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File #: 201770

April 23, 2024

VIA ELECTRONIC FILING

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

Re: Gladys Roberts v. PPL Electric Utilities Corporation
Docket No. C-2023-3039864

Dear Secretary Chiavetta:

Enclosed for filing is the Motion for Continuance of behalf of PPL Electric Utilities in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: The Honorable Dennis J. Buckley (*via email; w/attachments*)
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 E-MAIL

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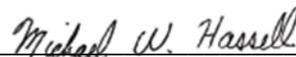
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Date: April 23, 2024



Michael W. Hassell

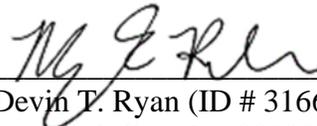
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Gladys Roberts, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2023-3039864 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. 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,



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Date: April 23, 2024

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Gladys Roberts, | : | |
| | : | |
| Complainant, | : | |
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| v. | : | Docket No. C-2023-3039864 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

**MOTION FOR CONTINUANCE OF
PPL ELECTRIC UTILITIES CORPORATION**

TO ADMINISTRATIVE LAW JUDGE DENNIS J. BUCKLEY:

PPL Electric Utilities Corporation (“PPL Electric” or “Company”) hereby files this Motion for a Continuance pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, and requests that the evidentiary hearing scheduled for April 23, 2024, in the above-captioned Complaint proceeding be continued for at least 30 days.

Good cause exists to grant a continuance in this matter due to: (1) the procedural deficiencies of the Complainant’s late-served hearing exhibits; and (2) the Complainant’s failure to serve responses to the Company’s discovery requests until the day before the scheduled hearing. The Complainant’s failure to timely serve both her hearing exhibits and her discovery responses severely limited PPL Electric’s ability to understand the issues, evidence, and witnesses the Complainant plans to present at the hearing. Thus, good cause exists to grant the Company’s Motion for Continuance.

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

I. BACKGROUND

1. PPL Electric furnishes electric service to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania. PPL Electric is a “public utility” and an “electric distribution company” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. On April 12, 2023, the Company was served with the above-captioned Complaint via Secretarial Letter from the Commission.

3. In the Complaint, the Complainant alleged that there are incorrect charges on her electric service bill(s).

4. On May 2, 2023, PPL Electric filed an Answer to the Complaint, admitting in part and denying in part the factual basis of the Complainant’s allegations.

5. On May 4, 2023, the Commission issued an Interim Order Setting Resolution Conference, instructing the parties to hold a conference about resolving the case on or before June 1, 2023.

6. On June 5, 2023, the Commission issued a Telephonic Mediation Notice, scheduling a telephonic mediation session for June 30, 2023 before Mediator Cynthia Lehman.

7. On June 30, 2023, the telephonic mediation session was held as scheduled. Although the parties attempted to resolve the matter without the need for an evidentiary hearing following the formal mediation session, the parties were unable to resolve the Complaint and ultimately requested the matter be set for hearing.

8. On October 13, 2023, the Commission issued an Initial Call-In Telephonic Hearing Notice, scheduling an evidentiary hearing for 10:00 AM, December 7, 2023, before Administrative Law Judge Dennis J. Buckley (the “ALJ”).

9. On December 5, 2023, the Commission issued a Telephonic Hearing Cancellation/Reschedule Notice, rescheduling the evidentiary hearing for Thursday, February 8, 2024, at 10:00 AM before the ALJ.

10. On January 11, 2024, the ALJ issued a Prehearing Order confirming the date and time of the evidentiary hearing.

11. On February 6, 2024, Counsel for Complainant submitted an informal Motion for Continuance of the scheduled hearing, having only recently been retained by the Complainant.

12. On February 7, 2024, the ALJ granted the Complainant's informal Motion for Continuance.

13. On February 8, 2024, the Commission issued a Cancelled/Rescheduled Initial Telephonic Hearing Notice, rescheduling the evidentiary hearing for 10:00 AM, April 23, 2024.

14. On February 23, 2024, Complainant's Counsel submitted a Motion for Further Continuance of the hearing by email, due to scheduling conflicts.

15. On February 27, 2024, the ALJ issued an Order Denying Motion for Continuance ("February 27 Order"). In the Order, the ALJ: (1) rescheduled the evidentiary hearing to 2:00 PM on April 23, 2024, to accommodate Complainant's Counsel schedule; (2) ordered Complainant's Counsel to secure eservice from the Office of the Secretary of the Commission if she had not already done so; (3) ordered Complainant's Counsel to file an Entry of Appearance at this Complaint's docket consistent with the Commission's Rules of Administrative Procedure; and (4) stated that failure to comply with the requirements of the Order would result in the dismissal of the Complaint.

16. On March 25, 2024, PPL Electric served Interrogatories and Requests for Production of Documents on the Complainant – Set I, Questions 1 through 10 ("PPL to

Complainant Set I”) via email and first-class mail. A true and correct copy of PPL to Complainant Set I is attached hereto and marked as **Appendix A**.

17. Pursuant to the Commission’s regulations, objections to PPL to Complainant Set I were due on or before April 4, 2024, and responses were due on or before April 15, 2024.

18. The Complainant never served any objections to PPL to Complainant Set I by April 4, 2024.

19. The Complainant never served any answers to PPL to Complainant Set I by April 15, 2024.

20. On April 16, 17, and 19, Counsel for PPL Electric contacted Complainant’s Counsel regarding the status of the outstanding discovery responses.

21. On April 22, 2024, the Complainant served her responses to the Company’s discovery requests.

22. Also on April 22, 2024, Complainant’s Counsel entered her appearance at the above-captioned docket.

23. The evidentiary hearing for this matter was scheduled for 2:00 PM on April 23, 2024.

II. REQUEST FOR CONTINUANCE

1. PPL Electric respectfully requests a continuance of the evidentiary hearing for at least 30 days in light of: (1) the procedural deficiencies of the service of Complainant’s late-served hearing exhibits; and (2) Complainant’s failure to respond to the Company’s discovery requests until the day before the scheduled hearing.

2. Section 1.15(b) of the Commission’s regulations states:

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time

by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

52 Pa. Code § 1.15(b).

3. In addition, the Prehearing Order issued on January 11, 2024, provides the following:

You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “Motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5 below. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

Prehearing Order, p. 2 (Jan. 11, 2024).

A. THE COMPLAINANT’S SERVICE OF HEARING EXHIBITS WAS PROCEDURALLY DEFICIENT AND UNTIMELY

24. Initially, good cause exists to grant a continuance in this matter given the procedural deficiencies of the Complainant’s late-served exhibits.

25. First, PPL Electric maintains that it has not received sufficient service of the Complainant’s hearing exhibits. On April 15, 2024, Complainant’s Counsel served PPL Electric with *overdue responses to its discovery requests*, PPL to Complainant Set I, which were due on or before April 15, 2024. Although Complainant’s Counsel included attachments with her untimely discovery responses, those attachments were neither identified nor labeled as hearing exhibits.

26. Second, any service provided was untimely as hearing exhibits for this matter were due to be received at least five business days before the hearing, *i.e.*, on or before April 16, 2024. *See* Prehearing Order (Jan. 11, 2024), p. 2.

27. Here, the Complainant's exhibits were not served until April 22, 2024, one day prior to the scheduled hearing, thereby depriving PPL Electric of a meaningful opportunity to review the exhibits in preparation for the hearing.

28. Third, the Complainant's exhibits were not accompanied by a Certificate of Service as required under the Commission's Regulations. *See* 52 Pa. Code §§ 1.57-58 (setting forth the requirements for certificates of service). Neither were the exhibits were marked or served in accordance with the ALJ's Prehearing Order, which required hearing exhibits be "properly pre-marked for identification purposes" and stated that parties "should file a Certificate of Service with the Secretary's Bureau indicating [the party] sent the proposed documents or exhibits to every other party." *See id.*

29. PPL Electric must be provided sufficient time in advance of the hearing to review the exhibits the Complainant plans to present to fully prepare for the hearing and respond to the Complainant's allegations.

30. Thus, good cause exists to continue the hearing given the procedural deficiencies in the service of the Complainant's hearing exhibits.

B. THE COMPLAINANT FAILED TO RESPOND TO THE COMPANY'S DISCOVERY REQUESTS UNTIL THE DAY BEFORE THE SCHEDULED HEARING

31. Further, good cause exists to grant this continuance due to the Complainant's failure to respond to the Company's discovery requests until the day before the scheduled hearing.

32. PPL Electric served its first set of interrogatories on March 25, 2024, via email and first-class mail.

33. Pursuant to the Commission's regulations, objections to PPL to Complainant Set I were due on or before April 4, 2024, and responses were due on or before April 15, 2024.

34. The Complainant never served any objections to PPL to Complainant Set I by April 4, 2024, and did not serve any answers to PPL to Complainant Set I by the April 15, 2024, deadline.

35. On April 16, 17, and 19, 2024, Counsel for PPL Electric attempted to contact Complainant's Counsel regarding the outstanding responses.

36. The Complainant finally served responses to PPL to Complainant Set I on April 22, 2024, the day before the scheduled hearing.

37. The interrogatories propounded by PPL Electric are highly relevant to the issues to be decided in this case, considering that the questions directly relate to the electric consumption at the service address and the Complainant alleges that her electric service bill(s) contain incorrect charges. In addition, the discovery requests asked basic, foundational questions about the allegations raised in the Complaint and asked the Complainant to identify the exhibits and witnesses, if any, she planned to present at the hearing.

38. PPL Electric is entitled to receive full and complete responses to its interrogatories in sufficient time before the evidentiary hearing so that the Company can review the Complainant's discovery responses, prepare for the hearing, and respond to the Complainant's claims.

39. Therefore, good cause exists to continue the hearing given that PPL Electric was not served with responses to the Company's discovery requests until the day before the scheduled hearing.

40. For these reasons, PPL Electric respectfully requests a continuance of the hearing by at least 30 days. If granted, PPL Electric will work with the Complainant's Counsel to propose a new hearing date that works for both parties.

CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that a continuance of the hearing of at least 30 days be granted in the above-captioned proceeding.

Respectfully submitted,



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mjshafer@pplweb.com

Date: April 23, 2024

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Gladys Roberts – Set I

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Gladys Roberts, | : | |
| | : | |
| Complainant | : | |
| | : | |
| v. | : | Docket No. C-2023-3039864 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent | : | |

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
GLADYS ROBERTS – SET I**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Gladys Roberts (“Complainant”) – Set I.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written,

recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. “Communication” means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. “Date” means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party’s attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party’s own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party’s inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party’s answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing, and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “Formal Complaint” means the Formal Complaint filed by the Complainant at Docket No. C-2023-3039864.

19. “Residence” means the home located at 6315 Paradise Valley Road, Mount Pocono PA 18344.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON
GLADYS ROBERTS – SET I**

PPL to Complainant-I-1

Re: Formal Complaint.

- (a) Please explain in detail the reasons why you are alleging that your electric service bill(s) contain incorrect charges.
- (b) Please identify all bill(s) issued by PPL Electric that you allege contain incorrect charges, including the due date of the bill in question. Please provide all documents relied upon in your response, including copies of the bill(s) in question.
- (c) For each bill identified in I-1(b), please specify the exact amount in dispute, including the exact amount of disputed bill charges in U.S. dollars. Please provide all documents relied upon in your response.
- (d) For each bill identified in I-1(b), please specify the exact amount of disputed electric usage in kilowatt hours (“kWh”). Please provide all documents relied upon in your response.

PPL to Complainant-I-2

Re: 6315 Paradise Valley Road, Mount Pocono, PA 18344 (“Residence”).

- (a) Please identify the square footage of the Residence.
- (b) Please identify the number of floors and rooms in the Residence.
- (c) Please identify the number of bathrooms in the residence.
- (d) Please identify the number of individuals who live at the Residence fulltime, including their names and ages.
- (e) Please identify the date you moved into the Residence.
- (f) Please identify all other buildings, structures, or outdoor features at the property that receive electricity.
- (g) For each item identified in subpart (f), please state whether it is connected to the same electric meter serving the Residence.

PPL to Complainant-I-3

- (a) Please identify all changes to the Residence that have occurred within the past two years that could affect the electric consumption of the Residence.
- (b) For each change identified in subpart (a), please specify the date the change was made. Please provide all documents relied upon in your response.

PPL to Complainant-I-4

Please identify all electrical heating and/or cooling sources that are contained in or used in the Residence, including the item's make and/or model. Please provide all documents relied upon in your response.

PPL to Complainant-I-5

Please identify all major appliances that run on electricity in the Residence, including the item's make and/or model and the date the item was installed at the Residence. Please provide all documents relied upon in your response.

PPL to Complainant-I-6

- (a) Please identify every billing period identified in Question I-1(b) during which you allege the Residence was unoccupied.
- (b) For each of the billing periods identified in subpart (a), please identify the exact dates the Residence was allegedly unoccupied. Please provide all documents relied upon in your response.
- (c) For each of the billing periods identified in subpart (a), please describe all measures taken to reduce electric consumption while the Residence was allegedly unoccupied. Please provide all documents relied upon in your response.
- (d) For each of the billing periods identified in subpart (a), please state whether anyone aside from yourself had access to the Residence while it was allegedly unoccupied. If so, please provide the name of the individual(s) who had access to the Residence and your relationship to them.
- (e) For each of the billing periods identified in subpart (a), please state whether you had a security system in use at the Residence. If so, please specify the make and/or model of the security system. Please provide all documents relied upon in our response, including any documentation you have that the system was installed and functioning properly during the billing period.

PPL to Complainant-I-7

- (a) Please identify all measures you have taken to investigate the disputed bills identified in your response to Question I-1(b). Please provide all documents relied upon in your response.
- (b) For all investigations identified in your response to subpart (a), please describe in detail the findings of the investigation(s). Please provide all documents relied upon in your response.
- (c) Please state whether you have requested a meter test from PPL Electric. If so, please identify the date(s) on which you requested a meter test. Please provide all documents relied upon in your response.

PPL to Complainant-I-8

Please identify each person you plan to call as a fact witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

PPL to Complainant-I-9

Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

PPL to Complainant-I-10

Please provide copies of all exhibits you intend to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of your direct case, please identify the witness who will be sponsoring the exhibit.