

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gomattie Harilal	:	
	:	
v.	:	Docket No. C-2024-3050671
	:	
PPL Electric Utilities Corporation	:	

**INTERIM ORDER ON RESPONDENT’S PRELIMINARY OBJECTIONS**

On August 12, 2024, Gomattie Harilal (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electronic Utilities Corporation (PPL, Company, or Respondent) alleging that the utility is threatening to shut off her service or has already shut off her service, and that there are incorrect charges on her bills from PPL. More specifically, Ms. Harilal avers that the Company and the Commission are forcing her to pay other people’s debt. She further avers that PPL stole her identity and used it without her permission. As relief, Ms. Harilal requests that the Commission resolve “the issue of whose debt it is.”

On September 3, 2024, PPL filed an Answer denying the material allegations of the Complaint. Along with the Answer, PPL filed a New Matter in which the Company argued that Ms. Harilal’s Complaint is barred by Section 316 of the Public Utility Code, 66 Pa.C.S. § 316 and the Commission’s December 9, 2019, and December 22, 2021 Orders barring the Complainant from initiating any further Commission complaints against PPL regarding the arrearages on her account until all of the Complainant’s arrearages are paid in full.

More specifically, PPL averred that, on May 6, 2019, Complainant filed a Formal Complaint against the Company (First Complaint) at Docket No. C-2019-3009714. Ms. Harilal alleged erroneous charges on her account, including an averment that her account was charged with another customer’s outstanding balance, requesting relief including, but not limited to, free

electricity. *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2019-3009714 (Initial Decision dated Oct. 10, 2019). See New Matter ¶ 4. The Complainant failed to appear at a hearing scheduled on July 23, 2019. After the Complainant later forwarded emails to the judge purported to be from Complainant and Latchmi Persaud, another hearing was scheduled for August 26, 2019. The Complainant failed to appear at that hearing. Evidence was presented by the Company showing that the Latchmi Persaud died several years before the First Complaint was filed, and the administrative law judge concluded that the emails were likely fabricated, and that the Complainant and her husband engaged in “identity fraud” by impersonating Latchmi Persaud in the email correspondence. The First Complaint was dismissed for failure to prosecute, and Complainant and her husband were “precluded from filing any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages” on the account “until such time as the entire outstanding balance has been paid in full.” The Commission echoed this language in its December 4, 2019 Order adopting the Initial Decision, dismissing the First Complaint, and barring the Complainant from filing complaints on her account until her balance was paid in full.

In spite of this order, the Complainant filed another Complaint regarding the same account on July 29, 2021 (Second Complaint). Again, no one appeared on Complainant’s behalf, and the presiding officer dismissed the Complaint for failure to prosecute. *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573 (Initial Decision dated Nov. 18, 2021). Like the First Complaint, the Commission adopted the Initial Decision, dismissed the Second Complaint for failure to prosecute, and barred the Complainant from filing further complaints until her arrearages were paid in full. Specifically, the Commission ordered:

3. That Gomattie Harilal, and her husband Kumar Harilal, are precluded from filing any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages . . . for electric service rendered by PPL Electric Utilities Corporation, until such time as the entire outstanding account balance has been paid in full.
4. That the filing of any complaint pertaining to the arrearages which are the subject of this proceeding shall be dismissed without further proceedings.

5. That PPL Electric Utilities Corporation shall file a notice with the Commission, with a copy to all parties to this proceeding, at Docket No. C-2021-3027573, within seven (7) days of the date that outstanding balance for Account No. . . . has been paid in full.

6. That, until the notice described in ordering paragraph five has been filed, Commission staff, including the Commission’s Bureau of Consumer Services and the Secretary’s Bureau, shall reject any formal or informal complaint that Gomattie Harilal or her husband Kumar Harilal, or any person acting on their behalf, may attempt to file with the Commission, pertaining to Account No. . . . , until the entire outstanding account balance has been paid in full.

7. That the failure to pay the outstanding account balance . . . shall be deemed grounds for termination of service in accordance with Chapters 56 and 64 of the Commission’s rules of administrative practice and procedure.<sup>1</sup>

*Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573 (Final Order entered December 22, 2021) (*Harilal II*).

PPL further averred that the account at issue in the present Complaint is the same account at issue in the First Complaint and Second Complaint. New Matter ¶ 13. The Company explained that, although the Complainant has made payments on her account, she still has an unpaid balance in excess of \$11,000.00. At the time of the Final Order in the Second Complaint proceeding, Complainant had a total bill of \$10,867.92. Since then, Complainant has paid \$4,289.47. She has not paid the entire balance at issue in the Second Complaint. New Matter ¶ 14.

Also on September 3, 2024, PPL filed a Preliminary Objection seeking to dismiss the present Complaint of Ms. Harilal as a legal insufficient pleading in light of the two previous Commission Orders which barred Ms. Harilal from filing “any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the

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<sup>1</sup> The Commission’s Order contained the Complainant’s account number in full. However, for privacy reasons, the account number has been excluded in this Order.

arrearages . . . for electric service rendered by PPL Electric Utilities Corporation, until such time as the entire outstanding account balance has been paid in full.”

Both the New Matter and the Preliminary Objection were accompanied by the appropriate notices to plead.

The Complainant did not file a response to the New Matter or the Preliminary Objection.

The Preliminary Objection is ready for disposition.

Commission regulations permit the filing of preliminary objections. 52 Pa.Code §§ 5.101(a)(1)-(7). Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

Commission regulations provide:

**§ 5.101. Preliminary objections.**

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

- (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.

In deciding preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible. *Dep't of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa.Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa.Cmwlth. 1996). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Boyd v. Ward*, 802 A.2d 705 (Pa.Cmwlth. 2002). All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Employees' Retirement Bd.*, 690 A.2d 1312 (Pa.Cmwlth. 1997).

A preliminary objection can be granted only if recovery or relief is not possible after all of the Complainant's averments in the complaint are viewed as true for purposes of deciding the preliminary objection, using only those facts specifically admitted.

In the present matter, PPL admits that the Complainant has paid \$4,289.47 of the total outstanding balance of \$10,867.92 that had accumulated in her account as of the time of the Final Order in the Second Complaint proceeding. See New Matter ¶ 14. Additionally, in her present Complaint, Ms. Harilal does not claim that she has complied with the Commission's Final Order on her Second Complaint and has paid off her outstanding balance at the heart of that Complaint. On the contrary, she vehemently insists that the account should not be in her name at all.

In *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617 (Order entered July 14, 1993), the Commission held that, in the normal course, the Commission would not dismiss a complaint of a self-represented person without first providing a hearing during which the self-represented complainant could further explain their position and the factual basis for their complaint. The Commission expressed the concern that, in general, complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issues and supporting facts. On this vein, it would be inappropriate to dismiss Ms. Harilal's present Complaint in its entirety without giving her a chance to put forth evidence that she has, in fact, complied with the Commission's Final Order in the Second Complaint proceeding.

Only after Ms. Harilal has shown by a preponderance of the evidence that she has complied with the Commission's Order on her Second Complaint and has paid off the \$10,867.92 outstanding balance at the heart of that Complaint, will she be permitted to prosecute the issues raised in the present Complaint.

Consequently, PPL's Preliminary Objection is granted, in part, and denied, in part. The matter will be set for an evidentiary hearing, in which Ms. Harilal must come prepared to prove, either that her present Complaint does not concern the PPL account at the crux of her Second Complaint, or that she has complied with the Commission's Order on her Second Complaint and has paid off the \$10,867.92 outstanding balance on that account. If Ms. Harilal successfully carries her burden of proof, she will be permitted to prosecute the issues raised in the present Complaint. If, however, Ms. Harilal fails to carry her initial burden, PPL may reiterate the grounds for its Preliminary Objection or make any other motions that the Company deems appropriate.

To accommodate Ms. Harilal's request, the evidentiary hearing will be conducted telephonically.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by PPL Electric Utilities Corporation in the matter of *Gomattie Harilal v. PPL Electric Utilities Corporation*, at Docket No. C-2024-3050671 is granted, in part, and denied, in part.

2. That the matter shall be set for a telephonic evidentiary hearing to determine whether Gomattie Harilal's Complaint against PPL Electric Utilities Corporation, at Docket No. C-2024-3050671 concerns the same account as the one at issue in *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573 or, in the alternative, whether Gomattie Harilal has complied with the Commission's Final Order in *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573.

3. That only after Gomattie Harilal has successfully proven that the present Complaint concerns a different PPL account than the one at issue in *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573 or, in the alternative, has shown that she has complied with the Commission's Final Order in *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573, will she be permitted to prosecute the issues raised in the present Complaint.

Date: October 22, 2024

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/s/  
Eranda Vero  
Administrative Law Judge

**C-2024-3050671 - GOMATTIE HARILAL v. PPL ELECTRIC UTILITIES CORPORATION**

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