

Gary Jay Bowman v. PPL Electric Utilities Corporation
Docket No. C-2023-3042390

Gary Jay Bowman
1572 Pine Mountain Road,
Lock Haven, PA 17745
Burnell.brenda@yahoo.com

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

September 18, 2023

Dear Secretary Chiavetta:

Please see my attached answer(s) to the Preliminary Objection received by PPL Electric Utilities Corporation as a result of my original Complaint filed with the Public Utility Commission.

Sincerely,



Gary Jay Bowman

cc: FIRST-CLASS MAIL
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Rulli, Megan <mrulli@postschell.com>
Ryan, Devin <dryan@postschell.com>
Bartolomei, Michelle Lynne <mlbartolomei@pplweb.com>
Bayda, Shelbie Frederick <sfbayda@pplweb.com>

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gary Jay Bowman v. PPL Electric Utilities Corporation
Docket No. C-2023-3042390

BACKGROUND ON MYSELF

I have lived on Pine Mountain Road, in Wayne Township, Clinton County, since the age of three. I grew up at 1572 Pine Mountain Road with my parents and siblings. I acquired my current property at 1584 Pine Mountain Road from my parents as raw undeveloped land with no utility access of any kind in or around 1993. I cleared the land, built a driveway, dug a well and installed a septic system. My first home there was a mobile home. Unfortunately, it was destroyed, and I lost everything to a fire in November 1997, which required me to start over. It's taken me nearly 30 years to recover what I lost in that fire with a lot of hard labor intense work, but I never gave up or slowed down and if you saw my place, you could see all my hard work has paid off.

I worked part time all through my childhood from the age of 11 as well as on my parents' homestead. I've worked full-time following graduating from high school 1980 to current. My first real full-time job out of high school was for 12 years with a contractor, Hoy and Harder, that specialized in replacing, repairing and installing utilities; water, sewer, gas to name a few. My most current job is with First Quality Products in Lock Haven in which I've been there for 18+ years. I've been well respected with my employers and co-workers throughout the years to current.

**ANSWER TO THE PRELIMINARY OBJECTION RESPONSE
FROM PPL ELECTRIC UTILITIES CORPORATION**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I, Gary Jay Bowman respectfully request that the Commission NOT dismiss my Formal Complaint. Following the advice of an attorney acting on behalf of a friend, I called the Pennsylvania Attorney General's Office ("Attorney General's Office") to report the communications, behavior and outcome of the extensive contact of a couple PPL Electric Utilities Corporation. ("PPL Electric") employees, Curt Barner, Mike Richmond and the attorney Joseph D'Amico, Jr. of Fitzpatrick Lentz & Bubba (FL&B) Attorneys at Law, representing PPL Electric throughout the litigation. I would like to add that twice during litigation, a judge dismissed PPL Electric's Motion to use an old PPL Right-of-Way Agreement that was no longer valid. (see Motion attachment #1) PPL Electric continued to move forward not excepting the Motion of denying the use of and old document from 1998, when PPL knows from deposition that the previous landowner admitted he cancelled the work order that went with this old document since he no longer was building a home. PPL Electric insists on using this old 22-year-old document that was requesting an electric service that was cancelled. The litigation continued as well as the pressuring and bullying by PPL Electric to allow service to cross my right-of-way even though it was established in the courts that the old paper was not to be used. One of PPL Electric's plan by the attorney, Joseph D'Amico, Jr., was to send a letter to me indicating if I didn't allow them to cross my right-of-way, they would turn my case over to the PUC due to the neighboring property being land locked which it is not, and I was not permitting PPL Electric to cross my property. There are two

other bordering properties to the neighboring property that the new owners and/or PPL Electric could have pursued but didn't. (see attached letter from Joseph D'Amico, Jr. #2. a.b.) June 1, 2023, PPL Electric was granted a dismissal of my case with the Superior Court of Pennsylvania in Harrisburg due to a technicality of not having something filed timely with the court that was initiated by PPL Electric and granted. (see attached Superior Court of Pennsylvania #3)

On July 25th, 2023, I called the Attorney General's Office for advice and was assigned an Advocate. I spoke with the Advocate in detail about the situation with my right-of-way and the communications with PPL Electric. I was advised by the advocate that everything I was doing was correct and to file an Informal Complaint to the Pennsylvania Public Utility Commission ("PUC"), which I did. (BCS Case Docket Number 2491328)

As of August 22, 2023, I hadn't heard any response from my Informal Complaint with the PUC, so I phoned them to follow-up. I was advised that everything was in line with the process and that they still had not received a response from PPL Electric, but that they had a few more days to respond to meet the 20-day timeline set by the PUC for a response. Within ten minutes of my call, I received a call back from PUC saying that my Informal Complaint was further reviewed and that I should make a Formal Complaint due to the complexity of the Informal Complaint. I followed through with the PUC request and that evening I filed the Formal Complaint on their website.

August 23, 2023, 08:00, I received a confirmation from PUC via email that my Formal Complaint was accepted. (Formal Complaint - Bowman and the Case details are: {Bp8CaseID=3042390, DocketNumber=C-2023-3042390})

Another strong reason I would like the PUC to intervene and NOT dismiss my Formal Complaint between myself and PPL Electric is because my right-of-way is not the only viable resource for getting electric service to the neighbor's property in this case. There are two other properties that border the neighbor's property requesting electric service. PPL Electric has chosen to pick on me though. Why? One parcel has just as easy an access, (see attached map #4) for PPL Electric to come across. When I spoke with the bordering property owner(s) they were never contacted or asked. I can't fathom why they insist on digging up my property, running heavy equipment over it, causing disruption to the drainage pattern, adding safety risks to driving on the right-of-way in the winter months of ice and snow, as well as continue to force me to defend my property rights as the township ordinance states. The mountain gets rough, I live here, and I know. I've not seen the neighbors in the winter months, this is all so ludicrous and frustrating for me. I would really like the PUC to act on my behalf to get a resolution everyone can agree too.

The response received for my Formal Complaint from PPL Electric does not state all the facts once again. Their request to the PUC to dismiss my Formal Complaint is another demonstration of how they are able to manipulate the legal system because of their large company's power over the "little guy" like myself, with trying to file a technicality of the process to dismiss their obligations to all PPL Electric customers, not just the ones that want a new service. I'm a customer too and have been for 40+ years but unfortunately, they don't seem to feel that has merit as their response indicates. As long as I pay my electric bill, I'm their customer and that's all that seems to matter.

PPL Electric's request to dismiss my Formal Complaint should not be warranted based on any of their intimidating legal terminology and **II. STANDARD OF REVIEW** and **III. PRELIMINARY OBJECTION**. The PUC should have the right and be able to demonstrate those rights in their position to advocate for all Commonwealth of Pennsylvania residents.

I have followed the process given to by the Attorney General's Office advocate along with the PUC Informal and Formal Complaint process. Please consider advocating for me through your complaint process, which is why there is a complaint process for the consumer. I would greatly appreciate it, thank you.

ADDITIONAL RESPONSE TO SPECIFIC PARAGRAPH'S / SECTIONS IN THE PRELIMINARY OBJECTION

I. BACKGROUND

1. Admitted, and I would like to add that I too am a PPL Electric customer and have been for 40+ years. I agree that everyone has the right to electric distribution, but PPL Electric should consider all avenues to deliver that service with the least amount of disruption to personal property when delivering that service. All information supplied to all involved parties should be informed of the same information from the entity to avoid as many issues as possible. PPL Electric did not do this, and the issue had escalated to a litigation that I feel could have been prevented had the information been consistent between all parties prior to the current neighbors taking possession through having possession. PPL Electric told me to my face and via telephone that they would not come across my property without permission and then at the same time promised the neighbor's electric service. This has created a huge conflict in which PPL Electric employees are now denying.
2. Denies, I'm not denying PPL Electric to provide service to the neighboring property, I'm saying that I don't want them coming through my right-of-way and I never gave permission to do so. They should have asked other bordering property owners for permission and declined to do so.
3. Denies this was necessary. "Dismiss" "Preliminary Objection" Unfortunately, this seems to be the path PPL Electric feels they need to take instead of being responsible for solutions to issues. They don't seem to want to address their default in their processes. Consumers deserve to have advocates and some place to turn when they are in need of one. In my case I need and asked for advice and an advocate from PUC as is available per the Attorney Generals Office.

II. STANDARD OF REVIEW

4. Denies, the list displayed is insulting and demeaning to the PUC and the complainant. The fact that PPL electric has created this kind of list is proof that they don't want to help resolve the complaint but would rather go in a negative direction. PPL Electric was involved in the problem, so they need to take responsibility and be a part of the solution and not proceed in this way for a resolution. The PUC is there for the people and that fairness is given from the entity.
5. Denies, all the facts and exhibits to support the case were NOT presented at the trial. PPL attorney, Joseph D'Amico, Jr. took it upon himself to make 3" binders of the evidence and passed them out to the Judge, Plaintiff, Defendant, Interveners and myself. It was found out after the trial that all the evidence wasn't included in the binders and that he left out documents that didn't favor PPL Electric and his case. Joseph D'Amico also had more than one side conference with the attorneys of intimidating conversation to make false allegations about me during the trial if we chose to go through with the trial. It was decided at that time to make closing arguments and submit to the judge instead of following through with the trial which would have brought out all the facts. I also asked to be put on the stand to further explain the intent of the right-of-way agreement and the decision how the right-of-way content was done. PPL attorney, Joseph D'Amico, Jr., made it a point to cross examine

me, use legal language I wasn't able to comprehend. He constantly twisted my words and humiliated me on the stand in front of a courtroom of PPL Employees, attorneys, friends, family and the Interveners/neighbors. PPL Employees also sat with the Interveners, Robert and Tina Serafin as well as the previous landowner that misrepresented the property when it was sold. Tina Serafin giggled and made fun of my testimony with the previous owner during and after the trial along with the PPL Employees as well. This method of strategy did not allow me to talk about other routes available for PPL Electric to supply. Joseph D'Amico, Jr. twisted everything I said and didn't allow me to correct him. I was asked yes/no questions that I wasn't permitted to elaborate on. I'm not a college graduate but I am a hard worker that works for everything I have and can speak for it. I'm not looking for a handout, just a fair chance to utilize what I agreed to.

6. There is recovery of this Complaint if the PUC is permitted to move forward with this Formal Complaint and order PPL Electric to come to a resolution to reconsider putting the electric service from my right-of-way to a more convenient location that would not disrupt my property. PPL Electric is trying to alter the meaning of the right-of way to benefit the entity and not stay specific to the property owner and the mapping that was previously done for the cancelled agreement shows that.

III. PRELIMINARY OBJECTION

- A. **Disagree, THE COMPLAINT SHOULD NOT BE DISMISSED BASED ON THE PROCESS I FOLLOWED BY THE ADVICE OF THE ATTORNEY GENERAL ADVOCATE, AND THE PUC BCA. THERE OTHER ALTERNATIVES AND A RESOLUTION FOR ALL PARTIES INVOLVED IF THE PUC IS PERMITTED TO ACT ON BEHALF OF THE CONSUMER FILING THE FORMAL COMPLAINT.**
7. Please reference my response to the Preliminary Objection on this entire document. Again, I'm not looking for a handout. I just want fairness and respect from PPL Electric that all options are explored for providing service to the neighboring property, not just the one that benefits them.
8. Denies, the Complaint should NOT be dismissed because there are two other properties bordering the subject property. A reasonable accommodation and resolution could be accomplished in this response to resolving the matter with PPL Electric. PPL Electric will be able to furnish electric distribution to the neighboring property without digging up my property, running heavy equipment over it, causing disruption to the drainage pattern, and adding safety risks to driving on the right-of-way in the winter months of ice and snow. I truly believe an alternate route for power to the neighboring property could be accomplished if the PUC advocates for both parties in suggesting a suitable resolution everyone can live with. This is my home and not a weekend camping expedition that will be a lifelong decision for all parties involved.
9. Denies, the Attorney General Advocate has referred me to the PUC for assistance in this matter. I am trusting the Attorney General's Office would be knowledgeable on the power

of the PUC to have referred me to filing the Formal Complaint because of the content of this matter.

10. Denies, with all the content of the case, documents and testimony as well as the referral from the Attorney Generals Office and the BCA, I'm not finding this dispute to outside of the PUC jurisdiction. It's a disgrace to see the respect PPL Electric has for the PUC here and throughout this document.
11. Agreed, I was involved with the subdivision of my mother's property from start to finish. I can stand behind the intent of the right-of-way through the previous owner's deposition, March 22, 2022, which PPL Electric has chosen to ignore and not entertain throughout the litigation.
12. Denies, I'm concerned about more than my property rights because the meaning behind the right-a-way agreement in 2001 is being twisted by PPL Electric for their benefit. That was also brought out in the deposition of the previous owner that PPL Electric chooses to ignore. The agreement between the previous owner and myself in 2001 should stand; there was no intention of any utilities going through my right-of-way including electric service. If it was misrepresented in the sale of the property, as other known facts have been, it is not my responsibility to alter my original agreement for the new owners.
13. Denied, due to the fact that PPL Electric is trying to use the right-a-way for their use and benefit to provide electric service the new owners. They want to put a line extension that will supply service to the new owners which will allow PPL Electric to expand additional lines off of the line extension. The 50-foot right-of way specifically states the right-of-way is for the use and benefit of the property owner. PPL Electric is trying to alter the meaning of the right-of way to benefit the entity and not stay specific to the property owner. The previous mapping from PPL that was cancelled shows this to be happening. (see attachment #5) PPL insists on using this voided agreement from 1998, that bears no merit and that I don't remember seeing or signing, was thrown out by the court system, to provide service to the neighboring property, which is wrong. My name isn't even spelled right; I know I wouldn't have done that. (see attachment #6.a.b)
14. Denied, information related to this case was ignored and not presented during the litigation. The lack of attention given to the deposition of the previous owner by PPL Electric, Joseph D'Amico, Jr., because it wasn't in PPL Electric's favor had merit to the outcome of the judge's decision that was made.

IV. CONCLUSION

I am requesting PUC to NOT dismiss this Formal Complaint, and evaluate PPL Electric's conduct and practices of this case. I would like PUC to help to resolve the indifference created by the lack of professionalism of their employees and representing attorney, Joseph D'Amico, Jr., and his actions of pressuring and bullying a consumer, myself, while ignoring facts of testimony that were pertinent to the case that led this matter to litigation. And ultimately changing the meaning of my right-a-way agreement to benefit PPL electric. Thank you.

#1

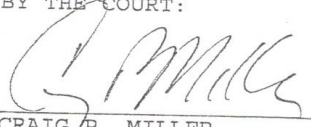
IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, PENNSYLVANIA
CIVIL

GARY J. BOWMAN,)	
Plaintiff)	
)	
vs.)	
)	No. 649-2021
PPL ELECTRIC UTILITIES,)	
Defendant)	
)	
ROBERT E. SERAFIN and TINA M.)	
SERAFIN,)	
Interveners)	

ORDER OF THE COURT

And NOW, this 18th day of January, 2022,
Plaintiff still indicating, as Plaintiff did in Plaintiff's
complaint, that Plaintiff did not sign the PPL right-of-way
agreement which is at issue here, IT IS HEREBY ORDERED that
Defendant PPL Electric Utilities Corporation's Motion for
Judgment on the Pleadings filed October 21, 2021, is denied.

CRAIG P. MILLER
PRESIDENT JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURTHOUSE
DOCK HAVEN, PA 17745

BY THE COURT:

CRAIG P. MILLER P.J.

CPM/jmw

FL & B

FITZPATRICK
LENTZ & BUBBA
ATTORNEYS AT LAW

jsdamico@flblaw.com

2 a.

August 4, 2021

VIA EMAIL & REGULAR MAIL

Charles R. Rosamilia, Jr.
Rosamilia, Brungard & Rosamilia
241 W. Main Street
Lock Haven, PA 17745
contact@rosamilialaw.com

**RE: Gary J. Bowman v. PPL Electric Utilities Corporation ("PPL Electric")
Clinton County Docket No.: 649-21**

Dear Mr. Rosamilia,

I am following up on our July 26, 2021 telephone conversation. It was a pleasure speaking with you.

I have not yet delved too deep into the substantive defense you have raised for Mr. Bowman. It may have merit but ultimately, I believe continuing this litigation, by both sides, would not reasonably accomplish anyone's ultimate goals.

As you already know, the service line following along the driveway makes sense as it is fairly unobtrusive there and away from the Bowman residence. If your client does not wish to work cooperatively on a proposal acceptable to PPL Electric, and perhaps his new neighbors, we may decide the current litigation can be avoided by other means. Specifically, rather than litigate the right of way issues from twenty (20) years ago, PPL Electric may simply request approval from the Pennsylvania Public Utility Commission (PUC) to condemn a right of way.

I have little doubt the request would be well received under the circumstances; especially, because the landlocked property is as entitled to electric power as any other land owner parcel.

Given this potential course, perhaps your client can reevaluate his position and, if he has a proposal or suggestion for PPL Electric's consideration, I can assure you I will take it to them for its evaluation.

Thank you.

Very truly yours,

Joseph S. D'Amico, Jr.

Joseph S. D'Amico, Jr.

JSD/emh

(610) 797-9000 • www.flblaw.com
Two City Center • 645 West Hamilton Street • Suite 800 • Allentown, PA 18101

Law Offices
Rosamilia, Brungard & Rosamilia
ATTORNEYS AT LAW

COPY

#2 b.

CHARLES R. ROSAMILIA, JR.
RANDY P. BRUNGARD
C. ROCCO ROSAMILIA, III
R. THOM ROSAMILIA

241 WEST MAIN STREET
LOCK HAVEN, PA 17745
PHONE NO. (570) 748-5572
FAX. NO.: 570-748-4870

September 7, 2021

Joseph S. D'Amico, Jr., Esquire
Fitzpatrick Lentz & Bubba
Two City Center
645 West Hamilton Street
Suite 800
Allentown, PA 18101

RE: Bowman vs PPL Electric Utilities Corporation
Clinton County Docket No. 649-21

Dear Mr. D'Amico:

Please note that I have reviewed your letter of August 4, 2021, with my client, Gary J. Bowman.

At this time, Mr. Bowman is prepared to let you proceed through the Pennsylvania Public Utility Commission to condemn a right-of-way and is not agreeable to granting a right-of-way under any terms in this matter.

Please be guided accordingly.

Very truly yours,

ROSAMILIA, BRUNGARD & ROSAMILIA

Charles R. Rosamilia, Jr., Esquire

CRR:gvv

Cc: Gary J. Bowman

3

Filed 08/04/2023

GARY J. BOWMAN	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	Clinton County Civil Division
	:	2021-00649
v.	:	
	:	
PPL ELECTRIC UTILITIES	:	No. 568 MDA 2023
v.	:	
	:	
ROBERT E. & TINA M. SERAFIN	:	

ORDER

Upon consideration of the June 1, 2023, "Motion To Dismiss or Quash Appeal For Failure To Preserve Issues For Appeal," docketed as "Application to Quash Appeal," filed by Appellee, PPL Electric Utilities Corporation, and the response thereto, the application is **GRANTED** and the appeal is **DISMISSED**.

PER CURIAM

*- 10 day POST TRIAL MOTIONS
were NOT FILED IN TIME
and there was a DISMISSAL*

PUC# 800-692-7380 FILE# 3928607

#5

- NOTES:
- AG'S & PPG: 3/8" H.S. STEEL
- TRANSFORMER: 10 KVA 7200 120/240 VOLT

E.R. 238408 W.O. S83741

POL AREA WAYNE TWP/1869

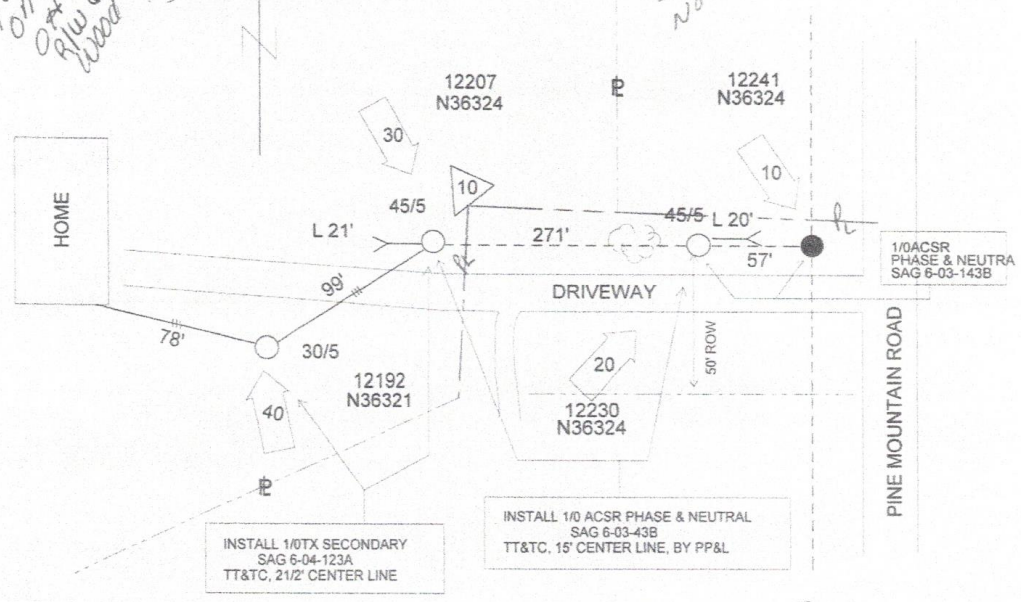
DESC SERVICE TO

ALLEN BOWMAN SR# 493686

MAP 120-363-N4 TECH SLD-RCH

File # 98-175-017
Two (2) Poles
One (1) AG
OH
12207 N36324
12192 N36321
15' dL
Handling lengths
Brush - Chip & Pile

PROPERTY OF
JANET BOWMAN (Mother)
NO R/W needed



R/W Released
 Date 6/24/98
 By [Signature]

File # 98-175-018
GARY R BOWMAN
ALAN D BOWMAN
Audrey L Bowman
R/W 6/15/98
one (1) Pole one (1) AG & OH
TT/TC 15' dL (12230 N36324)
Wood Handling lengths
Brush Chip & Pile.

#6.a.

583741 98125018

RIGHT-OF-WAY AGREEMENT (Individual)

The UNDERSIGNED, intending to be legally bound, hereby grant unto PP&L, Inc., its successors, assigns and lessees, the right to construct, reconstruct, operate and maintain its electric lines consisting of ONE (1) Pole, One (1) anchor guy and overhead wires, cables, fixtures and apparatus upon, across, over, under and along the property which the undersigned owns or has any interest located along Pine Mountain Road

situate in the Township of Wayne, County of Clinton, Commonwealth of Pennsylvania; and along the public highways adjoining the said property, including the right of ingress and egress to and from the said lines for any of the aforesaid purposes; also the right to cut

down any and all trees within Fifteen (15) feet each side of centerline of the electric

line and the right to trim any and all trees within Fifteen (15) feet each side of centerline of the electric line and to remove brush along said lines which in the judgment of said Company menace the said lines; and also the right to permit the attachment of wires and cables of any other person or company to said poles. The said Company, its successors and assigns shall not be limited in its or their enjoyment of the rights hereby granted as may be first constructed, but shall have at all times in the future the right to construct, operate and maintain and from time to time to reconstruct additional electric wires, cables, fixtures and apparatus upon, across, over, under and along subject property. Any poles or facilities erected hereunder along a highway, whether within or outside the highway limits, may be relocated to conform to new or relocated highway limits.

IN WITNESS WHEREOF, the undersigned has caused the execution hereof, this 15 day of June, 1998

R1 Box B439 Lock Haven, PA 17745 P.O. Address)

CF98013707

Signed, sealed and delivered in the presence of:

Witness signatures and dates: Sam Derstine 06/15/98, Gary R. Bowman, Alan D. Bowman, Audrey L. Bowman

GARY R. BOWMAN (S), ALAN D. BOWMAN (S), AUDREY L. BOWMAN (S)

ORIGINAL COPY--PP&L COPY ; 2ND COPY--OWNER'S COPY

