**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lesley Scheaffer :

: C-2022-3032209

v. :

:

PPL Electric Utilities Corporation :

**ORDER GRANTING CONTINUANCE**

On April 22, 2022, Lesley Scheaffer (Ms. Scheaffer or Complainant) filed a Formal Complaint (Complaint) in this matter. In the Complaint, Ms. Scheaffer alleged that there were incorrect charges on her bill for electric service to her residence at 439 East Abbott Street, Lansford, PA 18232 (Service Location) and that PPL Electric Utilities Corporation (PPL) had erred in combining her account with that of her father. Ms. Scheaffer also provided information concerning previous complaints filed with the Public Utility Commission (Commission) relating to her account with PPL and/or those of her deceased father, problems with the heating system at the Service Location and the reason for delayed payments for electric service.

On May 18, 2022, PPL filed an Answer (Answer) to the Complaint in which it admitted or denied the averments made by Ms. Scheaffer. In the Answer, PPL acknowledged that it had transferred Ms. Scheaffer’s balance for 958 Edgemont Avenue, Palmerton, PA 18071 (the Palmerton account) to another account associated with her. PPL denied that the Palmerton account was associated with Ms. Scheaffer’s father, indicating that an account formerly associated with her father had been transferred to Ms. Scheaffer on November 15, 2017. Furthermore, it denied that any account transfer to Ms. Scheaffer was unlawful.

PPL denied that there are incorrect charges on Ms. Scheaffer’s account. PPL acknowledged that it had issued a termination notice to Ms. Scheaffer on April 20, 2022, due to failure to pay electric service bills on time and denied that the issuance of the notice violated the law.

On June 24, 2022, an Initial Telephonic Hearing Notice was issued establishing an initial telephonic hearing for this matter for Thursday, August 11, 2022 at 10:00 a.m. and assigning me as the presiding officer. In anticipation of that hearing, a prehearing order was issued on June 24, 2022, setting forth various rules that would govern that proceeding.

On August 5, 2022, Ms. Scheaffer filed a motion requesting a continuance of the hearing scheduled for August 11, 2022. In the motion, Ms. Scheaffer’s stated that she wished to have an in-person hearing in Carbon County. She also indicated that the wished to have: “A fair Judge” and “No Attorneys!!”

Section 5.483 of the Commission’s regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Furthermore, the Commission’s regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests. 52 Pa.Code § 1.15(b).

The hearing in this matter was scheduled as a telephonic hearing; however, PUC buildings are open for business. The Complainant has requested an in-person hearing. Counsel for PPL has failed to express any opposition to Ms. Scheaffer’s request.

The PUC has the ability to accommodate Ms. Scheaffer’s request for an in-person hearing; however, it lacks the ability to do so in Carbon County.

I recognize that the Complainant is appearing *pro se* in this proceeding and note that it is in the public interest that all litigants, particularly *pro se* litigants**,** be afforded a meaningful opportunity to be heard. As a result, I will grant her request for an in-person hearing; however, the PUC conducts hearings in its offices located in Philadelphia, Harrisburg and Pittsburgh only. The PUC does not conduct hearings in Carbon County. Accordingly, this Order instructs Ms. Scheaffer to select either Harrisburg or Philadelphia as the location for an in-person hearing and to convey that information to me and to counsel for PPL.

As to the request for a “fair judge” included in Ms. Scheaffer’s motion, I note that as an administrative agency of the Commonwealth, the Commission is required to provide due process to the parties appearing before it. Due process is satisfied when the parties are afforded notice and the opportunity to appear and be heard. The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.

The Office of Administrative Law Judge is the component of the PUC established by law to provide conflict resolution by independent administrative law judges. 66 Pa. C.S. § 304. The judges preside at formal hearings in contested matters, gather all the facts relating to an individual case and prepare written decisions outlining the issues, and recommend resolutions to disputes. All hearings are conducted in accordance with the Pennsylvania Public Utility Code, 66 Pa.C.S. § 332 and the PUC’s Rules of Practice and Procedure at 52 Pa Code Chapters1, 3 and 5.

Additionally, Ms. Scheaffer requested the following in her motion: “No Attorneys!!” PUC regulations permit individuals to represent themselves; however, all other parties to a hearing such as a corporation, partnership or other entity must be represented by an attorney or other authorized legal representative. 52 Pa. Code § 1.21- 1.22. PPL is a corporation; therefore, it must be represented by counsel at the hearing. Accordingly, Ms. Scheaffer’s request that no attorney participate in the hearing must be denied.

Therefore, the Complainant’s Motion for Continuance will be granted, in part and denied, in part. In accordance with the terms of this Order, Ms. Scheaffer may select either the Harrisburg or Philadelphia PUC office as an appropriate venue for an in-person hearing; she must convey that information to me and to counsel for PPL no later than August 17, 2022.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the telephonic hearing scheduled for August 11, 2022 is cancelled.
2. That Ms. Scheaffer is directed to select the Pennsylvania Public Utility Commission hearing office in. Philadelphia or Harrisburg as the location for an in-person hearing.
3. That Ms. Scheaffer is directed to notify me and counsel for PPL Electric Utilities Corporation of the Pennsylvania Public Utility Commission hearing office which she has selected for the in-person hearing no later than Wednesday, August 17, 2022.
4. That counsel for PPL Electric Utilities Corporation will have five (5) days from the date of service of Ms. Scheaffer’s selection to object to her choice of venue.
5. That if Ms. Scheaffer fails to select a location for the conduct of the in-person hearing in accordance with this Order, a telephonic hearing will be rescheduled for this matter.
6. That the parties are encouraged to engage in settlement discussions to resolve all outstanding matters.
7. That the parties are reminded that the Prehearing Order dated May 24, 2022 issued in this matter remains in effect and all communications or actions taken pursuant to this Order comply therewith.

Date: August 10, 2022 /s/

Arlene Ashton

Administrative Law Judge

**C-2022-3032209 - LESLEY SCHEAFFER v. PPL ELECTRIC UTILITIES CORP**

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