

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Antonio Geatti	:	
	:	
v.	:	C-2023-3043427
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Motion for Summary Judgment filed by an electric utility, finding that there are no factual issues in dispute in this proceeding and that the utility is entitled to judgment as a matter of law.

HISTORY OF THE PROCEEDING

On September 25, 2023, Antonio Geatti (“Mr. Geatti”) filed a Formal Complaint against PPL Electric Utilities Corporation (“PPL”) with the Pennsylvania Public Utility Commission (“Commission”), alleging that PPL is threatening to or has already shut off his electric service. For relief, Mr. Geatti requested that PPL “[r]econnect the electric power to my residence at 20 Shawnee Road Bloomsburg, PA 17815 which they disconnected.” Complaint, ¶ 6.

The Complaint was served on PPL on October 6, 2023.

On October 26, 2023, PPL filed an Answer to the Complaint. PPL asserted that it terminated Mr. Geatti's service for safety reasons that were brought to PPL's attention by the Code Enforcement Officer of Scott Township ("the Township"), Columbia County, Pennsylvania. PPL indicated that it was willing to restore Mr. Geatti's service if these safety reasons were resolved.

On November 2, 2023, the Commission issued a Hearing Notice scheduling this matter for an evidentiary hearing on January 16, 2024, and assigning Administrative Law Judge ("ALJ") Charece Z. Collins as the Presiding Officer over this proceeding. On the same date, a Prehearing Order was issued setting forth the procedural rules that would govern the hearing.

On December 8, 2023, PPL filed a Motion to Stay the Proceeding. In its Motion, PPL asserted that on November 30, 2023, the Township issued a Demolition Order concerning 20 Shawnee Road, Bloomsburg, PA 17815 ("service address") and that if Mr. Geatti failed to comply with the terms of the Demolition Order that the Township will demolish the residence at the service address on or after March 15, 2024. PPL requested that this proceeding be stayed pending the disposition of the Demolition Order arguing that the disposition of the Demolition Order will immediately and directly affect the outcome of the Complaint.

On January 10, 2024, the Commission issued a Hearing Type Change Notice, changing the January 16, 2024, evidentiary hearing to a prehearing conference.

On January 16, 2024, the prehearing conference was held as scheduled. Both parties participated in the conference. The conference generated a transcript of 37 pages.

On January 22, 2024, the Commission issued a Hearing Notice scheduling this matter for an evidentiary hearing on March 26, 2024.

On March 18, 2024, PPL filed a Letter wherein it requested that ALJ Collins rule on its outstanding Motion to Stay the Proceeding in advance of the March 26, 2024, hearing.

On March 26, 2024, the evidentiary hearing was held as scheduled. Both parties participated in the hearing. The evidentiary hearing was limited to two issues: (1) to discuss the pending Motion to Stay the Proceeding; and (2) to receive testimony from the Township's officials related to the status of the Demolition Order. Tr. 45, 46. PPL presented the testimony of four witnesses. Mr. Geatti testified on his own behalf. PPL sponsored two exhibits (PPL Electric Exhibit 4 – Emergency Demolition Order; PPL Electric Exhibit 8 – Ordinance for Adoption of the International Property Maintenance Code) which were entered into the record. Tr. 69, 70. The hearing generated a transcript of 95 pages.

On August 27, 2024, the Commission issued a Judge Change Notice reassigning this matter from ALJ Collins to the undersigned as Presiding Officer.

Also on August 27, 2024, the Commission issued a Prehearing Conference Notice, scheduling this matter for a prehearing conference on September 23, 2024.

On September 23, 2024, the prehearing conference was held as scheduled. Both parties participated in the conference. During the conference, the parties discussed whether an active controversy existed in this case, in light of the fact that both parties acknowledged that the residence at the service address had been demolished. Tr. 120 – 133. The conference generated a transcript of 22 pages.

On September 24, 2024, the Commission issued a Hearing Notice, scheduling this matter for an evidentiary hearing on December 10, 2024. A corrected Hearing Notice was issued the same date, correcting errors in the previous Hearing Notice.

On November 6, 2024, PPL filed a Motion for Summary Judgment (“Motion”), properly endorsed with a Notice to Plead. PPL argued that it is entitled to summary judgment because the Commission cannot grant Mr. Geatti’s requested relief. Specifically, PPL argued the residence at the service address was demolished on August 5, 2024. Given that Mr. Geatti’s relief in his Complaint seeks the reconnection of the electric power to his residence, and his residence has been demolished, PPL argued that it is impossible for the Commission to grant Mr. Geatti’s requested relief. PPL concluded its Motion by requesting dismissal of the Complaint with prejudice. Attached as Appendix A to the Motion are three pictures, evidencing the demolition of the residence at the service address.

On November 18, 2024, Mr. Geatti answered the Motion via email. In reply to Mr. Geatti’s email, I asked that he formally file his Answer to the Motion with the Commission’s Secretary. After Mr. Geatti did not comply with my request, I caused Mr. Geatti’s Answer to be filed with the Commission’s Secretary on November 27, 2024. *See Answer to Motion – Antonio Geatti.*

In Geatti’s Answer to Motion, Mr. Geatti argued that the Demolition Order has no legal validity. Mr. Geatti additionally argued that PPL conspired with Columbia County to destroy his home so that PPL could claim that electricity could not be reconnected. In doing so, Mr. Geatti claimed that PPL “committed a crime in engaging in a conspiracy to commit fraud, destruction of property, harassment among other things and crimes and left me homeless, and they also stole my personal belongings inside and outside my house.” *Answer to Motion – Antonio Geatti, p. 1.* Mr. Geatti requested that PPL

rebuild his home, restore the electricity at his home, and pay him damages for the hardship he suffered in having his home destroyed.

On December 2, 2024, the Commission issued a Hearing Cancellation Notice, cancelling the December 10, 2024, hearing.

On December 3, 2024, the Commission issued my Order Closing the Record.

On December 16, 2024, Mr. Geatti filed a Motion to Keep Record Open and to Continue Hearings, requesting that the record in this proceeding be reopened.

On December 30, 2024, PPL filed an Answer to Complainant's Motion to Keep Record Open and to Continue Hearings.

For the reasons discussed below, Mr. Geatti's Motion to Keep Record Open and to Continue Hearings will be denied, and PPL's Motion will be granted. The Complaint filed by Mr. Geatti will be dismissed.

FINDINGS OF FACT

1. Complainant is Antonio Geatti.
2. Respondent is PPL Electric Utilities Corporation.
3. On September 25, 2023, Mr. Geatti filed a Formal Complaint against PPL with the Commission seeking the reconnection of electric service to the residence at his service address of 20 Shawnee Road, Bloomsburg, PA.

4. On October 26, 2023, PPL filed an Answer to the Complaint asserting that it terminated Mr. Geatti's service for safety reasons that were brought to PPL's attention by the Code Enforcement Officer of the Township and indicating that it was willing to restore Mr. Geatti's service if these safety reasons were resolved.

5. Charles Stalega is the Code Enforcement Officer for the Township.
Tr. 48.

6. On February 23, 2023, Mr. Stalega executed an Administrative Search Warrant at the residence at the service address. Tr. 48.

7. During the search of the residence, Mr. Stalega discovered that the interior of the property was bare down to the studs, that there were numerous holes in the floor, that the roof joists and the wall framing were rotted and covered with microbial growth, that the electrical boxes were rusted, and that the garage is full and is a hoarding issue. Tr. 49.

8. On November 30, 2023, the Township issued an Emergency Demolition Order concerning the service address which indicated that the residence at the service address was in imminent danger of collapse and was an extreme danger to the public, occupants of the adjacent buildings, and the surrounding structures. (PPL Electric Exhibit 4, p. 1).

9. The Emergency Demolition Order further indicated that if Mr. Geatti failed to comply with the terms of the Demolition Order, the Township would demolish the residence at the service address on or after March 15, 2024. (PPL Electric Exhibit 4, pp. 1-3).

10. PPL disconnected service at the service address residence after being informed by the Township that the residence was unsafe. Tr. 92.

11. PPL indicated that if the Demolition Order was lifted, and the residence at the service address passed an electrical inspection, PPL would reconnect service. Tr. 98, 100.

12. Jachin Spotts is a reliability supervisor employed by PPL. Tr. 96.

13. Mr. Spotts testified that reenergizing the service address while the Demolition Order was in place, and prior to an electrical inspection being performed, would have put the safety of its inhabitants, the surrounding properties, the Company's employees, and the Company's facilities at risk. Tr. 97 – 99.

14. On August 5, 2024, the Township demolished the residence at the service address. (Motion to Stay the Proceeding; Geatti Answer to Motion for Summary Judgment).

DISCUSSION

Legal Standards

Motion for Summary Judgment

The Commission's regulations permit a party to move for summary judgment after the pleadings are closed, but within such time as to not delay a hearing. 52 Pa. Code § 5.102(a). The presiding officer will grant the motion if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no

genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law. 52 Pa. Code § 5.102(d)(1).

Summary judgment should be granted only when the right to relief is clear and free from doubt. In determining the absence of a genuine issue of material fact, the Commission must view the record in the light most favorable to the non-moving party and resolve any doubts against the entry of the judgment. *Day v. Volkswagonwerk Aktiengesellschaft*, 464 A.2d 1313, 1316 (Pa. Super. 1983). In this proceeding, PPL bears the burden of demonstrating clearly that there is no genuine issue of material fact; however, as the non-moving party Mr. Geatti must allege facts showing that an issue for trial exists. *First Mortgage Co. of Pa. v. McCall*, 459 A.2d 406 (Pa. Super. 1983); *Commonwealth v. Diamond Shamrock Chemical Co.*, 391 A.2d 1333 (Pa. Cmwlth. 1978).

The provision at 52 Pa. Code § 5.102 serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 557 (Pa. Cmwlth. 1989).

The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(c).

Analysis

In its Motion, PPL argued that there is no genuine issue of material fact and that the Commission cannot grant the relief requested in the Complaint. PPL therefore requested dismissal of the Complaint. I agree.

Viewing Mr. Geatti's Complaint in the light most favorable to him, the sole factual allegation in the Complaint is that PPL terminated his service. Mr. Geatti's sole request for relief in his Complaint is that the Commission order PPL to restore service at his residence.

The testimony provided by Mr. Stalega during the March 26, 2024, hearing established that the residence at the service address was unsafe. Tr. 49. On November 30, 2023, the Township issued a Demolition Order concerning the service address, which indicated that the residence at the service address was in imminent danger of collapse and was an extreme danger to the public, occupants of the adjacent buildings, and the surrounding structures. (PPL Electric Exhibit 4, p. 1). The Demolition Order further indicated that if Mr. Geatti failed to comply with the terms of the Demolition Order, that the Township would demolish the residence at the service address on or after March 15, 2024. (PPL Electric Exhibit 4, pp. 1-3).

In its Answer and at the March 26, 2024, hearing, PPL admitted that it disconnected Mr. Geatti's electric service asserting that it had done so due to safety reasons brought to its attention by the Code Enforcement Officer of the Township. PPL specified that if the Demolition Order was lifted, and the property at the service address passed an electrical inspection, PPL would reconnect service. Tr. 98, 100. PPL did not restore service while the Demolition Order was in place due to safety concerns. Tr. 97 – 99.

In its Motion, PPL asserted that Mr. Geatti's residence was demolished on August 5, 2024. In his Answer to Motion for Summary Judgment, Mr. Geatti acknowledged that his residence has been demolished.

A hearing is unnecessary in this matter because there are no factual issues in dispute in this case. PPL disconnected service to the residence at the service address due to safety issues discovered and brought to its attention by the Township, which was

reasonable pursuant to PPL's duty to furnish and maintain adequate, efficient, safe, and reasonable service and facilities. *See* 66 Pa.C.S. § 1501. Further, the Commission cannot grant the relief that Mr. Geatti requests in his Complaint, i.e., an order directing PPL to restore electric service to his residence because his residence has been demolished. PPL is entitled to judgment as a matter of law.

At the September 23, 2024, prehearing conference, and in his Answer to Motion for Summary Judgment, Mr. Geatti claimed that his residence was illegally demolished. Mr. Geatti accused PPL of conspiring with the Township to have his residence demolished and accused PPL and its actors of the crimes of fraud, destruction of property, harassment, and theft. Mr. Geatti went on to request damages from PPL and that PPL rebuild his residence. These matters were not raised in Mr. Geatti's Complaint, or an Amended Complaint, and as such will not be considered here. In addition, these matters are also not within the Commission's jurisdiction to address, even had Mr. Geatti raised these matters in his Complaint or an Amended Complaint.

Motion to Keep Record Open and to Continue Hearings

On December 16, 2024, Mr. Geatti filed a Motion to Keep Record Open and to Continue Hearings. On December 30, 2024, PPL filed an Answer to the Motion. Mr. Geatti's Motion will be denied in the Ordering paragraphs below, as he has failed to show that there have been material changes of fact or of law that have occurred since the conclusion of the hearing (or since the close of the record, in this instance) or that the public interest requires reopening of the record. *See* 52 Pa. Code § 5.571(b), (d). Mr. Geatti simply repeats the arguments in his Motion that he previously has made in this proceeding, regarding his belief that PPL and the Township conspired together to demolish the residence at his service address.

Conclusion

As there are no material facts in dispute and PPL is entitled to judgment as a matter of law, the Motion of PPL will be granted, and the Complaint will be dismissed in the Ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission's Regulations permit parties to file motions for summary judgment. 52 Pa. Code § 5.102(a).
2. 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. 52 Pa. Code § 5.102(d)(1).
3. The provision at 52 Pa. Code § 5.102 serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 557 (Pa. Cmwlth. 1989).
4. The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(c).
5. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes,

alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501.

6. There are no material facts in dispute in this proceeding and PPL is entitled to judgment as a matter of law. 52 Pa. Code § 5.102(d)(1).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion to Keep Record Open and to Continue Hearings filed by Antonio Geatti in the matter of Antonio Geatti v. PPL Electric Utilities Corporation, Docket No. C-2023-3043427, is denied.

2. That the Motion for Summary Judgment filed by PPL Electric Utilities Corporation, in the matter of Antonio Geatti v. PPL Electric Utilities Corporation, Docket No. C-2023-3043427, is granted.

3. That the Motion to Stay filed by PPL Electric Utilities Corporation, on December 8, 2023, in the matter of Antonio Geatti v. PPL Electric Utilities Corporation, Docket No. C-2023-3043427, is dismissed as moot.

