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File #: 203093

December 30, 2024

VIA EMAIL

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Keystone Building
400 North Street
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Attached for filing, please find the Answer of PPL Electric Utilities Corporation to the Motion to Keep the Record Open and to Continue Hearings of Antonio Geatti in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli
Associate

MER
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: December 30, 2024



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION
TO THE COMPLAINANT’S MOTION TO KEEP RECORD OPEN
AND TO CONTINUE HEARINGS**

TO ADMINISTRATIVE LAW JUDGE ALPHONSO ARNOLD III:

Pursuant to 52 Pa. Code §§ 5.61 and 5.571, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Answer to Antonio Geatti’s (“Complainant”) “Motion to keep record open and to continue hearings on C-2023-3043427 Geatti V. PPL Electric Utilities” (“Motion”). In his Motion, the Complainant asks that Administrative Law Judge Alphonso Arnold III (the “ALJ”) keep the record open “so that the merits of all claims can be evaluated” and because “[i]t makes absolutely no sense for the record to be closed in the middle of an investigation hearing process.” (Motion, p. 1.)

As explained herein, the Complainant’s Motion should be denied. The Complainant has completely failed to: (1) prove that there have been “material changes of fact or of law” that have occurred since the record was closed or that the “public interest requires” reopening the record (52 Pa. Code § 5.571(b), (d)); and (2) demonstrate that “good cause” exists to reopen the record for the acceptance of additional evidence (52 Pa. Code § 5.431(b)). In fact, the Complainant

fails to identify any change in fact or law since the record closed on December 5, 2024, but rather seeks to have the record reopened so that the Commission “investigate” the demolition of his residence by his local municipality. (Motion, p. 1.) However, the demolition of the Complainant’s residence took place on August 5, 2024, well before the record closed in this proceeding. To the extent the Complainant now seeks to challenge Scott Township’s demolition of his home, the Public Utility Commission lacks subject matter jurisdiction over those real property claims and, therefore, reopening the record to admit evidence related to those property claims would be a fruitless exercise.

For these reasons, and as explained in more detail herein, no material changes in fact or law have occurred since the record closed on December 5, 2024, the public interest does not require reopening the record, and good cause does not exist for reopening the record to accept further evidence in this matter.

In support of its Answer, 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 (“Scott 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 Collins 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. On November 6, 2024, PPL Electric filed a Motion for Summary Judgment, requesting that the Complaint be dismissed without further proceedings as moot because the demolition of the Property made it impossible for the Commission to grant the Complainant's requested relief, *i.e.*, the restoration of electric service to the Property.

20. Via email sent November 18, 2024, the Complainant responded to the Company's Motion for Summary Judgment through a pleading entitled "Motion in opposition to Summary Judgment Requested by Magan [sic] Rulli Attorney for PPL Electric," which did not dispute that the house had been demolished but instead alleged that his property had been wrongfully demolished by Scott Township. The Complainant's response to the Company's Motion for Summary Judgment was filed at the above-captioned docket on or about December 3, 2024, at the request of the ALJ.

21. On December 2, 2024, the Commission issued a Cancellation Notice, canceling the evidentiary hearing scheduled for December 10, 2024.

22. On December 5, 2024, the ALJ issued an Order Closing the Record in this proceeding, stating that an Initial Decision would be prepared and issued.

23. Via email sent December 6, 2024, the Complainant submitted a motion requesting that the record be reopened and that a hearing be held in this proceeding.

24. By email dated December 9, 2024, the ALJ informed the Complainant that he must formally file any further motions or petitions with the Commission's Secretary's Bureau at the above-captioned docket to be considered.

25. On or about December 18, 2024, the Complainant's Motion was posted to the public docket in this proceeding. The Complainant's Motion did not contain a Certificate of Service or a notice to plead as required by the Commission's regulations.¹ PPL Electric was not served with a copy of the Complainant's Motion at the time of its filing but obtained a copy of the Motion on December 18, 2024, by monitoring the above-captioned docket.²

III. APPLICABLE LEGAL STANDARDS

26. The Commission's regulations specify that "at any time after the record is closed but before a final decision is issued, a party may file a petition to reopen the proceeding for the purpose of taking additional evidence." 52 Pa. Code § 5.571(a).

27. Such a petition "must set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing." *Id.* § 5.571(b).

28. Further, "[t]he record may be reopened upon notification to the parties in a proceeding for the reception of further evidence if there is reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the proceeding." *Id.* § 5.571(d).

29. The Commission's regulations also state that "[a]fter the record is closed,

¹ See 52 Pa. Code §§ 1.57, 5.103(b).

² The Company maintains that this Answer is timely filed, *i.e.*, it is being filed within ten days of the Motion's publication at the docket, within the timeline for filing answers to Petitions to Reopen the Record, because PPL Electric never received service of the Motion as filed with the Commission. See 52 Pa. Code § 5.571(c). Here, because the tenth day falls on a Saturday, the due date for the instant Answer rolls over to the next business day, *i.e.*, December 30, 2024. See 52 Pa. Code § 1.12(b).

additional matter may not be relied upon or accepted into the record unless allowed for good cause shown by the presiding officer or the Commission upon motion.” *Id.* § 5.431(b).

III. ANSWER TO MOTION TO REOPEN THE RECORD

30. The Complainant’s Motion should be denied because he has completely failed to demonstrate that there have been material changes of fact or law since the record closed, that the public interest requires the reopening of the record, and that good cause exists to admit additional evidence in this matter.

31. First, it is undisputed that there have been no material changes in fact or law since the record closed on December 4, 2024. Indeed, nowhere in the Motion does the Complainant even assert that there has been any change in fact or law since the record closed. (Motion, p. 1.) Instead, the Complainant generally argues that the record should remain open and a hearing held to continue to “investigate” his claims, which largely concern unsupported allegations that Scott Township wrongfully demolished his residence, including baseless claims that PPL Electric facilitated the demolition. (*Id.*) For this reason alone, the Complainant’s Motion should be denied.

32. Further, the allegations raised in the Motion concern claims regarding the demolition of his Property, which took place on August 5, 2024, well in advance of the close of the record in this proceeding.

33. Thus, there have been no changes in fact or law, let alone material changes, that would warrant reopening the record in this proceeding.

34. Second, the public interest does not require a hearing be held in this matter. As mentioned previously, the Complainant raises no new changes in fact or law justifying the reopening of the record. (Motion, p. 1.)

35. 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. *See 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).

36. As explained more fully in the Company's Motion for Summary Judgment, the demolition of the Complainant's Property is an undisputed fact that has rendered the instant proceeding moot because it made it impossible for the Commission to grant the Complainant's requested relief, *i.e.*, the restoration of electric service to the Property.³

37. Indeed, 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.⁴ Neither did the Complainant dispute that the Property is demolished in either his response to the Company's Motion for Summary Judgment or his instant Motion.

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

39. Therefore, the Complaint is moot and an evidentiary hearing about the restoration of electric service to the Complainant's Property would be a fruitless exercise.

³ PPL Electric notes that throughout this proceeding, it maintained that it would restore electric service to the Property if the Demolition Order was lifted and the Complainant provided reliable evidence that the Property passed an electrical inspection. (*See, e.g.*, PPL Electric's Answer to the Complaint ¶15, PPL Electric's Motion to Stay ¶17.)

⁴ *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).

40. Third, good cause does not exist to reopen the record for the purpose of admitting additional evidence related to the Complainant's unsupported allegations that Scott Township wrongfully demolished his property and utterly baseless claims that PPL Electric facilitated the demolition. (*See* Motion, p. 1.)

41. Importantly, the actions taken by Scott Township regarding the Complainant's Property are outside PPL Electric's control and outside the scope of this proceeding.

42. To the extent the Complainant wishes to reopen the record to challenge Scott Township's demolition of his property, the Commission lacks subject matter jurisdiction over those real property claims.

43. As a creature of statute, the Commission "has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication." *Feingold v. Bell*, 383 A.2d 791, 794 (Pa. 1977) (citations omitted).

44. It is well-established that the Commission lacks authority to adjudicate real property rights, as such disputes are within the exclusive jurisdiction of the courts of common pleas. *See, e.g., Stefanoski v. Pa. Am. Water Co.*, Docket No. C-20078219 (Order entered Sept. 22, 2008); *Perrige v. Metro. Edison Co.*, Docket No. C-00004110 (Order entered July 11, 2003); *Lou Amati/Amati Serv. Station v. West Penn Power Co.*, Docket No. C-00945842 (Order entered Oct. 25, 1995); *Shedlosky v. Pa. Elec. Co.*, Docket No. C-20066937 (Order entered May 28, 2008).

45. Thus, good cause does not exist to reopen the record to admit evidence related to the Complainant's allegations that Scott Township wrongfully demolished his property because these claims are outside of the Commission's subject matter jurisdiction.

46. Based on the foregoing, the Complainant's Motion should be denied.

II. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Honorable Administrative Law Judge Alphonso Arnold III deny the Complainant's "Motion to keep record open and to continue hearings on C-2023-3043427 Geatti V. PPL Electric Utilities."

Respectfully submitted,



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Date: December 30 2024

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