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Megan E. Rulli

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File #: 201777

September 25, 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: Jennifer Wiest/Eldridge Realty, LLC v. PPL Electric Utilities Corporation**  
**Docket No. C-2023-3038575**

Dear Secretary Chiavetta:

Attached for filing please find the Motion to Dismiss 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 Dennis J. Buckley (*via email; w/att.*)  
Certificate of Service

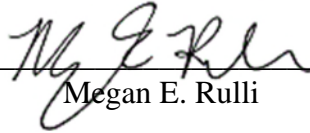
**CERTIFICATE OF SERVICE**

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**

Jennifer Wiest  
Eldridge Realty  
1799 Spring Run Road  
Williamsport, PA 17701  
Eldridge.realty.pe@gmail.com

Date: September 25, 2023

  
Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jennifer Wiest/Eldridge Realty, LLC,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3038575
	:	
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), ANSWERS TO MOTIONS ARE DUE WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE, UNLESS OTHERWISE DIRECTED BY THE PRESIDING OFFICER. YOUR ANSWERS SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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September 25, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jennifer Wiest/Eldridge Realty, LLC,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3038575
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**MOTION OF PPL ELECTRIC UTILITIES CORPORATION  
TO DISMISS THE COMPLAINT OF JENNIFER WIEST/ELDRIDGE REALTY, LLC**

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**TO ADMINISTRATIVE LAW JUDGE DENNIS J. BUCKLEY:**

PPL Electric Utilities Corporation (“PPL Electric” or “Company”) files, pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code § 5.103, this Motion to Dismiss the Complaint of Jennifer Wiest/Eldridge Realty, LLC (“Complainant”), for failure to comply with the Commission’s regulations at 52 Pa. Code §§ 1.21 and 1.22, and the Order issued on June 8, 2023 in this proceeding (“June 8, 2023 Order”). In support thereof, PPL Electric states as follows:

**I. BACKGROUND**

1. On February 24, 2023, Jennifer Wiest/Eldridge Realty, LLC (“Complainant”) filed a Formal Complaint with the Commission against PPL Electric. The Complaint was served on PPL Electric on March 1, 2023.

2. PPL Electric filed its timely Answer to the Complaint on March 21, 2023. In its Answer, PPL Electric denied the Complainant’s allegations.

3. On March 22, 2023, the Commission issued an Interim Order Setting Conference Between Parties (“Interim Order”), requiring the parties to hold a conference to discuss resolution of the Complaint on or before April 19, 2023.

4. On May 1, 2023, pursuant to the Interim Order, PPL Electric submitted a status report requesting the matter be set for hearing by the Commission’s Office of Administrative Law Judge.

5. On May 3, 2023, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling a hearing for June 21, 2023, at 10:00 a.m. before Administrative Law Judge Buckley (the “ALJ”).

6. On June 8, 2023, the ALJ issued the June 8, 2023 Order, which canceled the scheduled hearing and required the Complainant to secure representation by legal counsel in conformity with the Commission’s regulations by June 30, 2023.

7. Also on June 8, 2023, the Commission issued a Cancellation Notice, which confirmed that the hearing originally scheduled for June 21, 2023, had been canceled.

8. No attorney licensed to practice in Pennsylvania, or admitted *pro hac vice*, entered their appearance on the Complainant’s behalf by the June 30, 2023, deadline.

9. On July 12, 2023, the ALJ sent an email to the Complainant and counsel for PPL Electric, warning the Complainant that it was not in compliance with the June 8, 2023 Order and that the Complaint was in danger of being dismissed for failure to comply with the June 8, 2023 Order.

10. On August 9, 2023, the ALJ sent a second email to the Complainant and Counsel for PPL Electric, again warning the Complainant that it was not in compliance with the June 8, 2023 Order and informing the Complainant that failure to have an attorney enter their appearance

on the Complainant's behalf by August 23, 2023, would place the Complaint in danger of dismissal for failure to prosecute and for failure to comply with an Order from the ALJ.

11. No attorney licensed to practice in Pennsylvania, or admitted *pro hac vice*, entered their appearance on the Complainant's behalf by the August 23, 2023.

12. On September 15, 2023, the Commission issued a Rescheduled Initial Telephonic Hearing Notice rescheduling the hearing for November 16, 2023, at 10:00 a.m. before the ALJ.

## **II. ARGUMENT**

1. The Complainant Eldridge Realty, LLC is a corporation. Complainant Jennifer Wiest is a member of Eldridge Realty, LLC, who filed the instant Complaint on behalf of Eldridge Realty, LLC.

2. The Complainant is a corporation that is not represented by counsel.

3. The Commission's regulations require corporations to be represented by legal counsel in adversarial proceedings before the Commission. *See* 52 Pa. Code §§ 1.21 and 1.22.

4. It is well established that non-individuals must be represented by counsel at all stages of Commission proceedings once those proceedings become adversarial. *See, e.g., Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437, (Order entered Feb. 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595, (Order entered Feb. 2, 2010).

5. After PPL Electric filed its Answer to the Complaint, this became an adversarial proceeding.

6. No attorney is listed on the Complaint, nor has one entered an appearance to represent the Complainant.

7. In the June 8, 2023 Order entered in this proceeding, the ALJ directed that the Complainant must have an attorney licensed to practice in Pennsylvania enter a notice of appearance in this proceeding by June 30, 2023. Specifically, the Prehearing Order provides:

This Order is issued pursuant to the authority granted to Administrative Law Judges under the Commission's regulation at 52 Pa. Code § 5.483 and requires that Jennifer Wiest/Eldridge Realty, LLC (Complainant), be represented by counsel in this proceeding as is mandatory under the procedural regulations of the Public Utility Commission (Commission). The evidentiary hearing currently scheduled for June 21, 2023, will be cancelled so that Complainant may obtain counsel. Counsel for Complainant is to file a Notice of Appearance in conformity with the Commission's regulation at 52 Pa. Code § 1.24 by June 30, 2023.

\* \* \* \*

Complainant is cautioned that a presiding officer's orders must be complied with, and a lack of compliance presents a sufficient basis to dismiss a complaint. *Treffinger v. PPL Electric Utilities Corp.*, Docket No. C-20027978 (Order entered March 3, 2003); *Snyderville Community Development Corp. v. PGW*, Docket No. C-20055032 (Order entered July 31, 2006); *Application of Black Diamond Cab Co.*, Docket No. A-00122566 (Order entered December 1, 1966).

See Prehearing Order, pp. 1-2.

8. On July 12, 2023, the ALJ sent an email to the Complainant and counsel for PPL Electric, informing the Complainant that it was not in compliance with the June 8, 2023 Order. The email also warned the Complainant that the Complaint may be dismissed for failure to comply with the June 8, 2023 Order, and that a decision to that effect was being prepared. The email emphasized that if the Complainant wished to prosecute the Complaint, then it was imperative that the Complainant comply with the terms of the June 8, 2023 Order.

9. On August 9, 2023, the ALJ sent a second email to the Complainant and counsel for PPL Electric, informing the Complainant that if an attorney licensed to practice law in Pennsylvania or admitted to practice *pro hac vice* had not entered an appearance by August 23,

2023, the Complaint would be liable to dismissal for failure to prosecute and for failure to comply with an Order from the Judge.

10. Although the Complainant has had ample time to retain an attorney, as of the date of this motion, no attorney has entered an appearance on behalf of the Complainant in this proceeding. Moreover, the Complainant has not indicated that it made any effort to retain an attorney as required by the Commission's regulations and the June 8, 2023 Order.

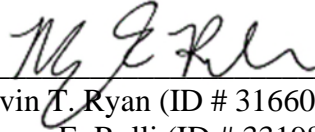
11. By not retaining an attorney licensed to practice in Pennsylvania, the Complainant has violated the Commission's regulations and the June 8, 2023 Order.

12. There is currently an evidentiary hearing scheduled for November 16, 2023, in this proceeding. It is impermissible for Jennifer Wiest/Eldridge Realty, LLC to proceed without the representation of an attorney in this matter.

13. Therefore, PPL Electric respectfully requests that the Complaint be dismissed for failure to comply with the Commission's regulations at 52 Pa. Code §§ 1.21 and 1.22 and the June 8, 2023 Order, by failing to have an attorney licensed to practice in Pennsylvania enter an appearance in this proceeding.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Dennis J. Buckley dismiss the Complaint.

Respectfully submitted,



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