

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ryan Evans	:	
	:	
v.	:	C-2024-3046429
	:	
PPL Electric Utilities Corporation	:	

CONTINUANCE ORDER

On February 13, 2024, Ryan Evans (Dr. Evans or Complainant) filed a Formal Complaint against PPL Electric Utilities Corporation (PPL or Company). The Formal Complaint was served on PPL on February 14, 2024. In his Complaint, Dr. Evans alleged that he was having a reliability, safety or quality problem with his utility service. Specifically, Dr. Evans stated that he is having a safety concern with an electric pole in an inaccessible area of his back yard. Dr. Evans alleged that the pole and its lines have been downed several times starting two fires and endangering his family and livestock. As relief, Dr. Evans would like PPL to move the pole to the front of his property where PPL can easily access it.

On March 5, 2024, PPL filed an answer and new matter to Dr. Evans' Complaint. PPL admits that Complainant has experienced certain momentary and extended outages at the service address, but denies other outages alleged in Dr. Evans' Complaint. PPL denies the outages experienced by Complainant constitute unreasonable or unreliable service, or that PPL's distribution line presents a safety hazard. PPL confirms that the distribution line is not easily accessible by mechanized equipment, but states that it is accessible by maintenance crews. PPL states that most outages experienced by Complainant over the last two years are due to vegetation from outside of the Company's right-of-way, which is not within PPL's control. PPL's new matter, which included a notice to plead, denies that Complainant has experienced unreasonable or unreliable service, and describes various actions related to resolving Dr. Evans' concerns about PPL service at the service address. No response was filed to PPL's new matter.

On April 3, 2024, the Commission issued an interim order setting resolution conference. On August 5, 2024, the Commission issued an initial telephonic hearing notice setting a call-in telephonic hearing for this matter for October 18, 2024 at 10:00 a.m. In anticipation of that hearing, I issued a prehearing order on August 6, 2024, setting forth various rules that would govern the October 18, 2024 hearing.

On October 11, 2024, I received an e-mail from counsel for PPL, requesting that the October 18, 2024 hearing be continued to a later date or alternatively, in the hopes of settlement, not rescheduled. Counsel for PPL explained that counsel for Complainant indicated a desire to withdraw the Complaint, but an agreement had not been reached on the method of closing the complaint, e.g., through filing a certificate of satisfaction. On October 11, 2024, counsel for Complainant stated by e-mail that Dr. Evans agreed to a continuance and requested that Dr. Evans be allowed to withdraw his Complaint without prejudice. On October 15, 2024, I sent an e-mail to the parties, stating that the October 18, 2024 hearing was cancelled, and that if Dr. Evans would like to withdraw his complaint, a petition for leave to withdraw may be filed pursuant to 52 Pa. Code § 5.94. Alternatively, either counsel for Complainant or PPL may file a certificate of satisfaction pursuant to 52 Pa. Code § 5.24.

The purpose of this order is to memorialize the continuance of the October 18, 2024 hearing and the instructions on how to file either a petition for leave to withdraw or certificate of satisfaction.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests. 52 Pa.Code § 1.15(b). Only for good cause shown will requests for continuance be considered. *Id.* The Commission has recognized the Pennsylvania Supreme Court's definition of good cause as

“conduct which is reasonable under all the circumstances, thereby justifying the [c]laimant’s actions.” *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered November 4, 2020); *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, 1992 Pa. PUC LEXIS 56 (Pa. P.U.C. 1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 351 A.2d 631 (Pa. 1976)).

In this case, there is good cause for a continuance to be granted and for the October 18, 2024 hearing to be continued. Both parties agreed to the continuance. Also, the Commission strongly encourages settlement. Therefore, good cause exists to allow a continuance for possible settlement, or other action that may lead to avoiding unnecessary expenditure of parties’ resources.

Additionally, although PPL’s request for a continuance was not presented as a motion, the Commission’s regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Since Complainant does not object to PPL’s request for a continuance, I find it appropriate to disregard PPL not filing its request for a continuance as a motion.

As stated above, if Dr. Evans would like to withdraw his complaint, a petition for leave to withdraw may be filed pursuant to 52 Pa. Code § 5.94. Alternatively, either counsel for Complainant or PPL may file a certificate of satisfaction pursuant to 52 Pa. Code § 5.24. **If a petition for leave to withdraw or certificate of satisfaction is not filed, a prehearing conference may be scheduled to discuss the status of this proceeding, including the need for further hearings.**

ORDER

THEREFORE,

IT IS ORDERED:

1. That the evidentiary hearing scheduled for October 18, 2024 is continued.

Date: December 4, 2024

/s/
John M. Coogan
Administrative Law Judge

C-2024-3046429 - RYAN EVANS v. PPL ELECTRIC UTILITIES CORPORATION

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