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October 19, 2023

Honorable Rosemary Chiavetta
Secretary Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Michael and Sharon Hartman v. PPL Electric Utilities Corporation Docket No. C-2019-3008272

Dear Secretary Chiavetta:

Attached for electronic filing please find the Complainant's Michael and Sharon Hartman's Exceptions in the above-referenced proceeding. Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Michael Hartman

/s/ Sharon Hartman

Complainant

Michael and Sharon Hartman

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michael and Sharon Hartman :
:
v. : C-2019-3008272
:
PPL Electric Utilities Corporation :

Complainant's Exceptions to October 3, 2023 Initial Decision

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Many of Judge Haas's Findings of Fact in favor of the Respondent were based largely on un-corroborated and unsourced Hearsay, in some instances third party hearsay once removed, as detailed below with the original Initial Decision numbering: Page 16

Judge Haas's Opinion on page 30 that "PPL presented credible evidence that the vegetation on the area impacted by the project has already begun and will continue to recover and re-establish itself" is simply not valid. and represents probably the most shocking and disappointing aspect of the Initial Decision. Paragraph 42 Page 18

Complainant's Findings of Fact
Your Complainant's proposed Findings of Fact from the Complainant's Brief and Reply Brief that Rebut Hearsay sourced Findings of Fact included in the Initial Decision. Paragraph 46 Page 20

Impeachment
The Rebuttal Statement and Testimony of PPL employee William Salisbury is unreliable and does not support the Findings of Fact attributed to that testimony by Judge Haas. Paragraph 115 Page 34

The Rebuttal Statement and Testimony of PPL employee Matthew Stutzman is unreliable and does not support the Findings of Fact attributed to that testimony by Judge Haas. Paragraph 124 Page 38

Proposed Order
Paragraph 155 Page 46

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michael and Sharon Hartman :

v. : C-2019-3008272

PPL Electric Utilities Corporation :

Complainants Exceptions to October 3, 2023 Initial Decision

1. Your Complainant, Michael and Sharon Hartman, husband and wife, age 67, and owners of the subject property, 1650 Primrose Lane, Dauphin, PA 17018 for 25 years respectfully submit Exceptions to the October 3, 2023, Initial Decision of the Honorable Steven Haas, Docket No. C-2019-300872. Any reference to Complainant herein is a reference to both Michael and Sharon Hartman. I, me, or myself is a reference to Michael Hartman. Your Complainant respectfully incorporate herein, by reference in their entirety, the Complainant's testimony, oral and written, the Complainant's Answer to Respondent PPL's Motion to Strike, Complainant's Exhibit A, Exhibit B, and Exhibits 1 through 57 and a Transcript of the August and September 2022 Hearing which is not in possession of the Complainant.
2. Your Complainant respectfully request that all our Exhibits be considered in their entirety as originally submitted. Judge Haas struck sourced, documented, and corroborated by photographs hearsay testimony submitted by the Complainant. Judge Haas admitted and relied upon unsourced, undocumented, and uncorroborated hearsay testimony from Respondent PPL employee witnesses William Salisbury and Matthew Stutzman. Remarkably, the Complainant's struck and Respondent's unstruck hearsay originated from the same witnesses, PPL contractors Drew Gradwell of ECI Environmental Consultants and William Ruch of Penn Line Enterprises.

Gratitude and Appreciation

3. Regardless of the outcome, my wife and I greatly appreciate the opportunity to be heard, and the thoughtful consideration afforded this matter by the Commissioners and Judge Haas. We are grateful for Judge Haas's two visits to our property to assess and better understand our Formal Complaint.

Exceptions to procedure that resulted in an unfair Hearing

We were denied an in-person Hearing despite repeated requests for an in-person Hearing

4. As a 43-year law enforcement professional, I know that a significant component of communication is non-verbal (physical). There is no way that the factfinder can accurately evaluate the truthfulness of a witness without an opportunity to review their non-verbal behavior. Under no circumstance would I rely on a telephonic interview with a witness that had a financial interest in the matter. It was readily apparent based on the Rebuttal Statements, alone, that Thomas Eby, William Salisbury, and Matthew Stutzman would be hostile witnesses. It was evident that the PPL Rebuttal Statements included information interjected by PPL attorneys that was beyond the knowledge of the witnesses. Their "incredible" testimony will be discussed herein.

Discovery irregularities and PPL's replacement of promised contractor fact witnesses with PPL employee witnesses that swore to unsourced and undocumented hearsay testimony scripted and limited by PPL counsel

5. During early 2022, three years after we filed a Formal Complaint, Judge Haas proposed, and the parties agreed, to "re-set" discovery in the case.
6. Our Formal Complaint was submitted during March 2019, four and one-half years ago. As determined by the Commissioners, our case was wrongfully dismissed by ALJ Calvelli during 2019 without the benefit of Discovery or a Hearing. Immediately following the Commissioners' Order (April 2020) we drafted Interrogatories that were served to then PPL counsel, Kim Krupka of Gross McGinley, during May and June 2020.
7. For 18 months, before being replaced by Devin Ryan of Post and Schell, Kim Krupka, repeatedly promised to answer our interrogatories. Krupka further promised that she would ensure the availability of PPL contractor witnesses, Michael Bush, Robin Crossley, and

Johnathan Scott, to testify at the PUC Hearing. The interrogatories were never answered, and the promised testimony of witnesses that had actual knowledge and participation in the pre-construction, construction and restoration activity was abandoned. Each PPL contractor was available for PPL to call as a witness during the PUC Hearing. Each PPL contractor refused to speak to your Complainant or recognize our notice for a PUC Subpoena and Request for Document Production, Hartman Exhibits 39 – 44.

8. As a side note, your Complainant welcomes an opportunity to discuss the uphill battle of a pro se Formal Complainant to navigate Discovery. After four and one-half years of repeatedly dishonored Discovery requests, I, a 43 year law enforcement professional, still do not know the identity of the individual(s) that excavated and applied herbicides to our property, or the individual or contractor that decided to over excavate our property to build an unplanned access road and construct exceedingly large crane pads with our topsoil and mountain stone.

9. While Krupka was making and breaking promises, our August, and December 2020 Motions to Compel, and our repeated requests for a timely in-person Hearing were not recognized, heard, or granted. At the time of the re-set, your Complainant had no choice but to acquiesce to realize any hope of a Hearing during 2022.

10. Enter the early 2022 "re-set". PPL categorially objected to our interrogatories under the pretext that Bush, Crossley, Scott and Kimbelry Nettles, and their prospective employers, were not parties to the PUC action. Bush, Crossley, Scott, and Nettles each identified themselves to me as PPL agents during conversations and in writing. They routinely presented PPL physical addresses, telephone numbers and email addresses.

11. Instead, PPL presented Thomas Eby, an employee, to answer interrogatories and testify. Eby, however, was not assigned to the project until December 18, 2018, eleven days after PPL excavated and obliterated our logging road to build the Pole 76 construction pad, sometimes referred to herein as a crane pad. Accordingly, Eby failed to observe any construction activity on the Complainant's property and possessed no firsthand knowledge of any specific field condition or safety factor that necessitated the over-excavation of your Complainant's property, and the removal and retention of your Complainant's topsoil. Hartman Exhibit A and B Photograph 1 and Exhibit 19, below was taken by your Complainant on December 7, 2018.

12. PPL presented a second PPL employee witness, William Salisbury. PPL, however, had failed to identify Salisbury or associate Salisbury with the project to your Complainant in any way until April 20, 2022. PPL failed to provide Salisbury answers to any of the May 2020 interrogatories that were addressed to the then unidentified PPL employee Project Foreman. Salisbury's July 2022 Rebuttal Statement, received two months after we submitted our May 2022 direct testimony, was a complete surprise. We immediately drafted and submitted interrogatories for Salisbury. PPL objected and failed to answer the interrogatories. Remarkably, Post and Schell alleged that our interrogatories were submitted in bad faith. We, however, answered each interrogatory presented to us by Gross McGinley and Post and Schell in a timely manner over the course of this litigation. We broke no promises and hid no witnesses or facts. Confronted with the surprise testimony within the Salisbury Rebuttal Statement and PPL's refusal to corroborate the surprise testimony with answers to our interrogatories, I asked Judge Haas for permission to not submit written surrebuttal testimony. Judge Haas authorized my request. I planned to present rebuttal testimony at the conclusion of PPL's defense.
13. On cross examination, in contradiction to Salisbury Rebuttal Statement, Salisbury confused your complainant with an unknown landowner that received replacement topsoil,

volunteered that PPL's E & S Plan was ambiguous, and could not identify a single individual or contractor that made the decision to excavate your Complainant's property to construct an unplanned access road. More importantly, Salisbury could not identify or specify a single field condition or safety concern to overrule the PPL Engineer's position that the existing Pole 75 access road situated entirely on your Complainant's neighbor's (Wech) property was safe and adequate.

Judge Haas admitted PPL Hearsay testimony and documents and struck Complainant's Hearsay testimony and documents. Furthermore, Judge Haas afforded significant weight to PPL Hearsay

14. Based on my conversations with PUC and the Office of Attorney General Consumer Advocate staff, I understood that hearsay was admissible in a PUC Hearing. I accordingly included hearsay in my direct testimony, Exhibit A.
15. Furthermore, if my Testimony was "closed" effective May 17, 2022, then PPL should have been required to raise objections and file a Motion to Strike the testimony and exhibits real-time, and not three to five months later; August 16, 2022 and October 20, 2022. The eleventh-hour objections denied your Complainant an opportunity to gather testimony and exhibits to replace stricken evidence.
16. Judge Haas' Order included the following statement:" Even if some of PPL's evidence is arguably inadmissible, specific objections to such evidence were not raised during the hearings and, consequently, PPL did not have an opportunity to respond and argue against any objections." Your Complainant had no opportunity to respond to PPL's defense or present competent evidence to replace stricken Hearsay evidence.
17. Judge Haas' order reported the following regarding the admission of PPL's hearsay testimony: "**I emphasize here, however, that the weight, if any, that I give to such evidence will be determined by its reliability as support for PPL's positions on the subjects at issue. For example, if a PPL witness provided testimony about the proper way to spray or treat areas similar to the Hartmans' property but did not personally observe or witness the spraying or treatment of the Hartman's property, I will give very little weight, if any, to that testimony in support of PPL's position that the spraying or treatment performed on the Hartmans' property was, in fact, done properly.**

18. Judge Haas, however, listed several "Finding of Facts", discussed herein, that were based not only on Hearsay, but undocumented unsourced Hearsay by alleged PPL contractors that were readily available to be called as witnesses and sworn. During cross examination, Matthew Stutzman, the PPL Forester, admitted that he did not observe the herbicide application, never spoke to the herbicide applicator, never identified the herbicide applicator, never confirmed that the Penn Line herbicide applicator was a Pennsylvania Certified Pesticide/Herbicide Applicator, and never confirmed the manner of application. Furthermore, the purported PPL business records, PPL Exhibits MS-5, MS-6, and MS-8, were objected to by your Complainant because they were not authored by Stutzman, not completed in his presence, and Stutzman was not the custodian for these records. The records on their face fail to list PPL, your Complainant, or your Complainant's property. The admitted Exhibits are totally unreliable, as discussed herein.

19. Additionally, it was determined during cross examination that MS-5 was redacted without notice or attribution. The Commissioners' attention is invited to Hartman Exhibit 34. Upon comparison, it should be apparent that PPL redacted the "business record" to conceal evidence favorable to your Complainant to include PPL's mistaken identity of our neighbor as the property owner for the quadrant to be sprayed. Also withheld was the fact that the neighbor's vegetation was scheduled to be hand-cut, while your Complainant's vegetation was subjected to herbicides. Hartman Exhibit 34 also depicts that the Wech property above Pole 75 adjacent to our property was scheduled for a herbicide application. The unidentified Penn Line herbicide application, the source of unsubstantiated Stutzman hearsay testimony, made a mistake. A mistake admitted by Stutzman during cross examination. What other mistakes were made by the unidentified herbicide applicator, the source for several Initial Decision Findings of Fact? Did the applicator run out of herbicides because he or she over-sprayed our vegetation? Why didn't PPL call the unidentified herbicide applicator as a witness? Certainly, their testimony is relevant and material.

20. Judge Haas admitted PPL Hearsay testimony through Stutzman that Stutzman admitted during cross examination originated from William Ruch, a Penn Line (Herbicide Application Company) Manager. Please note that PPL failed to identify Stutzman's source in the Stutzman rebuttal Statement Page 10 Line 22. Judge Haas struck your Complainant's Hearsay testimony that originated from William Ruch, Hartman Exhibit A Paragraphs 92 –

94. I testified that Ruch told me that Penn Line and PPL were authorized to spray anything they wished under the ROW agreement, including blackberries, ferns and huckle berries. I asked Ruch why Penn Line/PPL did not spray herbicides on adjoining NPS Lands, and Ruch replied, "it wasn't worth the trouble". Ruch, reportedly looking at his computer, told me that Penn Line had no record that I, Hartman, was a property owner on the PPL powerline. Ruch stated that Penn Line tries to afford landowners 24-hour notice if the landowner requests notice. Ruch acknowledged that I was not afforded notice. PPL, however, through the power of scripted and limited hearsay testimony failed to include Ruch testimony that favored your Complainant's case. Also, PPL had ample authority to call Ruch as a witness.

21. Likewise, Judge Haas Judge Haas admitted PPL Hearsay testimony through Stutzman that originated from Drew Gradwell, a ECI Environmental Consultants (Pre Planner) Forester that answered his phone "PPL". Judge Haas struck your Complainant's Hearsay testimony that originated from Drew Gradwell, Hartman Exhibit A Paragraphs 85, 86, 89, 90, and 91. Drew Gradwell apologized to me for ECI and Penn Line's failure to afford me 24-hour notice, as promised during January 2021, prior to spraying. Drew also acknowledged that during our January 2021 conversation that I had offered to personally control the birch saplings. Gradwell went on to explain that a computer glitch of some kind resulted in ECI and Penn Line's failure to afford me 24-hour notice. Again, PPL, through the power of scripted and limited hearsay testimony failed to include Gradwell testimony that favored your Complainant's case. Also, PPL had ample authority to call Gradwell as a witness.

We were denied an opportunity to present Rebuttal or Surrebuttal testimony at the conclusion of PPL's defense

22. As detailed in our answer to PPL's Motion to Strike, when your Complainant agreed to the litigation schedule proposed by PPL, I made it clear to PPL, repeatedly, that I did not agree to limit our testimony to the May 17, 2022, submission. Mr. Ryan agreed. In fact, I was under the impression that I would have an opportunity to present our case, in its entirety, in-person, at the scheduled August 16, 2022, hearing. At the scheduled August 16, 2022, telephonic Hearing, I intended to summarize Hartman Exhibit A and Hartman Testimony Exhibits 1 through 7 (May 17, 2022, Hartman Testimony), review Exhibit B, (May 17, 2022,

Hartman Testimony photographs with dates), and testify in detail to Hartman Exhibits 7A through 57. As day one of the Hearing progressed, I learned that I was mistaken. Following cross examination by Mr. Ryan, I was afforded an opportunity to introduce Hartman Exhibits 7A through 57. I understood that Hartman Exhibits 7A through 57 were duly admitted at that time, and that in addition to using same for cross examination of PPL witnesses, I intended to testify, in detail, to each exhibit during Complainant Rebuttal. On the eve of the final Hearing date, September 21, 2022, Judge Haas informed me that I would not have an opportunity to present Rebuttal testimony at the conclusion of PPL's defense.

23. The prejudice of being denied an opportunity to present Rebuttal testimony was aggravated by the fact that significant portions of our testimony and exhibits were struck by Judge Haas during February 2023, more than four (4) months after the Hearing was closed, and eight (8) months after my May 17, 2022, testimony was submitted. PPL should have been required to raise objections and file a Motion to Strike the testimony and Exhibits real-time, and not months later. The delinquent objections and ruling denied your Complainant an opportunity to gather testimony and exhibits to replace evidence that was stricken, and rebut PPL's testimony.

Was the original dismissal of our Environmental Impact Claim appropriate given Commonwealth Court of PA Ruling in Town of Marple v. PUC No 319C-D-2022?

24. As reported by Judge Haas, the Commissioners dismissed "the Complainants' allegations regarding any environmental impact of PPL Electric's construction practices, the reasonableness of PPL electric's environmental protection controls, or lack thereof, or any unpermitted or increases storm water discharges (April 2020 Order, p. 22)."

25. Your Complainant requests that the Commissioners re-consider the dismissal of our environmental claims considering the Commonwealth Court ruling in Town of Marple v. PUC, and Judge Haas's finding that "The Complainants have sustained their burden of proof that PPL's erosion control efforts as part of the Project were inadequate to effectively control or prevent erosion or excessive water runoff on the right-of-way through portions of their property. 66 Pa.C.S. §§ 332(a), 1501."

26. Please consider Hartman Exhibit 52 and Exhibit A Photographs 19, 20, and 21, and the fact that Clarks Creek, a High Quality – Cold Water Fishery and Special Protection Stream, is situated below and within close proximity of the depicted erosion.

October 3, 2023 Initial Decision

27. The Complainants have failed to sustain their burden of proof that PPL's construction and excavation practices were unreasonable or unsafe. 66 Pa.C.S. §§ 332(a),1501.

28. The Complainants have failed to sustain their burden of proof that PPL's vegetation management methods and activities on their property were unreasonable or unsafe. 66 Pa.C.S. §§ 332(a), 1501.

Safety, reliability and reasonableness of the construction and vegetation management activity was reviewed and evaluated independently.

29. It appears that Judge Haas evaluated the reasonableness of PPL's construction activity and vegetation management activity (herbicide application) individually, or independently, and found each reasonable. Your Complainant, however, respectfully submits that the reasonableness of PPL's construction and vegetation management activity must be evaluated together, or as one, and propose a totality of the circumstances approach. The egregious July 2021 herbicide application was admittedly planned during June 2020, one year before the PA DEP construction permit was closed. At that time, PPL was still in the process of establishing sufficient erosion deterrent vegetation to satisfy the 70% vegetation standard to close the Permit. Also, the PPL E & S Plan represented that the ROW would be maintained in a meadow-like or brush condition. The herbicide application was completed 29 days after the permit was closed while your Complainant's property that was subjected to recent aggressive excavation was vulnerable. The grasses on the construction pads and the grasses, if any, on the clawed back access road shoulders were immature and sparse. The herbicide application, in direct contradiction to the E & S Plan representation that the property would be maintained in a meadow like and brush condition, proved to be the perfect storm. The herbicide application violated PPL's own best practices as detailed in the E & S Plan. Accordingly, your complainant respectfully requests that the Commissioners evaluate the reasonableness of the combined construction and vegetation management activity.

It is the Topsoil, Stupid

30. Please excuse my plagiarism of the phrase reportedly coined by the successful 1992 presidential campaign of William Clinton. I mean no offense to anyone. In detailing the complexities of this matter, I confess that I, on occasion, have lost sight of the fact that PPL's removal, use, and retention of our topsoil, itself, is an adequate basis for a finding of unreasonable service in this case. Without topsoil there is no erosion deterrent vegetation. Without erosion deterrent vegetation there is no safe, reliable, and reasonable service.

31. As the Commissioners review and evaluate my admitted clumsy and disjointed submission, please remember the topsoil, and consider this question. Is it reasonable for a 17-billion-dollar public utility and corporation to excavate, remove, and use your Complainant's personal property, topsoil, and never return or replace it? The answer is easy: NO! If PPL, a 17-billion-dollar public utility and corporation, needs fill to build a construction or crane pad for safety reasons, PPL can do so like the rest of us. PPL can buy it! The case is that simple. Our parents and Kindergarten teachers taught us this simple principle when we were five (5) years old. It you take it, return it. Many of us were taught that you return it in a better condition than it was when you took it. And if you break it or can't return it, replace it. PPL's failure to honor these time-honored principles is unreasonable.

32. The Commissioners would set a dangerous precedent if it ruled that PPL, or any public utility, could take a landowner's personal property, in this case topsoil and mountain stone, and destroy a logging road, based on unspecified safety and "field" conditions. Particularly unspecified safety and field conditions presented by non-experts, PPL employees Thomas Eby and William Salisbury. Neither Thomas Eby nor William Salisbury are engineers. If we accept, for argument purposes, that PPL was entitled to deviate from the E & S Plans drawn by a Registered Engineer, there is still no justification for taking, using, and retaining your Complainant's topsoil. Certainly, the Commissioners would not have considered it reasonable for PPL to remove, use, and retain sod and topsoil excavated from a Primrose Lane residential lawn, or crops and topsoil excavated from a neighboring Flemish Down agricultural field.

Accountability and acceptance of responsibility for mistakes and negligence "If you broke it, fix it!"

33. If one accepts PPL's argument that the July 2021 herbicide application was appropriate, how does one deny responsibility for the vegetation that was destroyed outside of the ROW, and at lower elevations that were not scheduled or planned for management? Is it reasonable for a $17 billion public utility to not restore negligently destroyed Pole 75 crane pad grasses, Hartman Exhibit A Photograph 46 and Exhibit 55 Photograph 1, below.

34. Again, the 2018 excavation activity, in particular the wide, deep and unvegetated access road shoulders, contributed to the seepage of herbicides applied above Pole 75 onto the Pole 75 crane pad grasses. And the destroyed vegetation above Pole 75 and the Pole 75 crane pad contributed to the soil and access road erosion depicted in Hartman Exhibit 52 Photograph 4, below.

Initial Decision fails to recognize our Safety

35. PPL's vegetation management contractors carelessly and needlessly destroyed most of the vegetation that survived the PPL construction project. They failed to identify us as the subject property owner, just as PPL failed to identify our neighbor, Wech, as the co-beneficiary, with PPL, of topsoil and mountain stone excavated from our property. The herbicide applicator failed to afford us advance notice, as promised. In so doing, they jeopardized the health and safety of our family. I am certain that the herbicide applicator wore protective clothing. If he didn't, he or she failed to follow the herbicide labels that warned that the herbicides were dangerous to humans. Our safety, a critical component of this case, was not referenced in Judge Haas's Initial Decision.

36. Page 2 of the Nufarm Polaris Herbicide Label, PPL Electric Exhibit MS -11, under "Directions for Use": "It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons either directly or through drift. Only protected handlers may be in the area during application." It was unconscionable, unreasonable, and unsafe for PPL/Penn Line to

apply herbicides on our property without notice. The label also warns the applicator as follows: "Do not use on food crops or Christmas Trees." PPL/Penn Line applied the herbicides directly to blackberries and huckle berries. Blackberries that were ripening, Hartman Exhibit A Paragraph 107 Photograph 49.

37. The herbicide applicator destroyed compatible vegetation in violation of PPL's Transmission Line Vegetation Management guidelines and policies, and in so doing subjected our property to accelerated erosion and stormwater laced with dangerous herbicides. Herbicides which endanger our well water. Additionally, the herbicides washed onto grasses that were not scheduled for treatment, ever, and destroyed those grasses. If you break it, fix it, and if you can't fix it, replace it.

Quality of Service

38. The Commission's April Order provided that "PPL's construction efforts fall plainly in our broad definition of service discussed above. It is well-settled that we are not only permitted to analyze the "reasonableness" of PPL's service, but also the **quality** (emphasis added) of that service. Therefore, we determine that on remand, the ALJ should evaluate the evidence provided by each of the parties that informs the issues of the **quality** (emphasis added) and reasonableness of PPL's construction efforts.
39. We respectfully submit that the Initial Decision does not consider or apply appropriate weight to the below listed unreasonable and substandard quality of service evidence:

    1. Unrestored material alterations of the natural slope of our property as depicted in Hartman Testimony Exhibit A Paragraphs 7 and 8, Photographs 1 and 2.
    2. A rough, jagged, and dangerous rip-rap topped access road depicted in Hartman Testimony Exhibit A Photographs 4, 10 and 11 vs. a smooth smaller stone topped access road depicted on private Wech property, Hartman Exhibit 50, and private property on the north side of Peters and Stoney Mountains, Hartman Exhibits 53 and 56.
    3. The dangerous unrestored high access road shoulders depicted in Hartman Exhibit A Photographs 8, 9 and 13 (Paragraph 50).

4. The deplorable claw-back activity depicted in Photograph 13 (Paragraph 50) that extended the entire length of the Pole 76 and Pole 75 access road which created excessively wide, deep, compacted and unvegetated shoulders and an access road topped by loose and jagged rip-rap.
5. PPL needless and careless excavation and destruction of vegetation off the Right of Way as depicted in Hartman Exhibit A Photographs 5 and 7, and Hartman Exhibit 47.
6. The needless and wasteful destruction of native ferns, blackberries and huckle berries during the overzealous construction, Hartman Exhibit 47, and abysmal restoration efforts that resulted in invasive noxious weeds and anemic grasses.
7. The uncourteous behavior of excavating large rocks from their natural location and haphazardly discarding those rocks in a manner that limited access and use of our property as depicted in Hartman Testimony Exhibit A Paragraph 70, Photograph 29, and Hartman Exhibit 47. Salisbury testified in sum and substance that PPL could not be troubled to return the rocks to their original location. Your Complainant's do not have the equipment to return the rocks to their original location. Please imagine PPL, or any contractor, demonstrating the same lack of respect for someone's backyard. We may live off the beaten path, but the ROW property is our backyard.
8. The degradation of the poorly designed and constructed Pole 76 and Pole 75 access road and accelerated erosion of foreign material, including herbicides, as depicted in Hartman Exhibit A Photograph 75 and 76 and Hartman Exhibit 52.
9. The discarded personal litter, construction containers, and rip-rap depicted in Hartman Testimony Exhibit A Photographs 13 (Paragraph 43) and 31, and Hartman Exhibit 26.
10. The resurfacing of rip-rap on the Pole 76 and Pole 75 crane pads as depicted in Hartman Testimony Exhibit A Photographs 15 and 16 and Hartman Exhibit 35 versus quality construction and vegetation management activity on an NPS Lands crane pad, Hartman Exhibit A Photograph 17, and private lands, Hartman Exhibits 50, 53 and 56.
11. The indiscriminate destruction of compatible vegetation by herbicides in contradiction of PPL's own Vegetation Management Guidelines as depicted in Hartman Exhibit A Photographs 41 – 45, 50, 53, 54, 56, 57, 70, 77, 78 and 80.

12. The careless destruction of Pole 75 grasses as depicted in Hartman Exhibit A Photographs 45 - 47, and 66 and Hartman Exhibit 55.
13. The destruction of grasses, blackberries, huckle berries, ferns and other compatible vegetation on our property and the proliferation of an invasive noxious weed as depicted in Hartman Exhibits 28, 29, 30 and 31, and described in Hartman Exhibit 33.
14. PPL's failure to properly ascertain our property line as depicted in the PPL E & S Plans, PPL Electric Exhibit TE – 1 Attachments 114 and 115, and Hartman Testimony Exhibit A Paragraph 29.
15. PPL's failure to identify us as the owners and contact for Vegetation Management activity on our property as depicted in Hartman Exhibit 34 and notify us of the impending herbicide application.

Rip-rap

40. We submit that the use of rip-rap as a road-top and crane pad cover, itself, violated the best management practices detailed in the E & S Plans and construction practices generally. Your Honor's attention is invited to Hartman Exhibit 37. Per Wikipedia, "Riprap is human-placed rock or other material used to protect shoreline structures against scour and water, wave, or ice erosion. Ripraps are used to armor shorelines, streambeds, bridge abutments, foundational infrastructure supports and other shoreline structures against erosion." We don't have to rely on Wikipedia. In our collective experience, has anyone ever chosen to construct a driveway topped with rip-rap? Has anyone ever chosen to cover their future lawn or farm field with rip-rap, and then grind the rip-rap into the soil and overseed as done by PPL on the Pole 75 and Pole 76 crane pads? I testified that in 25 years, including December 2018 during PPL's construction activity, I never observed that the existing or under-construction PPL access road was muddy or rutted. It is much more likely that a PPL contractor, whose identity was withheld during Salisbury's testimony and by PPL counsel during discovery, had a ready supply of rip-rap. And the contractor decided to discard the rip-rap on our property as a substitute for finer and more expensive stone. How else can one explain the construction of a 24 feet wide road when the E & S Plan called for a 15 feet wide road.
41. We submit that the application of rip-rap as a road and crane pad cover, itself, reflects unreasonable, unsafe and unreliable service. There is no wonder why both Eby and Salisbury

could not identify a single application of rip-rap on any of the reported 179 properties associated with this project.

Many of Judge Haas's Findings of Fact in favor of the Respondent were based largely on un-corroborated and unsourced Hearsay, in some instances third party hearsay once removed, as detailed below with the original Initial Decision numbering:

40. *Under that policy, the contractors performing the herbicide application must, among other requirements: (1) "[a]pply materials in accordance with the manufacturers' labels"; (2) "[h]old and maintain a Pennsylvania Pesticide Application Business License"; (3) "[e]mploy certified Pennsylvania Commercial Pesticide Applicators," who "must at a minimum be certified in category 10 (Right of Way & Weeds)"; (4) "[e]nsure that applications performed by Pennsylvania Registered Pesticide Technicians are performed in accordance with Pennsylvania Pesticide Rules and Regulations"; (5) "[e]ensure that all herbicides are procured, transported, stored, and applied in accordance with all applicable state and federal laws"; (6) "[u]se only herbicide products that have been approved for use on utility rights-of-way by the US Environmental Protection Agency"; and (7) "[u]se only herbicide products approved by PPL EU." PPL Ex. MS-3, p. 2.* ***PPL FAILED TO IDENTIFY THE HERBICIDE APPLICATOR OR CONFIRM CERTIFICATION OR LICENSING.***

51. *Upon arriving at the location on July 16, 2021, the maintenance contractor determined that the incompatible species of vegetation had not been removed. PPL Stmt. 4, p. 12.* ***AGAIN, PPL FAILED TO IDENTIFY OR INTERVIEW THE HERBICIDE APPLICATOR, GATHER OR PRESENT ANY CORROBORATIVE DOCUMENTATION.***

52. *PPL's contractor treated the vegetation using a High-Volume Foliar application method, with herbicide mix HV5 on PPL's Electric's Approved Herbicide Mixtures, and utilizing a pick-up truck mounted holding tank, hose reel, and application wand ("pick-up method"). PPL Stmt. 4, p. 12.* ***AGAIN, PPL FAILED TO IDENTIFY OR INTERVIEW THE HERBICIDE APPLICATOR, GATHER OR PRESENT ANY CORROBORATIVE DOCUMENTATION OR CONFIRM THE MANNER OF APPLICATION.***

53. The High-Volume Foliar application method is a targeted approach where the applicator physically walks to the location of the vegetation to be treated and applies the herbicide mix to the leaves of the targeted species. PPL Stmt. 4, pp. 12-13. ***PPL FAILED TO OBSERVE OR CONFIRM THE MANNER OF APPLICATION. OUR PHOTOGRAPHIC EXHIBITS, PARTICULARLY EXHIBIT A PHOTOGRAPHS 43, 44, 45, 46, 47, 50,54, 56, 57, 61, 66, AND 69 DEPICT THE REAL TIME DESTRUCTION OF COMPATIBLE VEGETATION AND UN-TARGETED SPECIES.***

56. Less than 0.35 acres of herbicide application occurred within PPL's rightof-way on the Hartmans' property. PPL Stmt. 4, p. 13. ***PPL FAILED TO OBSERVE OR CONFIRM THE MANNER OR VOLUME OF THE APPLICATION.***

59. PPL's contractor applied approximately 36 gallons of herbicide on the Hartmans' property. PPL Stmt. 4, p. 14. 13 60. The application of herbicide on the Hartmans' property was targeted to the areas with incompatible species of vegetation. PPL Stmt. 4, p. 16. ***THE UNCONFIRMED STATEMENT IS REBUTTED BY HARTMAN TESTIMONY AND PHOTOGRAPHS THAT DEMONSTRATE THAT ALL VEGETATION WAS DESTROYED. PPL PRESENTED NO NOTES, MEMORANDA, REPORTS OR PHOTOGRAPHS THAT DEPICTED THE EXISTENCE OF INCOMPATIBLE VEGETATION PRIOR TO THE HERBICIDE APPLICATION.***

62. The herbicide treatment is applied directly to incompatible vegetation's leaves, allowing the seed base to germinate and regrow in the area. PPL Stmt. 4, p. 17. ***PPL FAILED TO PRESENT ANY EVIDENCE THAT A SEED BASE EXISTED. VEGETATION WAS DESTROYED BEFORE 2021 FRUIT HAD RIPENED AND***

SEED WAS PRODUCED. EXHIBIT A PHOTOGRAPH 49. THE UNCONFIRMED STATEMENT IS REBUTTED BY HARTMAN TESTIMONY AND PHOTOGRAPHS THAT DEMONSTRATE THAT NO BLACKBERRIES, HUCKLE BERRIES, FERNS, OR GRASSES GERMANATED OR REGREW AS OF JULY 2022, HARTMAN EXHIBITS 28, 29 AND 30, ONE YEAR AFTER THE APPLICATION.

Judge Haads's Opinion on page 30 that "PPL presented credible evidence that the vegetation on the area impacted by the project has already begun and will continue to recover and re-establish itself" is simply not valid., and represents probably the most shocking and disappointing aspect of the Initial Decision

42. Your Complainant presented undisputed evidence that the only vegetation that has established itself in the areas impacted by the project is mile-a-minute, an invasive noxious weed, that is poised to prevent the re-establishment of compatible erosion deterrent vegetation for an indefinite period. The Commissioners' attention is kindly invited to Hartman Exhibits 28, 29, and 30, the last known photographs depicting your Complainant's vegetation prior to the hearing. Your complainant took these photographs during June and July 2022 in the areas impacted by the July 2021 herbicide application. Your Complainant was not afforded an opportunity to present rebuttal testimony to adequately explain the relevance of the Exhibits. The photographs themselves demonstrate that the sprayed and destroyed blackberries, ferns, grasses, and huckleberries have not recovered and have not re-established. PPL failed to present any competent evidence that they ever will. If the Commissioners orders a re-hearing of this matter, particularly an allowance for rebuttal, your complainant will present evidence that the invasive noxious weed depicted below have returned during 2023 and have smothered additional vegetation outside of the treatment area. And no blackberries and huckleberries, not a one, have recovered or re-established themselves in the two plus years since the July 2021 herbicide application.

43. Finally, the Escort Herbicide Label warns that the Escort XP Herbicide could remain in the soil for 34 months, or more, and that crops planted in high-pH soils can be extremely sensitive to low concentrations of Escort XP Herbicide, PPL Exhibit MS-11.

Hartman Exhibit 29 Photographs dated June 29, 2022

Hartman Exhibit 30 Photographs dated July 25, 2022

44. The proliferation of an invasive noxious weed, mile-a-minute, particularly above Pole 75, dooms compatible native vegetation on our property for many years to come, Hartman Exhibit 30 (July 25, 2022 Photographs) and Hartman Exhibit 33 (University of Connecticut research paper). J. Mehrhoff, the papers author, accurately described the proliferation and danger of mile-a-minute on our property as follows: "Mile-a-minute weed (Persicaria perfoliata) is a vigorous, barbed vine that smothers other herbaceous plants, shrubs and even trees by growing over them. Growing up to six inches per day, mile-a-minute weed forms dense mats that cover other plants and then stresses and weakens them through smothering and physically damaging them. Sunlight is blocked, thus decreasing the covered plant's ability to photosynthesize; and the weight and pressure of the mile-a-minute weed can cause poor growth of branches and foliage. The smothering can eventually kill overtopped plants." Also, "Mile-a-minute weed is primarily a self-fertile plant and does not need any pollinators to produce viable seeds. Its ability to flower and produce seeds over a long period of time (June through October) make mile-a-minute weed a prolific seeder. Seeds can be viable in the soil for up to six years and can germinate at staggered intervals."

45. The bottom line, the July 16, 2021, herbicide application killed grasses as depicted in Hartman Testimony Exhibit A Paragraphs 104, Photographs 45 – 47, and Paragraph 113 and 114, Photographs 56 and 57, and Hartman Exhibits 29, 30, 31 and 55. The proliferation of an invasive noxious weed, mile-a-minute, particularly above Pole 75, dooms compatible native vegetation on our property for many years to come. Again, is it reasonable for a $17 billion public utility not to address and restore the vegetation needlessly destroyed, and the long-term vegetation catastrophe they set in motion?

Your Complainant's proposed Findings of Fact from the Complainant's Brief and Reply Brief that Rebut Hearsay sourced Findings of Fact included in the Initial Decision

46. The Respondent PPL failed to present a single photograph depicting the status of the Complainant's property during the pre-construction, construction, restoration, and post restoration stages from November 2018 through May 2022.

47. The Respondent PPL failed to present any notes, diary entries, memoranda, or reports to document any field condition that warranted the departure from the Engineer's plan to

utilize the existing access road on Wech property. PPL instead destroyed vegetation and excavated and removed topsoil to construct an unplanned access road situated on the Complainant's property.

48. The Respondent PPL failed to present any notes, diary entries, memoranda, or reports to document any field condition that warranted the placement of rip-rap on top of the access road constructed on the Complainant's property. (The Initial Decision reported that PPL constructed 10 miles of access road using similar materials. This undocumented finding fails to account for the significance of the fact that none of the Project's approximate 9.8 miles of access road are "topped" with large, irregularly shaped, and sharp rip-rap. If you contracted for a macadam driveway, and the contractor placed the stone base on top of the macadam, it is unlikely that you would accept the contractor's excuse that your rip-rap top driveway consisted of the same materials as a macadam topped driveway.)

49. PPL's E & S Attachments 114 and 115 mistakenly listed the Complainant's as the owners of the entire 100 feet ROW, including the Pole 76 and Pole 75 construction pads in their entirety. E & S Plans 114 and 115 mistakenly listed additional property to the east of the ROW as the Complainant's.

50. Approximately 50 feet of the 100 feet ROW and the additional property to the east of the ROW was owned by Douglas Wech.

51. Eby admitted during cross examination that he was not present at the site until December 18, 2018. Hartman Exhibit A and B Photographs 1, 5, and 7 reflect that the access road and crane pads were constructed prior to December 7, 2018.

52. The Respondent PPL's witness, William Salisbury, was unaware of the identity of the individual or contractor that made the decision to destroy vegetation and excavate and remove topsoil to construct a new access route over the Complainant's property, nor could he recall the specific justification for the departure, Salisbury cross-examination Page 100.

53. In contradiction to the E & S Plan, it is undisputed that PPL failed to re-vegetate the access road constructed on our property despite repeated requests from us, the "specific property owner", your complainant.

54. The Complainants' Exhibit 52 photographs reflect that the unwarranted destruction of the erosion deterrent sod-covered logging road, Hartman Testimony Paragraph 7 and

Photograph 1, and PPL's failure to re-vegetate the access road and access road shoulders has subjected the Complainant's property to accelerated erosion.

55. The Complainant's Exhibit 52 photographs depicted the diversion of stormwater off the Right of Way (ROW) onto the Complainant's private property and home.

56. Hartman Exhibit A Paragraph 9 Hartman Photograph 3 and Hartman Exhibit 47 Photographs depict the needless destruction of native vegetation and excavation of topsoil and mountain stone on the Complainant's property to the west of the access road and construction pad.

57. PPL utilized the Complainant's topsoil and mountain stone to construct the Pole 75 crane pad situated largely on Wech property.

58. Post construction and restoration PPL failed to return the Complainant's topsoil and mountain stone.

59. Thomas Eby's Rebuttal Statement, Page 16, acknowledged that PPL excavated the Complainant's property outside of the ROW.

60. On cross examination, Eby did not dispute Hartman Exhibit A Paragraph 67 testimony that PPL excavated and destroyed vegetation measuring 120 feet across at the Pole 75 crane pad, and 117 feet across at the Pole 76 crane pad. It is undisputed that the ROW and LOD is 100 feet wide, as depicted in Hartman Exhibit Paragraph 5 Photo 12, below.

61. On cross examination, Eby acknowledged that PPL failed to restore or replace the native vegetation (huckleberries) and Norway Spruce destroyed by unwarranted PPL excavation off the ROW, transcript at page 213 and Hartman Testimony Exhibit A Paragraphs 16 and 17 and Photograph 7

62. The respondent PPL destroyed vegetation, excavated, and removed topsoil and mountain stone, and compacted subsoil that exceeded the authorized 15 feet access road, as wide as 24 feet, a 60% overage, and in so doing failed to conserve excavated topsoil or scarify

compacted soils in contradiction to its own best management practices, Eby Transcript at pages 248 and 239, respectively.

63. When the DCCD instructed PPL to reduce the width of the access road to fifteen feet, PPL simply clawed back the road to 15 feet, and piled the excess rip-rap on top of the access road. Accordingly, an already deep and perilous shoulder, Hartman Exhibit A Photograph 8, was made more perilous, Hartman Exhibit A Photograph 13 (2) and Hartman Exhibit 49.

64. PPL failed to cover excavated areas, including road shoulders, crane pads and the surplus excavated areas depicted in Hartman Exhibit 47 with topsoil.

65. During PPL's first crane pad seeding attempt, PPL ground the rip-rap cover into the topsoil. (Note: PPL admittedly never stockpiled or saved topsoil to ensure a viable seed bed.) Hartman Exhibit A PPL Photograph 1, introduced into evidence by your Complainant, depicts the crane pad after the rip-rap was ground into the "topsoil".

Figure 7- 2-26-2019 Pad #75 straw mulched.

66. During cross examination, Eby, Page 248, admitted that PPL did not strip and stockpile topsoil during construction of the access road.

67. Hartman Exhibit A Photographs 15 and 16 and Hartman Exhibits 28, 29, 31 and 35 depict the re-surfacing of the Pole 75 crane pad rip-rap due to a failed re-seeding effort and excessive erosion. Currently, the Pole 75 and Pole 76 crane pads are not covered by topsoil, but instead are littered with protruding rip-rap that will permanently prevent erosion deterrent vegetation.

68. During cross examination, Thomas Eby at page 294, acknowledged that the Pole 75 and Pole 76 crane pads were covered with rip-rap post-construction.

69. During cross examination, Eby and Salisbury could not identify a single location on the 3.5-mile project, including the comparable north side of Peters Mountain, Hartman Exhibits 53 and 56, where PPL used rip-rap to cover or top a crane pad or access road.

70. During cross examination at Page 239, Eby was asked whether areas to be vegetated had a minimum four inches of topsoil in place prior to seeding and mulching on the Hartman property consistent with PPL's own purported best management practice, above. Eby answered, "No". During cross examination, Page 296, Eby agreed that rip-rap was protruding above the Pole 76 and Pole 75 crane pad surfaces.

71. It is undisputed that PPL failed to cover excavated areas, including road shoulders, crane pads and the surplus excavated areas depicted in Hartman Exhibit 47 with topsoil. Hartman Exhibit A Photographs 15 and 16 and Hartman Exhibits 28, 29, 31, and 35 reflect that the crane pads have not been covered with topsoil, but instead are littered with protruding rip-rap that will permanently prevent vegetation.

72. Hartman Exhibit B Photographs 41, 42,43, 44, 45, 46, 47, 50, 53, 54, 56, 57, 61, 67, 68, 70, 78, 80 and Hartman Exhibits 28, 29, 30, 31 and 52 reflect that PPL has not achieved

permanent stabilization., i.e., vegetative cover with a density sufficient to resist accelerated erosion.

73. Thomas Eby, during cross examination, Page 228, testified that he did not observe mile-a-minute, an admitted invasive noxious weed that does little to deter erosion, on the Complainant's property post construction or during restoration. Hartman Exhibit 30 Photographs dated July 25, 2022, below, depicts that the area treated by herbicides on July 16, 2021, is presently overrun by mile-a-minute, a recognized invasive noxious weed.

74. The herbicide application that destroyed compatible and erosion deterrent vegetation on the Complainant's property was completed on July 16, 2021, twenty-nine (29) days after the E & S Permit was closed on June 17, 2021, Rebuttal Statement of Thomas Eby, Page 12 and, Rebuttal Statement of Matthew Stutzman, Page 12.

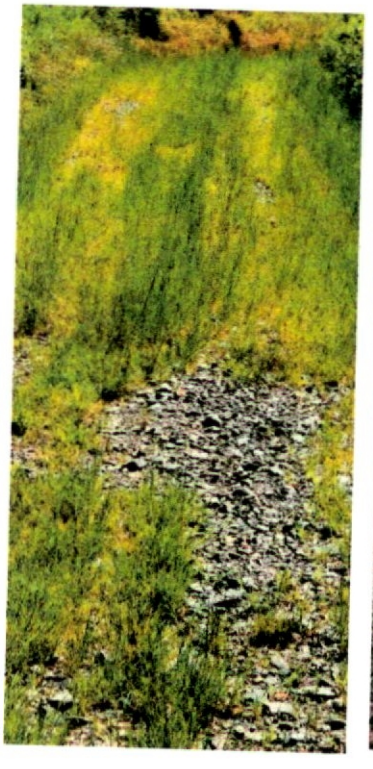
75. Eby Rebuttal Statement Page 9 reported that PPL used the "same stone" to construct the access road on Hartman property on at least 10 miles of the other access roads constructed as part of the project and that PPL routinely used this type of stone when constructing access roads that traverse steep or mountainous properties. On cross examination,

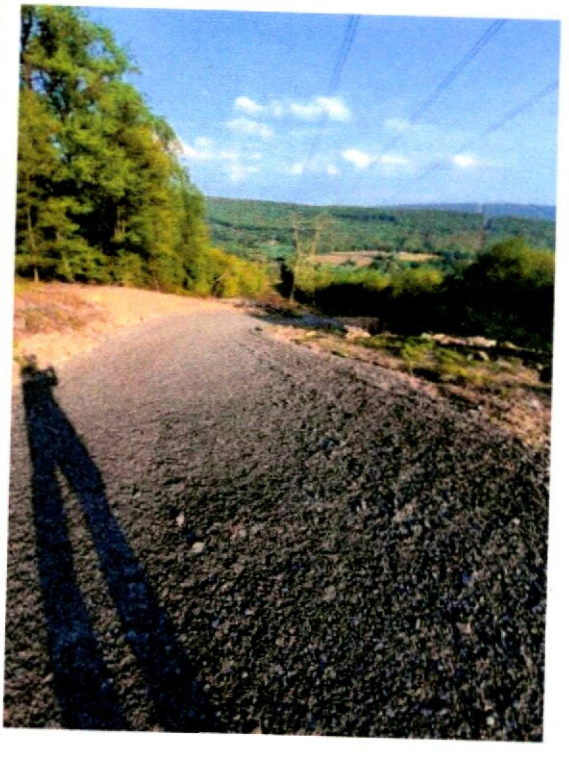
however, Pages 193 – 195, Eby could not recall or identify any other access road on the project, to include the north and south sides of Peters Mountain, that was topped/covered with rip-rap, as depicted in Hartman Testimony Exhibit A Photographs 10 and 11, and Hartman Exhibit 36.

76. During cross, Page 358, I asked Eby "is there any section of this project, the 3.5 mile project, other than the Hartman-Wech property access road 75 and 76 where PPL intentionally applied riprap to the road cover - top of the road?" Eby answered "No". During cross, Page 359, Eby testified that there were many sections of this project that were steeper than ours.

77. Salisbury, like Eby, could not recall or identify any location on the north or south side of Peters Mountain where PPL placed rip-rap on the top of an access road, Salisbury cross examination Page 102. Hartman Exhibit A Photograph 10 and 11 depict rip-rap placed on top of the Pole 75 access road.

78. Hartman Exhibit 53 Photograph 1, left, depicts a private property access road on the north side of Peters Mountain, and Hartman Exhibit 50 Photograph depicts the Pole 73 and Pole 74 access road constructed on Wech property on a second PPL ROW on Peters Mountain to the east of the Pole 75 access road at the same elevation.





79. The Salisbury Rebuttal Statement, Lines 18 – 21 of Page 13, included an excuse for the litter found on the Complainant's property during and after construction as follows: "additionally, many hikers and locals frequent this spot on the Appalachian Trail, as I saw them accessing the property during the course of the Project. Any refuse was likely deposited by other persons accessing the property, not PPL Electric's employees or contractors."

80. During cross examination at Page 157 admitted that the refuse left behind on the Complainant's property was construction material after Salisbury was confronted with Hartman Exhibit 26, a photograph of construction material packaging that littered the Complainant's property until July 2022 when mile-a-minute engulfed our property.

81. Additionally, PPL littered your Complainant's property off the access road and crane pad with vegetations smothering rip-rap, Hartman Exhibit A Paragraph 72 Photograph 31.

82. Salisbury, on cross examination, testified that the E & S Plans, referred to as PPL best management practices, were ambiguous, and added, "as long as we stayed in the LOD, (Limit of Disturbance) we were good".

83. During their respective Cross Examinations, Eby and Salisbury, Salisbury Page 111, could not identify any other "switchbacks" constructed on the north or south sides of Peters Mountain or Stoney Mountain across Clarks Valley, Hartman Exhibit 53.

84. During cross examination, Eby, transcript page 359, testified that there were many steeper slopes on the Project than the slopes found on the Complainant's property.

85. Salisbury, during cross examination, could not identify the individual, employee, or contractor, that made the decision to depart from PPL's E & S Plans and best management practices to construct a new unplanned access road on the Complainant's property.

86. Salisbury, during cross examination, could not recall the credentials of said individual and could not recall with any specificity the reason given, if any, for the departure from PPL best management practices.

87. On or about December 7, 2018, your Complainant noticed that our iconic landscape quality boulder that was originally situated on the left side of the ROW above the logging road and original Pole 76 and Pole 76 access road was no longer on our property. PPL either removed the boulder from the mountain or buried it under the Pole 76 crane pad on Wech property.

88. On April 3, 2019, Hartman Exhibit 54, your Complainant sent an email to PPL contractors Jonathan Scott and Kimberly Nettles, and PPL ROW Specialist employee Jeffry Eberwein and copied then PPL counsel Kimberly Krupka that placed PPL on notice of the Complainant's allegation that virtually all of the Complainant's topsoil was removed by PPL to construct the crane pads, and that PPL failed to trim the size of the crane pads post-construction and return the Complainant's topsoil as promised.

89. The Respondent PPL failed to respond to the Complainant's email or dispute the allegations contained therein until July 2022, as part of the Stutzman Rebuttal Statement.

90. During October 2020, the Complainant received a letter from PPL that reported the planned **"Spray Treatment of Selected Brush"** and removal of **"Selected Brush"** on the Complainant's property, sometime after January 1, 2021.

91. The PPL letter invited the Complainant to PPL's Transmission Line Vegetation Management website, Hartman Exhibit 7. The website pledged to communicate with property owners well in advance of **scheduled,** emphasis added, work. The website included blackberries, ferns, and huckleberries as compatible species.
92. During October 2020. the Complainant's contacted PPL orally and in writing and advised PPL that the Complainant had managed (removed) the birch trees on the ROW and requested that PPL not apply herbicides to the Complainant's property.
93. During October 2020, the Complainant, as promised, managed incompatible vegetation on the ROW by cutting and pulling birch saplings, roots and all, from the ROW..
94. During January 2021, the PPL vegetation management contractor, Drew Gradwell, promised to afford the Complainant's 24-hour notice, and an opportunity to demonstrate that the Complainant's managed any incompatible vegetation.
95. **There is no evidence that the Complainant, Michael Hartman, ever accepted any plan or proposal that included the application of herbicides to the Complainant's property.**
96. PPL and PPL's vegetation management contractors failed to furnish the Complainant's 24 hour notice, or any notice, of an imminent herbicide application to the Complainant's property.
97. PPL and PPL's contractors failed to afford the Complainant an opportunity to demonstrate that the Complainant had managed and would continue to manage incompatible vegetation, primarily birch saplings on the Complainant's property before the contractor applied herbicides to the Complainant's property.
98. During July 2021, the unidentified herbicide applicator sprayed all vegetation, **not selected vegetation and brush**, as reported in the October 2020 letter and PPL Transmission Line Vegetation Management website.
99. With the exception of third party once removed hearsay from an unidentified source, the Respondents have failed to furnish any evidence, any photographs, any notes, any memoranda, and reports that incompatible vegetation existed on the Complainant's property prior to the July 2021 herbicide application.
100. Matthew Stutzman was not the PPL Forester assigned to the subject ROW at the time of the herbicide application.

101. Matthew Stutzman was not present when the herbicides were applied to the Complainant's vegetation.

102. The Respondent PPL and Matthew Stutzman failed to identify the herbicide applicator or present documentation that the applicator was a Pennsylvania Certified Pesticide/Herbicide Technician or Applicator or was accompanied by a Pennsylvania Certified Pesticide/Herbicide Applicator when the herbicides were applied to the Complainant's vegetation.

103. The identity and qualification of the herbicide applicator is unknown to Judge Haas. or the PUC.

104. The unknown herbicide applicator failed to apply herbicides to admitted incompatible vegetation that existed on your Complainant's neighbor's private property despite the fact that the quadrant was also selected for a herbicide application. Hartman Exhibit 34 and Stutzman transcript page 433.

105. Stutzman testified that an area overrun by an invasive noxious weed was substantially regrown and green.

106. A significant portion of the grasses contained on the Complainant's property situated on the Pole 75 construction pad which was situated below the treatment site as depicted in Hartman Exhibit A Photographs 45 – 47, and Hartman Exhibit 55 were destroyed incident to the July 2021 herbicide application.

107. Stutzman wrongly testified under cross examination that the depicted dead September 2021 grasses were "dormant".

108. The Stutzman Rebuttal Statement, Page 16 Line 21, wrongly reported that the HV5 mixture applied to the Complainant's vegetation, a combination of three different herbicides designed to kill multiple types of vegetation, was not designed to kill the root systems of native grasses.

109. Two of the three HV5 herbicide labels, however report that the herbicide would kill grasses. The Nufarm Polaris label, PPL Exhibit MS – 11, Page 4, reports, "Herbicidal Activity: This product will control most annual and perennial grasses and broadleaf weeds..." and "In perennials, the herbicide is translocated into, and kills, underground or submerged storage organs, which prevents regrowth."

110. PPL failed to present a single photograph depicting Hartman vegetation prior to or immediately following the July 2021 herbicide application.

111. The proliferation of mile-a-minute endangers our erosion deterrent vegetation, on and off the ROW, and the ability to establish vegetation with a density sufficient to resist accelerated erosion in contradiction of PPL's own best practices.

112. It is undisputed that I volunteered to control incompatible brush on our property and did so during October 2020. I would have done so indefinitely. PPL and Stutzman, Page 527, have not disputed my willingness and ability to control incompatible vegetation on our property.

113. There is overwhelming evidence that PPL's July 2021 vegetation management activity, particularly the herbicide application, was discriminatory, unreasonable, unsafe, and unreliable. PPL presented no credible evidence that our pre-existing vegetation posed any danger to PPL equipment, assets, and distribution capability.

114. Hartman Exhibit A Paragraph 2 summarizes my 50, plus, years of vegetation management experience. Far greater experience than the individual or collective experience of the four PPL witnesses. It must also be noted that my wife and I have managed our 20-acre property, including the right of way, for the past 25 years. I respectfully submit that Judge Haas did not assign appropriate weight to our personal knowledge and experience.

The Rebuttal Statement and Testimony of PPL employee William Salisbury is unreliable and does not support the Findings of Fact attributed to that testimony by Judge Haas

115. Salisbury's Rebuttal Statement, at page six (6) was reportedly Salisbury's response to Complainant's allegation that PPL excavated and removed topsoil and mountain stone from the Complainant's property to construct the Pole 75 crane pad situated largely on Wech property. **"Salisbury" answered, "I disagree with Mr. Hartman's conclusions. As a courtesy to Mr. Hartman, PPL Electric marked the property lines for Mr. Hartman's property and the Wech property within the transmission line right-of-way, and PPL required its contractors not to transfer "topsoil," "mountain stone," or other**

materials between the two properties." The statement is blatantly false, and its falsity is well known to Thomas Eby and PPL counsel that reviewed the E & S Plans and visited our property in my presence. At the time of construction, December 2018, through April 2019 when I advised PPL otherwise, PPL mistakenly believed that we owned the entire ROW as represented by PPL in the E& S Plans, particularly Attachments 114 and 115, PPL Exhibit TE -1. There is no reason to believe that Salisbury knew the actual Hartman/Wech property line when the misappropriation of Hartman topsoil and mountain stone occurred. Furthermore, there is doubt that Salisbury was even present given Salisbury's inability to identify a single witness or participant and his admitted contemporaneous assignment to multiple jobs, Page 94.

116. The Commissioners' attention is invited to the Hartman A Paragraph 7 Photograph 1 (Exhibit 19) and Paragraph 8 Photograph 2 which depict the real-time excavation of the Hartman/Wech logging road and the construction of the Pole 76 construction pad and Pole 75 construction pad, respectively.

Hartman Exhibit A Photograph 2

117. PPL did not lightly excavate the formerly sod covered logging road. PPL excavated an approximate 8 feet deep interruption of the mountain slope and created high walls (cliffs) to the left (north) and ahead (east) on the edge of the ROW. The displaced soil and mountain stone were used to build the Pole 76 crane pad situated largely on Wech property. The logging road was valuable personal property which formerly facilitated motorized traffic between our property and the Wech property. The logging road was destroyed and never restored. As shown in Exhibit 19, PPL did not "mark" the Hartman/Wech border as represented, and there is no evidence that PPL segregated Hartman and Wech topsoil and mountain stone. The segregation of our and Wech soil as represented would have been virtually impossible given the deep excavation. The same is true for the Pole 75 construction pad excavation, Photograph 2, above.

118. Your Complainant is the only witnesses that documented the real-time excavation of Hartman topsoil and mountain stone, including the Hartman/Wech logging road, to construct the Pole 75 and Pole 76 construction (crane) pads., Hartman Exhibit A Paragraphs 7, 8, 9, and 10, Photographs 1, 2, and 3, and Hartman Exhibits 19 and 47. I am the only witness in this matter that described our property, including vegetation, topsoil and mountain stone, prior to and during construction. In the Salisbury Rebuttal Statement Page 19 Line 1, PPL erroneously described our sod covered logging road that I personally seeded and maintained as a "dirt path".

119. The falsity of Salisbury's representation, whether knowing or from a faulty memory, can be gleaned from the Salisbury cross examination, Page 128. Question: "At the time that you were on the property doing the construction, did you believe that we - the Hartman's

owned the entire right-of-way in the limit of destruction?" Salisbury's Answer: I'll be honest, your honor, you know, I don't often consider the names, sir, anything of the people that, you know, own these property lines, that is something that's more of a right-of-way issue. You know, in construction we stay focused on safety, reliability and falling in line with what we need to do as far as the environmental controls like the limited disturbance."

120. Salisbury cross examination, Page 94, Question: "Mr. Salisbury, were you present when the road was constructed? Answer: I was present at certain times. I was running a lot of jobs at the time throughout the entire project so I was not always present every minute of the workday."

121. On Page 114, Salisbury doubled down with an additional erroneous statement: "And as I recall, sir, we came to your property and tried to put down topsoil but appeared not enough to appease the needs that you had. I mean, that was an additional cost, you know, that was incurred on the project to try to, you know, help remedy with the landowner." On Page 116, PPL counsel stipulated that no topsoil was ever delivered to the Hartman property. Salisbury misremembered.

122. Finally, Your Honor, since December 2018, I repeatedly confronted PPL employees, including Thomas Eby, PPL Contractors, and PPL counsel, orally and in writing, with my finding that PPL excavated vegetation, topsoil, and mountain stone from our property, and transferred same to Wech property to construct the Pole 75 and Pole 76 crane pads. I included the allegation in our original formal complaint, March 2019, and reported same to ALJ Calvelli, the PUC Mediator, and Judge Haas in the presence of Thomas Eby, Michael Shafer, Kimberly Krupka and Devin Ryan. I included the topic in Discovery Requests and Interrogatories. At no time and in no instance did PPL employees, contractors or counsel allude to or even suggest the "story" presented by Salisbury in the Salisbury Rebuttal Statement.

123. The credibility of Salisbury's testimony, or lack thereof, is even more significant when one considers the alleged Discovery irregularities that prejudiced our case. As reported herein, PPL failed to identify William Salisbury as a project participant until April 20, 2022.

The Rebuttal Statement and Testimony of PPL employee Matthew Stutzman is unreliable and does not support the Findings of Fact attributed to that testimony by Judge Haas

124. Stutzman mis-identified a huckleberry bush as mountain laurel, cross examination Page 463 and Hartman Exhibit B Photograph 40, mis-identified destroyed blackberry stems as a poplar sapling, cross examination Page 566 and Exhibit B Photograph 56, and mis-identified destroyed blackberry stems as oak saplings, cross examination Page 472 and Hartman Exhibit B Photograph, 50.

125. Stutzman mis-diagnosed destroyed Pole 75 crane pad grasses as "dormant" Page 468 and Hartman Exhibit B September 2021 Photographs 45 – 47 and Hartman Exhibit 55. Please exercise your own judgement and experience and try to remember the last time your lawn was dormant during the month of September, the date the photographs were taken.

126. Please also consider that your Complainant was raised on a farm, worked on a farm, and managed farm and forest property for 60, plus, years. Your Complainant can identify mountain laurel, huckleberry bushes, blackberry stems, birch, oak maple, and poplar saplings. Particularly vegetation that your Complainant personally took photographs of and examined on your Complainant's own property. Your Complainant knows when vegetation is alive and growing, alive and dormant, and dead. Stutzman, a purported Forester, has done nothing but promote and defend deforestation in a failed effort to justify an unannounced, unwarranted, discriminatory, and unsafe herbicide application. Unlike Stutzman and PPL, your Complainant presented photographs to corroborate my testimony.

127. The Rebuttal Statement of Michael Stutzman and Stutzman's purported investigation was crafted to cover-up PPL, Penn Line and ECI's discriminatory, unreasonable, unsafe, and unreliable vegetation management activity, not to enlighten the PUC. Stutzman testified that he failed to memorialize any aspect of his original winter 2021/2022 field visit and investigation. No notes, no memoranda, no reports and remarkably no photographs of the purported pre-existing incompatible vegetation above Pole 75. No photographs of the alleged "dormant" grasses on the Pole 75 crane pad, and the unmistakable evidence that the herbicide was applied fire hose style.

128. Stutzman testified on cross examination that he failed to identify the individual or individuals that completed the herbicide application, and failed to confirm whether the applicator was licensed to perform the task. Stutzman failed to interview the applicator and failed to identify the spray equipment or confirm the method of application. Stutzman testified on cross examination that he failed to ask Penn Line and ECI representatives, William Ruch and Drew Gradwell, respectively, whether they afforded us 24-hour notice of the herbicide application. Stutzman and PPL doubled down on the cover-up when Stutzman presented a redacted business record, MS – 5, without disclosing the redaction. The redacted exhibit concealed the fact that PPL's business records mistakenly identified our neighbor, Michael Rosewarne, and not us, as the party to be notified prior to the herbicide application.

129. Stutzman and PPL concealed from the PUC that we notified PPL counsel in advance, October 2020, that we would control incompatible vegetation and objected to any herbicide application on our property. PPL, MS – 5, concealed the fact that PPL planned to hand cut comparable Rosewarne vegetation at the same time it applied herbicide to ours. PPL, MS – 5, concealed that Wech property adjacent to ours above Pole 75 was scheduled for herbicide application, but the application was not completed.

130. Stutzman and PPL purportedly failed to take any photographs until on or about June 19, 2022. The photographs were taken and presented in a manner that concealed the proliferation of invasive noxious weeds on our property, PPL Exhibits TE – 5 and MS – 4.

131. Further evidence of PPL and Stutzman bad faith is the fact that MS – 4 depicted sprayed incompatible vegetation on Wech property below Pole 76 without identifying same as Wech property. PPL failed to present a single photograph that depicted incompatible vegetation on our property prior to the herbicide application.

132. Stutzman and PPL failed to present a single photograph that depicted the return of any meaningful vegetation to our property post application. Stutzman testified 14 months after the July 2021 application, yet failed to identify a single fern, blackberry or huckleberry that regenerated in the area sprayed.

133. Likewise, Stutzman failed to present any evidence that the Pole 75 crane pad grasses he testified were dormant during August and September 2021, had regenerated during the

spring or summer of 2022. With good reason, they had not, Hartman Exhibits 28, 29, and 31.

134. The Rebuttal Statement of Matthew Stutzman, Page 10, includes the question, "Are herbicides safe to use?" Stutzman answered, "Yes, when they are used in accordance with the specifications set forth in their labels...." Stutzman and PPL have no idea whether the herbicide application on our property was applied in accordance with the labels, PPL Exhibit MS -11. Neither Stutzman nor anyone at PPL either witnessed the herbicide application, confirmed the applicator's credentials, or spoke with the applicator.

135. At Line 22, Stutzman misled the PUC when he reported that he "interviewed the contractor who performed the work (i.e., Penn Line)." You can't interview a corporation; therefore, we were falsely led to believe that Stutzman interviewed the applicator. He had not.

136. I testified that PPL, the PPL contractor representatives, and herbicide applicator failed to notify us of the imminent and actual herbicide application on our property. Accordingly, PPL failed to heed the most basic and important label warning, this product is hazardous to humans. Particularly a herbicide that was applied to edible fruit, the blackberries above Pole 75, Hartman Exhibit A Photograph 49.

137. The herbicide labels dictate that the individuals that apply the product must wear protective clothing. The Polaris label, page 3, prohibited entry into the treated area by agricultural workers for 48 hours. Remarkably Stutzman and PPL counsel suggested that this safety measure did not apply to my family.

138. It is common sense. No individual without warning and protective gear should be permitted to access vegetation treated with harmful chemicals within 48 hours, particularly vegetation that contains edible fruit. The PPL herbicide application was fundamentally unsafe.

139. The Rebuttal Statement of Matthew Stutzman, Page 12, Vegetation Management Execution, is now known to be third party hearsay, at best. In addition to not being present for the "Execution", Stutzman failed to confirm any of its detail with the applicator.

140. Stutzman failed to properly identify or confirm the equipment used or the application method. Stutzman's Rebuttal Statement and cross examination was simply based on how the "Execution" should have been completed, not how it was completed.

141. Stutzman, during cross examination, held onto his "should have been" beliefs despite contradictory photographic evidence. Hartman Exhibit A Photograph 114 Photographs 56 and 57 describe and depict a swath of destroyed grasses inconsistent with the hand-held "wand" application method reported by Stutzman. Instead, the path of destruction depicts a fire hose application from the Pole 76 access road below the crane pad. During cross examination, Stutzman erroneously identified the blackberry vanes, below, as poplar saplings and would not agree that the path of herbicide destruction, below, reflected a fire hose style application.

142. Hartman Exhibit A Paragraphs 104, 108, 118, and 120 and Photographs 45, 50, 66, and 70 reflect that the spray application was applied in a blanketed and indiscriminate (fire hose) manner to kill all vegetation above the Pole 75 crane pad on our property.

143. There is no doubt that a trained applicator carrying a wand could have avoided killing the blackberry and huckleberry bushes depicted in Hartman Exhibit A Photographs 48, 51, 52 and 55. Hartman Exhibit A June 2020 Photograph 48, below depicts a vibrant stand of blackberries that were sprayed and destroyed during July 2021. No incompatible vegetation existed among the stand that was carelessly and indiscriminately destroyed.

144. PPL's Specification for Transmission Vegetation Management, PPL Exhibit MS – 2, particularly Section 6.3.2 Selective Clearing states, "All compatible species shall be preserved to the greatest extent possible", and 6.3.3 Restricted Clearing states, "All compatible species shall be preserved, wherever possible". The unidentified applicator, who may or may not have been registered or licensed to apply herbicides, certainly did not follow PPL Specifications. Stutzman's investigation and testimony, however, was not designed to determine whether the contractor complied with PPL Vegetation Management Specifications. Stutzman's investigation and testimony was crafted to justify PPL's actions in the face of overwhelming evidence that the actions were unjustified, discriminatory, unreasonable, unsafe, and unreliable.

145. The Rebuttal Statement of Matthew Stutzman, Page 16 Line 21 falsely reported that the HV5 mixture was not designed to kill the root systems of native grasses. The herbicide labels, MS – 11, Nufarm Polaris page 4, however, reported the opposite. "Herbicidal Activity: This product will control most annual and perennial grasses and broadleaf weeds..." and "In perennials, the herbicide is translocated into, and kills, underground or submerged storage organs, which prevents regrowth." The Excort XP label reported the following: "The active ingredient in Excort XP is metsulfuron – methyl, which works to inhibit a plant enzyme involved in the synthesis of key amino acids used by plants for growth and development. Once susceptible plants are treated, growth stops in the growing

points of both roots and shoots, leading to plant death." Stutzman cross examination page 551, Question: "Simply, can you answer the question? Do the labels --- is it correct that two of the three herbicides are reported as destructive to grasses and particularly unestablished grasses of less than two years old, what the labels say?" Stutzman answer, "Yes, I can confirm that that is a statement in the label. I would agree." Hartman Exhibit A Photographs 45 - 47 and Hartman Exhibits 28, 29, 31 and 55 demonstrate that the herbicides destroyed grasses, roots and all, on the Pole 75 crane pad. Otherwise, the grasses would have returned during the autumn of 2021 or the spring of 2022. The same is true for our blackberries, huckleberries, ferns, and other native compatible vegetation. Contrary to Judge Haas opinion and Finding of Fact, our blackberries, huckleberries, ferns, and grasses are dead, and they're not coming back.

146. The Rebuttal Statement of Stutzman Page 17 Line 10 included the following misrepresentation concerning the vegetation on our property: "As you can see in the aerial photographs dated June 19, 2022, set forth in PPL Electric Exhibit TE – 5 attached to Mr. Eby's rebuttal testimony, the Company's right-of-way on Mr. Hartman's property is substantially regrown and green." Stutzman repeated the false statement on Page 19 in more glowing terms, "As one can see, the transmission line right-of-way is relatively green, and the vegetation appears to be healthy and growing. I believe this constitutes the area "bouncing back" from the herbicide application."

147. Both Eby, Page 255, and Stutzman, Page 553, testified that one could not confirm the nature of the green vegetation depicted in TE – 5. Hartman Exhibits 28, 29, 30 and 31, photographs taken by me during the period June 6, 2022, through July 25, 2022, after submission of Hartman Testimony Exhibit A during May 2022, depicted the proliferation of mile a minute, an invasive noxious weed on our property.

148. The Pennsylvania Department of Transportation, in a publication entitled Invasive Species Best Management Practices, reported that "Invasive species represent one of the most significant ecological threats of the 21st Century". Hartman Exhibit 33, a paper written by J. Mehrhoff of the University of Connecticut, described the mile a minute weed as a vigorous, barbed vine that smothers other herbaceous plants, shrubs and even trees by growing over them. Hartman Exhibit 31 depicts the proliferation of mile a minute over

vegetation destroyed by the July 2021 herbicide application, and the advancement of the weed over beneficial erosion deterrent vegetation.

149. In Hartman Exhibit 33, Mehrhoff, accurately reported that "Areas that are regularly disturbed, such as powerline and utility right-of-ways where openings are created through regular herbicide use are prime locations for mile-a-minute weed establishment."

150. During cross examination of Thomas Eby, Page 228, I asked Eby, "And to clarify, Mr. Eby, you didn't see it (mile-a-minute) on the Hartman property until after the herbicide application of July of 2021. Correct?", Answer: "I'm trying to recall when, specifically. So no, I didn't see it specifically during construction or restoration, no."

151. During cross examination of Matthew Stutzman, Page 636, Judge Haas asked, "Let me ask you this, Mr. Stutzman, could clearing out everything else in a section of ground result in mile-a-minute being able to grow a lot faster than it otherwise would've been able to?" Answer, "Yes, it could."

152. Stutzman testified in sum and substance that PPL's vegetation management/herbicide applicator could not have sprayed and destroyed grasses on crane pad 75 because "our" specifications doesn't allow it, "we're not a turf grass treatment company", cross examination Page 469.

153. Similarly, Stutzman, during cross examination, Page 531, testified that the equipment he claimed was used on our property was based on his knowledge of the right equipment to be used for the high-volume foliar application.

154. Your Complainant observed that Judge Haas did not reference any impeachment material developed by your Complainant. Your Complainant respectfully submits that the impeachment material is sufficient to call into question the Salisbury and Stutzman Rebuttal Statements in their entirety.

Proposed Order

155. Your Complainant's appreciate Judge Haas's Finding that "The Complainants have sustained their burden of proof that PPL's erosion control efforts as part of the Project were inadequate to effectively control or prevent erosion or excessive water runoff on the right-of-way through portions of their property. 66 Pa.C.S. §§ 332(a), 1501.

156. Based on our experience in this matter, however, we respectfully request that the Commissioners tighten Judge Haas's Order. Judge Haas ordered "That within forty-five (45) days of a final Commission Order in this proceeding, PPL Electric Utilities Corporation shall re-inspect the pole pads and the access road and shoulders to determine if any areas of erosion or excessive runoff are still occurring and take any necessary corrective measures to prevent or minimize future erosion, including but not limited to surface re-grading, adding additional stone material and adding additional topsoil and re-seeding areas where the soil and vegetation has washed away."

157. Your Complainant respectfully requests that the Commission not afford PPL room to maneuver and the opportunity to interpret, or worse misinterpret, Judge Haas's Order. Otherwise, we fear that we will have to return with a new Formal Complaint.

We respectfully request that the PUC Order PPL to:

a. Return or replace topsoil removed from our property to construct the Pole 75 and Pole 76 access roads and crane pads.

b. Remove rip-rap protruding from the Pole 76 and Pole 76 crane pads, add topsoil and re-seed.

c. Remove rip-rap dumped on top of the Pole 76 and Pole 75 access road during the April 2020 claw-back procedure.

d. Replace native vegetation (huckleberry, blackberry, ferns, honeysuckle, mountain laurel, a Norway Spruce and white oak) destroyed by excavation activity beyond the prescribed excavation area detailed in the original PPL E & S Plans Attachments 114 and 115, to include vegetation destroyed by excavation activity off the ROW.

e. Remove stone that has washed off the road as depicted in Hartman Exhibit 52, add topsoil, and re-seed.

f. Construct a swale or water bar that prevents higher elevation neighboring property stormwater runoff from entering our property off the ROW as depicted in Hartman Testimony Exhibit A Paragraph 57, Photographs 19, 20, and 21 and Hartman Exhibit 52.

g. Scarify the existing Pole 76 and Pole 75 access road shoulders and add topsoil to return the shoulders to grade and re-seed.

h. Destroy the mile-a-minute that has overtaken our property above Pole 75 following the July 2021 herbicide application.

i. Replace native vegetation (huckleberry, blackberry, and ferns) above Pole 75 and below Pole 76, and re-seed Pole 75 and Pole 76 grasses that were destroyed by the July 2021 herbicide application.

j. Remove the rip-rap that litters our property off the access road, and prevents vegetation necessary to protect our property from accelerated erosion.

k. All disturbed areas must be topsoiled and restored consistent with PPL's own Restoration Standards as detailed in the E & S Plans, below:

AREAS WHICH ARE TO BE TOPSOILED SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 3 TO 5 INCHES – 6 TO 12 INCHES ON COMPACTED SOILS -- PRIOR TO PLACEMENT OF TOPSOIL. AREAS TO BE VEGETATED SHALL HAVE A MINIMUM 4 INCHES OF TOPSOIL IN PLACE PRIOR TO SEEDING AND MULCHING. FILL OUTSLOPES SHALL HAVE A MINIMUM OF 2 INCHES OF TOPSOIL

Please note that the Proposed Order, above, reflects a significant concession from the Proposed Order contained within our Brief and Reply Brief. We no longer request an Order to Compel PPL to remove all stone material and revegetate the unplanned Pole 75 access road, and re-establish the access road as depicted on the original PPL E & S Plans Attachments 114 and 115.

CONCLUSION Based on the foregoing and for the reasons articulated in your Complainant's Main and Reply Briefs, your Complainant's respectfully requests that the Commission grant your Complainant's Exceptions and adopt your Complainant's positions as discussed above.

Michael Hartman

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Certificate of Service

October 19, 2023

Secretary

PA Public Utility Commission

Commonwealth Keystone Building

2nd Floor, Room – N201

Harrisburg, PA 17120

Subject: C-2019-3008272 Michael and Sharon Hartman v. PPL

Complainant's Exceptions to Honorable Steven Haas's October 3, 2023 Initial Decision

Dear Secretary,

I hereby certify that on or about October 19, 2023, I served a true copy of the Complainant's Exceptions to the October 3, 2023, Initial Decision upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party) via email.

Honorable Steven Haas
Administrative Law Judge
PA Public Utility Commission
sthaas@pa.gov

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