRENCE KINGSLEY,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2020-3019763

**REPLY OF PPL ELECTRIC UTILITIES CORPORATION TO THE EXCEPTIONS OF
COMPLAINANT, LAWRENCE KINGSLEY**

AND NOW COMES PPL Electric Utilities Corporation (“PPL Electric”) by and through its counsel, Gross McGinley, LLP, files the following Reply to the Complainant’s Exceptions, and in support thereof, responds as follows:

1. Complainant first contends that there was a lack of evidence to support the decision of Administrative Law Judge Buckley. In fact, just the opposite is true. Judge Buckley correctly found that Complainant produced no evidence whatsoever to support his claim that PPL Electric had committed any violation of any kind. Specifically, Complainant offered no actual evidence beyond bare assertions that PPL Electric had trimmed or removed vegetation from his property at any time, much less in 2017, a year which PPL Electric specifically denied performing any vegetation trimming at the property. Further, the record is clear that when PPL Electric Contractor Asplundh came to trim vegetation on the property in 2019, they left without performing the work at Complainant’s request (N.T. 73-76). Additionally, Complainant has failed to establish that PPL Electric was required to refund the charges for the Lancaster Property and rebill the same to the estate of Ms. Linda Schoener, Complainant’s deceased fiancée. Claimant acknowledges in his Exceptions that he was not required to pay the bill and could have

allowed services to the property to be terminated. He chose not to do so. Claimant's apparent position that PPL Electric had the burden of disproving his claims is simply inconsistent with the applicable law as correctly cited in Judge Buckley's opinion. Complainant had the burden of proving his claims by the preponderance of the evidence 66 Pa. C.S. § 332(a). He failed to do so, and as such, his complaint was properly dismissed.

2. Complainant next asserts that there was no credible evidence to refute his claims as to improper vegetation trimming and removal. As an initial matter, Complainant's opinion as to the credibility of witnesses is wholly irrelevant. Moreover, as stated above, it was Complainant, not PPL Electric, who was required to present sufficient evidence to present his claim 66 Pa. C.S. § 332(a). Nevertheless, Judge Buckley did find credible the testimony of Tyler Marino that the photos offered into evidence by Complainant did not show evidence of trimming beyond the customary 15 foot clearance (N.T. 95-96), and that there was no vegetation management on Complainant's property in the year 2017 (N.T. 91-92, 98, 117). These determinations were soundly within Judge Buckley's discretion per *Armstrong Communications, Inc. v. Pennsylvania Public Utility Com'n*, 786 A.2d 1230 (Cmwlth. 2001) and Complainant has shown no reason why they should be disregarded.

3. Complainant's third Exception is that there was no credible evidence to refute Complainant's billing dispute. Once again, Complainant misstates which party has the burden of presenting evidence to support its claim. Nevertheless, Complainant himself admits within his own exceptions that he voluntarily paid the electric bills between Ms. Schoener's death and the transfer of the electric bill for the property into his own name to keep PPL Electric from terminating service to the property. Presumably, he did this because he had an interest in preserving the property and service thereto. This is reinforced by the fact that Complainant

subsequently moved into that very property. Complainant provided no evidence whatsoever to suggest that PPL Electric had an obligation to refund his voluntary payments and rebill them to Ms. Scheoner's estate. As such, Judge Buckley correctly dismissed this Complaint.

4. Complainant's fourth Exception once again misstates the burdens imposed on each of the parties, and in a particularly egregious manner. Complainant insists that he is entitled to the refund of a security deposit that the record clearly reflects was never paid, least of all by Complainant (N.T. 160). Complainant himself presented no evidence whatsoever of a security deposit having been paid. Indeed, the entirety of Complainant's claim for a refund of this phantom security deposit is his pure speculation the prior purchasers of the house, the parents of Ms. Schoener, must have paid a security deposit in the 1950's when they commenced service to the home (N.T. 145-146). Such unsubstantiated assumptions do not approach the realm of competent evidence, and Judge Buckley correctly dismissed this claim.

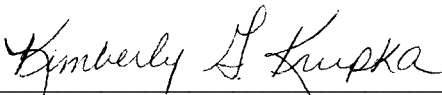
5. Complainant's next Exception criticizes Judge Buckley for "rejecting properly filed documents." Specifically, Complainant makes reference to his "Trial Memorandum." However, as Judge Buckley clearly and succinctly states in his Initial Decision, this "memorandum" was neither requested, nor permitted by the rules, and was nothing more than a recitation of Complainant's argument (Initial Decision at Page 7). Complainant fails to cite to a single rule that would have permitted the filing of this "memorandum," much less a single rule Judge Buckley violated by disallowing the same. Complainant further objects to the disallowance of his Preliminary Objections to PPL Electric's Answer as "unreasonable." However, Complainant completely misstates the reason these "objections" were disallowed. Namely, by e-mail dated July 5, 2021 to the parties, Judge Buckley informed Complainant that his Preliminary Objections

were not properly set forth. Complainant cites no law or facts to refute this. As such, this Exception is without merit.

6. Complainant's next Exception lacks any validity. Complainant argues that he should have been provided with a copy of an unidentified report ordered by Judge Rainey. Complainant was advised multiple times by Judge Buckley that PPL did not possess any report to or from Judge Rainey, as the same is not discoverable (Initial Decision at Page 3). For reasons unknown, Complainant has refused to accept this representation and continues to make demands for a report that PPL Electric never had and that was never produced.

7. Finally, Complainant claims that PPL Electric was allowed to "evade discovery three times." This is false. In fact, Judge Buckley permitted Complainant to file a Motion to Compel relative to the discovery Complainant contended had been improperly withheld. Complainant filed such a Motion, which PPL answered. In an Order dated January 28, 2022, Judge Buckley directed PPL Electric to provide additional documentation to Complainant, and set forth clear and detailed reasons why Complainant was not entitled to any additional discovery. As with all his other Exceptions, Complainant has failed to set forth any legal support for his position, and instead argues based on his personal feelings and opinions. This exception, as all his others, is without merit and should be dismissed.

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BY: 

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Date: July 15, 2022

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LAWRENCE KINGSLEY,

Complainant,

vs.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

COMPLAINT DOCKET

NO. C-2020-3019763

CERTIFICATE OF SERVICE

This is to certify that the *Reply of PPL Electric Utilities Corporation to the Exceptions of Complainant, Lawrence Kingsley*, was mailed to counsel/complainant of record on behalf of Respondent by electronic mail and first class United States mail, postage on this the 15th day of July, 2022.

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