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Garrett P. Lent

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File #: 140074

August 10, 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: Jason R. Paul v. PPL Electric Utilities Corporation**  
**Docket No. C-2022-3032008**

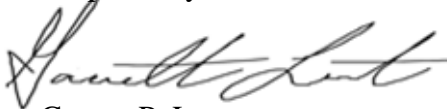
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Dear Secretary Chiavetta:

Attached for filing is the Motion of PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) for Continuance of Hearing scheduled for August 17, 2022, in the above-referenced proceeding. This is the Company’s first request for a continuance in this proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Garrett P. Lent

GPL/dmc  
Attachments

cc: Honorable John M. Coogan (*via email*)  
Certificate of Service


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has 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 FIRST-CLASS MAIL ONLY**

Jason R. Paul  
132 Cessna Hill Rd  
Boswell, PA 15531

Date: August 10, 2022

  
\_\_\_\_\_  
Garrett P. Lent

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jason R. Paul,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2022-3032008
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN (20) DAYS AFTER THE DATE OF SERVICE OF THIS NOTICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR ANSWER SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: August 10, 2022

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jason R. Paul,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2022-3032008
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**MOTION FOR CONTINUANCE OF PPL ELECTRIC UTILITIES CORPORATION**

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**TO ADMINISTRATIVE LAW JUDGE JOHN M. COOGAN:**

PPL Electric Utilities Corporation (“PPL Electric” or “Company”) hereby files this Motion for a Continuance pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, and requests that the evidentiary hearing scheduled for August 17, 2022, for above-captioned Complaint be continued to a later date. Prior to filing the instant Motion, counsel for PPL Electric contacted Jason R. Paul (“Complainant”) about the proposed continuance. However, the Complainant has not yet responded to the Company’s inquiries regarding the Motion.

In support of the instant Motion, PPL Electric states as follows:

**I. MOTION**

1. PPL Electric furnishes electric service to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania. PPL Electric is a “public utility” and an “electric distribution company” as

defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. Pursuant to Chapters 15 and 28 of the Public Utility Code, PPL Electric has a statutory obligation to provide safe, efficient, and reasonable service and facilities and to make all repairs or improvements in or to such service or facilities as are reasonably necessary for the accommodation, convenience, and safety of its customers.

3. The Complainant is not a customer of PPL Electric.

4. On April 20, 2022, the Company was served with the above-captioned Complaint via Secretarial Letter from the Commission.

5. In the Complaint, the Complainant alleged, among other things, that PPL Electric installed “power wires” on “trees” on the Complainant’s property. (*See* Complaint ¶ 4).

6. On May 10, 2022, PPL Electric timely filed an Answer and New Matter to the Complaint, admitting in part and denying in part the factual basis of the Complainant’s allegations. Also on March 10, 2022, the Company filed Preliminary Objections.

7. On June 14, 2022, the Commission issued a Motion Judge Assignment Notice.

8. On June 30, 2022, Administrative Law Judge John M. Coogan (the “ALJ”) issued an Order denying PPL Electric’s Preliminary Objections and scheduling a telephonic evidentiary hearing for August 17, 2022.

9. Also on June 30, 2022, a Telephonic Hearing Notice was issued by the Commission scheduling an evidentiary hearing for 10:00 a.m., August 17, 2022. That same day, the ALJ issued a Prehearing Order for the Telephonic Hearing.

10. Section 1.15(b) of the Commission’s regulations states:

(b) 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 the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

52 Pa. Code § 1.15(b).

11. In addition, the Prehearing Order issued on June 30, 2022, provides the following:

You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

Prehearing Order, p. 2 (Jun. 30, 2022).

12. The witnesses that PPL Electric plans to call at the evidentiary hearing are unavailable for the August 17, 2022, evidentiary hearing. As such, PPL Electric respectfully requests that the August 17, 2022, evidentiary hearing be continued to a later date.

13. It is well established that unavailability of a party’s witness constitutes “good cause” warranting the continuance of an evidentiary hearing. *See Patterson v. Duquesne Light Company*, Docket No. F-2015-2513478 (Interim Order Granting Respondent’s Request for Continuance of Hearing Entered Dec. 30, 2015); *Mathis v. PECO Energy Co.*, Docket No. C-2018-3001616 (Order Granting Complainant’s Motion for a Continuance Entered Jul. 18, 2018.)

14. PPL Electric has sought the non-opposition of the Complainant before submitting this Motion. Counsel for PPL Electric has attempted to contact Complainant by e-mail and by phone, but the Complainant has not yet responded to the Company’s inquiries regarding the Motion.

15. Should PPL Electric's Motion for Continuance be granted, PPL Electric proposes any of the following dates to reschedule the telephonic evidentiary hearing, subject to the ALJ's and the Complainant's availability:

- **August 2022:** 22, 23, 25, 29, 30, or 31; or
- **September 2022:** 1 or 2.

16. Additionally, the requested continuance will enable the parties to have productive discussions about potentially entering into factual stipulations, narrowing the scope of issues in this case, or both, which would reduce the length of the evidentiary hearing.

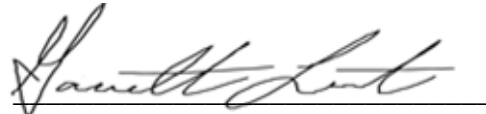
17. Lastly, this is the Company's first request for continuance, and a continuance of the hearing will not unnecessarily delay the adjudication of the Complaint.

18. For these reasons, PPL Electric herein requests a continuance of the hearing scheduled for August 17, 2022, and that it be rescheduled for a date that is mutually acceptable to the parties and the ALJ.

**II. CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that a continuance of the telephonic evidentiary hearing scheduled in the above-captioned proceeding for August 17, 2022, be granted, and that the telephonic evidentiary hearing be rescheduled to a date that is mutually acceptable to the parties and the Administrative Law Judge.

Respectfully submitted,



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Date: August 10, 2022

Attorneys for PPL Electric Utilities Corporation