**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jason R. Paul :

 :

 v. : C-2022-3032008

 :

PPL Electric Utilities Corporation :

**ORDER**

**GRANTING CONTINUANCE**

On April 20, 2022, Jason R. Paul (Mr. Paul or Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL), docket number C-2022-3032008. In his formal complaint, Mr. Paul avers that he is having a reliability, safety or quality problem with his utility service. Specifically, Mr. Paul claims PPL installed power lines on trees on his property and refuses to detach them. Mr. Paul asserts trees cannot be used to support power lines as a means of transportation and there is no right of way to use the trees for power lines. Mr. Paul alleges PPL told him they would remove trees and place a pole, but they never did. As relief, Mr. Paul requests that PPL either remove the lines from the trees, or remove the trees and install power poles to support the power lines.

On May 10, 2022, PPL filed an answer and new matter to Mr. Paul’s complaint. PPL’s answer and new matter included a notice to plead. In its answer and new matter, PPL admits or denies the various averments in the formal complaint. In particular, PPL denies Complainant is a customer of PPL, or that PPL provides electric service to the mailing address listed in Mr. Paul’s complaint.[[1]](#footnote-1) PPL also asserts it is without sufficient knowledge or information as to whether there are power lines installed at Mr. Paul’s mailing address, and PPL denies it either installed or refused to detach power lines on trees located at Mr. Paul’s mailing address. PPL further states it does not possess a right of way to construct, maintain, and operate power lines at Mr. Paul’s mailing address, and PPL cannot remove any alleged trees or install a power pole at Mr. Paul’s mailing address. PPL denies it told Complainant that PPL would remove trees and place a pole at his mailing address. In its new matter, PPL alleges Mr. Paul lacks the standing required to bring a complaint about the service of PPL. Specifically, PPL alleges Mr. Paul lacks standing because he is neither a customer of PPL nor does PPL provide electric distribution service to Mr. Paul at the mailing address, and therefore his formal complaint should be dismissed.

Also on May 10, 2022, PPL filed preliminary objections in response to Mr. Paul’s complaint. In its preliminary objections, which were accompanied by a notice to plead, PPL argued that the Commission should dismiss the formal complaint because Complainant lacks standing because he is neither a customer of PPL, nor does PPL provide electric service to Complainant’s mailing address.

On May 16, 2022, Mr. Paul filed a response to PPL’s preliminary objections. In his response, Mr. Paul included pictures that he alleges support his argument that PPL is using trees to support their power lines. Mr. Paul also indicated that he objects to PPL’s preliminary objections.

On June 14, 2022, a motion judge assignment notice was issued, assigning me as the presiding officer.

On June 30, 2022, I issued an order, denying PPL’s preliminary objections, and setting the date of August 17, 2022 beginning at 10:00 a.m. for a hearing regarding Mr. Paul’s formal complaint.

On June 30, 2022, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for Wednesday, August 17, 2022 at 10:00 a.m. and assigning me as the presiding officer. In anticipation of that hearing, I issued a prehearing order on June 30, 2022 setting forth various rules that would govern that proceeding.

On August 10, 2022, I received a motion for continuance from PPL, asking for a continuance due to unavailability of a witness. By e-mail sent August 11, 2022, Mr. Paul indicated he did not object to the request for a continuance. Without objection, I informally granted the motion for continuance via email on August 11, 2022 and canceled the August 17, 2022 hearing.

The purpose of this order is to formalize the continuance of the August 17, 2022 hearing and provide further instructions regarding this matter.

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). 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). Only for good cause shown will requests for continuance be considered. *Id.*

In this case, there is good cause for a continuance to be granted. A witness for PPL is unavailable for the hearing scheduled on August 17, 2022. Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n.*, 479 A.2d 10 (Pa. Cmwlth. 1984). This is PPL’s first request for a continuance and PPL’s ability to present an intended witness implicates its due process rights to defend against Mr. Paul’s claim at a formal hearing. Additionally, PPL’s motion for a continuance is timely, and Mr. Paul does not object to PPL’s request for a continuance. Therefore, good cause exists for a continuance of the hearing to provide PPL an opportunity to present its witness at a hearing. A new hearing will be scheduled for September 1, 2022, beginning at 10 a.m.

In the interim, the parties are encouraged to pursue settlement discussions. The Commission strongly encourages settlement and, to the extent that a settlement can be obtained to resolve the complaint, no hearing will be required.

ORDER

 THEREFORE,

 IT IS ORDERED:

1. That the motion for a continuance filed by PPL Electric Utilities Corporation on August 10, 2022 in the above referenced docket is granted.
2. That good cause exists for the hearing scheduled for August 17, 2022 to be continued due to the unavailability of the PPL Electric Utilities Corporation’s witness.
3. That the hearing scheduled for August 17, 2022 is rescheduled to September 1, 2022 beginning at 10 a.m. To participate in the hearing on September 1, 2022, parties must call 888-459-7411 and enter pin number 95632432 when prompted.

Date: August 16, 2022 \_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 John M. Coogan

 Administrative Law Judge

**C-2022-3032008 - JASON PAUL v. PPL ELECTRIC UTILITIES CORPORATION**JASON PAUL132 CESSNA HILL RDBOSWELL PA 15531**814.288.8578**Jayjpglobalenginerr2017@gmail.comAccepts eServiceKIMBERLY A KLOCK ESQUIREMICHAEL J SHAFER

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*Represents PPL Electric Utilities Corporation*

1. PPL asserted Mr. Paul incorrectly supplied an address for a PPL service center in the portion of the complaint where a complainant may identify a different address than the mailing address. [↑](#footnote-ref-1)