

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Aisulu Oruzbaeva	:	
	:	
v.	:	C-2020-3023497
	:	
PPL Electric Utilities Corporation	:	

**CONTINUANCE ORDER**

On December 14, 2020, Aisulu Oruzbaeva (Ms. Oruzbaeva or Complainant) filed a Formal Complaint against PPL Electric Utilities Corporation (PPL). The Formal Complaint was served on PPL on December 31, 2020. Ms. Oruzbaeva alleged that the smart meter installed by PPL pollutes her property with high levels of microwave radiation and dirty electricity. Ms. Oruzbaeva asserts that this type of pollution exacerbates a disability that she has and interferes with major daily life activities. As relief, Ms. Oruzbaeva requests that PPL substitute the smart meter with an analog meter.

On January 20, 2021, PPL filed an answer to the Formal Complaint. In the answer, PPL admitted that it installed a new automated metering infrastructure (AMI) meter at Complainant's service address. PPL denied that the AMI meter poses any health hazards. PPL states that it was legally required to install the new AMI meter by the Public Utility Code, the Commission's orders, and the Company's Commission approved Smart Meter Plan. Additionally, PPL asserted that nothing in the Public Utility Code, the Commission's orders and regulations, or PPL Electric's Smart Meter Plan states that a customer can opt-out of a smart meter installation.

On January 27, 2021, Administrative Law Judge (ALJ) Elizabeth H. Barnes issued an order advising the parties that this matter was stayed until further direction by the Commission.<sup>1</sup>

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<sup>1</sup> By Order entered November 4, 2020, the Commission ordered that any formal complaint filed with the Commission on or after November 4, 2020, challenging an electric distribution company's deployment of smart meter technology as being in violation of 66 Pa.C.S. § 1501 is to be stayed until the Commission takes further

On June 13, 2022, the Commission issued a Judge Change Notice, changing the ALJ in this proceeding from ALJ Barnes to ALJ Charece Z. Collins.

By order entered November 14, 2023, the Commission lifted the general stay of smart meter proceedings and directed the Office of Administrative Law Judge to proceed with pending formal complaint proceedings as directed by the presiding ALJ.

On August 26, 2024, the Commission issued a Judge Change Notice, changing the ALJ in this proceeding from ALJ Collins to the undersigned.

On August 28, 2024, the Commission issued a telephonic prehearing conference notice setting a call-in telephonic prehearing conference for this matter for October 9, 2024, at 10:00 a.m. In anticipation of that prehearing conference, I issued a prehearing conference order on September 3, 2024, setting forth various rules that would govern the October 9, 2024 prehearing conference.

The October 9, 2024, prehearing conference was held as scheduled. Ms. Oruzbaeva appeared. Counsel for PPL did not appear. At the beginning of the hearing, Ms. Oruzbaeva requested a continuance of the prehearing conference because she was currently in Florida and was impacted by the ongoing Hurricane Milton. I granted Ms. Oruzbaeva's request during the hearing and adjourned the hearing. The purpose of this order is to memorialize granting Ms. Oruzbaeva's request for a continuance.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Furthermore, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Except as otherwise provided by statute, requests for

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action to lift the stay. *See, Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered November 4, 2020).

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 presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests. 52 Pa.Code § 1.15(b). Only for good cause shown will requests for continuance be considered. *Id.* The Commission has recognized the Pennsylvania Supreme Court's definition of good cause as "conduct which is reasonable under all the circumstances, thereby justifying the [c]laimant's actions." *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered November 4, 2020); *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, 1992 Pa. PUC LEXIS 56 (Pa. P.U.C. 1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 351 A.2d 631 (Pa. 1976)).

In this case, there is good cause for a continuance to be granted. Ms. Oruzbaeva stated that, at the time of the prehearing conference, she was in Florida and impacted by the ongoing Hurricane Milton. Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n.*, 479 A.2d 10 (Pa. Cmwlth. 1984) (*Schneider*). Additionally, although Ms. Oruzbaeva's request for a continuance was not presented as a written motion, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Ms. Oruzbaeva's request was made because of an ongoing hurricane, and I therefore find it appropriate to disregard her not filing her request for a continuance in strict accordance with Commission regulations. Additionally, counsel for PPL did not appear at the prehearing conference to provide a response to Ms. Oruzbaeva's request or otherwise participate in a prehearing conference. A rescheduled prehearing conference will provide both parties further opportunity to fully participate in a prehearing conference.

In the interim, the parties are encouraged to pursue settlement discussions. Commission policy promotes settlements. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary. The parties are also reminded

that the presiding officer may participate in settlement discussions upon agreement of all parties.  
52 Pa.Code § 5.223(c); *see also*, 52 Pa.Code § 5.231(c).

THEREFORE,

IT IS ORDERED:

1. That the evidentiary hearing scheduled for October 9, 2024, is continued to November 13, 2024, starting at 1:30 p.m.

2. That to participate in the evidentiary hearing scheduled for November 13, 2024, starting at 1:30 p.m., parties shall call the Toll-free Bridge Number at 888-459-7411, and enter PIN Number 95632432 when prompted.

Date: October 16, 2024

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/s/  
John M. Coogan  
Administrative Law Judge

**C-2020-3023497 - AISULU ORUZBAEVA v. PPL ELECTRIC UTILITIES CORPORATION**

*Revised: June 13, 2022*

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