

Nieves Abad  
747 Delaware St  
Forest City, PA 18421  
Martjua3@aol.com  
631-575-2348

October \_\_\_\_\_, 2024

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

**DATE OF DEPOSIT**

**OCT - 7 2024**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

**RE: Nieves Avad V, PPL Electric Utilities Corporation  
Docket No. C-2024-3047163**

Dear Secretary Of Commission:

Attached for filing is Order to Show Cause served Upon Respondent by Nieves Abad in the Above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

CC:  
Alphonso Arnold III  
Administrative Law Judge  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
Email- [alphonarno@pa.gov](mailto:alphonarno@pa.gov)

Peter J Kramer Esquire  
Post & Schell  
Three Logan Square  
1717 Arch Street  
24th Floor  
Philadelphia, PA 19103

  
\_\_\_\_\_  
Nieves Abad  
747 Delaware St  
Forest City, PA 18421  
Email- [Martjua3@aol.com](mailto:Martjua3@aol.com)  
Phone - 631-575-2348  
Dated- October 7, 2024

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad  
(Pro-Se)

Complainant

NOTICE OF MOTION

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

DATE OF DEPOSIT

OCT - 7 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

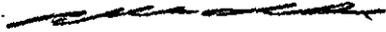
NOTICE OF MOTION

PLEASE TAKE NOTICE that the Order to Show Cause will be presented to the Administrative Law Judge Alphonso Arnold III on a date to be identified by the court pursuant to the Commissions motions practice.

Certificate Of Service

I certify that the within Motion was served upon Respondent , indicated above on this 7 Day Of October by certified mail.

Cc:  
Alphonso Arnold III  
Administrative Law Judge  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg PA 17120  
Phone 717.787.3868  
Email- alphonarno@pa.gov

  
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1717 Arch Street  
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Philadelphia, PA 19103  
215-587-1075  
215-587-1444 Main Fax  
pkramer@postschell.com

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SECRETARY'S BUREAU**

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad  
(Pro-Se)

Complainant

vs.

PPL Electric Utilities Corporation  
Respondent

AFFIDAVIT

Docket No. C-2024-3047163

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**AFFIDAVIT**

I, Nieves Abad, verify that I am the Complainant in the Complaint, and that the facts contained in the foregoing Order To Show Cause are true and correct to the best of my knowledge, information and belief, and that this verification is subject to the penalties of 18 Pa. C.S.A 4904 relative to unsworn falsification to authorities.

CC:

Alphonso Arnold III  
Administrative Law Judge  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
Email- alphonarno@pa.gov

Peter J Kramer Esquire  
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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad  
(Pro-Se)

Complainant

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

---

**Notice To Plead**

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 Pa. CODE 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED ORDER TO SHOW CAUSE WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF. MUST BE FILED WITH THE SECRETARY ON PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED NIEVES ABAD (PRO-SE).

Respectfully Submitted,

Alphonso Arnold III  
Administrative Law Judge  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg PA 17120  
Phone 717.787.3868  
Email- alphonamo@pa.gov



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**OCT - 7 2024**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

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BEFORE THE PUBLIC UTILITY COMMISSION

Nieves Abad

(Pro-Se)

Complainant

ORDER TO SHOW CAUSE

VS

C-2024-3047163

PPL Electric Utilities Corporation

Respondent

---

ORDER TO SHOW CAUSE

TO THE PRESIDING ADMINISTRATIVE LAW JUDGE:

AND NOW, Complainant, Nieves Abad, "hereon in, Complainant", hereby files this Order To Show Cause in the above referenced matter pursuant to Section 5.571 & 5.572 of this Commission's Regulations, Pa. Code s 5,102(b) and states as follows; directs PPL Electric Utility Company "Hereon in PPL" show cause for the following and why The Formal Complaint Of Nieves Abad should not be granted.

Statement Of Facts

- A. Complainant, Nieves Abad, owns property located at 837 Rear Capouse Ave Scranton, PA 18509. (See Exhibit 1 Property Deed)
- B. Respondent, PPL, owns pole numbers 57334N42685, 57339N46273, 57327N46297, 57320N46302, and 57316N46296. (See Exhibit 3 Answers of PPL to Complaint of Nieves

Abad) Poles are located within the boundaries of Complainants property. (See Exhibit 2 Property Survey and Exhibit 10 PPL Pole Design plan)

C. On March 27, 2024, PPL answered to the complaint of Nieves Abad, Section 4, PPL states “ On August 15,2023, the company sent the complainant two invoices totaling \$4,861.45 for the damage caused by the Complainant’s tree removal actions.” and “The Company is willing and able to proceed with the pole relocation project when it receives payment for the \$4,861.45 invoices sent to the Complainant on August 15,2023.”

D. On March 27, 2024, Respondent, PPL, admitted 3 poles numbers 57334 N42685, 57327N46297, and 57339N46273, are on Complainants property without Right Of Way agreement. (See Exhibit 3 Answers of PPL Electric Utilities Corporation to Complaint of Nieves Abad)

E. On March 27, 2024, Respondent, PPL, stated one pole number 57317N46297, is on Complainants property with an alleged Right of Way from Real Estate Technology Corporation. Real Estate Technology Corporation has not been an owner of 837 Rear Capouse for several years. Complainant purchased this property from the City Of Scranton. (See Exhibit 1 Property Deed) No transfer of Right Of Way is transferred to Complainants Deed. (See Exhibit 1 Property Deed) The right of way agreement PPL has provided is for pole # 57317N46297 that does not exist on the property and is not a part of this complaint.

F. Complainant original complaint states 5 pole numbers (See Exhibit 12 Formal Complaint) and ( Exhibits 14-18 pictures of poles). Pole numbers 57334N42685, 57339N46273, 57327N46297, 57320N46302, and 57316N46296.

In PPL Answer to the complaint Of Nieves Abad, PPL answered to the following pole numbers 57327N46297, 57320N46302, 57317N46297, 57334N42685, 57339N46273, and 57317N46297. Pole # 57317N46297 is not a part of the complaint of Nieves Abad. Instead of answering the question PPL has submitted a Right Of Way document of a pole not related to

this matter into evidence. Answers of PPL of Nieves Abad did not contain an answer for pole # 57316N46296.

G. On March 27, 2024, PPL stated that the pole # 57320N46302 was located in the Public Right Of Way. No Right of Way agreements or any other documents were submitted as proof of this. PPL did submit in discovery an engineer pole design plan by Tom Kernoschak, a PPL employee. It clearly shows pole # 57320N46302 on the property belonging to the Complainant on all 3 designs. (See Exhibit 10 pole design plan)

H. On May 17, 2024, Public Utilities Commission found that Respondent admitted to having 3 poles on Complainant's property without a Right Of Way Agreement, (See Exhibit 4 Order Granting/Denying in part Respondents Preliminary Objections) And Determine Jurisdiction on pole relocation. In making this decision, the Administrative Law Judge Alphonso Arnold used information in PPL's answer to the complaint of Nieves Abad, to make this decision granting part of PPL's Preliminary Objections. Two pieces of information were used to influence this decision. One was that there was a right of way for pole # 57317N46297. The second is that pole # 57320N46302 was in a public right of way. Both pieces of information are incorrect. Both pieces of information are stated in the decision in this proceeding.

I. On July 18, 2024, in the evidentiary hearing, PPL attorney Nicholas Strobbe, made a statement retracting their interest in collecting payment on billing invoice numbers 91130032-3, 91130033-3, in order to remove the poles in this complaint. (See Exhibit 9 Transcripts from pre trial hearing 7/18/24).

## 2. Argument

A. PPL has previously agreed to relocate at least 2 poles numbers 57334N42685 and 57339N46273. There was already a previous design made on at least 3 occasions. (See Exhibit 10 pole design) This was because the pole location was in the middle of the driveway and wires

went over the center of the property where the new building was being placed. Pole relocation quote invoice number 81036584-3 Dated 06/07/23 in the amount of 4,128.00 was a result of this request, (See Exhibit 8 Quote Invoice and Exhibit 13 Text message with PPL Employees Tom Kernoschak and Daniel Walker). Complainant was Quoted a price to relocate poles that were illegally placed on property located at 837 Rear Capouse Ave Scranton pa 18509. Originally PPL stated this was the only thing stopping pole relocation. During the Informal Complaint and after Complainant challenged this Quote invoice, PPL then changed their stance on the issue, that they were willing to dismiss this quote, But now complainant needed to pay billing # 91130032-3 and 91130033-3. (See Exhibit 7 Informal Complaint Results and Exhibit 3 Answer to PPL Answers to complaint of Nieves Abad) Billing statement numbers 91130032-3 (See Exhibit 5 billing), 91130033-3 In order to relocate the poles. (See Exhibit 6 billing), should not be allowed as a tariff and should not be allowed to stop pole relocation for pole numbers 57334N42685, 57339N46273, 57327N46297, 57320N46302, and 57316N46296 whether the bill is paid or unpaid. An unpaid bill for this matter should go through the proper legal channels such as a collections and/or civil court. This is a matter where there is a conflict between parties. PPL, using this billing dispute as a tariff to stop pole relocation is not warranted. (See Exhibit 7 Informal Complaint Results) and (See Exhibit 3 PPL Answers To The Complaint). There should be no charge to remove these poles since they have been placed without the consent of the land owner or any other legal channel. In a Hearing held on 7/18/24 PPL has changed their stance again. They are no longer interested in collecting on these bills and would go to the proper court to collect if they changed their mind. (See Exhibit 14 Hearing Transcripts 7/18/24) Since there is no longer a billing dispute for this evidentiary hearing, as per PPL's attorney Nicholas Stobbe, there is nothing holding the removal of pole number 57334N42685 and 57339N46273. There was no permit, plans, right of way, easement, eminent domain, or any other legal means to erect these poles. Complainant should not be liable for costs to move these poles. PPL has not submitted in their answer to the complaint of Nieves Abad any other

reason not to remove these poles or any other evidence as to why they should stay on the property.

Using billing # 91130032-3 and as a 91130033-3 Tariff to stop pole relocation are in violation of PPLUC Supplement No.59 EL PA PUC No.201 No. 8E. Section I (2) " When the requested is from an effective property owner and the facilities are on the customers property, the charges for relocation of distribution system facilities are limited too estimated contractor costs, estimated direct labor and estimated material cost, less an amount equal to any estimated maintenance expense avoided as a result of the relocation." This section clearly states the charges to the property owner. Billing disputes do not fall under these tariff categories. A quote from the above charges for the distribution facility to be moved would be an appropriate tariff. PPL Has failed in their answers to The Complaint Of Nieves Abad to state any other charges than the sum of the two bills for damage done to their distribution facilities, by alleged tree damage, on Dates prior to pole relocation. These dates had nothing to do with actual charges for relocating the distribution facility. (See Exhibits 5 & 6 Billing Invoices 91130032-3 and 91130033-3 for charges done to the distribution facility. These charges mirror and reflect each item that was damaged during tree removal. On March 27, 2024, PPL answer's to the complaint of Nieves Abad, Section 4, PPL states " On August 15,2023, the company sent the complainant two invoices totaling \$4,861.45 for the damage caused by the Complainant's tree removal actions." and "The Company is willing and able to proceed with the pole relocation project when it receives payment for the \$4,861.45 invoices sent to the Complainant on August 15,2023."

B. Respondent admits that one of the poles number 57317N46297 is on the property with an outdated Right Of Way agreement. There were 2 landowners after Real Estate Technology Corporation, The City of Scranton and Nieves Abad. The Right Of Way between Pennsylvania Power & Light Company Corporation and Real Estate Technology Corporation was for a pole that is not on the property. (See Exhibit 11 Right of way agreement with Real Estate Corp page 2 shows pole number) and (See Exhibit 14 - 18 Pictures Of Poles on the property). Since this

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OCT - 7 2024

PA PUBLIC UTILITY COMMIS  
SECRETARY'S BUREAU

pole does not exist on Complainants property and is not a part of this complaint, it makes this document null and void. This Right Of Way agreement was not transferable to The City Of Scranton or The Complainants Deed. (See Exhibit 1 Property Deed). Complainant is not legally bound by the outdated Right Of Way agreement. The Commission does not have jurisdiction to make a Right Of Way decision for a pole that does not exist on the property. The Commission can determine if there is a current Right Of Way agreement between parties for poles that do exist on the property. If there is no legal Right Of Way in place The Commission can determine if the poles can be relocated, See Barbara Gallagher V PECO Energy Company, Docket No C-2010-2201568 (Order entered September 22, 2011) at 2. PPL has not submitted in their answer to the complaint of Nieves Abad any other reason not to remove these poles or any other evidence as to why they should stay on the property.

C. PPL's claim pole # 57320N46302 is in public right of way. The deed and survey provided in exhibits show this pole to be on Complainants property. Furthermore PPL Pole Design Plan designed by Tom Kernoschak shows pole # 57320N46302 is in fact on the property of 837 Rear Capouse Ave Scranton PA 18509 owned by Nieves Abad. (See Exhibit 10 PPL Design Plan). Tom Kernoschak is an engineer working for PPL Electric Utilities Corporation and has designed several Maps showing pole # 57320N46302 on Complainants property not in a public right of way. (See Exhibit 17 Picture of pole # 57320N46302) PPL has not submitted in their answer to the complaint of Nieves Abad any other reason not to remove these poles or any other evidence as to why they should stay on the property.

D. On 03/27/2024, Respondent admitted to owning pole numbers 57334N42685, 57339N46273, 57327N46297, 57320N46302, and 57316N46296, located on 837 Rear Capouse Ave Scranton PA 18509 (See Exhibit 3 Answers To Complaint). This property is owned by Complainant Nieves Abad. Complainant has continually asked PPL to relocate these poles from his property. Respondent admits that at least three of the poles, numbers 5731N46297, 5733N42685, and 5733N46273 are on the property without a legal Right Of Way or any other

legal Easements. (See Exhibit 3 Answer To the complaint of Nieves Abad) PPL has not submitted in their answer to the complaint of Nieves Abad any other reason not to remove these poles or any other evidence as to why they should stay on the property.

E. IN PPL's answer to the complaint of Nieves Abad there is never a mention of pole # 57316N46296. (See Exhibit 3 PPL Answer To Complaint Of Nieves Abad) In the complaint of Nieves Abad pole # 57316N46296 is one of the poles listed in his formal complaint. (See Exhibit 12 Formal Complaint). PPL has not submitted in their answer to the complaint of Nieves Abad any other reason not to remove these poles or any other evidence as to why they should stay on the property. Since no answer was made in regards to this poles, the Complainant asks for the relief sought in the complaint to be granted, and this pole to be relocated.

F. In PPL's answer to the complaint of Nieves Abad, it is mentioned there is a right of way document for pole 57317N46297. Also it is mentioned that pole # 57320N46302 is located in a public right of way. (See Exhibit 3 Answer of PPL Complaint of Nieves Abad). PPL was said to have these documents in their possession. Upon further investigation after these documents were disclosed, this right of way document was for a pole that was not a part of the original complaint. This pole does not exist on the property located at 837 Rear Capouse Scranton PA 18509. This information was also used in a decision made by Administrative Law Judge Alphonso Arnold in the response to PPL's Preliminary Objections (See Exhibit 4 Granting in part/Denying in part PPL Preliminary Objections to Nieves Abad's Complaint). This false information that was relied upon in this proceeding was "fruit from a poisonous tree", and has tainted this entire process. Complainant requests that mentions of this right of way and Public Right Of Way, be stricken from the records and relief sought be granted because of this erroneous mention of incorrect right of way into evidence. PPL has not submitted in their answer to the complaint of Nieves Abad any other reason not to remove these poles or any other evidence as to why they should stay on the property.

### 3. Relief Sought

Throughout PPL Answers To The Complaint Of Nieves Abad, PPL failed to state a valid reason for poles to be placed on the property or a valid reason for the poles to remain on the property. The main argument in this complaint was for poles to be relocated so that safety and day to day business can continue on a property the complainant purchased. PPL has admitted 3 poles on the property without an easement. One pole was not mentioned in their answer at all. A final pole that was said to be in a Public Right Of Way but by PPL's own engineered designs By Tom Kernoschak and complainants survey and pictures shows clearly it is in the property lines of the property in this matter. Billing issues are the only issues raised in PPL's answers to the complaint of Nieves Abad to stop relocation. These billing matters are a direct result of damage done to PPL Electric distribution. They are being used as a tariff by PPL to stop pole relocation.

- A. In the Answers To The Complaint Of Nieves Abad, PPL billing invoice numbers 91130032-3 and 91130033-3 being used by PPL as a tariff to stop pole relocation, to be prohibited. Any mention of a billing invoice or damage to PPL property in the PPL Answers to the Complaint of Nieves Abad, stricken from the record.
- B. Complainant asks that all mention of pole # 57317N46297, that does not exist on the property, and the right of way for this pole stricken from the records.
- C. Complainant asks that three poles PPL admitted to having no current legal Right Of Way agreement be granted relief. That The Commission Order Pole Numbers 57334N42685, 57339N46273, and 57327N46297 to be relocated off Complainants property within thirty days of Order.

D. Complainant asks for pole 57316N46296, that was not answered to in PPL Answers To Nieves Abad, be granted relief and the poles be relocated off Complainants property within 30 days of Order.

E. Complainant asks that pole # 57320N46302 that was said to be in a Public Right Away by PPL but is in fact on the Complainants property be granted relief. Pole ordered to be removed within 30 days of the Order. Any mention of a Public Right Away in the PPL Answers to the Complaint of Nieves Abad, stricken from the record.

Wherefore, the Complainant, Nieves Abad, Respectfully requests that the Commission grant this Order To Show Cause, ordering PPL to relocate all poles and grant to The Complainant such other relief as is just and reasonable under the circumstances .

Cc:

Alphonso Arnold III

Administrative Law Judge

Office of Administrative Law Judge

Pennsylvania Public Utility Commission

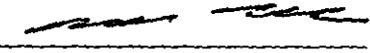
Commonwealth Keystone Building

400 North Street

Harrisburg PA 17120

Phone 717.787.3868

Email- alphonarno@pa.gov

By 

Nieves Abad

747 Delaware St

Forest City, PA 18421

Martjua3@aol.com

631.575.2348

Dated-October 7, 2024

Rosemary Chiavetta  
Secretary of The Commission  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
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# Quitclaim Deed

THIS DEED, made the 25<sup>th</sup> day of April, 2023, between the LACKAWANNA COUNTY LAND BANK, a body corporate and politic, as authorized under the provisions of 68 Pa.C.S.A. § 2101 et seq., of 123 Wyoming Avenue, 5th Floor, Scranton PA 18503.

GRANTOR

AND

NIEVES ABAD, of 747 Delaware Street, Forest City PA 18443.

GRANTEE

WITNESSETH, that in the consideration of Five Hundred Dollars (\$500.00), in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby release and quit claim to the said Grantee:

ALL THOSE CERTAIN lots, pieces or parcels of land situate in Scranton, County of Lackawanna, and State of Pennsylvania, described in Schedule 'A' attached hereto.

SUBJECT to the same exceptions and reservations as are contained in former deeds in the line of title, including the following: FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE OF THIS DEED, THE GRANTEE(S), THEIR AND ASSIGNS MAY NOT SELL, TRANSFER OR CONVEY THIS PROPERTY WITHOUT WRITTEN APPROVAL OF THE LACKAWANNA COUNTY LAND BANK BOARD OF DIRECTORS.

BEING the same premises transferred from the Tax Claim Bureau of Lackawanna County to The Lackawanna County Land Bank by deed dated April 13, 2023 and recorded in the Office of the Recorder of Deeds of Lackawanna County on April 19, 2023 as Instrument Number 202305383.

This property is also known as 837 Rear Capouse Avenue, Scranton, PA Lackawanna County Tax Map # 14516-030-048.

THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE, CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

Exhibit 1

IN WITNESS WHEREOF said Grantors have hereunto caused this Deed to be executed by the Chairman of the Lackawanna County Land Bank the day and year first above written.

LACKAWANNA COUNTY LAND BANK

Debi Domenick, Esq., Chairwoman

COMMONWEALTH OF PENNSYLVANIA :  
: ss  
COUNTY OF LACKAWANNA :

On this 10 day of October, 2023 personally appeared before me, the Clerk of Judicial Records of Lackawanna County, Pennsylvania, Debi Domenick, Esq, known to me to be the person whose signature is affixed to the foregoing deed, and acknowledged to be the Chairman of the Lackawanna County Land Bank, and that as such Chairwoman, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Lackawanna County Land Bank as Chairwoman.

Witness my hand and official seal the day and year aforesaid.

My Commission Expires:

Mauri B. Kelly, Clerk of Judicial Records

RECEIVED  
DEBI DOMENICK  
CLERK OF JUDICIAL RECORDS  
LACKAWANNA COUNTY  
PA

**CERTIFICATE OF RESIDENCE**

It is hereby certified that the precise address of the Grantee named in the foregoing Deed is:

747 DELAWARE STREET  
FORBIST CITY, PA 16443

Grantee

DATE OF DEPOSIT

OCT - 7 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**SCHEDULE A**  
**DEED DESCRIPTION**

837 Rear Capouse Avenue., Scranton, PA, 18509, Tax Map # 14516030048

All that certain piece or parcel of land comprising approximately one and four one hundredths (1.04) acres in block No. Twenty-three (23), in the 7th Ward of the City of Scranton:

Beginning at a section of steel rail set for a corner in the division line of lands of the so-called "Phelps & Winton" and "Quick & Sively" tracts (which tracts are subdivisions of certified Providence lot No. Thirty-three (33), said corner being distant along said division line in a northwesterly direction one hundred ninety-eight (198) feet from the fence line on the northwesterly side of Capouse Avenue; thence southwesterly along the rear of a lot now or late owned by J. Ryan, Sixty (60) Feet to a section of steel rail set for a corner; thence southeasterly along a side line of said Ryan's lot eighteen (18) feet to a section of steel rail set for a corner; thence southwesterly along the rear line of lots now or late owned by M. Simon, S. Hagen, R. Nealon and A. Turnbull, Two Hundred Eight (208) Feet to its intersection with the right of way line on the northeasterly side of the Diamond Mine branch of the Delaware, Lackawanna & Western Railroad; thence northwesterly along said right of way line to its intersection with the right of way line on the southeasterly side of the Delaware & Hudson Canal Company's Railroad; thence northeasterly along said right of way line, Forty-eight

(48) Feet to its intersection with the division land line first above mentioned; thence southeasterly along said line Three Hundred Fifty-three (353) Feet to the place of beginning. Containing One and Four one-hundredths (1.04) Acres of land, be the same more or less.

This conveyance is made subject to all the covenants, conditions, exceptions, restrictions and reservations contained in or referred to in prior deeds in line of title.

DATE OF DEPOSIT

OCT - 7 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# **SCHEDULE "A"**

**Tax Map # 14516-030-048  
837 Rear Capouse Avenue  
Scranton, PA**



**REV-183**

BUREAU OF INDIVIDUAL TAXES  
PO BOX 280603  
HARRISBURG, PA 17128-0603

**REALTY TRANSFER TAX  
STATEMENT OF VALUE**

COMPLETE EACH SECTION

State Tax Paid:

Book:

Page:

Instrument Number:

Date Recorded:

**SECTION I TRANSFER DATA**

Date of Acceptance of Document <u>4/23/2003</u>					
Grantor(s)/Lessor(s) Lackawanna County Land Bank		Telephone Number 570-963-6830		Grantee(s)/Lessee(s) Nieves Abad	
Mailing Address 123 Wyoming Avenue, 5th Floor		Mailing Address 747 Delaware Street			
City Scranton		State PA	ZIP Code 18503	City Forest City	State PA
				ZIP Code 18443	

**SECTION II REAL ESTATE LOCATION**

Street Address 837 Rear Capouse Avenue		City, Township, Borough Scranton			
County Lackawanna		School District Scranton School District		Tax Parcel Number 14516-030-048	

**SECTION III VALUATION DATA**

Was transaction part of an assignment or relocation?  YES  NO

1. Actual Cash Consideration 500.00	2. Other Consideration + 0.00	3. Total Consideration = 500.00
4. County Assessed Value 5,648.00	5. Common Level Ratio Factor x 12.20	6. Computed Value = 68,905.60

**SECTION IV EXEMPTION DATA - Refer to instructions for exemption status.**

1a. Amount of Exemption Claimed \$ 68,905.60	1b. Percentage of Grantor's Interest in Real Estate 100.00 %	1c. Percentage of Grantor's Interest Conveyed 100.00 %
---	---	---

**2. Check Appropriate Box Below for Exemption Claimed.**

- Will or intestate succession. \_\_\_\_\_ (Name of Decedent) \_\_\_\_\_ (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement and all amendments.)
- Transfer from a trust. (Attach complete copy of trust agreement and all amendments.)
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Provide a detailed explanation of exemption claimed. If more space is needed attach additional sheets.)  
72 P.S. §8102-C.3(24) Land Bank

**SECTION V CORRESPONDENT INFORMATION - All inquiries may be directed to the following person:**

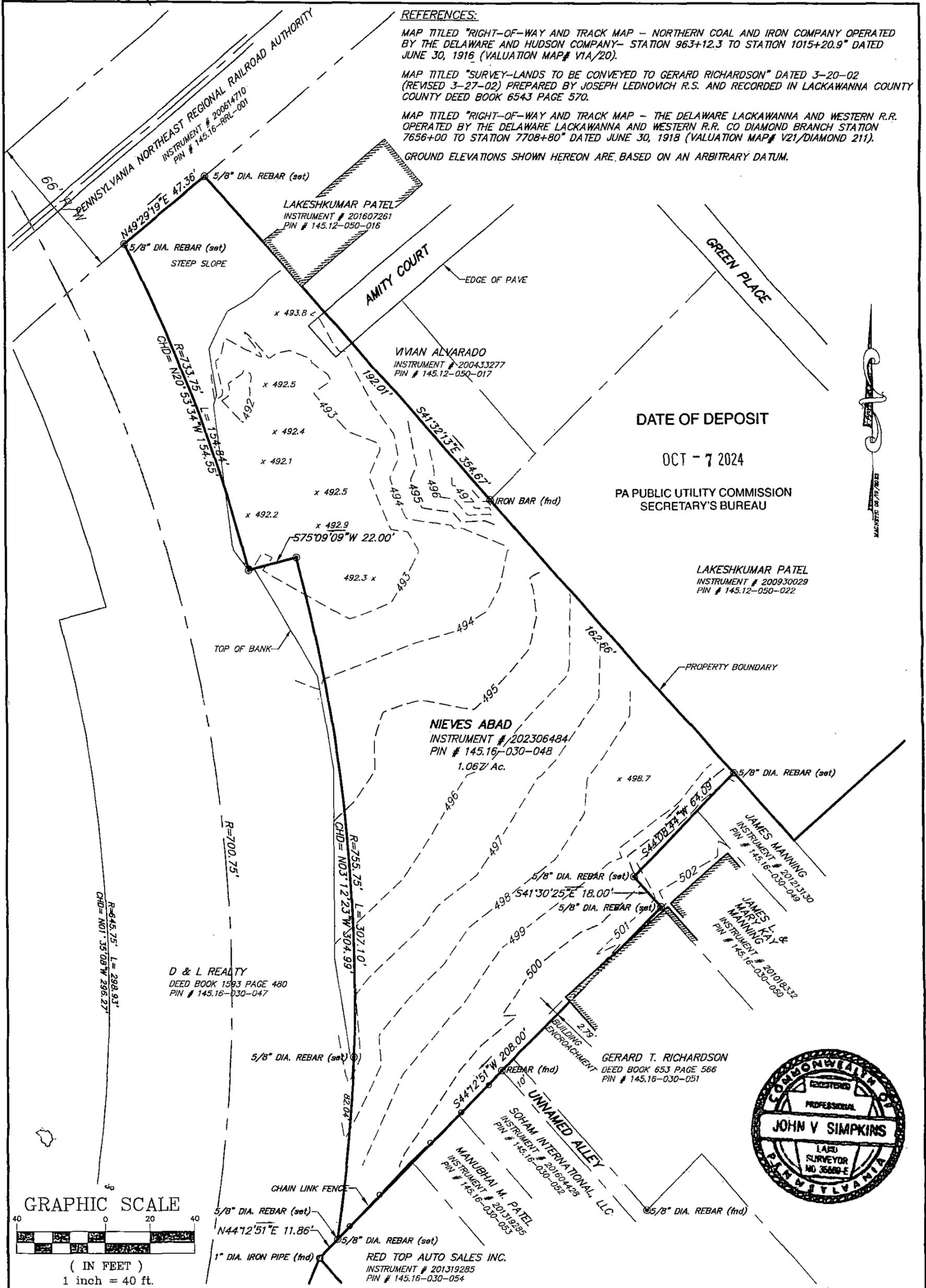
Name Joseph S. Colbassani, Esquire		Telephone Number (570) 961-1616	
Mailing Address 700 Vine Street		City Scranton	State PA
			ZIP Code 18510

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party 		Date 4/23/2003
---	--	-------------------

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Exhibit 2



**REFERENCES:**

MAP TITLED "RIGHT-OF-WAY AND TRACK MAP - NORTHERN COAL AND IRON COMPANY OPERATED BY THE DELAWARE AND HUDSON COMPANY- STATION 963+12.3 TO STATION 1015+20.9" DATED JUNE 30, 1916 (VALUATION MAP# VIA/20).

MAP TITLED "SURVEY-LANDS TO BE CONVEYED TO GERARD RICHARDSON" DATED 3-20-02 (REVISED 3-27-02) PREPARED BY JOSEPH LEDNOVICH R.S. AND RECORDED IN LACKAWANNA COUNTY COUNTY DEED BOOK 6543 PAGE 570.

MAP TITLED "RIGHT-OF-WAY AND TRACK MAP - THE DELAWARE LACKAWANNA AND WESTERN R.R. OPERATED BY THE DELAWARE LACKAWANNA AND WESTERN R.R. CO DIAMOND BRANCH STATION 7856+00 TO STATION 7708+80" DATED JUNE 30, 1918 (VALUATION MAP# V21/DIAMOND 211).

GROUND ELEVATIONS SHOWN HEREON ARE BASED ON AN ARBITRARY DATUM.

DATE OF DEPOSIT

OCT - 7 2024

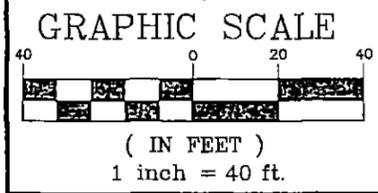
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

LAKESHKUMAR PATEL  
INSTRUMENT # 200930028  
PIN # 145.12-050-022

NIEVES ABAD  
INSTRUMENT # 202306484  
PIN # 145.16-030-048  
1.067 Ac.

D & L REALTY  
DEED BOOK 1593 PAGE 480  
PIN # 145.16-030-047

GERARD T. RICHARDSON  
DEED BOOK 653 PAGE 566  
PIN # 145.16-030-051



CAD FILE:	DWN BY: JVS	PROPERTY BOUNDARY/TOPO SURVEY MAP	<p><b>KBA Engineering, p.c.</b> engineers - architects - construction managers 25 South Washington Avenue (570) 876-5744 Jermy, Pennsylvania 18433 www.kbapc.net</p>
	APP BY: JJM	TITLE: NIEVES ABAD	
	JOB NO: 6448	837 REAR CAROUSE AVENUE	
	DATE: 09/05/2023	CITY OF SCRANTON - LACKAWANNA COUNTY, PA	
C-1 1 of 1			



57320N46302 is in the public Right-of-Way. It is admitted the other four poles are located on the Complainant's property. It is further admitted the other three poles are on the Complainant's property without a signed Right-of-Way Agreement. PPL Electric is without sufficient knowledge as to the "future building space" that the Complainant references, and, therefore, denies the same. It is denied that PPL Electric has "refused to move these two poles." It is further denied that PPL Electric "wants to charge \$4,128 for the removal of the poles." It is also denied that PPL Electric is required "to pay any fees associated with keeping the poles on property." It is further denied that PPL Electric refused to "obtain a legal right of way with land owner."

By way of further response, the Complainant contacted the Company on April 21, 2023, to request Pole 7334N42685 and Pole 57339N46273 be relocated. The Company assigned that request work order # 12952883. While the Company was evaluating the Complainant's request, the Company became aware that the Complainant was performing tree removal on his property. On April 13, 2023, the Complainant's tree removal actions resulted in disruptions to the Company's electric service and damage to its facilities, requiring the Company to respond to the area to restore power. Shortly thereafter, a PPL Electric Design Technician spoke to the Complainant to advise him to conduct any tree removal carefully to avoid damage to the Company's equipment and facilities. On May 25, 2023, the Complainant's further tree removal actions resulted in disruptions to the Company's electric service and damage to its facilities, requiring the Company to respond to the area to restore power. On August 15, 2023, the Company sent the Complainant two invoices totaling \$4,861.45 for the damage caused by the Complainant's tree removal actions.

By way of further response, in April 2023 the Company's right-of-way agent spoke to the Complainant and advised the Complainant that if he wanted the poles in question moved, he

would have to pay for the relocation. On April 28, 2023, the Complainant met with the Company, and the Company stated it would be willing to move the poles at the Complainant's expense. On August 25, 2023, the Company sent the Complainant a Grant of Right-of-Way for signature for the redesign and relocation of the two poles to a different portion of the Complainant's property. The Company is willing and able to proceed with the pole relocation project when it receives payment for the \$4,861.45 invoices sent to the Complainant on August 15, 2023. Lastly, PPL Electric notes that Pole 57317N46297 is the subject of a Right-of-Way Agreement, dated June 28, 1979, between PPL Electric and Real Estate Technology Corporation.

In further response, PPL Electric incorporates Paragraph 5, *infra*, as though fully set forth herein.

5. Admitted in part and denied in part. The averments contained in Paragraph 5 of the Complaint are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, PPL Electric denies that the Complainant is entitled to the relief requested. It is denied the Company is required to pay "compensation in the amount of \$100 per pole, per week since May 1, 2023." Indeed, the Commission is without jurisdiction to award damages. It is denied that Pole 57327N46297, Pole 57320N46302, Pole 57317N46297, Pole 57334N42685, and Pole 57339N46273 should "be removed from the property immediately." It is admitted that the Complainant seeks "resolution in regards to a fair right of way with [PPL Electric]". It is denied that "all future upgrades needed to build . . . new wires be full responsibility of [PPL Electric]." It is denied that the invoice rendered by PPL Electric to the Complainant due to the damage to the Company's facilities caused by the Complainant's tree removal actions between April 13, 2023 and May 25, 2023 should "be dismissed." It is admitted the Complainant contacted the Company to discuss moving the poles, and it is admitted the Company created

associated work orders for the proposed relocation. The Company is without sufficient knowledge to admit whether the Complainant contacted the Company's forestry department. It is denied that "no damage" occurred to the poles or to the Company's equipment or facilities as a result of the Complainant's tree removal activity.

In further response, PPL Electric incorporates Paragraph 4, *supra*, as though fully set forth herein.

6. Paragraph 6 of the Complaint relates to Protection from Abuse orders, to which no responsive pleading is required.

7. Admitted in part and denied in part. Specifically, it is denied that the Complaint is a timely appeal of a decision by the Commission's Bureau of Consumer Services ("BCS"). It is admitted the Complainant has spoken to the Company about the subject of his Complaint. PPL Electric has attempted to be responsive to all contacts and communications from the Complainant in order to find a mutually acceptable resolution of the subject of the Complaint. PPL Electric lacks sufficient knowledge or information as to the Complainant's contacts with other government entities and, therefore, denies the same.

By way of further response, on January 8, 2024, the Complainant filed an informal complaint with the Commission's BCS at BCS Case No. 3960946 about the same subject of this Formal Complaint. The Commission's BCS dismissed the informal complaint on February 5, 2024.

In further response, PPL Electric incorporates Paragraphs 4 and 5, *supra*, as though fully set forth herein.

8. Paragraph 8 relates to methods for filing the Complaint, to which no responsive pleading is required.

9. Paragraph 9 relates to the Complainant's preferred methods of service, to which no responsive pleading is required.

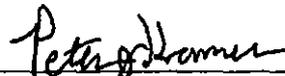
10. Paragraph 10 pertains to the Complainant's legal representation, to which no responsive pleading is required.

11. Paragraph 11 sets forth the verification and signature, to which no responsive pleading is required.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Nieves Abad be denied in its entirety and with prejudice as against PPL Electric Utilities Corporation.

Respectfully submitted,

Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-2599  
Fax: 610-774-4102  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

  
Devin T. Ryan (ID # 316602)  
Peter J. Kramer (ID # 331797)  
Nicholas A. Stobbe (ID # 329583)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [dryan@postschell.com](mailto:dryan@postschell.com)  
[pkramer@postschell.com](mailto:pkramer@postschell.com)  
[nstobbe@postschell.com](mailto:nstobbe@postschell.com)

Date: March 27, 2024

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DATE OF DEPOSIT**

OCT - 7 2024

Nieves Abad

v.

PPL Electric Utilities Corporation

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

C-2024-3047163

**ORDER**  
**GRANTING IN PART, AND DENYING IN PART,**  
**RESPONDENT'S PRELIMINARY OBJECTIONS**

**HISTORY OF THE PROCEEDING**

On February 12, 2024, Nieves Abad ("Complainant") filed a Formal Complaint against PPL Electric Utilities Corporation ("Respondent") with the Pennsylvania Public Utility Commission ("Commission"). In his Complaint, Complainant argued that five Respondent utility poles are located on his property without a legal right-of-way. Complainant claimed that two of these utility poles are located in the middle of his driveway and that Respondent refused to remove these two utility poles at his request.

For relief, Complainant requested that the Commission: (1) order Complainant to be compensated in the amount of \$100 per pole, per week since May 1, 2023; (2) order Respondent to remove the five utility poles from his property; (3) come to a resolution in regards to a fair right of way with Respondent; (4) order that all future upgrades to poles, transformers, and the running of new wires be the full responsibility of Respondent; and (5) dismiss two invoices rendered by Respondent to Complainant for damage that Complainant allegedly caused to utility poles. The Complaint was served on Respondent on March 7, 2024.

On March 27, 2024, Respondent filed an Answer to the Formal Complaint. In its Answer, Respondent admitted that it had five utility poles located on or near Complainant's

Exhibit 4

property. Respondent asserted that one of the five utility poles is in the public right of way, and that another of the utility poles is the subject of a right of way agreement between Respondent and Real Estate Technology Corporation. Respondent further admitted that three of the utility poles are located on Complainant's property without a signed right of way agreement. Regarding the two utility poles located on Complainant's driveway, Respondent admitted that it spoke with Complainant concerning their relocation to a different portion of Complainant's property. Respondent sent Complainant two invoices concerning damage done to these two poles after Complainant damaged the poles through his tree removal actions. Respondent requested that the Commission deny the Complaint.

Also on March 27, 2024, Respondent filed Preliminary Objections to the Formal Complaint, properly endorsed with a Notice to Plead. In its Preliminary Objections, Respondent requested that the Commission dismiss the portion of the Formal Complaint seeking monetary damages as impertinent matter pursuant to 52 Pa. Code § 5.101(a)(2), arguing that the Commission lacks authority to award damages. Respondent additionally requested that the Commission dismiss the Formal Complaint in its entirety, pursuant to 52 Pa. Code § 5.101(a)(1), arguing that the Commission lacks subject matter jurisdiction over the Complaint. Specifically, Respondent argued that the Complaint raises private contractual and real property issues to which the Commission has no jurisdiction over.

On April 4, 2024, Complainant filed an Answer to the Preliminary Objections, wherein Complainant repeated his assertions from his Complaint and asked that the Preliminary Objections be denied. Complainant also attached multiple documents to his Answer, including what appears to be pictures of the five utility poles in question, letters Complainant sent to Respondent requesting that the utility poles be removed, and the invoices Respondent sent to Complainant concerning damage done to Respondent's utility poles.

On April 23, 2024, the undersigned was assigned as Motion Judge to this proceeding.

Respondent's Preliminary Objections are procedurally ready to be ruled upon. For the reasons discussed below, the Preliminary Objections will be granted in part, and denied in part. This matter will proceed towards an evidentiary hearing.

### DISCUSSION

Respondent in this matter filed Preliminary Objections to the Formal Complaint. The Commission's regulations provide that preliminary objections are available to parties and may be filed in response to a pleading. 52 Pa. Code § 5.101(a). The grounds for preliminary objections are limited to those set forth as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

Here, Respondent's Preliminary Objections assert lack of Commission jurisdiction pursuant to 52 Pa. Code § 5.101(a)(1) and inclusion of impertinent matter pursuant to 52 Pa. Code § 5.101(a)(2).

Commission procedure regarding the disposition of preliminary objections is similar to the procedure utilized in Pennsylvania civil practice. A preliminary objection in civil

practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Pennsylvania State Lodge, Fraternal Order of Police v. Dept. of Conservation & Natural Resources*, 909 A.2d 413 (Pa. Cmwlth. 2006), *aff'd*, 592 Pa. 304, 924 A.2d 1203 (2007).

The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the complaint in this case in the light most favorable to the Complainant and should dismiss the complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

The preliminary objection may be granted only if the moving party prevails as a matter of law. *Rok v. Flaherty*, 527 A.2d 211 (Pa. Cmwlth. 1987). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Dep't of Auditor General, et al. v. State Employees' Retirement System, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003) (citing *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002)).

Having explained the standards for granting preliminary objections, I will first discuss Respondent's Preliminary Objection that the Commission lacks jurisdiction over the Complaint, pursuant to 52 Pa. Code § 5.101(a)(1).

The Commission regulation at 52 Pa. Code § 5.21(a) states that a person may file a formal complaint claiming violation of a statute that the Commission has jurisdiction to administer. The regulation at 52 Pa. Code § 5.21(d) authorizes the Commission to dismiss a complaint if a hearing is not necessary and authorizes preliminary objections to be filed in response to a complaint.

The regulation at 52 Pa. Code § 5.101(a)(1) permits the filing of a preliminary objection to dismiss a pleading for lack of Commission jurisdiction. The provision at 52 Pa. Code § 5.101(a)(1) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 Pa.C.S. § 703(a); *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n*, 563 A.2d 557 (Pa.Cmwlth. 1989); *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa.Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm'n*, 540 A.2d 1006 (Pa.Cmwlth. 1988); *White Oak Borough Authority v. Pa. Pub. Util. Comm'n*, 103 A.2d 502 (Pa. Super. 1954).

The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *Tod and Lisa Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977). The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa.Super. 1945). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa.Cmwlth. 1992) *alloc. denied* 637 A.2d 293 (Pa. 1993).

Viewing the Complaint in the light most favorable to Complainant and accepting all of the factual assertions in the Complaint as true for the purposes of disposing of the Preliminary Objections, Respondent has five utility poles located on Complainant's property. Respondent has refused to relocate two of these poles that are located on the driveway of the property. Respondent has no easement or right of way agreement that would authorize the placement of these utility poles on Complainant's property.

Respondent argued that the Complaint raises issues surrounding the scope and validity of a right of way and that the Commission has no jurisdiction over issues involving the scope and validity of easements, or rights of way. Respondent is correct in that the Commission lacks jurisdiction to interpret an easement or rights of way agreement. In *Fairview Water Co. v.*

*Pa. Pub. Util. Comm'n.*, 502 A.2d 162 (Pa. 1985), the Pennsylvania Supreme Court held that the Commission lacks jurisdiction to determine the scope and validity of an easement. The Commission has determined that it is not the proper forum for resolving property rights controversies. Rather, such controversies are a matter for a court of general jurisdiction. *Anne E. Perrige v. Metropolitan Edison Co.*, Docket No. C-00004110 (Opinion and Order entered July 3, 2003); *Fiorillo v. PECO Energy Co.*, Docket No. C-00971088 (Opinion and Order entered September 15, 1999).

Here, however, the Commission is not being asked to determine the scope and validity of an easement or right of way agreement. Complainant did not in his Complaint admit to the existence of an easement or right of way, but in fact asserted that an easement or right of way for Respondent to utilize his property **does not exist**. As the Complaint denies the existence of any easement or right of way, I cannot conclude that the Commission is being asked to determine the scope and validity of an easement in this matter.<sup>1</sup> I will also note that, in its Answer to the Complaint, Respondent admits that three of the five utility poles in question are not subject to a right of way agreement.

In addition, the Commission has held that the relocation of utility facilities at a customer's request falls within the statutory definition of service and that the Public Utility Code defines service in its broadest and most inclusive sense. *See Barbara Gallagher v. PECO Energy Company*, Docket No. C-2010-2201568 (Order entered September 22, 2011) at 21. Taking the averments and any reasonable inferences from the Complaint to be true, it could reasonably be construed that Complainant may have asserted an unreasonable service allegation in relation to Respondent's refusal to move its utility poles from Complainant's property.

Therefore, for the above reasons, Respondent's Preliminary Objection made pursuant to 52 Pa. Code § 5.101(a)(1) will be denied.

---

<sup>1</sup> To the extent however, that Complainant asks that the Commission assist the parties in "coming to a resolution in regards to a fair right of way with Respondent," this is a private contractual matter that must be resolved between the parties.

Having discussed Respondent's Preliminary Objection made pursuant to 52 Pa. Code § 5.101(a)(1), I will now discuss Respondent's Preliminary Objection that the Complaint includes impertinent matter, made pursuant to 52 Pa. Code § 5.101(a)(2). In his Complaint, Complainant asked that the Commission compensate Complainant in the amount of \$100 per pole, per week since May 1, 2023. Respondent argued that this portion of the Complaint should be dismissed as the Commission does not have the authority to award damages.

Respondent is correct in that the Commission lacks jurisdiction to award monetary damages to a Complainant in adjudicating a complaint properly brought before this Commission. *See, Poorbaugh v. Pa. PUC*, 666 A.2d 744 (Pa. Cmwlth. 1995). To the extent Complainant wishes to seek compensation from Respondent for the presence of the utility poles on his property, he must pursue such action before a different forum.

For the above reasons, I will grant Respondent's Preliminary Objection made pursuant to 52 Pa. Code § 5.101(a)(2) and dismiss the portion of the Complaint seeking monetary damages.

ORDER

THEREFORE,

IT IS ORDERED:

I. That PPL Electric Utilities Corporation's Preliminary Objections filed in the matter of Nieves Abad v. PPL Electric Utilities Corporation, Docket No. C-2024-3047163, are granted in part, and denied in part.

2. That the portion of PPL Electric Utilities Corporation's Preliminary Objections that seek dismissal of a portion of the Complaint, pursuant to 52 Pa. Code § 5.101(a)(2), is granted.

3. That the portion of the Complaint in the matter of Nieves Abad v. PPL Electric Utilities Corporation, Docket No. C-2024-3047163, seeking monetary damages is stricken.

4. That the portion of PPL Electric Utilities Corporation's Preliminary Objections that seek dismissal of the Complaint in its entirety, pursuant to 52 Pa. Code § 5.101(a)(1), is denied.

5. That an evidentiary hearing will be scheduled in this matter.

Date: May 17, 2024

/s/  
Alphonso Arnold III  
Administrative Law Judge

**C-2024-3047163 - NIEVES ABAD v. PPL ELECTRIC UTILITIES CORPORATION**

NIEVES ABAD  
747 DELAWARE STREET  
FOREST CITY PA 18421  
**631.575.2348**  
martjua3@aol.com  
Served by USPS First-Class Mail

PETER J KRAMER ESQUIRE  
POST & SCHELL  
THREE LOGAN SQUARE  
1717 ARCH STREET 24TH FLOOR  
PHILADELPHIA PA 19103  
**215.587.1075**  
**215.587.1444**  
pkramer@postschell.com  
Accepts and served by eService

DEVIN T RYAN ESQUIRE  
POST AND SCHELL PC  
17 N 2ND ST 12TH FL  
HARRISBURG PA 17101-1601  
**717.612.6052**  
**717.612.6033**  
**717.731.1970**  
dryan@postschell.com  
nstobbe@postschell.com  
Accepts and served by eService  
*(Counsel represents PPL Electric Utilities Corporation)*



INVOICE NUMBER  
91130032-3

INVOICE DATE  
06/15/23

TOTAL AMOUNT  
3,176.24

NIEVES P. ARAD  
747 DELAWARE ST.  
FOREST CITY, PA 18421

PPL CONTROL ACCOUNT: 014350

MAKE CHECKS PAYABLE TO:  
PPL Electric Utilities Corp

--- 3 3900031762490003176249 9113003200

AMOUNT PAID

TO INSURE PROPER CREDIT, PLEASE RETURN THIS PORTION WITH PAYMENT IN ENCLOSED ENVELOPE  
TO: PPL CORPORATION PO BOX 25222 LEHIGH VALLEY, PA 18002-5222

NIEVES P. ARAD  
747 DELAWARE ST.  
FOREST CITY, PA 18421

REFER ALL INQUIRIES TO:  
CSC Claims Office 800-748-7104

PLEASE REFER TO THIS NUMBER WHEN  
CALLING OR WRITING: 91130032-3

ITEM	DESCRIPTION	AMOUNT
1	Property Damage Cost of repairing damage to our property located at Amity Court, Scranton, PA  Incident date: April 13, 2023  WR # 89718637  Claim # 2023-00953	0.00
2	Labor	1,755.21
3	Vehicle Usage Charges	255.36
4	Materials	1,167.67
<p>DATE OF DEPOSIT</p> <p>OCT - 7 2024</p> <p>PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p>		
Payment Due: Net 30		

91130032-3  
INVOICE NUMBER

06/15/23  
INVOICE DATE

3,176.24  
TOTAL AMOUNT

PPL Electric Utilities Corp  
TWO NORTH NINTH STREET, ALLENTOWN, PA 18101-1175  
897186370003038

Exhibit 5



TWO NORTH NINTH STREET  
ALLENTOWN PA 18101-1179

INVOICE NUMBER  
91130033-3

INVOICE DATE  
08/15/23

TOTAL AMOUNT  
1,665.21

NIEVES P. ABAD  
747 DELAWARE ST.  
FOREST CITY, PA 18421

PPL CONTROL ACCOUNT: 014330

MAKE CHECKS PAYABLE TO:  
PPL Electric Utilities Corp

--- 3 4100016852110001685216 9113003300

AMOUNT PAID

TO ENSURE PROPER CREDIT, PLEASE RETURN THIS PORTION WITH PAYMENT IN ENCLOSED ENVELOPE  
TO: PPL CORPORATION PO BOX 26222 LEHIGH VALLEY, PA 18002-5222

NIEVES P. ABAD  
747 DELAWARE ST.  
FOREST CITY, PA 18421

REFER ALL INQUIRIES TO:  
CSE Claims Office 600-746-7104

PLEASE REFER TO THIS NUMBER WHEN  
CALLING OR WRITING: 91130033-3

ITEM	DESCRIPTION	AMOUNT
1	<b>Property Damage</b> Cost of repairing damage to our property located at Emily Court, Stranton, PA  Incident date: May 25, 2023  WR # 58724132  Claim # 2023-00661	0.00
2	Labor	1,565.00
3	Vehicle Usage Charges	100.21
Payment Due: Net 30		

91130033-3  
INVOICE NUMBER

08/15/23  
INVOICE DATE

1,665.21  
TOTAL AMOUNT

PPL Electric Utilities Corp  
TWO NORTH NINTH STREET, ALLENTOWN, PA 18101-1179  
03718003000335

Exhibit C



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE  
REFER TO OUR FILE

Date: 2/5/2024

Case #: 3960946

Nieves Abad  
837 Capouse Ave  
Rear  
Scranton PA 18509

Dear Nieves Abad:

On 1/8/2024 you contacted the Public Utility Commission's Bureau of Consumer Services and filed an informal complaint against PPL Utilities. You stated that there are five utility poles located on your property and you would like them removed in order to make improvements/develop a parcel of land. You said that you have contacted PPL multiple times since you bought the property and the company states they don't have the right-of-way paperwork for any of the poles on the property. You are seeking to have the utility poles removed from the property as soon as possible.

We contacted the Company in an effort to resolve your complaint.

PPL Utilities reported that due to the length of time the facilities have been erected, the company's Right-of-Way Department has been unable to locate the right-of-way documents.

PPL stated that the company has the rights to keep the poles in the present location; however, they are willing to move/remove the poles in question once they receive payment of \$4,300.00 for damage that resulted from tree removal on the property that knocked out electric service on two separate occasions. PPL said that this created two separate jobs that their crews had to address and restore power.

PPL also said they agree to waive the relocation charges that would normally be billed to the customer as a good faith gesture.

Please note, at the informal level, the Bureau of Consumer Services has limited authority to resolve your service issue, and we have closed your informal complaint. However, you do have the right to file a formal complaint where your service issue may be further addressed. You do not need a lawyer to file a formal complaint if you have a residential service account. The formal complaint process involves a legal proceeding before a PUC Administrative Law Judge (ALJ), similar to a trial. This means that you and the utility must present facts on the issues raised in your complaint to the ALJ. You must participate in a hearing, respond to questions from the utility, and prove why the judge should uphold your position.

If you would like formal complaint forms, visit our website at [www.puc.pa.gov](http://www.puc.pa.gov) or call 717-772-7777. If you need to contact our office, please call 1-800-692-7380. Please reference the case number listed above. Thank you for contacting the Public Utility Commission.

Sincerely,

Tom Harding  
Bureau of Consumer Services

Exhibit 7



TWO NORTH NINTH STREET  
ALLENTOWN PA 18101-1179

QUOTE NUMBER  
81036584-3

QUOTE DATE  
06/07/23

TOTAL AMOUNT  
4,128.00

NIEVES ABAD  
747 DELAWARE  
FOREST CITY, PA 18421

MAKE CHECKS PAYABLE TO: PPL Electric Utilities Corp OR please see attached  
ACH Enrollment Form to pay electronically through your Banking Institution.

--- 3 2000041280000004128008 8103658400

AMOUNT PAID

TO INSURE PROPER CREDIT, PLEASE RETURN THIS PORTION WITH PAYMENT IN ENCLOSED ENVELOPE  
TO: PPL CORPORATION PO BOX 25222 LEHIGH VALLEY, PA 18002-5222

NIEVES ABAD  
747 DELAWARE  
FOREST CITY, PA 18421

REFER ALL INQUIRIES TO:  
Customer Care Center 800-342-5775

PLEASE REFER TO THIS NUMBER WHEN  
CALLING OR WRITING: 81036584-3

ITEM	DESCRIPTION	AMOUNT
1	RELOCATION COSTS PPL cost to relocate 2 poles and 1PH overhead secondary	4,128.00
<p>DATE OF DEPOSIT</p> <p>OCT - 7 2024</p> <p>PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p>		
12952883-10 Relocate 2 poles and overhead secondary.		
Payment Due: Upon Receipt		

81036584-3  
QUOTE NUMBER

06/07/23  
QUOTE DATE

4,128.00  
TOTAL AMOUNT

PPL Electric Utilities Corp  
TWO NORTH NINTH STREET, ALLENTOWN, PA 18101-1179

Exhibit 8

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COMMONWEALTH OF PENNSYLVANIA  
(Public Utility Commission)

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NIEVES ABAD, :  
Complainant, : Case No.:  
vs. : C-2024-3047163  
PPL ELECTRIC UTILITIES :  
CORPORATION, :  
Respondent. :

-----\*

Pages 1 through 18 TELEPHONIC HEARING  
Judge's Chambers  
Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17120

Thursday, July 18, 2024  
Met, pursuant to notice, at 10:02 a.m.

BEFORE: THE HONORABLE ALPHONSO ARNOLD III  
Administrative Law Judge

Exhibit 9

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APPEARANCES:

NIEVES ABAD (Pro Se)  
747 Delaware Street  
Forest City, PA 18421  
631-575-2348  
martjua3@aol.com  
(On Behalf of Complainant)

PETER J. KRAMER, ESQUIRE  
Post and Schell  
Three Logan Square  
1717 Arch Street, 24th Floor  
Philadelphia, PA 19103  
215-587-1075  
215-587-1444  
pkramer@postschell.com  
(On Behalf of Respondent)

NICHOLAS STOBBE, ESQUIRE  
Post and Schell  
17 North 2nd Street, 12th Floor  
Harrisburg, PA 17101  
717-612-6052  
nstobbe@postschell.com

DATE OF DEPO

OCT - 7, 2024

PA PUBLIC UTILITY COMI  
SECRETARY'S BUREAU

1 P R O C E E D I N G S

2 - - - - -

3 COURT REPORTER: Time is 10:02 a.m. Today's  
4 date is July 18, 2024. Case name, Nieves Abad vs. PPL  
5 Electric Utilities Corporation, Cause Number C-2024-  
6 3047163. And this is a remote telephone conference  
7 hearing with the Honorable Judge Arnold, and we're on the  
8 record.

9 JUDGE ARNOLD: Yes, good morning, everyone.  
10 And as the Court Reporter noted, this is the case for  
11 Nieves Abad vs. PPL Electric Utilities Corporation. The  
12 Docket Number is C-2024-3047163.

13 My name is Alphonso Arnold III. I am an  
14 Administrative Law Judge. This matter was initially  
15 scheduled for an Administrative Hearing to take place for  
16 this date. I converted to a Pre-Hearing Conference.

17 So I'll allow the parties to introduce  
18 themselves at this time starting with the Complainant,  
19 Mr. Abad, please.

20 MR. ABAD: How are you doing, Your Honor? My  
21 name is Nieves Abad.

22 JUDGE ARNOLD: And could you just spell your  
23 name for the record, please?

24 MR. ABAD: Yeah, first name is N-i-e-v-e-s,

1 JUDGE ARNOLD: All right. Thank you, sir. And  
2 representatives for PPL, please introduce yourself for  
3 the record.

4 MR. KRAMER: Yes, good morning. This is  
5 attorney Peter Kramer. That is spelled P-e-t-e-r, last  
6 name, K-r-a-m-e-r.

7 JUDGE ARNOLD: Okay. Thank you, Attorney  
8 Kramer.

9 MR. STOBBE: And Your Honor -- Your Honor, also  
10 on the line with Attorney Kramer on behalf of PPL  
11 Electric Utilities Corporation is Attorney Nicholas  
12 Stobbe, Nicholas spelled N-i-c-h-o-l-a-s, Stobbe spelled  
13 S-t-o-b as in bravo-b as in bravo-e.

14 JUDGE ARNOLD: All right, thank you. So as I  
15 just mentioned, this case was initially scheduled for a  
16 hearing. I converted it to a conference. I did not feel  
17 that this case was right for a hearing at this time  
18 insight of the light of a outstanding motion to compel  
19 that I have not yet ruled on.

20 And in addition, Mr. Abad served in advance of  
21 the hearing approximately 41 proposed exhibits that I had  
22 not yet had the opportunity to review in their entirety  
23 prior to the hearing. So I wanted to make sure that I  
24 could review everything prior to having me hearing this

1                   Let me just start off in this way. Mr. Abad,  
2 if you could briefly explain the issues that are present  
3 in your complaint, and this is not a hearing. So you're  
4 -- this is not testimony that you'll be providing, but if  
5 you could just briefly provide the issues that you feel  
6 that are present here regarding this proceeding.

7                   MR. ABAD: Yes, sir, Your Honor. Well, the two  
8 bills that PPL had billed me for, I guess, damage to  
9 their equipment, also the removal or relocation of five  
10 telephone poles that are power poles that are on --  
11 located on my property, and also the upgrading of needed  
12 to be done or as I was -- as I was told by the PPL  
13 employee that I spoke to that needed to be done to build  
14 my building that I had planned to build when I purchased  
15 the property.

16                   So mainly, those four issues. There was a  
17 quote number that they also gave me like the bill, but I  
18 think they said they took it back. But if they didn't,  
19 that's the -- that's the fourth issue, the quote invoice  
20 that they gave me to -- for the cost of moving the  
21 utility poles on my property. And those are the five  
22 main issues.

23                   JUDGE ARNOLD: All right, thank you. And --

24                   MR. ABAD: So --

1 MR. ABAD: No, that's all.

2 JUDGE ARNOLD: Okay. Attorney Kramer, do you -  
3 - the position of PPL in this matter, if you could just  
4 briefly go over that, please?

5 MR. KRAMER: Yes, Your Honor. So as Mr. Abad  
6 had stated, he had contacted PPL inquiring about the  
7 relocation of power poles on his property. After those  
8 communications took place, PPL had evaluated the poles on  
9 Mr. Abad's property and had come up with a work order.

10 In between the time that the work order was  
11 issued and work had been agreed to begin or any further  
12 right-of-way documents be negotiated, PPL suffered  
13 damages to its facilities and property. And so at that  
14 time, under information and belief, Mr. Abad was invoiced  
15 for those, as he had stated. And instead of a quote for  
16 the removal -- for moving of the poles at that time, PPL  
17 had then discussed potentially paying the invoice for the  
18 damages instead for the removal of the -- or relocation  
19 of the poles.

20 So that summarizes up until the end of last  
21 summer, Your Honor, and that -- and this description is  
22 consistent with the answer PPL Electric has filed back in  
23 March.

24 JUDGE ARNOLD: Okay. Thank you, Attorney

1           So I did -- all right, so in this matter, PPL  
2 did file preliminary objections, which I granted in part  
3 and denied in part. I bring it up to say that there does  
4 appear to be issues in this proceeding that the  
5 Commission does not have jurisdiction over, and I just  
6 want to, you know, state this on the record and make this  
7 clear for Mr. Abad that, you know, the Commission does  
8 not have jurisdiction, which is just, you know, a legal  
9 term meaning that the Commission cannot decide issues  
10 regarding property disputes.

11           So for matters that might be involving any --  
12 the scope or validity of right-of-ways or easements, of  
13 matters that might involve trump paths over Mr. Abad's  
14 property, the Commission does not -- does not have any  
15 jurisdiction to determine those issues. And I also noted  
16 that the Commission does not have the jurisdiction to  
17 resolve disputes over monetary damages.

18           So and it explains Mr. Abad was seeking  
19 monetary damages for these poles that he mentioned are --  
20 that he alleges are on his property. The Commission does  
21 not have any jurisdiction to award monetary damages  
22 concerning that.

23           And in addition, these issues concerning the  
24 damages that Mr. Abad allegedly caused to these poles,

1 is that the Commission does not really have any  
2 jurisdiction to resolve that issue as well. If you are  
3 challenging the -- those invoices, that's a matter for a  
4 Court of Common Pleas, not the Commission.

5 So I just wanted to make those things clear,  
6 that the Commission's jurisdiction over this matter does  
7 seem to be limited, despite the fact that I did decide in  
8 my order that it would proceed to an Evidentiary Hearing.

9 All that being said, we've got a motion to  
10 compel that is still outstanding. I just want to clarify  
11 something. So this motion to compel, Mr. Abad, he  
12 indicated that he served the motion on PPL on June the  
13 14th, and I see that on June the 17th, PPL submitted  
14 responses to Mr. Abad's discovery request.

15 So Attorney Kramer, this question is for you.  
16 When you submitted responses to Mr. Abad, did those  
17 responses make the motion to compel moot, or did PPL just  
18 submit responses to the discovery that PPL did not object  
19 to, if that question makes sense?

20 MR. KRAMER: Sure, Your Honor. I think the  
21 answer to that question is yes. I received a motion to  
22 compel almost at the same exact time that I sent out our  
23 answers to discovery. So to the extent that there were  
24 remaining issues, PPL did provide quite a lot of

1 Your Honor, I did not review the motion to compel until  
2 the answers were already sent out.

3 JUDGE ARNOLD: Okay. Mr. Abad, what I'm  
4 getting at here is -- and this is based on Attorney  
5 Kramer's response there -- it seems like PPL responded to  
6 your discovery that you produced and served upon PPL,  
7 your interrogatories and your request for production. Is  
8 your motion to compel still -- I use the word -- valid?  
9 Are there still interrogatories that you are still  
10 seeking answers to?

11 MR. ABAD: Yes, Your Honor. Every issue I've  
12 brought up in the motion to compel is still valid and  
13 continuing. When PPL made their answer to me, they only  
14 answered the parts that were not objected to. There was  
15 over a dozen questions not answered because they were  
16 objected to.

17 And also -- I also had a question as far as the  
18 two invoices that we -- that you said were not being able  
19 to resolve with you guys because you guys don't have  
20 jurisdiction. You guys do have jurisdiction for those  
21 invoices to be used against me to not relocate the  
22 telephone poles on the property at all. Am I correct in  
23 saying that?

24 JUDGE ARNOLD: Okay. So all right. So mainly,

1 my understanding at this time is that if there is an  
2 underlying -- for example, if there's an underlying issue  
3 in this proceeding that implicates the Public Utility  
4 Code, then I can review that issue.

5 So for example, Section 1501 of the  
6 Pennsylvania Public utility Code states in sum -- and  
7 this is a brief restatement of 1501 -- but it basically  
8 says that the utility companies -- public utilities have  
9 to provide safe and reasonable service to their  
10 customers.

11 MR. ABAD: Yes.

12 JUDGE ARNOLD: So if I were to determine that  
13 placement of these poles would in some way be in  
14 violation of that section, then it would be my  
15 understanding that I could and the Commission could order  
16 those poles to be moved to some other location on the  
17 property. That is my understanding at this time. Like I  
18 had to state, admittedly, that I am still looking into  
19 this. I'm still looking at case law concerning this, but  
20 that is my understanding. Is that clear to you?

21 MR. ABAD: Yes, Your Honor. Yes, I did read  
22 Section 1501 myself. I'm trying to catch up, too, being  
23 pro se. I've never done this before. So I have a lot of  
24 catching up to do. But yeah.

1 damages that you've allegedly done to these poles and PPL  
2 providing invoices to you for that alleged damage, it's  
3 my understanding that that is not within the Commission's  
4 jurisdiction to review.

5 MR. ABAD: But if they're using the two  
6 invoices in order to note relocate the poles on the  
7 property, that's what is -- would that make the bills  
8 reviewable by you?

9 JUDGE ARNOLD: So if I were to determine -- if  
10 I were to determine that the placement of these poles  
11 would be in some way violative of the law that the  
12 Commission has jurisdiction over, then the order would  
13 likely order that PPL move these poles with no cost to  
14 you. The --

15 MR. ABAD: Okay.

16 JUDGE ARNOLD: -- the issue regarding the  
17 invoices would still exist, but it would be -- it would  
18 have to be resolved by another court, not the Commission.

19 MR. ABAD: Okay. Yes, sir. Understood.

20 MR. STOBBE: Your Honor, this is Attorney  
21 Stobbe, if I may, just in an attempt to maybe focus the  
22 issues here. I think it's worth noting PPL's general  
23 position here is kind of three-pronged.

24 Prong one is PPL's position that the Commission

1 of that restriction and as noted in Your Honor's order on  
2 the Company's preliminary objection, Mr. Abad is not in a  
3 court of competent jurisdiction to receive damages in  
4 this proceeding before the PUC.

5 Prong two, it's also PPL Electric's position  
6 that the Commission is without jurisdiction to determine  
7 the scope and validity of the right-of-way agreement,  
8 which I think constitutes the heart of the dispute, i.e.  
9 the placement of the poles on or near Mr. Abad's  
10 property. So I think that's kind of at least from PPL's  
11 perspective restricts what the Commission is able to do  
12 here.

13 And then prong three, as to the invoices that  
14 PPL Electric has provided to the Complainant as a result  
15 of the damages caused by the Complainant to the PPL  
16 Electric facilities on or near the Complainant's  
17 property, it is certainly not PPL Electric's position in  
18 this proceeding that it is seeking payment of those  
19 invoices, i.e. damages, from the Complainant through a  
20 PUC proceeding.

21 If and when PPL Electric and the Complainant  
22 are unable to resolve this dispute, it is certainly PPL's  
23 prerogative, if it wants to pursue payment of those  
24 invoices in a Court of Common -- that has jurisdiction

1 the damages claims against Mr. Abad is this proceeding.

2           So I think that issue kind of muddies the  
3 jurisdictional waters, but I just want to make very clear  
4 what PPL Electric's position is here. And again that  
5 position is, one, the Commission does not have power to  
6 award Mr. Abad damages on the part of PPL Electric;  
7 position two, any dispute that's to the scope and  
8 validity of the right-of-way agreement is also extra-  
9 jurisdictional and not appropriate for litigation in this  
10 proceeding; and position three, which is more of a  
11 general statement, PPL Electric is not seeking damages  
12 from Mr. Abad in this proceeding.

13           Although he may have received invoices from PPL  
14 Electric, candidly, Your Honor, I think that's well  
15 outside the scope of this proceeding, although it may  
16 sort of color PPL Electric's private and confidential  
17 settlement discussions with Mr. Abad, PPL Electric is not  
18 the Complainant in this proceeding nor is it seeking as  
19 the Respondent to recover damages from Mr. Abad.

20           MR. KRAMER: And I would also Honor -- add,  
21 Your Honor, as -- this is Attorney Kramer -- that this  
22 issue of these invoices and the damages might help clear  
23 up a lot of the motion to compel discovery, as much of  
24 the interrogatories and requests for documents relate to

1 JUDGE ARNOLD: All right. Thank you, everyone.  
2 All right. So I will -- following today's conference, I  
3 will issue an order regarding the motion to compel.

4 Attorney Kramer's point that he made at the end  
5 there is well-taken. Any of the -- any of the  
6 interrogatories or requests for production of documents  
7 that (inaudible) --

8 COURT REPORTER: Your Honor, you're -- Your  
9 Honor, you're -- Your Honor, you're breaking up a bit on  
10 my end.

11 JUDGE ARNOLD: -- (inaudible) invoice damages -  
12 -

13 MR. ABAD: Hello?

14 COURT REPORTER: Hello?

15 MR. ABAD: You know, the phone was breaking up.  
16 I couldn't really hear.

17 COURT REPORTER: Yeah. Your Honor, are you  
18 there, sir?

19 JUDGE ARNOLD: Hello? Can everyone hear me?

20 COURT REPORTER: Yes, Your Honor, but you're  
21 breaking up, sir.

22 JUDGE ARNOLD: Okay.

23 MR. ABAD: Hello?

24 JUDGE ARNOLD: Yes. And I do not know what the

1 COURT REPORTER: Sounds good -- sounds good  
2 now, sir.

3 MR. ABAD: Yes, I could hear you.

4 JUDGE ARNOLD: Okay. I apologize for the --

5 MR. KRAMER: Yes, Your Honor.

6 JUDGE ARNOLD: Attorney Kramer --

7 MR. KRAMER: Your Honor, you were -- you were  
8 just-- we caught the very beginning of you discussing the  
9 motion to compel. You were gonna issue an order, and you  
10 had stated that my point on the issue of the motion to  
11 compel regard to the invoices, we just caught the very  
12 beginning of that.

13 JUDGE ARNOLD: Okay. Thank you, Attorney  
14 Kramer.

15 So yes, I was stating that I will issue an  
16 order regarding the motion to compel following today's  
17 conference. Attorney Kramer's point about a number of  
18 these interrogatories, a number of these production --  
19 request for production of documents that concern issues  
20 that the Commission does not have jurisdiction over, I  
21 understand that point, and I will resolve the motion to  
22 compel in my order.

23 MR. ABAD: Okay, so --

24 JUDGE ARNOLD: Okay. Okay, so the next -- all

1 admittedly very busy this following month. However, if  
2 the parties can do this, I would like for them to  
3 communicate between one or another and provide dates for  
4 an evidentiary hearing in September. So can the parties  
5 get back to me with a hearing date for the month of  
6 September?

7 MR. KRAMER: Yes, Your Honor. Mr. Abad, I will  
8 reach out to you via email to coordinate that, if that's  
9 okay.

10 MR. ABAD: Okay, sounds good.

11 JUDGE ARNOLD: And this could be -- and the  
12 dates could be provided to me through email as well. I  
13 don't need a -- I don't need for a letter or anything of  
14 that nature to be filed with the Commission.

15 MR. ABAD: Understood.

16 JUDGE ARNOLD: Okay. All right. So at this  
17 point, I address the things that I had meant to address.  
18 Does anyone have anything that they would like to address  
19 at this time or any questions or comments?

20 MR. ABAD: Let's see. Just about -- I have a  
21 question, I guess, before we leave. I was planning on  
22 putting in a request for a deposition on several  
23 employees from PPL, and based on your ruling, I guess I  
24 will supply the questions to you. Am I still allowed to

1 about this matter? A written deposition, that is.

2 JUDGE ARNOLD: Yes, you can continue to engage  
3 in that discovery process with PPL informally, and you  
4 can involve me if there are issues concerning discovery,  
5 but generally, I would like for the parties to handle  
6 discovery on their own.

7 MR. ABAD: Okay. Yeah. I'll wait 'til your  
8 ruling to see, I guess, my limitations, and then I'll --  
9 depositions will be coming, I guess, following that, and  
10 then I also had a summary judgment to put in when I was  
11 done with discovery. So I don't -- September, I mean, I  
12 should have everything done by then, hopefully.

13 JUDGE ARNOLD: Okay. If you -- if you file any  
14 motion, I will review the motion and rule on it.

15 MR. ABAD: Okay.

16 JUDGE ARNOLD: All right, does anyone have any  
17 -- does anyone else have any questions or comments at  
18 this time?

19 MR. KRAMER: No, Your Honor.

20 MR. ABAD: No, sir.

21 JUDGE ARNOLD: Okay. Hearing none, the  
22 conference is adjourned, and we are off the record.

23 COURT REPORTER: Thank you, Judge Arnold. Time  
24 is --

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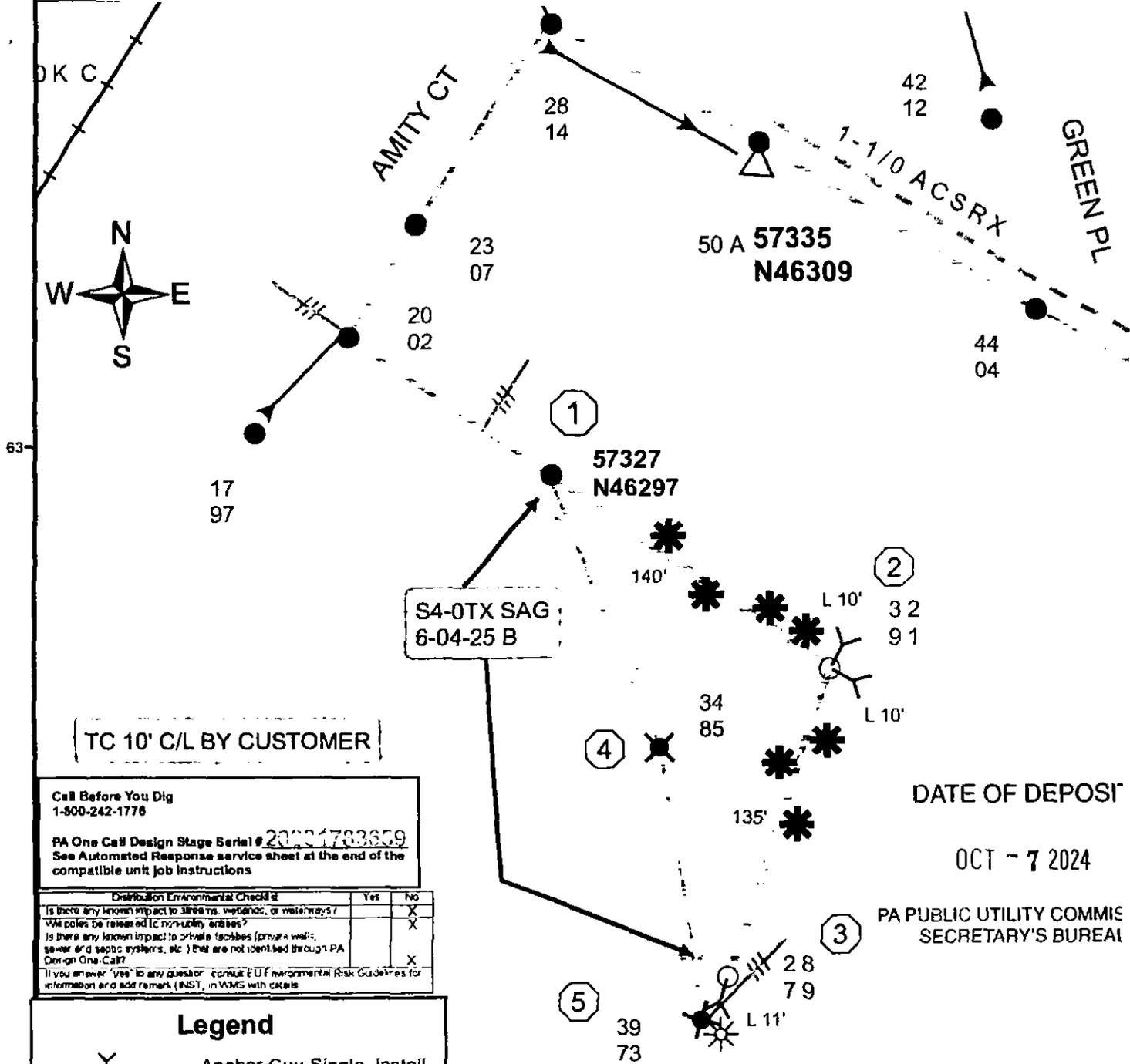
COURT REPORTER: -- 10:32 a.m. Off record.  
(Whereupon, at 10:32, the Proceedings were  
adjourned.)

C E R T I F I C A T E

I hereby certify, as the reporter, that the  
foregoing proceedings were taken by me, and thereafter  
reduced to typewriting by me or under my direction; and  
that this transcript is a true and accurate record to  
the best of my ability.

CRC SALOMON COURT REPORTING  
2201 Old Court Road  
Baltimore, Maryland 21208

BY: *Ernie Magness*  
Ernie Magness *Ernie Magness*  
Court Reporter



Call Before You Dig  
1-800-242-1776

PA One Call Design Stage Serial # 20231783659  
See Automated Response service sheet at the end of the compatible unit job instructions

Distribution Environmental Checklist		Yes	No
Is there any known impact to streets, sidewalks, or railroads?			X
Will poles be re-located from utility easements?			X
Is there any known impact to private facilities (private wells, sewer and septic systems, etc.) that are not identified through PA Design One-Call?			X
If you answer 'yes' to any question, consult the Environmental Risk Guidelines for information and add remarks (INST. in VMS with details)			

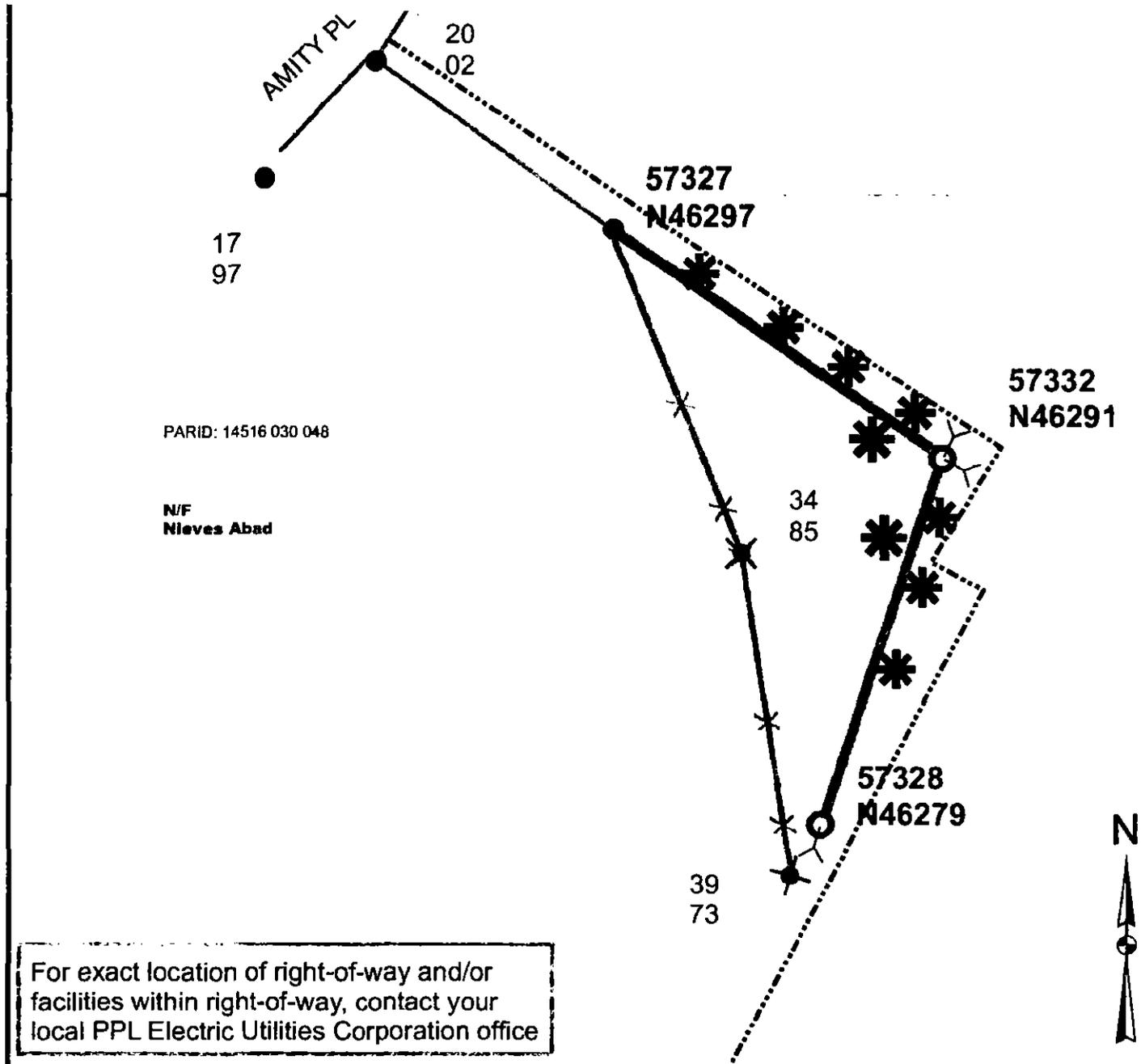
Legend	
Y	Anchor Guy-Single, Install
X	Wood Pole, Remove
O	Wood Pole, Install
●	Wood Pole, Existing
▽	OH Transformer, Existing
☆	Streetlight, Existing
---	Primary OH, 1, Existing
---	Secondary OH, Existing
---	Secondary OH, Install
---	Secondary OH, Remove

DATE OF DEPOSIT  
OCT - 7 2024

PA PUBLIC UTILITY COMMIS  
SECRETARY'S BUREAU

WO/Design: 12952883/309256	<b>PPL Electric Utilities Corporatio</b> <b>Allentown, PA</b>
ER: 289122	<b>Scope of Work / Construction Details I</b>
SCALE N.T.S.	OH 1PH POLE SEC RELOC ABAT AMITY PL, REAR CAPOUSE CITY OF SCRANTON LACKAWANNA COUNTY
REGION: NORTHEAST	
DATE: 6/27/2023	

Exhibit 10



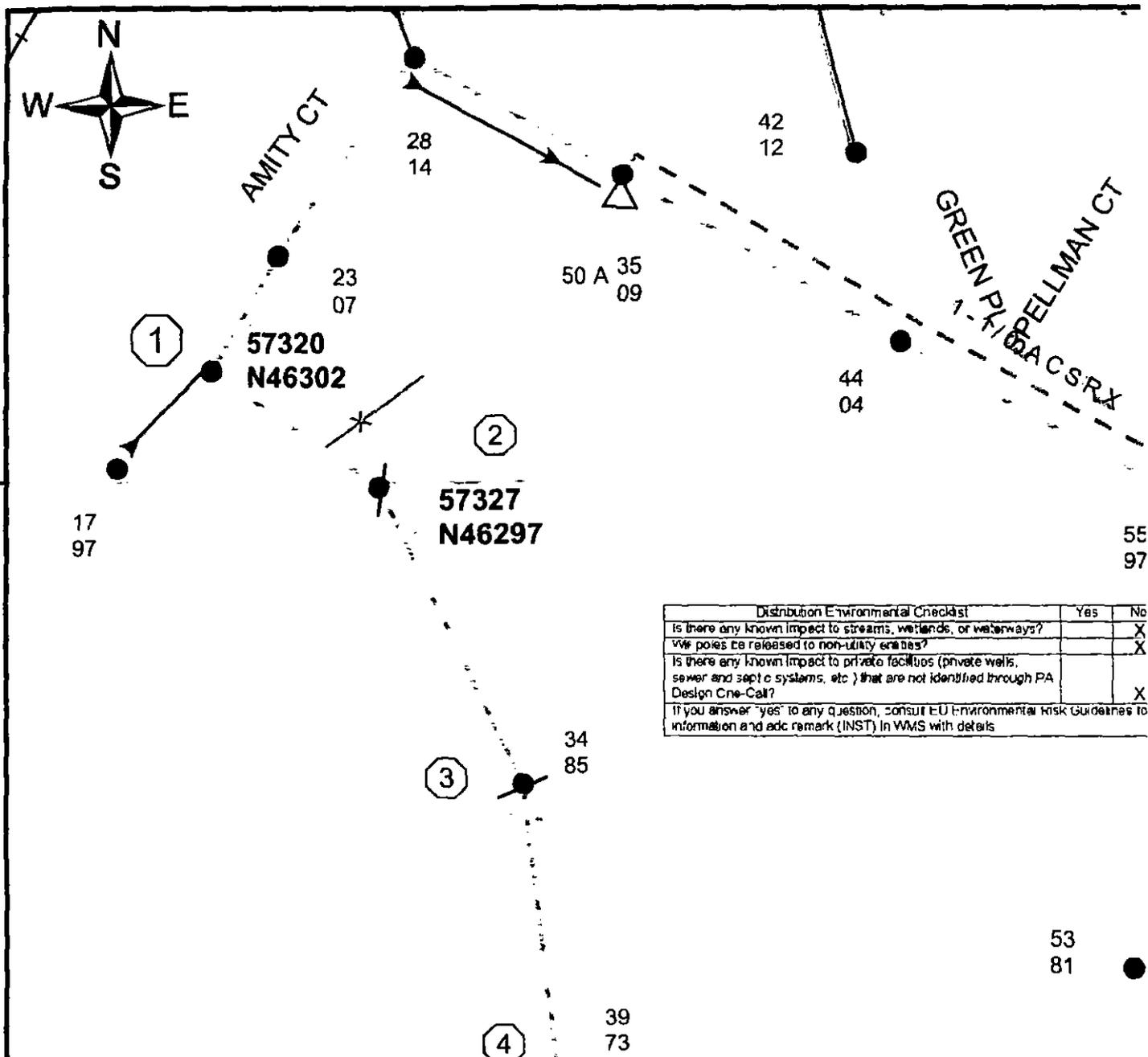
PARID: 14516 030 048

N/F  
Nieves Abad

For exact location of right-of-way and/or facilities within right-of-way, contact your local PPL Electric Utilities Corporation office

Legend	
	Anchor Guy, Proposed
	Pole, Remove
	Pole, Proposed
	Pole, Existing
	Overhead Wires, Existing
	Overhead Wires, Proposed
	Overhead Wires, Remove
	Tee, By Customer

Not for Construction	
WO/Design: 12952883/309256	PLAN SHOWING FACILITIES ON PROPERTY OF:
ER: 289122	
REGION: NORTHEAST	CITY OF SCRANTON LACKAWANNA COUNTY
SCALE: N.T.S.	PPL Electric Utilities Corporatic ALLENTOWN, PENNA.
DATE: 6/6/2023	SIGNATURE: _____ DATE: _____



Distribution Environmental Checklist		Yes	No
Is there any known impact to streams, wetlands, or waterways?			X
Were poles released to non-utility entities?			X
Is there any known impact to private facilities (private wells, sewer and septic systems, etc.) that are not identified through PA Design One-Call?			X
If you answer "yes" to any question, consult E.U. Environmental Risk Guidelines for information and add remark (INST) in WMS with details			

Legend	
	Wood Pole, Existing
	Wood Pole, Replace
	OH Transformer, Existing
	Streetlight, Existing
	Primary OH, 1, Existing
	Secondary OH, Replace
	Secondary OH, Existing
	Service OH, Existing
	Service OH, Removal

WO/Design: 12951338/307480	<b>PPL Electric Utilities Corporation</b> <b>Allentown, PA</b>
ER: 12951338	Scope of Work / Construction Details For
SCALE N.T.S.	BJO 57327N46297 2 POLES, 3 SPAN SECONDARY, CONFIRMING
REGION: NORTHEAST	AMITY COURT OFF GREEN PLACE CITY OF SCRANTON
DATE: 4/17/2023	LACKAWANNA COUNTY
ENGR:	DWG. NO.:

SCRANTON DISTRIBUTION SYSTEM  
BETTERMENT

2182

KNOW ALL MEN BY THESE PRESENTS, THAT REAL ESTATE TECHNOLOGY  
CORP., a corporation of PENNA, having its  
principal office at SCRANTON, in consideration of the  
sum of ONE Dollar (\$1.00) to it paid at the date  
hereof by PENNSYLVANIA POWER & LIGHT COMPANY, hereinafter called "Electric Company", the  
receipt whereof is hereby acknowledged, does hereby grant unto the said Electric Company,  
its successors, assigns and lessees, the right, privilege and authority to construct,  
reconstruct, maintain and operate its electric lines consisting of ONE (1)  
POLE AND OVERHEAD

wires, cables, fixtures and apparatus upon, across, over, under and along the property  
which it owns or in which it has an interest, situate in the CITY  
of SCRANTON, County of LUCKWATER, Commonwealth  
of Pennsylvania; and along the public highways adjoining the said property, including  
the right of ingress and egress to and from the said line for any of the aforesaid  
purposes; also the right to cut down NO trees and the right to trim  
AS NECESSARY trees and to remove brush along the said lines which  
in judgment of the said Company menace the said lines; and also the right to permit the  
attachments of wires and cables of any other person or company to said poles. Any poles  
or facilities erected hereunder along a highway, whether within or outside the highway  
limits, may, without the payment of further consideration, be relocated to conform to  
new or relocated highway limits.

IN WITNESS WHEREOF the said REAL ESTATE TECHNOLOGY CORP  
has caused these presents to be executed by its President and its seal to be hereunto  
affixed, duly attested by its Secretary, this 28th day of JUNE,  
19 77.



ATTEST:

[Signature]  
ASST. SECRETARY

REAL ESTATE TECHNOLOGY CORP  
BY: ANTHONY GREAS  
[Signature]  
PRESIDENT

DATE OF DEPOSIT

OCT - 7 2024

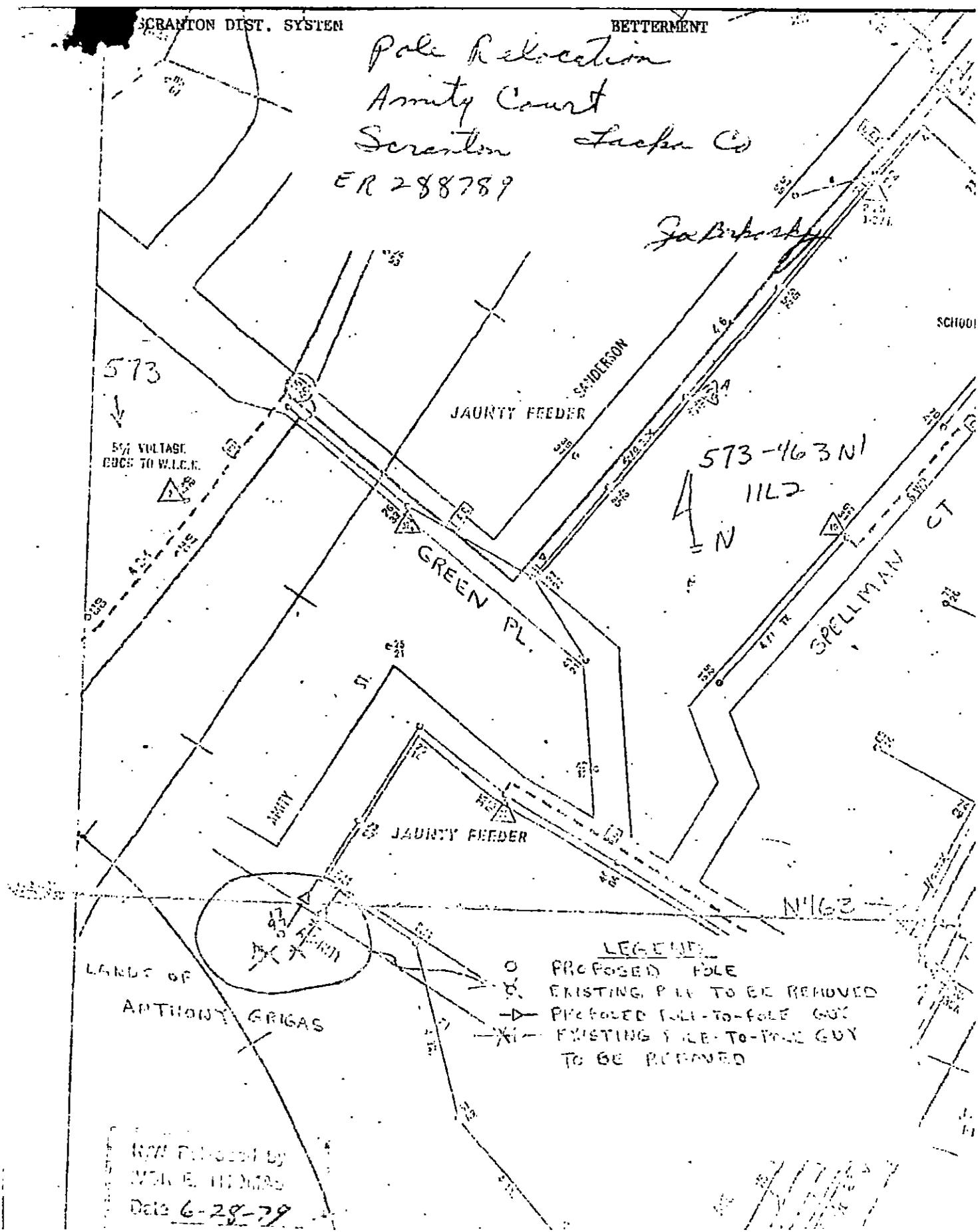


PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Exhibit 11

File 57317/N 46297

*Pole Relocation  
Amity Court  
Scranton Lacka Co  
ER 288789*



573

573 VOLTAGE  
EDGE TO W.L.C.E.

JAUNTY FEEDER

573-463 N1

11L2

GREEN PL.

SPELLMAN CT

JAUNTY FEEDER

LANDS OF  
ANTHONY GRIGAS

LEGEND

- PROPOSED POLE
- ⊗ EXISTING PILE TO BE REMOVED
- PREFOLED FULL-TO-POLE GUY
- ⊗ EXISTING FULL-TO-POLE GUY TO BE REMOVED

NOT PREPARED BY  
WAL. E. HINDMAN  
DATE 6-28-79

---

CF95107948

001

DIST





## 2. NAME OF UTILITY OR COMPANY (RESPONDENT)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PPL Electric Utilities Corp

## 3. TYPE OF UTILITY SERVICE

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Electric | <input type="checkbox"/> Storm Water   |
| <input type="checkbox"/> Gas                 | <input type="checkbox"/> Steam Heat  |
| <input type="checkbox"/> Water               | <input type="checkbox"/> Motor Carrier (taxi, moving company, limo)          |
| <input type="checkbox"/> Wastewater/Sewer    | <input type="checkbox"/> Telephone/Telecommunications (local, long distance) |

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

## 4. REASON FOR COMPLAINT

What kind of problem are you having with the utility or company?

Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain). If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.

1. Pole #s 57334 N42685, 57339 N46273, 57327 N46297, 57320 N46302, 571316 N46296 are located on the property at 837 rear capouse ave scranton pa 18509 without a legal right of way signed with the owner of the property.  
2. Two of these poles are located in the middle of my driveway and future building space.  
3. PPL refused to move these two poles and they have no legal right of way to have poles on property.

## 5. REQUESTED RELIEF

**How do you want your complaint to be resolved?**

**Explain what you want the PUC to order the utility or company to do. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.**

1. compensation in the amount of \$100 per pole , per week since May 1, 2023 the poles have been on the property without legal right of way with the new owner obtaining deed of property at 837 rear capouse ave scranton pa 18509.
2. Pole numbers 57334 N42685, 57339 N46273, 57327 N46297, 57320 N46302, 571316 N46296 be removed from the property immediately.
3. would like to come to a resolution in regards to a fair right of way with PP&L
4. would like all future upgrades needed to build ; including upgrades to poles, transformers, running of new wires be full responsibility of PP& L and not the owner of 837 rear capouse ave, scranton pa 18509.
5. Claim numbers 2023-00453 and 2023-00661 for the damages to the utility poles and any other claims to date to be dismissed . Utility poles were illegally on the property at the time of the incident with no right of way or legal right to have utility poles on said property. I contacted PPL multiple times and opened multiple work orders before construction began asking them move the poles , or remove the wires so no damages would occur. I also contacted PPI forestry department that were close to the trees so that no damage would occur to the poles before construction.

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

## 6. PROTECTION FROM ABUSE (PFA)/DOMESTIC VIOLENCE

**Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.**

**Has a court granted a PFA order or any other order for your personal safety or welfare?**

**Yes**      If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*

**4 No**

**Note:** You **MUST** answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

**7. PRIOR UTILITY CONTACT**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

- 4 Yes \* Informal complaint dismissed on 2/5/2024 - anc 2/21/24
- No

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

- (anc) Yes
- No

Note: You MUST contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water or wastewater utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.

Contacted PPL legal department, right of way dept, forestry department, PPL supervisors, PPL call center, written correspondence with PPL, spoke to scranton city hall and scranton zoning department and scranton code enforcement. We opened informal case # 3960946 with PA PUC and informed to file formal complaint.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

**8. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE**

**OPTION 1**

**Electronically by eFile**

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. This is the quickest and easiest way to receive, file and submit documents.

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

**OPTION 2**

**Mail**

Mail the completed form with your original signature and any attachments to this address and retain the tracking information as proof of submission:

**Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120**

If you select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

**9 THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE**

**It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:**

**OPTION 1**

**eFILING:** This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

**OPTION 2**

**FIRST CLASS MAIL:** You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here NA if you are selecting **FIRST CLASS MAIL** service.

**OPTION 3**

**EMAIL:** You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here \_\_\_\_\_ if you are selecting **EMAIL** service.

**Please Note:** it is important to select **ONE** of the three options above.  
**IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.**

## 10. LEGAL REPRESENTATION

If you are filing a Formal Complaint as an individual on your own behalf, you are NOT required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's contact information, which is required. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name \_\_\_\_\_  
Street/P.O. Box \_\_\_\_\_ Apt# \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Area Code/Phone Number \_\_\_\_\_  
Email Address \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

## 11. VERIFICATION AND SIGNATURE

You must sign and date your complaint. If you eFile your complaint, you must print or type your name in the box provided below. Date the form. The PUC's eFiling system will accept an electronic signature. The eFiling system will not accept a complaint form without a signature and date.

**Verification:**

I, Nieves Abad, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect 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).

Nieves Abad  
(Signature of Complainant)

2/14/2024  
(Date)

\_\_\_\_\_  
**Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)**

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

## APPEALING A BCS DECISION?

**If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC Secretary's Bureau with the formal complaint form. ONLY formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. All other formal complaints MUST be eFiled or mailed.**

## QUESTIONS?

**If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.**

## REMINDERS

- **Save and keep a copy of your Formal Complaint for your records.**
- **You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.**
- **To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.**
- **Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.**  
**(<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>)**
- **Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.**

DATE OF DEPOSIT

OCT - 7 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**ADDITIONAL SPACE (IF NEEDED)**

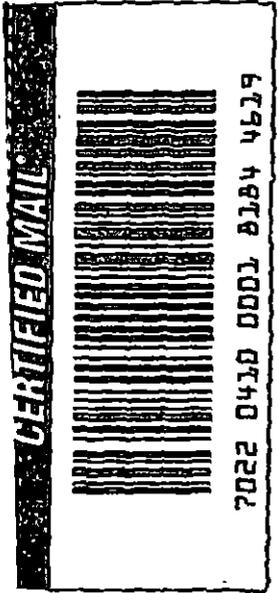
answering question #4.

4. PPL wants to charge \$4,128 for the removal of poles Bill # 81036584-3

5. PP&L is trying to hold me liable to damage of the poles and wiring that was done during construction, while these poles were illegally located on the property. Claim # 2023-00453, Claim # 2023-00661.

6. PPL refuses to pay any fees associated with keeping the poles on property and obtain a legal right of way with land owner.

Vieues Abard  
747 Delaware St  
Forest City PA 18421



RECEIV

FEB 20 202

PA PUBLIC UTILITY CO  
SECRETARY'S BL

Secretary  
Pennsylvania Public Utility Commi  
400 North Street  
Harris Borg, Pennsylvania 1712

3:35



2 People

Text Message  
Tue, Jun 6 at 10:01 AM

Tom Ppl Supervisor Capouse Ave

Nieves,  
I'm not sure if you were able to talk with adjacent property owner. In case we can't go that route, I ran an estimate to relocate the poles to the property line. The actual cost is \$9,287. PPL has agreed to charge direct cost of \$4,128 since it serves other customers. I'll get a right of way drawing to Dan Walker.  
Thanks  
Tom



Ok sounds good

Exhibit 13

Exhibit 14

DATE OF DEPOSIT

OCT - 7 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

57316

N46296

Exhibit 14





Exhibit #15

57334

N42685









Exhibit 100

PPL 57327  
N46297

DATE OF DEPOSIT

OCT - 7 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE





Exhibit 16

PPL 57327

N46297

DATE OF DEPOSIT

OCT - 7 2024

PA PUBLIC UTILITY COMMISS  
SECRETARY'S BUREAU





EXHIBIT F

5 0  
46 0

[Redacted]











FOR STREETLIGHT SERVICE  
CALL MEM Inc.  
1-877-207-3861  
OR  
www.SLout.com  
SPECIFY  
(11) DIGIT POLE NUMBER







Jieves Abroad  
47 Delaware St  
Norristown PA 18421

Rosemary Chiavetta  
Secretary of the Commission  
Pennsylvania Public Utility Commission  
400 North St, 2nd Floor North  
P.O. Box 3265  
Harrisburg PA ~~17103~~

**Retail**



U.S. POSTAGE PAID  
PM  
DUNMORE, PA 18512  
OCT 07, 2024

17105

**\$16.25**

RDC 03

S2324N501754-4

9589 0710 5270 0929 9127 26

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL®**



9589 0710 5270 0929 9127 26

RECEIVED

OCT - 9 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**PRIORITY MAIL**



UNITED STATES  
POSTAL SERVICE®

For Domestic Use Only

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**TRACKED INSURED**

17105