

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Susan Ruggles

Public Meeting held April 25, 2024

3021142-ALJ

v.

Docket No. C-2020-3021142

PPL Electric Utilities Corporation

STATEMENT OF COMMISSIONER KATHRYN L. ZERFUSS

On July 16, 2020, Susan Ruggles (Complainant) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL), challenging the installation of a smart meter based on concerns about adverse health effects in relation to the smart meter. On August 18, 2020, PPL filed an Answer and New Matter denying the material allegations in the Complaint.

On August 19, 2020, the Commission emailed a Notice of Telephonic Hearing to Ms. Ruggles at the email address she provided on her complaint form. Thereafter on August 27, 2020, a Prehearing Order providing the date and time of the hearing was also sent to Ms. Ruggles by email.

The hearing convened as scheduled on September 22, 2020. Ms. Ruggles did not appear for the hearing. Counsel for PPL appeared with its witnesses and made an oral motion to dismiss the Complaint with prejudice for failure to appear and prosecute. By Initial Decision issued on March 8, 2024, the Administrative Law Judge granted PPL's Motion and dismissed Ms. Ruggles' Complaint for failure to prosecute.

I submit that consistent with my previous Motions and Statements in other similar proceedings, Ms. Ruggles did not receive adequate notice of the scheduled hearing for purposes of satisfying due process. The Hearing Notice and Prehearing Order were sent to her by email, and there is no record of Ms. Ruggles creating an account on the Commission's eFiling system or electing to receive documents through eService. Ms. Ruggles provided her email address in the contact information section on the complaint form that indicated an email address was required. Accordingly, I find that this case is factually and procedurally similar to *Robert Hoyt v. Columbia Gas of PA, Inc.*, Docket No. F-2022-3032680 (Order entered May 30, 2023), and its progeny.¹

¹ This case is on point with other recently entered Orders. *See, e.g., Janet Baxter v. West Penn Power Company*, Docket No. C-2022-3032225 (Order entered May 30, 2023); *Tauheed Davenport v. PECO Energy Company*, Docket No. C-2022-3033480 (Order entered May 31, 2023); *Frank Everett v. Philadelphia Gas Works*, Docket No. C-2022-3034443 (Order entered May 30, 2023); *Christine Fahmy v. UGI Utilities, Inc.*, Docket No. F-2022-3036840 (Order entered May 31, 2023); *Robert Green v. UGI Utilities, Inc. (Gas Division)*, Docket No. C-2022-3033307 (Order entered May 30, 2023); *Angela Hairston v. West Penn Power Company*, Docket No. C-2022-3034322 (Order entered May 30, 2023);

Therefore, following the Commission's decision in *Hoyt*, the Commission may not presume that Ms. Ruggles received the Hearing Notice and Prehearing Order or conclude that she received adequate notice of the hearing to preserve due process. Here, as in *Hoyt*, it is in the public interest to afford Ms. Ruggles an opportunity for an evidentiary hearing if she elects one. *See Hoyt* (the Commission provided the complainant with twenty days to file a written request for further hearing with the Commission's Secretary's Bureau and if the complainant filed such a request, the proceeding would be remanded to the Office of Administrative Law Judge for further proceedings as warranted).

For these reasons, I will be voting no.

DATE: April 25, 2024



Kathryn L. Zerfuss, Commissioner

Jerrod Miner v. Philadelphia Gas Works, Docket No. F-2022-3035563 (Order entered May 31, 2023); *Marcella Parker v. PECO Energy Company*, Docket No. F-2022-3034455 (Order entered May 30, 2023); *Paul Sablich v. PECO Energy Company*, Docket No. C-2022-3033148 (Order entered May 30, 2023); *Maureen Stopperich v. Duquesne Light Company*, Docket No. C-2022-3034514 (Order entered May 31, 2023); *Robert Adams v. Philadelphia Gas Works*, Docket No. C-2022-3035184 (Order entered June 20, 2023); *Ronald Baroni v. PECO Energy Company*, Docket No. C-2022-3032488 (Order entered June 20, 2023); *Anne Wilson v. PECO Energy Company*, Docket No. 2022-3033952 (Order entered August 14, 2023); and *McArthur Giles v. Philadelphia Gas Works*, Docket No. F-2022-3036835 (Order entered August 15, 2023); *Taska Taylor v. Pennsylvania Electric Company*, Docket No. C-2022-3036796 (Order entered August 28, 2023); and *Corrine Hales v. Pennsylvania Electric Company*, Docket No. F-2022-3934720 (Order entered August 28, 2023).