
Megan E. Rulli

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File #: 203093

December 8, 2023

VIA ELECTRONIC FILING

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

Re: Antonio Geatti v. PPL Electric Utilities Corporation
Docket No. C-2023-3043427

Dear Secretary Chiavetta:

Attached for filing please find the Motion to Stay 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 Charece Z. Collins (*via email; w/attachment*)
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

Antonio Geatti
20 Shawnee Road
Bloomsburg, PA 17815
antoniogeatti@gmail.com

Date: December 8, 2023



Megan E. Rulli

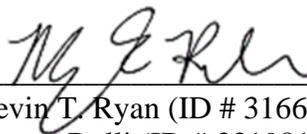
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Antonio Geatti, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2023-3043427 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. **IN THE INSTANT MOTION, THE COMPANY REQUESTS AN EXPEDITED RESPONSE PERIOD OF 7 CALENDAR DAYS TO FACILITATE A RULING ON THE MOTION IN SUFFICIENT TIME BEFORE THE HEARING.** YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
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Fax: 610-774-4102
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Fax: 717-731-1985
E-mail: dryan@postschell.com
mrulli@postschell.com

Date: December 8, 2023

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|-------------------------------------|---|---------------------------|
| Antonio Geatti, | : | |
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| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

MOTION TO STAY THE PROCEEDING

TO ADMINISTRATIVE LAW JUDGE CHARECE Z. COLLINS:

Pursuant to 52 Pa. Code §§ 1.15(a)(1) and 5.103, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Stay the Proceeding, pending the final disposition of the Emergency Demolition Order (“Demolition Order”) issued by Scott Township, Columbia County, Pennsylvania (“Township”) on November 30, 2023, which is currently in effect for the service address of Antonio Geatti (“Complainant”) located at 20 Shawnee Road, Bloomsburg, PA, 17815 (“Service Address”) at issue in the above-captioned Formal Complaint (“Complaint”).

In the Complaint, the Complainant requests that PPL Electric reconnect electric service to his address. The Company terminated the Complainant’s service for safety reasons that were brought to the Company’s attention by the Township’s Code Enforcement Officer. On November 30, 2023, the Township issued the Demolition Order for the Complainant’s service address, which requires the Complainant to make certain structural improvements to the address and provide the Township with a Structural Integrity Report by February 1, 2024. If the Complainant fails to

follow the directives of the Demolition Order, the Township intends to proceed with the demolishing the residence on or after March 15, 2024. The disposition of the pending Demolition Order will immediately and directly affect the outcome of the above-captioned complaint. Therefore, PPL Electric respectfully requests that the above-captioned proceeding be stayed until the final disposition of the Township's Demolition Order. In support of its Motion, PPL Electric states as follows:

I. BACKGROUND

1. On or about September 25, 2023, the Complainant filed the Complaint against PPL Electric with the Commission.

2. On October 6, 2023, PPL Electric was served with a copy of the Complaint.

3. On October 26, 2023, PPL Electric filed an Answer to the Complaint.

4. On November 30, 2023, the Township issued the Demolition Order, which orders the structure located at the Service Address to be demolished on or after March 15, 2024, unless the Complainant provides the Township with a Structural Integrity Report by February 1, 2024. A true and correct copy of the Demolition Order is attached hereto as **Appendix A**.

5. A telephonic evidentiary hearing is currently scheduled for January 16, 2024.

II. MOTION TO STAY PROCEEDING

6. The Company requests that this proceeding be stayed pending the final disposition of the Township's Demolition Order.

7. PPL Electric's Motion should be granted because the disposition of the Demolition Order will directly affect this proceeding. *See AT&T Commc'ns of Pa., LLC v. Verizon N. Inc.*, Docket No. C-20027195, 2008 Pa. PUC LEXIS 570, at *12-14 (Order Entered Sept. 12, 2008) (granting a motion to extend the stay of a Commission proceeding pending the outcome of the Federal Communications Commission's ruling in a separate proceeding); *Core Commc'ns, Inc. v.*

Choice One Commc'ns of Pa., Inc., Docket Nos. C-2009-2130379, *et al.*, 2010 Pa. PUC LEXIS 617, at *2-3 (Mar. 22, 2010) (granting a motion for stay pending the outcome of petitions for interlocutory review in separate Commission proceedings that would “perhaps ultimately make litigation of this case unnecessary”).

8. In the Complaint, the Complainant requests that PPL Electric restore electric service to his address. (*See* Complaint ¶ 6.)

9. As explained in PPL Electric’s Answer to the Complaint, the service to the Complainant’s address was disconnected for safety reasons that were brought to the Company’s attention by the Township’s Code Enforcement Officer.

10. Importantly, all of the issues raised and the relief requested in the Complaint will be directly affected by the disposition of the Township’s Demolition Order.

11. In its Demolition Order, the Township describes that “[t]he structure located at **20 Shawnee R.** is in **IMMINENT DANGER** of collapse and is an **EXTREME DANGER** to the public, occupants of the adjacent buildings, [and] the surrounding structures.” (Appendix A, p. 1 (emphasis in the original).)

12. Further, the Demolition Order describes that the Service Address’s “leaking roof has caused numerous electrical and switches and outlets to become rusted and unsafe” and “is deemed unsafe, unsanitary, and uninhabitable” and orders that the building be demolished. (Appendix A, pp. 2, 3)

13. The Demolition Order states that the Complainant, in order to avoid demolition of the Service Address, complete the following by February 1, 2024: (1) have a Structural Integrity Inspection completed by a Structural Engineer or a Qualified and Licensed Inspector or Contractor and provide a copy of the report to the Township; (2) remove all unlicensed or unregistered motor

vehicles from the property; and (3) remove all exterior rubbish and garbage from the property.
(See Appendix A, p. 3.)

14. Unless the above requirements are met by the February 1, 2024 deadline, the Demolition Order states that the Township “will proceed with the demolition process on March 15, 2024.” (Appendix A, p. 3.)

15. Re-energizing the Service Address prior to the final disposition of the Township’s Demolition Order poses a safety risk to the Complainant, the Service Address, and the Company’s employees, contractors, and electric distribution system.

16. Whether electric service to the Service Address can be safely restored is directly dependent on the final disposition of the Township’s Demolition Order, which will be lifted only if and after the Complainant makes certain changes to the Service Address to render it safe for habitation.

17. If the necessary changes are not made to the Service Address, then the imminent demolition of the Service Address would render the instant proceeding moot. In the alternative, if the Township lifts the Demolition Order, then the Company is willing to restore service to the address upon receipt of reliable evidence that the property passed an electrical inspection.

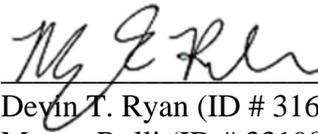
18. Finally, the Company maintains that the Complainant will not be prejudiced by a stay in this proceeding because it would not delay the Complainant’s ability to proceed with the repairs required to avoid demolition of the Service Address, which in turn could make it possible to safely re-energize the property.

19. For these reasons, PPL Electric respectfully requests that the Administrative Law Judge stay this proceeding, pending the Township’s lift of the Demolition Order.

III. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Charece Z. Collins grant this Motion and stay the above-captioned matter until the Emergency Demolition Order in place for the Complainant’s Service Address has been lifted by Scott Township. Further, the Company respectfully requests that the due date for any Answer to the instant Motion be due within seven (7) calendar days of its filing, *i.e.*, by December 15, 2023, and that the ruling on the instant Motion be issued by January 9, 2024, considering the hearing is scheduled for January 16, 2024.

Respectfully submitted,



Devin T. Ryan (ID # 316602)
Megan Rulli (ID # 331981)
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E-mail: dryan@postschell.com
mrulli@postschell.com

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
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Two North Ninth Street
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

Date: December 8, 2023

Attorneys for PPL Electric Utilities Corporation

Appendix A

Notice of Imminent Danger

By order of Scott Township Building Code Official

EMERGENCY DEMOLITION ORDER

**THIS DEMOLITION ORDER WAS POSTED ON November 30, 2023
20 Shawnee Road, Bloomsburg, PA 17815**

Occupant/Owner of Record

Antonio Geatti
PO Box 4116
Bethlehem, PA. 18018

Description of Real Estate

20 Shawnee Rd.
Bloomsburg, PA. 17815
Columbia County,
Pennsylvania
PIN: 31 3D200600

Barry Isett & Associates, Inc. (BIA) is the appointed Building Code Official for Scott Township. On February 23, 2023, BIA along with the Scott Township Police executed an Administrative Search Warrant CS222, in accordance with Section 105.3 of this Ordinance, on the property located at 20 Shawnee Road, due to complaints filed with Scott Township. The observation was to investigate the overall condition of the deteriorating structure, and to determine the structural stability and overall condition of the building in regard to the safety of the surrounding structures and the safety of pedestrians.

The structure located at **20 Shawnee Rd.** is in **IMMINENT DANGER** of collapse and is an **EXTREME DANGER** to the public, occupants of the adjacent buildings, the surrounding structures and is in violation of the 2021 International Property Maintenance Code (2021 IPMC) as follows:

The above-mentioned property is in violation of **Scott Township Ordinance # 11-16-22C** and the sections of the **2021 International Property Maintenance Code (2021 IPMC)** as follows:

STATEMENT OF VIOLATIONS:

2021 INTERNATIONAL PROPERTY MAINTENANCE CODE

(2021 IPMC Section 111.1.5) Dangerous structure or premises. For the purpose of this code, any *structure or premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
2. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their

danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

***Description of Violation:** Upon entering the structure numerous holes in the floor area were noted and mold is growing throughout the structure. The property is deemed unsafe and an attractive nuisance and should be demolished.*

(2021 IPMC Section 111.2.1) Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes.

***Description of Violation:** The leaking roof has caused numerous electrical and switches and outlets to become rusted and unsafe. The building is deemed unsafe to have electric service and the code officer will have PPL disconnect the electric meter.*

(2021 IPMC Section 113.1) General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Description of Violation:** Upon executing the Administrative Search warrant the code officials have determined that the property is beyond repair and shall be demolished. There is mold throughout the structure and the floor has numerous holes in it. The roof is leaking and appears to have been leaking for an extended period causing the wooden beams to rot and become structurally deficient. The roof structure is dilapidated and sagging in certain locations. **Although the roof has been repaired, the rotting trusses were not addressed.

(2021 IPMC Section 301.3) Vacant structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public's health or safety.

***Description of Violation:** The property is not being maintained in a clean, safe, secure, and sanitary condition. The building and premises constitute a blighted property to the neighborhood and community.*

(2021 IPMC Section 302.4) Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Description of Violation: The property is overgrown with weeds and vegetation in excess of 10 inches.

(2021 IPMC Section 302.8) Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept, or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Description of Violation: There are numerous unregistered vehicles and motorcycles in various states of disrepair on the property.

(2021 IPMC Section 308.1) Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Description of Violation: There is an accumulation of garbage and debris consisting of household items on the exterior property.

(2021 IPMC Section 309.1) Infestation Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

Description of Violation: Numerous animals and rodents are being harbored on the property. Animal feces were noted both inside and around the structure.

CORRECTION ORDER

1. Contact the Code Official at 570-285-8197 upon receipt of this violation notice.
2. The above referenced property is deemed unsafe, unsanitary, and uninhabitable. The building is hereby ordered to be demolished.
3. The condemnation placards shall not be removed unless directed by Scott Township. Removal of legal notices or placards shall constitute a violation of Section 111.7.1 of this Ordinance.
4. In order to stop the scheduled Demolition.
5. Have a Structural Integrity Inspection done by a Structural Engineer or a Qualified and Licensed Inspector or Contractor and provide a copy of the report to Scott Township by **February 1, 2024.**
6. **DO NOT** do any construction or improvements until providing the above report and procure Building Permits from Scott Township.
7. All unlicensed or unregistered motor vehicles shall be removed from the premises by **February 1, 2024.**
8. All exterior rubbish and garbage shall be removed from the premises by **February 1, 2024.**
9. **IF THE ABOVE IS NOT COMPLIED WITH, SCOTT TOWNSHIP WILL PROCEED WITH DEMOLITION PROCESS ON MARCH 15, 2024.**

***Scott Township or its Designee is authorized to sell salvageable and or valuable materials if not removed by the property owner within the demolition timeline per Section 113.4 of this Ordinance.**

Failure to complete these requirements for your property may result in further legal action including citations filed with the District Magistrate for each violation and you will be subject to the penalty as provided by Section 109.4 of the 2021 IPMC.

(2021 IPMC Section 113.1) General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Correction Order: *The structure located at 20 Shawnee Rd. is hereby ordered to be demolished on or after March 15, 2024. Unless you provide a signed report from a structural engineer stating the building can be repaired along with signed and sealed construction drawings depicting detailed repairs in accordance with the Pennsylvania Uniform Construction Code (PA UCC) by February 1, 2024. The hazardous conditions must be removed or corrected immediately to ensure the safety of the public. A building permit is required to demolish or repair the structure. Application shall be submitted to the Building Code Official prior to commencement of construction or repairs.*

(2021 IPMC Section 113.3) Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(2021 IPMC Section 113.4) Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

Correction Order: Scott Township may at their discretion sell or salvage anything not removed from the structure within 30 days of this notice. Access to the property must be arranged with the Scott Township Police Department.

(2021 IPMC Section 111.6) Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Correction Order: *The property located at 20 Shawnee Rd. shall not be sold or transferred to another prior to full compliance of this notice, or prior to submitting a notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of a true copy of this notice and fully accepting the responsibility without condition for complying with said notice.*

A **building permit is required** to perform a demolition or for the construction to repair the structure and must be obtained from the designated Building Code Official.

(2021 IPMC Section 109.4) Violation Penalties. Any Person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(2021 IPMC Section 113.3) Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

RIGHT TO APPEAL

(2021 IPMC Section 107.2) Limitations of Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have the authority to waive the requirements of this code or the administration of this code.

RIGHT TO FILE A LIEN

(2021 IPMC Section 109.3) Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

If you should have any questions regarding the information contained in this memo, please do not hesitate to contact me at 570-285-8197.

Inspection and report conducted by:

Reviewed and concurred with report.



Chip Stalega BCO CZO

Tim Dow BCO

Property Maintenance Inspector
Code Services

Operations Manager Code Services

VERIFICATION

I, JACHIN SPOTTS, being the Reliability Supervisor at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/08/2023

Jachin Spotts
Jachin Spotts (Dec 8, 2023 14:59 EST)

Jachin Spotts