
Megan E. Rulli

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File #: 140074

April 14, 2023

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 Thomas v. PPL Electric Utilities Corporation
Docket No. C-2022-3037062

Dear Secretary Chiavetta:

Attached for filing please find the Motion for Continuance filed on behalf of PPL Electric Utilities Corporation in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/kl
Attachment

cc: The Honorable Christopher Pell (*via email; w/att.*)
Certificate of Service

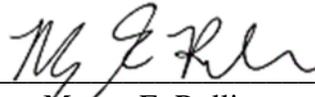
CERTIFICATE OF SERVICE

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 EMAIL AND FIRST-CLASS MAIL

Jason Thomas
509 Carnation Drive
Clarks Summit, PA 18411
jasonthomasera@gmail.com

Date: April 14, 2023



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jason Thomas,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2022-3037062
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

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: April 14, 2023

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jason Thomas,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2022-3037062
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

MOTION FOR CONTINUANCE OF PPL ELECTRIC UTILITIES CORPORATION

TO ADMINISTRATIVE LAW JUDGE CHRISTOPHER PELL:

PPL Electric Utilities Corporation (“PPL Electric”) 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 May 16, 2023, in the above-captioned Complaint proceeding be continued by approximately 60 days. Prior to filing the instant Motion, PPL Electric consulted with Jason Thomas (“Complainant”) about the proposed continuance. The Company’s understanding is the Complainant opposes the proposed continuance.

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

I. BACKGROUND

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 a residential customer of PPL Electric with a property located in Clarks Summit, Pennsylvania.

4. On December 5, 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 various household items in his possession were damaged due to an outage at the Complainant's residence on August 4, 2022.

6. On December 27, 2022, PPL Electric filed an Answer to the Complaint, admitting in part and denying in part the factual basis of the Complainant's allegations. Also on December 27, 2022, the Company filed a Preliminary Objection pursuant to 52 Pa. Code § 5.101(a)(2), as to the Complainant's request for damages.

7. On January 31, 2023, the Complainant filed a Reply to Answer and Answer to Motion.

8. On February 22, 2023, Administrative Law Judge Christopher Pell issued an Interim Order Sustaining Preliminary Objection and Referring Proceeding to Mediation, which sustained PPL Electric's Preliminary Objection and referred the matter to the Commission's Mediation unit.

9. On February 28, 2023, the Commission issued an Interim Order Setting Resolution Conference (“Interim Order”), which required the parties to hold a conference about resolving the case on or before March 28, 2023, and to file a report with Mediator Teri-Lee Rhoades within 10 days following the conference.

10. Pursuant to the Interim Order, the parties engaged in settlement negotiations but were unable to reach a settlement.

11. On March 23, 2023, PPL Electric submitted a status report to Mediator Rhoades requesting the matter be set for hearing.

12. On April 5, 2023, the Commission issued an Initial Call-In Telephone Hearing Notice (“Telephonic Hearing Notice”), scheduling an evidentiary hearing for 10:00 AM, May 16, 2023.

II. REQUEST FOR CONTINUANCE OF SCHEDULED EVIDENTIARY HEARING

13. PPL Electric respectfully requests this continuance because: (1) the Company’s witness and counsel have scheduling conflicts on the hearing date, and (2) the current hearing date does not allow the Company adequate time to prepare for the hearing, which will involve technical expert witness testimony regarding the service issues, and to engage in discovery.

14. 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).

15. In addition, the Telephonic Hearing Notice issued on April 5, 2023, 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).

Telephonic Hearing Notice, p. 2 (Apr. 5, 2023).

16. One of PPL Electric’s witnesses and PPL Electric’s counsel both have scheduling conflicts on May 16, 2023, which would make them unavailable to attend the evidentiary hearing on that date.

17. In addition, the current litigation schedule allotted only 41 days between Commission’s issuance of the Telephonic Hearing Notice on April 5, 2023, and the scheduled hearing on May 16, 2023. This Complaint involves technical service issues, and PPL Electric anticipates the need to present detailed, technical, and/or expert testimony at the hearing. In addition, PPL Electric anticipates the need for discovery in this proceeding concerning the technical service issues. PPL Electric intends to issue its first set of discovery within the next week.

18. The Company firmly believes that an additional 60 days will help the parties properly prepare for the hearing, complete their factfinding, and create a full and clear evidentiary record.

19. In addition, a 60-day 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.

20. Lastly, this is the Company's first request for continuance, and a 60-day continuance of the hearing will not unnecessarily delay the adjudication of the Complaint.

21. For these reasons, PPL Electric herein requests a continuance of the hearing by approximately 60 days for a date that is mutually acceptable to the parties and Administrative Law Judge Christopher Pell.

III. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that a continuance of the hearing by approximately 60 days be granted in the above-captioned proceeding.

Respectfully submitted,



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