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File #: 140074

September 19, 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: Michael and Sharon Hartman v. PPL Electric Utilities Corporation
Docket No. C-2024-3050485**

Dear Secretary Chiavetta:

Attached for filing please find the Motion of PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) to Stay Discovery Pending the Ruling on its Preliminary Objections in the above-referenced proceeding.

PPL Electric requests that the time period for answering and/or objecting to interrogatories and requests for production of documents begin anew on the date of any order denying the Company’s Preliminary Objections in this proceeding, which have not been assigned to an Administrative Law Judge as of the date of this filing. PPL Electric reserves the right to object to the Complainants’ September 13, 2024, interrogatories and requests for production of documents following the ruling on the Company’s Preliminary Objections.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Nicholas A. Stobbe

NAS/dmc

Rosemary Chiavetta, Secretary
September 19, 2024
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Attachments

cc: Chief Judge Charles Rainey (*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 EMAIL AND FIRST-CLASS MAIL

Michael and Sharon Hartman
1650 Primrose Lane
Dauphin, PA 17018
Email: angelgah@comcast.net

Date: September 19, 2024



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael and Sharon Hartman,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2024-3050485
	:	
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. 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.

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Date: September 19, 2024

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael and Sharon Hartman,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2024-3050485
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION
TO STAY DISCOVERY PENDING THE
RULING ON ITS PRELIMINARY OBJECTIONS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.103, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Stay Discovery Pending the Ruling on Its Preliminary Objections in the above-captioned proceeding. In support of its Motion, PPL Electric states as follows:

I. BACKGROUND

1. PPL Electric was served with the above-captioned Formal Complaint on August 1, 2024 (“Second Complaint”), which is the second complaint filed by the Complainant concerning PPL Electric’s construction and vegetation management activities in the existing transmission line right-of-way traversing their property as part of the Halifax-Dauphin 69 kilovolt (“kV”) Transmission Rebuild Project (“Project”) at or near the Complainants’ property at 1650 Primrose Lane, Dauphin, PA 17018 (“Service Address”).

2. On August 21, 2024, the Company separately filed an Answer & New Matter and Preliminary Objections to the Second Complaint. The Preliminary Objections argued that the Second Complaint should be dismissed in its entirety for several reasons.

3. Both the Answer & New Matter and Preliminary Objections were served on the Complainant on August 21, 2024, via first-class mail and email.

4. On September 3, 2024, the Complainants filed their Reply to PPL Electric's Preliminary Objections.

5. On September 13, 2024, the Complainants served their first and second sets of interrogatories and requests for production of documents on PPL Electric in the above-captioned proceeding via email.

6. PPL Electric's Preliminary Objections remain pending before the Commission.

7. For the reasons stated below, PPL Electric respectfully requests that the Commission grant this Motion and order that all discovery, including the Complainant's interrogatories and requests for production of documents served on September 13, 2024, as well as any discovery disputes, be stayed pending the disposition of the Company's Preliminary Objections. Further, the Company requests that if its Preliminary Objections are ultimately denied, the answer and objection period for the September 13, 2024 interrogatories and requests for production of documents should begin anew on the effective date of the order denying the Preliminary Objections.

II. MOTION TO STAY DISCOVERY

8. The Company avers that discovery should be stayed because PPL Electric's Preliminary Objections, which seek to dismiss the Second Complaint in its entirety, are still pending before the Commission for disposition.

9. If the Company's Preliminary Objections are granted and the Second Complaint is dismissed in its entirety, the discovery requests would be moot. Therefore, forcing PPL Electric to prepare responses to these discovery requests would be a waste of time and resources.

10. Even if the Company's Preliminary Objections are denied or otherwise only granted in part, the outcome of the Preliminary Objections will directly impact the proper scope of the issues to be addressed, which, in turn, will directly define the scope of permissible discovery requests that are relevant to the issues that survive the Preliminary Objections, if any.

11. Further, absent a stay of discovery pending the outcome of the Preliminary Objections, the parties and the Commission will be required to address and resolve any discovery disputes that may ultimately become moot following the disposition of the Preliminary Objections.

12. PPL Electric also notes that the Commission has granted motions to stay discovery when parties have filed preliminary objections. *See Joint Application of Columbia Water Co. and Marietta Gravity Water Co.*, Docket Nos. A-2012-2282219, A-2012-2282221 (Mar. 16, 2012) (Melillo, J.) ("*Columbia Water*"); *Moyer v. PPL Electric Utilities Corp.*, Docket No. C-2015-2511904 (Interim Order issued Jan. 13, 2016) (Buckley, J.) ("*Moyer*").

13. In *Columbia Water*, Judge Melillo granted the water companies' motion to stay discovery because they had filed preliminary objections to dismiss the City of Lancaster's protest. *Id.* at 4-6. Although the City contended that parties should engage in discovery early in a proceeding, Judge Melillo concluded that "the time and expense in requiring responses when the party status of the propounding party is uncertain outweighs the City's stated concerns." *Id.* at 5. Therefore, discovery was stayed pending a ruling on the water companies' preliminary objections. *Id.* at 6. Moreover, Judge Melillo ordered that the time periods for answering the

outstanding discovery would start anew on the date of the ruling on the preliminary objections and other dispositive motions. *Id.* at 6.

14. In *Moyer*, Judge Buckley granted PPL Electric's motion to stay discovery because it had filed preliminary objections to dismiss Mr. Moyer's complaint. *Moyer*, at 4. While Mr. Moyer argued that "the merits of the case are clear," Judge Buckley explained that "we are not yet considering the merits of the case" and that Mr. Moyer had not established "any reason why the [m]otion should not be granted or how suspension of discovery would adversely affect the litigation of his case." *Id.* at 3. Further, Judge Buckley ordered that "any time periods for responding to outstanding discovery will start afresh as of the date of the ruling on the Preliminary Objections." *Id.*, at 4.

15. Like both *Columbia Water* and *Moyer*, discovery should be stayed in this proceeding because PPL Electric filed Preliminary Objections seeking to dismiss the Second Complaint in its entirety. Those Preliminary Objections remain pending before the Commission.

16. Again, if the Company's Preliminary Objections are granted, the Second Complaint would be dismissed and the Complainant's discovery requests would be moot. Thus, PPL Electric submits that it would be unnecessary and a waste of the parties' and the Commission's time and resources for the parties to engage in discovery now.

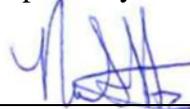
17. In addition, no party would be prejudiced by granting a stay of discovery. If the Company's Preliminary Objections were ultimately denied, the Complainant would still have ample opportunity to engage in further permissible and relevant discovery. The above-captioned proceeding was initiated approximately one month ago, and no prehearing conference or evidentiary hearing dates have been set. Furthermore, no Administrative Law Judge has been assigned to rule on the Company's Preliminary Objections.

18. For these reasons, PPL Electric respectfully requests that the Commission stay all discovery, including any discovery disputes, pending a ruling on the Company's Preliminary Objections. PPL Electric also respectfully requests, consistent with *Columbia Water* and *Moyer*, that the time period for answering and/or objecting to the interrogatories and requests for production of documents begin anew on the date of any order denying its Preliminary Objections.

III. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation requests that the Pennsylvania Public Utility Commission grant this Motion to Stay Discovery Pending the Ruling on Its Preliminary Objections as described herein.

Respectfully submitted,



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Date: September 19, 2024

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, MICHAEL J. SHAFER, being Senior Counsel at PPL Services 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: September 19, 2024



Michael J. Shafer