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File #: 203093

November 6, 2024

VIA ELECTRONIC FILING

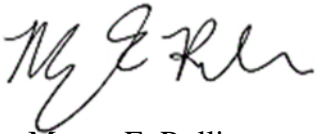
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Antonio Geatti v. PPL Electric Utilities Corporation
Docket No. C-2023-3043427**

Dear Secretary Chiavetta:

Attached for filing please find the Motion for Summary Judgement on behalf of PPL Electric Utilities Corporation in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: The Honorable Alphonso Arnold III (*via email; w/attachment*)
Certificate of Service

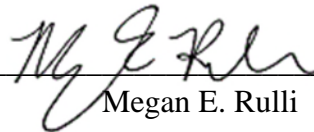
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

Antonio Geatti
20 Shawnee Road
Bloomsburg, PA 17815
antoniogeatti@gmail.com

Date: November 6, 2024


Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Antonio Geatti,

Complainant,

v.

PPL Electric Utilities Corporation,

Respondent.

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Docket No. C-2023-3043427

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.102(b), YOU MAY FILE AN ANSWER TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



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Date: November 6, 2024

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Antonio Geatti,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3043427
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION
FOR SUMMARY JUDGMENT**

TO ADMINISTRATIVE LAW JUDGE ALPHONSO ARNOLD III:

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), by and through its attorneys, Post & Schell, P.C., and files this Motion for Summary Judgment pursuant to Sections 5.102 and 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code §§ 5.102-5.103, and Rules 1035.1 through 1035.5 of the Pennsylvania Rules of Civil Procedure, Pa. R.C.P. Nos. 1035.1-1035.5, and respectfully requests that the above-captioned Complaint filed by Antonio Geatti (“Complainant”) be summarily dismissed in its entirety and with prejudice.

As explained herein, the Complaint should be summarily dismissed because the Commission cannot grant the Complainant’s requested relief. Through the Complaint, the Complainant requests that his electric service be restored to his residence. However, the Complainant’s residence has been demolished, and PPL Electric no longer has facilities at the Complainant’s property to provide electric service. Therefore, PPL Electric is unable to restore the Complainant’s electric service.

For these reasons, and as explained in more detail below, PPL Electric respectfully requests that Administrative Law Judge Alphonso Arnold III (“ALJ Arnold”) grant this Motion for Summary Judgment and summarily dismiss the instant Complaint in its entirety and with prejudice. In support thereof, PPL Electric states as follows:

I. BACKGROUND AND PROCEDURAL HISTORY

1. PPL Electric is a “public utility,” an “electric distribution company” and a “default service provider” as defined in Sections 102 and 2803 of the Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

2. By Secretarial Letter dated October 6, 2023, PPL Electric was served with the above-captioned Complaint. In the Complaint, the Complainant states that the Company shut off his electric service and requests that the Company restore service to his residence located at 20 Shawnee Road, Bloomsburg, PA 17815 (“Property”). (Complaint ¶¶ 5-6).

3. On October 26, 2023, PPL Electric filed an Answer to the above-captioned Complaint. In its Answer, the Company admitted that it had disconnected electric service to the Property for safety reasons.

4. On November 2, 2023, the Commission issued an Initial Call-in Telephone Hearing Notice, assigning Administrative Law Judge Charece Z. Collins (“ALJ Collins”) to the above-captioned proceeding and scheduling an evidentiary hearing for January 16, 2024, at 10:00 a.m.

5. Also on November 2, 2023, ALJ Collins issued a Prehearing Conference Order confirming, among other things, that the evidentiary hearing was scheduled for January 16, 2024.

6. On December 8, 2024, PPL Electric filed a Motion to Stay the Proceeding, requesting that the proceeding be stayed pending the final disposition of an Emergency Demolition Order (“Demolition Order”) issued by Scott Township, Columbia County, Pennsylvania

(“Township”) on November 30, 2023, which was in effect for the Property.

7. On January 8, 2024, ALJ Collins emailed the parties stating that the evidentiary hearing would be converted to a prehearing conference to discuss the preliminary issue of the pending Demolition Order.

8. On January 10, 2024, the Commission issued a Hearing Type Change Notice, converting the evidentiary hearing scheduled for January 16, 2024, to a Call-In Telephonic Prehearing Conference.

9. On January 16, 2024, the Telephonic Prehearing Conference was held as scheduled, at which the parties discussed the pending Demolition Order. In addition, ALJ Collins stayed the proceedings until after March 15, 2024, or until the Complainant provided proof that the Township’s Demolition Order had been lifted. ALJ Collins also required the parties to propose dates for a rescheduled hearing after March 18, 2024, in the event that the Property was not demolished.

10. On January 22, 2024, the Commission issued a Hearing Type Change Notice, scheduling an evidentiary hearing for March 26, 2024.

11. On March 18, 2024, PPL Electric filed a letter at the above referenced docket updating ALJ Collins that the Demolition Order remained pending for the Property and renewing its Motion to Stay pending final disposition of the Demolition Order.

12. On March 26, 2024, an initial evidentiary hearing was held, which was limited to two threshold issues: (1) to discuss the pending Motion to Stay; and (2) to receive testimony from Scott Township officials related to the status of the Demolition Order. At the initial evidentiary hearing, testimony was provided by the Complainant, representatives from Scott Township, and PPL Electric related to the pending Demolition Order and status of the Property. In addition, PPL

Electric Exhibits 4 and 8 were entered into the record for this proceeding, which are the Township's Demolition Order dated November 30, 2023, and the Township's Ordinance No. 11-16-22C, respectively.

13. On August 7, 2024, Counsel for PPL Electric emailed ALJ Collins notifying her that Scott Township completed demolition of the residence at the Property on August 5, 2024.

14. On August 8, 2024, ALJ Collins emailed the parties stating that a further prehearing conference would be scheduled to discuss the status of the Complaint in light of the demolition.

15. On August 27, 2024, the Commission issued a Judge Change – Assignment Notice, informing the parties that the Presiding Administrative Law Judge in the above-captioned case had been changed from ALJ Colins to ALJ Arnold.

16. Also on August 27, 2024, the Commission issued a Telephonic Prehearing Conference notice which scheduled a further Call-In Telephonic Prehearing Conference for September 23, 2024, at 10:00 AM before ALJ Arnold.

17. On September 23, 2024, the further prehearing conference was held as scheduled, at which the parties discussed the status of the Complaint in light of the completed demolition.

18. On September 24, 2024, the Commission issued a Telephonic Hearing Notice scheduling a further evidentiary hearing for December 10, 2024, at 10:00 AM before ALJ Arnold.

19. The further evidentiary hearing for this matter is currently scheduled for December 10, 2024.

II. STANDARD FOR SUMMARY JUDGMENT

20. Section 5.102 of the Commission's regulations provides the Commission's standard of review for a request for summary judgment:

(1) *Standard for grant or denial on all counts.* The presiding officer will grant or deny a motion for judgment on the pleadings or a

motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

(2) *Standard for grant or denial in part.* The presiding officer may grant a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law on one or more but not all outstanding issues.

52 Pa. Code § 5.102(d)(1)-(2).

21. Similarly, Rule 1035.2 of the Pennsylvania Rules of Civil Procedure sets forth the following:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law

(1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or

(2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

Pa. R.C.P. No. 1035.2.

22. The Commission is granted discretion to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 66 Pa. C.S. § 703(b); 52 Pa. Code § 5.21(d). A hearing is necessary only to resolve disputed questions of fact, and when the question presented is one of law, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993).

III. ARGUMENT

A. PPL ELECTRIC IS ENTITLED TO SUMMARY JUDGMENT BECAUSE THE COMMISSION CANNOT GRANT THE COMPLAINANT'S REQUESTED RELIEF

23. PPL Electric incorporates by reference Paragraphs 1 through 22 as if fully set forth herein.

24. PPL Electric is entitled to summary judgment because the Complaint was rendered moot by the demolition of the residence at the Complainant's Property.

25. A "case is 'moot' when a determination is sought on a matter which, when rendered, cannot have any practical effect on the existing controversy." *Chruby v. Dep't of Corrections*, 4 A.3d 764, 770 (Pa. Cmwlth. 2010) (citation omitted). "Stated differently, an issue before a court is moot if in ruling upon the issue the court cannot enter an order that has any legal force or effect." *Id.* at 770-71 (quoting *Commonwealth v. Nava*, 966 A.2d 630, 632-33 (Pa. Super. 2009)).

26. Here, the Complainant's sole relief sought in the Complaint is to "[r]econnect the electric power to my residence at 20 Shawnee Road Bloomsburg, PA 17815 which they disconnected." (Complaint ¶ 6.)

27. The residence at the Complainant's Property was demolished by Scott Township on August 5, 2024. True and correct photographs evidencing the demolition of the Property are attached to this Motion as **Appendix A**.

28. PPL Electric no longer has any electric facilities at the Property, as they were removed in light of the pending demolition of the residence at the Property.

29. Importantly, the Complainant conceded during the further prehearing conference held September 23, 2024, that the residence at the Property was demolished and that there are no existing electric facilities at the Property to which PPL Electric can restore service. *See, e.g.*, Tr.

128, lines 16-17 (“Yes, there is still property, meaning not the home that was demolished . . .”); Tr. 129, line 11 (“Now, the house not being there now . . .”); Tr. 129, lines 5-6, Tr. 130, lines 10-11 (conceding that there are not currently electric facilities at the Property capable of being energized).

30. As such, no genuine issue of material fact exists as to whether the Company can grant the Complainant’s request for relief and restore electric service to the Property, because the residence at the Property has been demolished.

31. The demolition of the Property has also rendered this proceeding moot because it is impossible for the Commission to grant the Complainant’s requested relief, *i.e.*, a restoration of electric service to the Property.

32. Therefore, an evidentiary hearing about the restoration of electric service to the Complainant’s Property would be a fruitless exercise.

33. Thus, given that restoration of electric service is the Complainant’s only requested relief in the Complaint, the entirety of the Complaint is rendered moot and should be dismissed with prejudice.

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Honorable Administrative Law Judge Alphonso Arnold III enter an Order granting the Motion for Summary Judgment in favor of PPL Electric Utilities Corporation and dismissing the Complaint with prejudice.

Respectfully submitted,



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Date: November 6, 2024

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

**Photographs Evidencing Demolition of Residence at Complainant's Property
20 Shawnee Road, Bloomsburg, Pennsylvania 17815**







VERIFICATION

I, Jachin Spotts, being the Reliability Supervisor at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/06/2024


Jachin Spotts