

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michael and Sharon Hartman,

Complainants,

v.

PPL Electric Utilities Corporation,

Respondent,

Docket No. C-2024-3050485

COMPLAINANTS' ANSWERS TO PRELIMINARY OBJECTION OF PPL ELECTRIC UTILITIES CORPORATION

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

1. Your complainants respectfully submit that the second complaint consists of two prongs, neither of which were addressed, or can be expected to be addressed, incident to the first complaint.

**First prong, False Testimony:**

2. PPL counsel, through PPL employee witnesses, either knowingly, recklessly or both, submitted misleading and false testimony to the PUC during the August and September 2022 Hearing.

**Second prong, 2023 and 2024 Vegetation Management:**

3. PPL postponed scheduled 2021 and 2022 vegetation management activity on neighboring public and private lands until 2023 and 2024 to conceal the fact that the 2021 vegetation management activity on the complainants' property was both unreasonable and discriminatory. PPL's 2023 and 2024 vegetation management activity demonstrated that the 2022 testimony of PPL's Forester, Matthew Stutzman, was false. During 2023 and 2024, PPL selectively controlled incompatible vegetation and spared compatible vegetation on neighboring public and private lands in a manner that Stutzman falsely testified was not feasible. During 2023 and 2024, PPL failed to control incompatible vegetation and invasive noxious weeds on the complainants' property. Incompatible and invasive vegetation that were unleashed on the complainants'

property after the 2021 herbicide application destroyed all compatible and erosion deterrent vegetation on the complainants' property.

4. Accordingly, the complainants' property, on and off the right of way, has been subjected to and will continue to be subjected to accelerated and unmitigated erosion and storm water runoff.

**FIRST PRONG FALSE TESTIMONY SUBMITTED IN THE NAME WILLIAM SALISBURY, A PPL EMPLOYEE**

5. The unreasonable excavation, removal and utilization of our topsoil and mountain stone, on and off the ROW, was the subject of our first complaint. The complainants were not afforded an opportunity to investigate or rebut the materially false testimony. Accordingly, the false testimony is an independent bad act and appropriate subject for a new Formal Complaint. Dismissal of our Complaint would essentially condone and promote PPL perjury in this and future PUC matters.

6. William Salisbury Rebuttal Statement Question crafted by unknown PPL legal counsel: **Mr. Hartman contends that “incident to the construction of the new access road on Hartman property, PPL destroyed native vegetation and excavated and removed topsoil and mountain stone from the Hartman property to construct the Pole 75 crane pad situated primarily on Wech property.” Similarly, he argues that “a substantial portion of the topsoil and mountain stone harvested from [their] property to construct the crane pad was deposited onto [their] neighbor’s property. Please respond.**

William Salisbury’s sworn PUC testimony:

**“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”,**

7. Your Complainants admit that we were afforded an opportunity to argue that Salisbury’s testimony to a material aspect of the case was false in Complainants’ Brief, Reply Brief, Exceptions and Reply Exceptions.

8. We respectfully submit; however, that the Complainants were not given an opportunity to gather and present evidence to prove that the testimony was false. The Honorable Steven Haas denied our request to submit rebuttal testimony at the conclusion of PPL's testimony. The prejudice was heightened by the fact that post Hearing, February 2023, Judge Haas struck Complainants' hearsay testimony from PPL's contractors that rebutted Salisbury's testimony.

9. Also, during 2022, 2023 and 2024, the PUC has denied Complainants' repeated requests to investigate Complainants' allegation that Salisbury's testimony was false. At the same time, PPL and PPL contractors Burns and McDonnell, M. J. Electric and Newville Construction Services have denied your Complainants' repeated requests to provide documentation or testimony that could confirm or deny Salisbury's testimony.

10. As referenced in PPL's answer, your Complainants did in fact file a Civil Complaint in the Dauphin County Court of Common Pleas during July 2023. Incident to that Complaint, PPL and PPL contractors Burns and McDonnell, M. J. Electric and Newville Construction Services refused to honor our Discovery requests for documents that could confirm or deny Salisbury's testimony. Simply put, PPL and PPL contractors refuse to disclose to the property owners what they did to our property. Not only what they did, but who did it. Please also consider that PPL admittedly excavated a twelve-foot swath of vegetation and topsoil situated on the complainants' property outside of the Right of Way.

11. On or about December 8, 2023, PPL's Dauphin County Civil Case counsel, not Post and Schell, leapt to unwarranted conclusions and attacked our credibility in a scathing email copied to counsel for each of the six PPL contractors. In my reply, I asked PPL's counsel that freely offered and broadcast his opinion of the veracity of our claims if he believed Salisbury's PUC testimony was truthful. PPL counsel failed to respond, and again declined to furnish any PPL documentation that could corroborate Salisbury's testimony.

12. The presiding Dauphin County Judge ignored our repeated requests for a Status Conference to address our Discovery demands. After approximately one year, the Court dismissed our case with prejudice because we failed to enlist various County Sheriffs to serve the Civil Complaint. We had chosen not to spend an additional \$700 for county services given the fact that each of the seven defendants acknowledged receipt of the Complaint via Certified U.S. Mail, hand and digital delivery.

13. Paragraph 2 of PPL Electric's Preliminary Objections reported that PPL furnishes electric distribution, transmission, and provider of last resort electric supply services 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 has been afforded a remarkable position of trust. Each of those customers, including your Complainants, are expected to trust that their PPL bills are 100% accurate and that PPL rates are based on truthful PPL testimony before the PUC. We respectfully submit that we have outlined probable cause that PPL has submitted false sworn testimony to the PUC. If PPL legal fees associated with this matter are a component of PPL supply and distribution costs, then ratepayers are funding the submission of false testimony.

14. Your Complainant Michael Hartman is uniquely qualified to evaluate the veracity of Salisbury's statement, and its relevance and materiality to a finding of fraud. I served 28 years as a United States Postal Inspector; a federal law enforcement officer charged with investigating and reporting fraud, waste and abuse, more particularly criminal activity involving the United States Postal Service (USPS), USPS employees, USPS assets, and the United States Mail. I am a Certified Public Accountant (CPA) and Certified Fraud Examiner (CFE). Post retirement, I served as a Consumer Fraud Analyst for the United States Postal Inspection Service (USPIS) for nearly 16 years until October 2022. My 43-year, plus, law enforcement career was devoted primarily to the investigation of consumer fraud, the prosecution of offenders, and the recovery of restitution for fraud victims. Since 2012, I co-led three investigations and prosecutions of publicly held corporations that resulted in the recovery and distribution of \$811 million for consumer fraud victims.

15. As an Agent and Analyst, I have completed thousands of investigative interviews and have received specialized training in this field. My affidavits of probable cause have been relied upon by United States District Court (USDC) Magistrates and Judges to issue hundreds of search and arrest warrants. I have testified before more than 100 grand juries, and at more than 20 jury trials. Three Middle District of Pennsylvania Federal Judges have qualified me as an expert in fraud and money laundering investigations. I have received numerous awards from the United States Attorneys for the Western District of Pennsylvania, District of Columbia, and Middle District of Pennsylvania. I have likewise been recognized and received awards from the Deputy

Attorney General and Attorney General for the United States Department of Justice, and the Chairman of the Federal Trade Commission. I have received four (4) Chief Postal Inspector Awards; the highest award issued by the United States Postal Inspection Service.

16. PPL, for the past 2 years, has had ample opportunity to provide a PPL business record, a Salisbury note, a Salisbury email, a Salisbury diary entry, a Salisbury timesheet, or a statement from a contractor to corroborate Salisbury's testimony. PPL has failed to confirm or argue that the testimony was truthful within PPL's Brief, Reply Brief, Exceptions and Reply Exceptions for the original Formal Complaint. Likewise, PPL failed to confirm or argue that the testimony was truthful in its Answers and Preliminary Objections to the new Complaint. PPL, instead, argues that we are wasting PPL and PUC time and resources to litigate this matter. PPL infers that the integrity of the PUC Formal Complaint process is irrelevant and immaterial. We pray that the PUC disagrees.

17. In its April 2020 Opinion and Order the Commission noted; "that, while it is rare for a utility to be engaging in activities that rise to the level of fraud or misrepresentation, we are empowered to make such a determination pursuant to Section 69.1201(c)(1) of the Code. 52 Pa. Code § 69.1201(c)(1). We respectfully submit that it is time for the Commission to investigate PPL for fraud and misrepresentation.

**SECOND PRONG: 2023 AND 2024 UNREASONABLE AND DISCRIMINATORY VEGETATION MANAGEMENT ACTIVITY:**

18. PPL postponed scheduled 2021 and 2022 vegetation management activity on neighboring public and private lands until 2023 and 2024 to conceal the fact that the 2021 vegetation management activity on the complainants' property was both unreasonable and discriminatory, and that the testimony of PPL's Forester, Matthew Stutzman was false.

19. Stutzman's cross examination testimony when confronted with Hartman Exhibit 34:

Yeah, Mr. Hartman, that particular spot in general I can understand your confusion. Upon my, upon my field visits, I noticed that our contractor did miss - did miss that polygon for treatment on the Weck property. And I'm sure you're bringing this up because you noticed that there is an amount of - poplar and black birch stems in that polygon that weren't treated. **I do have Penn**

Line ready to go out and action that polygon. I just didn't send them out in lieu of, you know, this pending hearing, because I did not want to create any - a larger issue.

20. Today, with the benefit of hindsight, the “larger issue” is clear. Had PPL controlled and treated our neighbors’ vegetation during 2022, pre-hearing, in the same manner PPL did in 2023 and 2024, the unreasonable and discriminatory nature of the 2021 herbicide application on our property would have been obvious. And Stutzman’s August and September 2022 testimony would have been recognized as inaccurate, misleading and false on its face.

21. The selective and less invasive July 2023 and July 2024 herbicide applications on neighboring properties is confirmation that the July 2021 herbicide application was unreasonable and discriminatory. Stutzman falsely testified that the manual (Hack and Squirt) application method completed by PPL on neighboring identically sloped properties was not feasible on our property. My observations of the 2024 vegetation management activity and the statements of the current PPL Forester and PPL Regional Forester have demonstrated that Stutzman’s testimony was recklessly false and misleading. PPL has refused to correct the record of the first case and restore our property. Two wrongs don’t make a right! Accordingly, a new Formal Hearing is appropriate.

22. In PPL’s Answer, paragraph 4, PPL admitted that PPL performed vegetation management work during July of 2023 within the Company’s ROW traversing the Complainants’ property.

23. During 2023 and 2024, PPL selectively controlled incompatible vegetation on neighboring public and private lands but failed to control incompatible vegetation and invasive noxious weeds unleashed on the complainants’ property because of the unreasonable and discriminatory 2021 herbicide application that destroyed all compatible and erosion deterrent vegetation.

24. Your Complainants strenuously object to PPL’s characterization of our second Formal Complaint as a “substantial wasteful use of the Commission’s and the Company’s time, energy and resources.”

25. The only party wasting resources in this matter is PPL. It is PPL that chose not to return topsoil and mountain stone unreasonably removed from our property on and off the ROW. And it is PPL that chose to submit false testimony in the name of William Salisbury. It is PPL that chose to destroy and not restore compatible and erosion deterrent vegetation on our property

through a series of missteps, and submit misleading and false testimony, including a manufactured business record, to cover-up those missteps. And it was PPL during 2023 and 2024 that decided to control incompatible vegetation on neighboring properties, but not the complainants' property.

26. In so doing, PPL has doomed the complainants' property and vegetation to an endless cycle of incompatible vegetation and invasive noxious weeds that will indefinitely subject complainants' property to accelerated stormwater runoff and soil erosion.

27. Your complainants respectfully remind Your Honor to the following excerpt from the Commission's April 2020 Opinion and Order:

“As a preliminary matter, we note that the Complainants are appearing *pro se*. In *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617 (Order entered July 14, 1993), we held that, in the normal course, we would not dismiss a *pro se* complaint without first providing a hearing during which the *pro se* complainant could further explain his or her position and the factual basis for the complaint. The concern was expressed that, in general, *pro se* complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts.”

28. Please consider that two wrongs don't make a right, and that two wrongs justify two Formal Complaints and proceedings. It is not a waste of Commission and PPL resources to maintain the integrity of the process, and ensure that Complainants, such as us, are not denied a fair hearing.

Respectfully submitted,

*Michael Hartman, Sharon Hartman*

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