
Nicholas A. Stobbe

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File #: 207328

January 2, 2025

VIA ELECTRONIC FILING

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

Re: Nieves Abad v. PPL Electric Utilities Corporation
Docket No. C-2024-3047163

Dear Secretary Chiavetta:

Attached for filing is the Answer of PPL Electric Utilities Corporation to the Motion to Compel Discovery of Nieves Abad in the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully,



Nicholas A. Stobbe

NAS/dmc
Attachments

cc: Honorable Alphonso Arnold III (*via e-mail w/attachments*)
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

Nieves Abad
747 Delaware Street
Forest City, PA 18421
Martjua3@aol.com

Date: January 2, 2025



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nieves Abad,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3047163
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION TO THE
MOTION OF NIEVES ABAD TO COMPEL ANSWERS TO DISCOVERY, SETS II**

TO ADMINISTRATIVE LAW JUDGE ALPHONSO ARNOLD III:

Pursuant to 52 Pa. Code § 5.342(g)(1), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Answer to Nieves Abad’s (“Complainant”) December 17, 2024 Motion to Compel Discovery, Sets II (“Motion to Compel” or “Motion”). As explained herein, Administrative Law Judge Alphonso Arnold III (the “ALJ”) should deny the Complainant’s latest Motion. PPL Electric properly objected to many of the requests contained in the Complainant’s Written Depositions (“Complainant’s Depositions”) subject to the Motion, which were levied upon PPL Electric and directed at specific current and former PPL Electric employees. PPL Electric also provided Answers to several of the requests in Complainant’s Depositions.¹ Furthermore, and critically, the Complainant’s Motion is untimely. Indeed, the

¹ PPL Electric notes that the Complainant entitled the Motion as related to Complainant’s Discovery Set II. That said, the Motion covers many more discovery requests than were contained in the Complainant’s Set II Interrogatories, and appears to focus on a series of written depositions served by the Complainant on August 23, 2024, and September 16, 2024, respectively, and directed at John Rosato, Bill Farber, Tim Roberts, April Marie, and Barbara Shumlas. PPL Electric timely objected to many of these “written depositions” served by the Complainant on September 3, 2024, and September 26, 2024, respectively, and answered several of the requests on September 12, 2024, and October 7, 2024, respectively. For the purposes of this Answer, PPL Electric will refer to the series of “Written Depositions” described above as “Complainant’s Depositions” which is inclusive of both the August 23, 2024, and September 16, 2024, written depositions.

Complainant's Depositions were served on August 23, 2024, and September 16, 2024, respectively. PPL Electric provided Answers to several of the questions contained in Complainant's Depositions on September 12, 2024, and October 7, 2024. Furthermore, PPL Electric timely objected to many of the requests subject to the Complainant's Motion on September 3, 2024, and September 26, 2024, respectively. Those objections are attached hereto as **Appendices E and F**. Therefore, the Complainant's Motion to Compel the outstanding and/or objected to discovery was due on or before September 13, 2024, for certain of the requests, and October 7, 2024, for other of the requests. *See* 52 Pa. Code § 5.342(g). The Complainant's Motion was served on PPL Electric on December 17, 2024,² more than two months after the deadline(s) to file the Motion passed. Therefore, PPL Electric submits that the Motion should be denied as a matter of course because it is untimely.

To the extent that the ALJ considers the Motion as timely, which it is not, PPL Electric renews and stands by all of its Objections previously served on the Complainant on September 3, 2024, and September 26, 2024. PPL Electric notes that it intends to file a Motion for Protective Order in this proceeding to limit the Complainant's continued service of excessive, irrelevant, and duplicative discovery requests upon the Company, which the Company believes is being sought in bad faith by the Complainant, and in an effort to unreasonable annoy, burden, and expense PPL Electric. 52 Pa. Code § 5.361.

In support of its Answer, PPL Electric states as follows:

I. INTRODUCTION

1. On August 23, 2024, the Complainant served certain of the Complainant's Depositions on PPL Electric via email and certified mail. A true and correct copy of the

² The Complainant served the Motion on PPL Electric via e-mail at 4:36 p.m. on December 16, 2024, thus, they are deemed to have been served the following business day, *i.e.*, December 17, 2024. *See* 52 Pa. Code § 1.56(a)(5).

Complainant's August 23, 2024 Written Depositions are attached hereto as **Appendices A, B, D, and E.**

2. On September 3, 2024, PPL Electric served objections to certain of Complainant's August 23, 2024 Written Depositions. Specifically, the Company objected to:

- a) The Complainant's written deposition directed at Tim Roberts, Nos. 6 through 38;
- b) The Complainant's written deposition directed at Daniel Walker, Nos. 40 through 49;
- c) The Complainant's written deposition directed at Kimberly Hanson, Nos. 40 through 46, 50 through 52;
- d) The Complainant's written deposition directed at Shani Hujsa, Nos. 40 through 46, 50 through 52;
- e) The Complainant's written deposition directed at Thomas Kernoschak, Nos. 40 through 46, 50 through 52;
- f) The Complainant's written deposition directed at John Rosato, Nos. 6 through 38;
- g) The Complainant's written deposition direct at April Marie, Set II, Nos. 1 through 52; and
- h) The Complainant's written deposition of Barbara Shumlas, Nos. 1 through 22.

3. The Company's September 3, 2024, Objections are appended hereto as **Appendix F.**

4. On September 12, 2024, the Company served Answers to certain of the written depositions served by the Complainant on August 23, 2024.

5. On September 16, 2024, the Complainant served an additional Written Deposition on PPL Electric via email and certified mail. A true and correct copy of the Complainant's September 16, 2024 Written Deposition subject to the Motion is attached hereto as **Appendix C**.

6. On September 18, 2024, the Prehearing Conference was held as scheduled, wherein the parties and ALJ discussed a variety of procedural matters in this proceeding, including discovery.

7. On September 26, 2024, the Company served its objections to the September 16, 2024, Complainant's Deposition. Specifically, PPL Electric objected to:

- a) The Complainant's written deposition directed at Bill Farber, Nos. 7, 11-21, 30-33, and 49-48.

8. The Company's September 26, 2024 Objections are appended hereto as **Appendix G**.

9. On December 17, 2024, the Complainant served the Motion, seeking responses to Complainant's Depositions directed at Mr. Roberts, Mr. Farber, Mr. Rosato, Ms. Marie, and Ms. Shumlas.

10. On December 23, 2024, PPL Electric filed a Petition requesting an extension of time to Answer the Motion.

11. On December 24, 2024, PPL Electric's Extension Petition was granted by the ALJ.

12. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. *Id.*

13. As noted by the Superior Court of Pennsylvania, “While discovery should be liberally allowed, ‘fishing expeditions’ are not to be countenanced under the guise of discovery.” *Land v. State Farm Mutual Ins. Co.*, 600 A.2d 605, 608 (Pa. Super. 1991) (emphasis added).

14. “[T]he standard for discovery is relevance, not curiosity.” *Pa. PUC v. Pennsylvania-American Water Co.*, Docket Nos. R-2011-2232243, *et al.*, at 22 (July 21, 2011) (Order on Motion to Compel).

15. For the reasons stated in more detail below, PPL Electric respectfully requests that the ALJ deny Complainant’s Motion as untimely. 52 Pa. Code § 5.342(g).

16. Furthermore, PPL Electric respectfully requests that the ALJ deny the Complainant’s Motion because the information subject to these written depositions is sought in bad faith by the Complainant, and in an effort to unreasonable annoy, burden, and expense PPL Electric, in addition to the reasons set forth in the Company’s Objections appended hereto as **Appendices F through G**. 52 Pa. Code § 5.361.

II. COMPLAINANTS' LATEST MOTION TO COMPEL RESPONSES TO WRITTEN DEPOSITIONS SHOULD BE DENIED

A. OBJECTIONS TO REQUEST FOR WRITTEN DEPOSITION – TIM R. ROBERTS

17. The Complainant's Deposition, directed at Mr. Tim R. Roberts, Nos. 1 through 38, was served upon the Company on August 23, 2024, and is attached hereto as **Appendix A** and will not be restated in full here.

18. The Company objected to Complainant's Deposition, Nos. 6 through 38 directed at Mr. Roberts, because the requests are not relevant, vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

19. PPL Electric renews these objections as these requests are not relevant, are vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

20. PPL Electric is currently working to prepare answers to question Nos. 1 through 5 and will serve them upon the Complainant when available.

21. PPL Electric's objections to the Complainant's Deposition, directed at Mr. Roberts, were served on September 3, 2024.

22. Therefore, pursuant to 52 Pa. Code § 5.342(g), a Motion to Compel those objected to questions, if any, was due on or before September 13, 2024.

23. The Complainant did not serve the Motion until December 17, 2024.³

24. Therefore, PPL Electric submits that the Motion should be denied outright because it fails to comply with the Commission's regulations governing timing and service of Motions to Compel. 52 Pa. Code § 5.342(g).

³ See fn. 2, *supra*.

25. Even if the Motion was timely – which it is not – PPL Electric submits that its Objections to these requests should be sustained for the reasons set forth in the Objections themselves. *See Appendix F.*

B. OBJECTIONS TO REQUEST FOR WRITTEN DEPOSITION – JOHN ROSATO

26. The Complainant’s Written Deposition, directed at Mr. John Rosato, Nos. 1 through 38, served on August 23, 2024, is attached hereto as **Appendix B** and will not be restated in full here.

27. The Company objected to the Complainant’s Deposition, Nos. 6 through 38 directed at Mr. Rosato, on September 3, 2024, because the requests are not relevant, vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence. The Objections are attached hereto as **Appendix F.**

28. PPL Electric renews these objections as these requests are not relevant, vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

29. PPL Electric is currently working to prepare answers to question Nos. 1 through 5 and will serve them upon the Complainant when available.

30. PPL Electric’s objections to the Complainant’s Deposition, directed at Mr. Rosato, were served on September 3, 2024.

31. Therefore, pursuant to 52 Pa. Code § 5.342(g), a Motion to Compel those objected to questions, if any, was due on or before September 13, 2024.

32. The Complainant did not serve the Motion until December 17, 2024.⁴

⁴ *See* fn. 2, *supra*.

33. Therefore, PPL Electric submits that the Motion should be denied outright because it fails to comply with the Commission's regulations governing timing and service of Motions to Compel. 52 Pa. Code § 5.342(g).

34. Even if the Motion was timely – which it is not – PPL Electric submits that its Objections to these requests should be sustained for the reasons set forth in the Objections themselves. *See Appendix F.*

C. OBJECTIONS TO REQUESTS FOR WRITTEN DEPOSITION – BILL FARBER

35. The Complainant's Written Deposition, directed at Mr. Bill Farber, Nos. 7, 11 through 21, 30 through 33, and 39 through 48, is attached hereto as **Appendix C** and will not be restated in full here.

36. The Company objected to the Complainant's Deposition, Nos. 7, 11 through 21, 30 through 33, and 39 through 48 directed at Mr. Farber, because the requests are overly broad, irrelevant, duplicative, and/or were previously answered by the Company.

37. PPL Electric renews these objections through this Answer.

38. PPL Electric is currently working to prepare answers to the outstanding questions directed at Mr. Farber and will serve them upon the Complainant when available.

39. The Complainant's Deposition directed at Mr. Farber was served on September 16, 2024.

40. PPL Electric's objections to Complainant's Deposition, directed at Mr. Farber, were served on September 26, 2024.

41. Therefore, pursuant to 52 Pa. Code § 5.342(g), a Motion to Compel those objected to questions, if any, was due on or before October 7, 2024.

42. The Complainant did not serve the Motion until December 17, 2024.

43. Therefore, PPL Electric submits that the Motion should be denied outright because it fails to comply with the Commission's regulations governing timing and service of Motions to Compel. 52 Pa. Code § 5.342(g).

44. Even if the Motion was timely – which it is not – PPL Electric submits that its Objections to these requests should be sustained for the reasons set forth in the Objections themselves. *See Appendix G.*

D. OBJECTIONS TO REQUESTS FOR WRITTEN DEPOSITION – APRIL MARIE

45. The Complainant's Written Deposition, directed at Ms. April Marie, Nos. 1 through 52, served on August 23, 2024, is attached hereto as **Appendix D** and will not be restated in full here.

46. The Company objected to the Complainant's Deposition, Nos. 1 through 52 directed at Ms. Marie, because Ms. Marie no longer works for PPL Electric and certain of the questions are duplicative.

47. PPL Electric renews these objections through this Answer.

48. PPL Electric's objections to the Complainant's Deposition, directed at Ms. Marie, were served on September 3, 2024.

49. Therefore, pursuant to 52 Pa. Code § 5.342(g), a Motion to Compel those objected to questions, if any, was due on or before September 13, 2024.

50. The Complainant did not serve the Motion until December 17, 2024.⁵

51. Therefore, PPL Electric submits that the Motion should be denied outright because it fails to comply with the Commission's regulations governing timing and service of Motions to Compel. 52 Pa. Code § 5.342(g).

⁵ See fn. 2, *supra*.

52. Even if the Motion was timely – which it is not – PPL Electric submits that its Objections to these requests should be sustained for the reasons set forth in the Objections themselves. *See Appendix F.*

E. OBJECTIONS TO REQUESTS FOR WRITTEN DEPOSITION – BARBARA SHUMLAS

53. The Complainant’s Written Deposition, directed at Ms. Barbara Shumlas, Nos. 1 through 22, served on August 23, 2024, are attached hereto as **Appendix E** and will not be restated in full here.

54. The Company objected to Complainant’s Deposition, Nos. 1 through 22 directed at Ms. Shumlas, because Ms. Shumlas no longer works for PPL Electric and certain of the questions are duplicative.

55. PPL Electric renews these objections through this Answer.

56. PPL Electric’s objections to the Complainant’s Deposition, directed at Ms. Shumlas, were served on September 3, 2024.

57. Therefore, pursuant to 52 Pa. Code § 5.342(g), a Motion to Compel those objected to questions, if any, was due on or before September 13, 2024.

58. The Complainant did not serve the Motion until December 17, 2024.

59. Therefore, PPL Electric submits that the Motion should be denied outright because it fails to comply with the Commission’s regulations governing timing and service of Motions to Compel. 52 Pa. Code § 5.342(g).

60. Even if the Motion was timely – which it is not – PPL Electric submits that its Objections to these requests should be sustained for the reasons set forth in the Objections themselves. *See Appendix F.*

III. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Alphonso Arnold III deny Nieves Abad's Motion to Compel Discovery for the reasons set forth above.

Respectfully submitted,



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Michael J. Shafer (ID # 205681)
PPL Services Corporation
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Allentown, PA 18101
Phone: 610-774-2599
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1717 Arch Street
24th Floor
Philadelphia, PA 19103
Phone: 215-587-1075
Email: pkramer@postschell.com

Dated: January 2, 2025

Attorneys for PPL Electric Utilities Corporation

Appendix A

Nieves Abad
747 Delaware St
Forest City PA 18421
631-575-2348
Martjua3@aol.com

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

RE: Nieves Abad (Pro-Se) VS PPL Electric Utilities Corporation
Docket No. C-2024-3047163

To Whom This May Concern,

I am enclosing herein one copy of Certificate Of Service evidencing the service Complainant's
Written Deposition Of Tim Roberts upon Respondent for filing.

By copy of this correspondence directed to Plaintiff I am serving him with a copy of the same

Thank you for your cooperation.

CC:

Peter J Kramer Esquire
Post & Schell
Three Logan Square
1717 Arch Street
24th Floor
Philadelphia, PA 19103
215-587-1075



Nieves Abad
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Forest City PA 18421
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631.575.2348

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad
(Pro-Se)

Complainant

CERTIFICATE OF SERVICE

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

CERTIFICATE OF SERVICE

I, Nieves Abad, hereby certify that I served Written Deposition of Tim R Roberts to Respondent via certified mail this 19 Day of August, 2024, addressed as follows;

By: 

Nieves Abad
747 Delaware St
Forest City, PA 18421
Martjua3@aol.com
DATED- August 19.2024

Cc:

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

Peter J Kramer Esquire
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Nieves Abood
747 Delaware St
Forest City PA 18401



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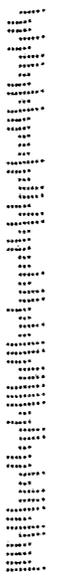
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Peter Kramer
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SCRANTON, PA
AUG 19, 2024

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Nieves Abad
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August 19, 2024

PPL Electric Utilities Corporation
Employee Tim R Roberts
Peter J Kramer Esquire
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215-587-1075
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pkramer@postschell.com

**RE: Nieves Abad V, PPL Electric Utilities Corporation
Docket No. C-2024-3047163**

Dear Secretary Of Commission:

Attached for answer is the Written Deposition of Tim R Roberts Upon Respondent by Nieves Abad in the Above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

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



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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad
(Pro-Se)

Complainant

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

WRITTEN DEPOSITION PURSUANT TO PA 52. Code 5.341

Written Deposition of: Tim R Roberts

1.Q. Please state your name and your office address?

A.

2. Q. Please state your educational background including the schools you have attended, the academic and professional degrees you have received and the dates you received these degrees?

A.

3. Q. What company do you work for? Please submit your current employee work history at this company?

A.

4. Q. What is your current position at PPL Electric Utilities Corporation?

A.

5. Q. How long have you practiced your profession and how long have you held your current position?

A.

6. Q. What date(s) were you called to an incident regarding damage to PPL Electric Equipment at 837 Rear Capouse Ave, Scranton Pa 18509 in 2023?

A.

7. Q. Did you witness any person doing damage to PPL Electric's equipment on the day of the incident at 837 Rear Capouse Ave, Scranton Pa 18509?

A.

8. Q. Did you make notes, including reports, documents, emails, letters, pictures, video, any other electronic or audio communications regarding this matter in this complaint? In conjunction with this please submit any documentation not already submitted into discovery.

A.

9.Q. Did you report this incident to any management or supervisors? On what dates and times?

Please submit the reports made on each date.

A.

10. Q. What instructions were given to you by any supervisor on how to proceed with this matter and by whom? List dates and times and any information you recall on this matter.

A.

11. Q.What are the names of employees of PPL Electric on site with you during this incident at 837 Rear Capouse Scranton Pa 18509? Please list all names and business addresses.

A.

12. Q.Did you discuss this matter with any other person other than a PPL Electric employee? If so, please provide dates , times and whom you spoke too and what were your discussions?

A.

14. Q. When filling out PPL form number 3781(2/2008) , why is there information left blank?

Please list all information in your incident report you left blank and an explanation as to why it is blank.

A.

15. Q. Is it your duty to find out all the answers and complete the information to form # 3781(2/2008).

A.

16. Q. Does PPL Electric protocol for filing form # 3781(2/2008) requires this form to be filled out in full ? Please submit an answer and PPL Protocol for PPL Incident reports?

A.

17. Q. Have you ever had to complete form #3781 (2/2008) out before or after this incident? Please answer and list how many of these forms you completed in 2023.

A.

18. Q. Did you complete form # 3781(2/2008) in full for this incident at 837 Rear Capouse Ave, Scranton Pa 18509? Please answer and explain why it was or was not completed in full.

A.

19. Out of all the form numbers 3781 (2/2008) how many did you fill out completely and how many did you not fill out completely in 2023?

A.

20. Q. What does the section " Billable Event" mean on form 3781(2/2008)? And why did you check NO on the incident report. Please explain in detail.

A,

21. Q. Is the replacement of damaged utility poles in this incident considered a billable event?

Please answer and explain why.

A.

22. Q. What is the difference between a billable event and non- billable event? Please explain in detail and give an example.

A.

23. Q. Were you involved in any billing for this incident form # 3781 (2/2008) ? Please explain what parts of the bill and what dates and times did you work on preparing billing?

A.

25. Q.Under section "Overhead", on form #3781 (2/2008) Why was the answer under " pole replaced in location" marked NO? Please explain why.

A.

26. Under section "Service Interrupted" , on form #3781 (2/2008) , why is the answer marked NO? Please explain why.

A.

27. Did any other PPL Employee help with or were involved with compiling data for this bill?.
Please include the employee(s) names that helped you or were involved with making this bill.
Please include dates and time of each occurrence and an explanation of what the conversation was as you recall it

A.

28. Q. Did the property owner give you permission to do any repair or alterations to his property during pole installation on the property located at 837 Rear Capouse Ave, Scranton Pa 18509 on the day you reported this incident? Please explain your answer.

A.

29. Q. In the process of this new installation of PPL Electric Utility Poles at 837 Rear Capouse Ave, Scranton Pa 18509, was any of the Complainants property altered such as trees, shrubs or bushes? Please list all items altered.

A.

30. Q. Were any of the Complainants trees, shrubs , or bushes removed from 837 Rear Capouse Ave, Scranton Pa 18509? Please list each item that was removed by PPL Electric employees the day of incident.

A.

31.Q. What company was responsible for tree removal when this incident occurred? List names of company(s), owners, and any other information relevant to tree removal for invoice number 91130032-3, claim # 2023-00453 and 91130033-3, claim 2023-00661.

A.

32. Q. Did you make a statement to the Scranton police department? Please include the statement:

A.

33. Q. What were the names of the other PPL Electric Employees present during this incident when you were on the scene?

A.

34. Q. What time did you arrive and depart the day of the incident at 837 Rear Capouse Scranton Pa 18509? Please include dates and times.

A.

36. Q. Do you have a criminal record? If so, list and explain each.

A.

37 Q. Did you have any complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? If so please list , explain and provide any documentation for each.

A.

38. Q. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this complaint?

A.

If more room is needed for answering any questions please write out on a separate sheet of paper and attach to this document. All documentation requested in this deposition is only needed if not already submitted into discovery.

Date

Signature

Print Name

Address

Phone

CC:

Rosemary Chiavetta

Secretary of The Commission

Pennsylvania Public Utility Commission

Commonwealth Keystone Building

400 North Street, 2nd Floor North

P.O BOX 3265

Harrisburg, PA 17105-3265

Dated- August____,2024

Peter J Kramer Esquire

Post & Schell

Three Logan Square

1717 Arch Street

24th Floor

Philadelphia, PA 19103

215-587-1075

215-587-1444 Main Fax

pkramer@postschell.com

Appendix B

Nieves Abad
747 Delaware St
Forest City, PA 18421
Martjua3@aol.com
631-575-2348

August 19, 2024

PPL Electric Utilities Corporation
Employee John Rosato
Peter J Kramer
Post & Schell
Three Logan Square
1717 Arch Street
24th Floor
Philadelphia, PA 19103

RE: Nieves Abad V, PPL Electric Utilities Corporation
Docket No. C-2024-3047163

Dear Secretary Of Commission:

Attached for answer is the Written Deposition of John Rosato Upon Respondent by Nieves Abad in the Above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

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



Nieves Abad
747 Delaware St
Forest City, Pa 18421
Martjua3@aol.com
631-575-2348
Dated-August 19, 2024

Peter J Kramer Esquire
Post & Schell
Three Logan Square

1717 Arch Street
24th Floor
Philadelphia, PA 19103
215-587-1075
215-587-1444 Main Fax
pkramer@postschell.com

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad
(Pro-Se)

Complainant

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

WRITTEN DEPOSITION PURSUANT TO PA 52. Code 5.341

Written Deposition of: John Rosato

1.Q. Please state your name and your office address?

A.

2. Q. Please state your educational background including the schools you have attended, the academic and professional degrees you have received and the dates you received these degrees?

A.

3. Q. What company do you work for? Please submit your current employee work history at this company?

A.

4. Q. What is your current position at PPL Electric Utilities Corporation?

A.

5. Q. How long have you practiced your profession and how long have you held your current position?

A.

6. Q. What date(s) were you called to an incident regarding damage to PPL Electric Equipment at 837 Rear Capouse Ave, Scranton Pa 18509 in 2023?

A.

7. Q. Did you witness any person doing damage to PPL Electric's equipment on the day of the incident at 837 Rear Capouse Ave, Scranton Pa 18509?

A.

8. Q. Did you make notes, including reports, documents, emails, letters, pictures, video, any other electronic or audio communications regarding this matter in this complaint? In conjunction with this please submit any documentation not already submitted into discovery.

A.

9.Q. Did you report this incident to any management or supervisors? On what dates and times?

Please submit the reports made on each date.

A.

10. Q. What instructions were given to you by any supervisor on how to proceed with this matter and by whom? List dates and times and any information you recall on this matter.

A.

11. Q.What are the names of employees of PPL Electric on site with you during this incident at 837 Rear Capouse Scranton Pa 18509? Please list all names and business addresses.

A.

12. Q.Did you discuss this matter with any other person other than a PPL Electric employee? If so, please provide dates , times and whom you spoke too and what were your discussions?

A.

14. Q. When filling out PPL form number 3781(2/2008) , why is there information left blank? Please list all information in your incident report you left blank and an explanation as to why it is blank.

A.

15. Q. Is it your duty to find out all the answers and complete the information to form # 3781(2/2008).

A.

16. Q. Does PPL Electric protocol for filing form # 3781(2/2008) requires this form them to be filled out in full ? Please submit an answer and PPL Protocol for PPL Incident reports?

A.

17. Q. Have you ever had to complete form #3781 (2/2008) out before or after this incident? Please answer and list how many of these forms you completed in 2023.

A.

18. Q. Did you complete form # 3781(2/2008) in full for this incident at 837 Rear Capouse Ave, Scranton Pa 18509? Please answer and explain why it was or was not completed in full.

A.

19. Out of all the form numbers 3781 (2/2008) how many did you fill out completely and how many did you not fill out completely in 2023?

A.

20. Q.What does the section " Billable Event" mean on form 3781(2/2008)? And why did you check NO on the incident report. Please explain in detail.

A,

21. Q. Is the replacement of damaged utility poles in this incident considered a billable event?

Please answer and explain why.

A.

22. Q. What is the difference between a billable event and non- billable event? Please explain in detail and give an example.

A.

23. Q. Were you involved in any billing for this incident form # 3781 (2/2008) ? Please explain what parts of the bill and what dates and times did you work on preparing billing?

A.

25. Q. Under section "Overhead", on form #3781 (2/2008) Why was the answer under " pole replaced in location" marked NO? Please explain why.

A.

26. Under section "Service Interrupted" , on form #3781 (2/2008) , why is the answer marked NO? Please explain why.

A.

27. Did any other PPL Employee help with or were involved with compiling data for this bill?
Please include the employee(s) names that helped you or were involved with making this bill.
Please include dates and time of each occurrence and an explanation of what the conversation was as you recall it

A.

28. Q. Did the property owner give you permission to do any repair or alterations to his property during pole installation on the property located at 837 Rear Capouse Ave, Scranton Pa 18509 on the day you reported this incident? Please explain your answer.

A.

29. Q. In the process of this new installation of PPL Electric Utility Poles at 837 Rear Capouse Ave, Scranton Pa 18509, was any of the Complainants property altered such as trees, shrubs or bushes? Please list all items altered.

A.

30. Q. Were any of the Complainants trees, shrubs , or bushes removed from 837 Rear Capouse Ave, Scranton Pa 18509? Please list each item that was removed by PPL Electric employees the day of incident.

A.

31.Q. What company was responsible for tree removal when this incident occurred? List names of company(s), owners, and any other information relevant to tree removal for invoice number 91130032-3, claim # 2023-00453 and 91130033-3, claim 2023-00661.

A.

32. Q. Did you make a statement to the Scranton police department? Please include the statement.

A.

33. Q. What were the names of the other PPL Electric Employees present during this incident when you were on the scene?

A.

34. Q. What time did you arrive and depart the day of the incident at 837 Rear Capouse Scranton Pa 18509? Please include dates and times.

A.

36. Q. Do you have a criminal record? If so, list and explain each.

A.

37 Q. Did you have any complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? If so please list , explain and provide any documentation for each.

A.

38. Q. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this complaint? If so please explain in detail.

A.

If more room is needed for answering any questions please write out on a separate sheet of paper and attach to this document. All documentation requested in this deposition is only needed if not already submitted into discovery.

Date

Signature

Print Name

Address

Phone

Dated-August____,2024

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

Peter J Kramer Esquire
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Three Logan Square
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Appendix C

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad

(Pro-Se)

Complainant

WRITTEN DEPOSITION

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

WRITTEN DEPOSITION PURSUANT TO PA 52. Code 5.341

Written Deposition of: Bill Farber

1. Q. Please state your name and your office address?

A.

2. Q. Please state your educational background including the schools you have attended, the academic and professional degrees you have received and the dates you received these degrees?

A.

3. Q. What company do you work for? Please submit your current employee work history at this company.

A.

4. Q. What is your current position at PPL Electric Utilities Corporation?

A.

5. Q. How long have you practiced your profession and how long have you held your current position?

A.

6. Q. State the names of the professional licensing agencies that have issued licenses to you? Include the date of such licenses and whether they are still current. In Conjunction with this question, please attach a copy of your licenses.

A.

7.Q. Have you ever testified as a witness in a court proceeding, either in person or by deposition? If yes please list dates and cases.

A.

8. Q. What dates and times did you speak to Nieves Abad about the property at 837 Rear Capouse Ave, Scranton Pa 18509?

A.

9. Q. What did you discuss about 837 Rear Capouse Ave, Scranton Pa 18509? Please explain in your own words what you recall of the conversations that took place on the dates and times of these conversations.

A.

10. Q. What forms of communication were used to communicate with Nieves Abad for issues regarding 837 Rear Capouse Ave, Scranton Pa 18509? Please submit any communication you have.

A.

11. Q. Do you have any voicemails, text messages, emails, or other phone records regarding this matter? Please submit all communication records.

A.

12. Q. While discussing these electrical needs of the new structure, Nieves Abad had plans to build, at 837 Rear Capouse Ave Scranton Pa 18509 .What was the plans that needed to be done in order to get the amount of service to the new building on this property 837 Rear Capouse Ave, Scranton Pa 18509?

A.

13. Q. Would there be any upgrades to the neighboring PPL Equipment to supply 837 Rear Capouse Ave Scranton Pa 18509 with electricity for the new structure(s)? Please list any information regarding any upgrades needed.

A.

14. Q. Would there be any charges to Nieves Abad to supply electric service at 837 Rear Capouse, Scranton Pa 18509? If so please list all charges and explain.

A.

15. Q. As a PPL Electric Utility employee was it your duty to make the decision to charge Nieves Abad for any upgrades PPL Electric needed to get electrical service at 837 Rear Capouse, Scranton Pa 18509?

A.

16. Q. Who is the employee or employees that made the decision to charge Nieves Abad for the new services requested at 837 Rear Capouse, Scranton Pa 18509?

A.

17. Q. What is PPL Electric's policy for a new customer who will be receiving new service on a new building that was previously a vacant lot?

A.

18. Q. What are the plans that were made to get the service Nieves Abad needed for this project at 837 Rear Capouse Ave, Scranton Pa 18509? Please explain the plan.

A.

19. Q. Who did you discuss electrical plans with to get the service Nieves Abad requested? Please list dates and times decisions were made and what decisions were made.

A.

20. Q. Did you make any notes, statements, work records, documents, data, or any other form of written, electronic or voice transcripts of any events concerning the property at 837 Rear Capouse Ave Scranton Pa 18509? In conjunction with these questions, please attach a copy of any of the above information with dates and times.

A.

21. Q. Did you discuss the matters in this complaint, at 837 Rear Capouse Scranton with any other person including PPL Employees, Personal acquaintances, or anyone else? Please list dates and times. In your own words, discuss what you recall from each conversation.

A.

22. Q. What information do you have about any Right Of Way issue with pole # 57334N42685, 57339N46273, 57327N46297, 57320N46302 , 571316N46296 ? No information already submitted into discovery .

A.

23. Q. What dates and times did you discuss a Right Of Way or any other issue regarding pole number 57334N42685, 57339N46273, 57327N46297, 57320N46302 , 571316N46296 with Nieves Abad, PPL Electric or any other person. In your own words, what were these discussions about and what did you recall of the conversation?

A.

24. Q. What dates and times did You and Nieves Abad discuss relocation of pole #'s 57334 N42685, 57339N46273, 57327N46297, 57320N46302 , 571316N46296. Please list what you recall in each conversation.

A.

25. Q. Did you have any conversation with any other PPL Employees, about any issues regarding a Right Of Way agreement or pole relocation? Please list dates and times, names, the information received or given, or anything else you recall about these conversations.

A.

26. Q. What was the outcome of any decision made about pole relocation? Who made these decision(s)? List all people who played a role in making this decision?

A.

27. Q. Did you agree or disagree with any part of this decision? If so please explain what parts of the decision and why you agreed or disagreed with it.

A.

28. Q. Was it part of your job to make the decision of pole relocation at 837 Rear Capouse Scranton Pa 18509?

A.

29. Q. If not, who is responsible for this decision for the property at 837 Rear Capouse Ave, Scranton Pa 18509? List employee(s) and they're position.

A.

30. Q. Have you had any other problem with any other locations during your cause of work as an PPL employee, where there was a pole located on a property without a right of way. If so please list each date and information of the incident.

A.

31. Q. Do you have any notes, documents, phone records, written or electronic communication or any other information about pole numbers 57334N42685, 57339N46273, 57327N46297, 57320N46302 , 571316N46296 with any PPL Employee, acquaintance, or anyone else? In Conjunction with these questions, please attach a copy of any of the above requested information.

A.

32. Q. When was tree removal discussed with you regarding the property at 837 Rear Capouse Ave, Scranton Pa 18509. Please state dates and times. Please explain what was discussed each time tree removal was discussed with you?

A.

33. Q. Do you have any information about tree removal at 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to 7/1/23 that has not been submitted into discovery.

A.

34. Q. What is the policy regarding PPL Electric's right of way agreements with a pole on private property?

A.

35. Q. What is the protocol you follow when a pole is located on a customer's property without a right of way or no legal right to have a pole on the property and where the property owner wants the pole relocated off or removed from that property?.

A.

36. Q. What is the protocol you follow when a pole is located on a private property without a right of way?

A.

37. Q. What protocol do you follow when a property owner wants a pole relocated or removed from a property that does not have a legal Right Of Way? Please include what protocols were followed.

A.

38. Q. Were these protocols followed for the situation with no right of way at 837 Rear Capouse Ave, Scranton Pa 18509?

A.

39. Q. Do you have any information about invoice number 91130032-3, claim # 2023-00453? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.

A.

40. Q. Do you have any information about invoice number 91130033-3, claim 2023-00661? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.

A.

41. Q. Did these Bills stop the relocation of any of the utility poles in this complaint? Please name the person(s) who made this decision. Explain why the decision was made.

A.

42. Q. What date and time was this decision made? Please state what the decision was.

A.

43. Q. How was this decision made known to Nieves Abad? Please submit dates, times and documentation that was sent to Nieves Abad.

A.

44. Q. What was your involvement in making this decision? Please list and explain any decision you made.

A.

45. Q. Did you agree or disagree with any part of this decision? Please explain.

A.

46. Q. Do you have a criminal record? If so, list and explain each.

A.

47. Q. Did you have any complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? If so please list , explain and provide any documentation for each.

A.

48. Q. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this complaint?

A.

Date

CC;
Peter J Kramer Esquire
Post & Schell
Three Logan Square
1717 Arch Street
24th Floor
Philadelphia, PA 19103
215-587-1075
215-587-1444 Main Fax
pkramer@postschell.com

Signature

Print Name

Address

Address

Phone

Appendix D

Nieves Abad
747 Delaware St
Forest City, PA 18421
Martjua3@aol.com
631-575-2348

August 19, 2024

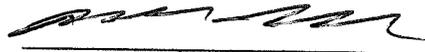
PPL Electric Utilities Corporation
Employee April Marie
Peter J Kramer
Post & Schell
17171 Arch Street
24th Floor
Philadelphia PA 19103

**RE: Nieves Abad V, PPL Electric Utilities Corporation
Docket No. C-2024-3047163**

Dear Secretary Of Commission:

Attached to answer is the Written Deposition of April Marie Upon Respondent by Nieves Abad in the Above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

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



Nieves Abad
747 Delaware St
Forest City, Pa 18421
Martjua3@aol.com
631-575-2348

Peter J Kramer Esquire
Post & Schell
Three Logan Square

Dated-August 19, 2024

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pkramer@postschell.com

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad

(Pro-Se)

WRITTEN DEPOSITION

Complainant

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

WRITTEN DEPOSITION PURSUANT TO PA 52. Code 5.341

Written Deposition of: April Marie

1. Q. Please state your name and your office address?

A.

2. Q. Please state your educational background including the schools you have attended, the academic and professional degrees you have received and the dates you received these degrees?

A.

3. Q. What company do you work for? Please submit your current employee work history at this company?

A.

4. Q. What is your current position at PPL Electric Utilities Corporation?

A.

5. Q. How long have you practiced your profession and how long have you held your current position?

A.

6. Q. State the names of the professional licensing agencies that have issued licenses to you? Include the date of such licenses and whether they are still current. In Conjunction with this question, please attach a copy of your licenses.

A.

7.Q. Have you ever testified as a witness in a court proceeding, either in person or by deposition? If yes please list dates and cases.

A.

8. Q. What dates and times did you speak to Nieves Abad about the property at 837 Rear Capouse Ave, Scranton Pa 18509?

A.

9. Q. What did you discuss about 837 Rear Capouse Ave, Scranton Pa 18509? Please state the dates and times these conversations took place?. Also please include what you recall of each conversation.

A.

10. Q. What forms of communication were used to communicate with Nieves Abad for issues regarding 837 Rear Capouse Ave, Scranton Pa 18509? Please submit any communication you have.

A.

11. Q. Do you have any voicemails, text messages, emails, or other phone records regarding this matter? Please submit all communication records.

A.

12. Q. While discussing these electrical needs of the new structure, Nieves Abad had plans to build, at 837 Rear Capouse Ave Scranton Pa 18509. What were the plans that needed to be done in order to get the amount of service to the new building on this property 837 Rear Capouse Ave, Scranton Pa 18509?

A.

13. Q. Would there be any upgrades to the neighboring PPL Equipment to supply 837 Rear Capouse Ave Scranton Pa 18509 with electricity for the new structure(s)? Please list any information regarding any upgrades needed?

A.

14. Q. Would there be any charges to Nieves Abad to supply electric service at 837 Rear Capouse, Scranton Pa 18509? If so please list all charges and explain.

A.

15. Q. As a PPL Electric Utility employee was it your duty to make the decision to charge Nieves Abad for any upgrades PPL Electric needed to get electrical service at 837 Rear Capouse, Scranton Pa 18509?

A.

16. Q. Who is the employee or employees that made the decision to charge Nieves Abad for the new services requested at 837 Rear Capouse, Scranton Pa 18509?

A.

17. Q. What is PPL Electric's policy for a new customer who will be receiving new service on a new building that was previously a vacant lot?

A.

18. Q. What are the plans that were made to get the service Nieves Abad needed for this project at 837 Rear Capouse Ave, Scranton Pa 18509? Please explain the plan.

A.

19. Q. Who did you discuss electrical plans with to get the service Nieves Abad requested? Please list dates and times decisions were made and what decisions were made.

A.

20. Q. Did you make any notes, statements, work records, documents, data, or any other form of written, electronic or voice transcripts of any events concerning the property at 837 Rear Capouse Ave Scranton Pa 18509. In conjunction with these questions, please attach a copy of any of the above information with dates and times?

A.

21. Q. Did you discuss the matters in this complaint, at 837 Rear Capouse Scranton with any other person including PPL Employees, Personal acquaintances, or anyone else? Please list dates and times? In your own words, discuss what you recall from each conversation.

A.

22. Q. What information do you have about any Right Of Way issue with pole # 57334 N42685, 57339 N 46273, 57327 N46297, 57320 N46302 , 571316 N46296 ? No information already submitted into discovery .

A.

23. Q. What dates and times did you discuss a right of way or any other issue regarding pole number 57334 N42685, 57339 N 46273, 57327 N46297, 57320 N46302 , 571316 N46296 with

Nieves Abad, PPL Electric or any other person. In your own words, what were these discussions about? What did you recall of the conversation?

A.

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A.

25. Q. Did you have any conversation with any other PPL Employees, about any issues regarding a right of way agreement or pole relocation? Please list dates and times, names, the information received or given, or anything else you recall about this complaint.

A.

26. Q. What was the outcome of any decision made about pole relocation? Who made these decision(s)? List all people who played a role in making this decision?

A.

27. Q. Did you agree or disagree with any part of this decision? If so please explain what parts of the decision and why you agreed or disagreed with it.

A.

28. Q. Was it part of your job to make the decision of pole relocation at 837 Rear Capouse Scranton Pa 18509?

A.

29. Q.If not, who is responsible for this decision for the property at 837 Rear Capouse Ave, Scranton Pa 18509? List employee(s) and they're position.

A.

30. Q. Have you had any other problem with any other locations during your cause of work as an PPL employee, where there was a pole located on a property without a right of way. If so please list each date and information of the incident.

A.

31. Q. Do you have any notes, documents, phone records, written or electronic communication or any other information about pole numbers 57334 N42685, 57339 N 46273, 57327 N46297, 57320 N46302 , 571316 N46296 with any PPL Employee, acquaintance, or anyone else? In conjunction with these questions, please attach a copy of any of the above requested information.

A.

32. Q. When was tree removal discussed with you regarding the property at 837 Rear Capouse Ave, Scranton Pa 18509. Please state dates and times. Please explain what was discussed each time tree removal was discussed with you?

A.

33. Q. Do you have any information about tree removal at 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to 7/1/23 that has not been submitted into discovery.

A.

34. Q. What is the policy regarding a PPL Electric's right of way agreements with a pole on private property?

A.

y

35. Q. What is the protocol you follow when a pole is located on a customer's property without a right of way or no legal right to have a pole on the property and where the property owner wants the pole relocated off that property?.

A.

36. Q. As an employee of PPL Electric, what is the policy of PPL Electric regarding right of away and pole relocation on private property?

A.

37. Q. What is the protocol you follow when a pole is located on a private property without a right of way?

A.

38. Q. What protocol do you follow when a property owner wants a pole removed from a property that does not have a legal right of way?

A.

39. Q. Were these protocols followed for the situation with no right of way at 837 Rear Capouse Ave, Scranton Pa 18509? Please include what protocols were followed.

A.

40. Q. Do you have any information about invoice number 91130032-3, claim # 2023-00453? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.

A.

41. Q. Do you have any information about invoice number 91130033-3, claim 2023-00661? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.

A.

42. Q. Did these Bills stop the relocation of any of the utility poles in this complaint? Please name the person(s) who made this decision? Explain why the decision was made.

A.

43. Q. What date and time was this decision made? Please state what the decision was.

A.

44. Q. How was this decision made known to Nieves Abad? Please submit dates, times and documentation that was sent to Nieves Abad.

A.

45. Q. What was your involvement in making this decision? Please list and explain any decision you made.

A.

46. Q. Did you agree or disagree with any part of this decision? Please explain.

A.

47. PPL Electric Utilities Corporation Response to Request For Production Of Documents
Nieves Abad Set 1, Page 12 Kimberly Hansen Answer for pole # 57320N46302 was to "see attached." What Evidence or documentation did you provide? Please answer and explain each document.

48. Is there any documentation or/records you have on pole #57320N46302? Please provide all the documentation.

49. Q. Is Pole #57320N46302 located on the property at 837 Rear Capouse Ave, Scranton Pa 18509? Please answer and list the exact cordance of this pole with any supporting documentation.

49. Does PPL Electric have an agreement to place pole # 57320N46302 Where is it located with anyone? Please answer and list dates and times, any paperwork or any type of documentation to do with this pole and the placement to do with this pole and the placement of this pole.

50. Q. Do you have a criminal record? If so, list and explain each.

A.

51. Q. Did you have any complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? Please list and explain, and provide any documentation for each.

A.

52. Q. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this complaint?

A.

If more room is needed for answering any questions please write out on a separate sheet of paper and attach to this document. All documentation requested in this deposition is only needed if not already submitted into discovery.

Date

Signature

Print Name

Address

Phone

CC:

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

Dated _____

Peter J Kramer Esquire

Post & Schell

Three Logan Square

1717 Arch Street

24th Floor

Philadelphia, PA 19103

215-587-1075

215-587-1444 Main Fax

pkramer@postschell.com

Appendix E

Nieves Abad
747 Delaware St
Forest City, PA 18421
Martjua3@aol.com
631-575-2348

August 19, 2024

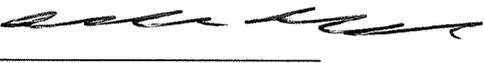
PPL Electric Utilities Corporation
Employee Barbara Shumla
Peter Kramer
Post & Schell
Three Logan Square
24th Floor
Philadelphia PA 19103

RE: Nieves Abad V, PPL Electric Utilities Corporation
Docket No. C-2024-3047163

Dear Secretary Of Commission:

Attached for answer is the Written Deposition of Barbara Shumla Upon Respondent by Nieves Abad in the Above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

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



Nieves Abad
747 Delaware St
Forest City, Pa 18421
Martjua3@aol.com
631-575-2348
Dated-August 19, 2024

Peter J Kramer Esquire
Post & Schell
Three Logan Square

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad

(Pro-Se)

WRITTEN DEPOSITION

Complainant

VS

PPL Electric Utilities Corporation

C-2024-3047163

Respondent

WRITTEN DEPOSITION PURSUANT TO PA 52. Code 5.341

WRITTEN DEPOSITION OF BARBARA SHUMLAS/ AND OR PERSON RESPONSIBLE FOR
DOCUMENT #3331874745

1. Q. Please state your name and your office address?

A.

2. Q. Please state your educational background including the schools you have attended, the academic and professional degrees you have received and the dates you received these degrees?

A.

3. Q. What company do you work for? Please submit your current employee work history at this company?

A.

4. Q. What is your current position at PPL Electric Utilities Corporation?

A.

5. Q. How long have you practiced your profession and how long have you held your current position?

A.

6. Q. State the names of the professional licensing agencies that have issued licenses to you? Include the date of such licenses and whether they are still current. In Conjunction with this question, please attach a copy of your licenses.

A.

7. Q. Are you aware of Document #3331874745 ?

A.

8..Q. Did you make this document? If not, who did? Please provide name and contact info ?

A.

9..Can you tell us about the car accident that damaged the poles and wires on Amity Ct or green Place that is stated in the report?

A.

10.What damage was done to the poles?

A.

11.Q.What type of vehicle was involved in the accident?

A.

12.Q.What dates and times did this happen?

A.

13 Q. Was an insurance claim filed in this matter?

A.

14.How many of these forms have you filled out before or after this incident occurred?

A.

15.Q. How many of these forms have you filled out incorrectly?

A.

16.Q. Where the form states "Type Of Report: Auto Accident" referring to the incident that damaged the poles?

A.

17.Q. Why was it labeled an auto accident ?

A.

18.Q Do you have any information of invoice # 91130032-3 ? Please list all involvement dates and times.

A.

19 Q. Do you have any information of either invoice # 91130033-3? Please list all involvement dates and times.

A.

20. Q. Do you have a criminal record? If so please explain

A.

21. Q. Did you have any complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? If so please explain in detail

A.

22. Q. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this complaint?

A.

If more room is needed for answering any questions please write out on a separate sheet of paper and attach to this document. All documentation requested in this deposition is only needed if not already submitted into discovery.

Date

Signature

Print Name

Address

Phone

CC:

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

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215-587-1444 Main Fax
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Appendix F

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nieves Abad,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3047163
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION TO THE
REQUEST FOR WRITTEN DEPOSITIONS OF NIEVES ABAD**

Pursuant to 52 Pa. Code § 5.345(c), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), by and through its attorneys, hereby serves these objections to the request of written depositions of Nieves Abad (“Complainant”) served on August 23, 2024, via mail (“Abad Depositions”).

As explained below, PPL Electric objects to Abad Depositions on the grounds that they are not relevant, vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

In support, PPL Electric states as follows:

SPECIFIC OBJECTIONS

A. OBJECTIONS TO ABAD DEPOSITIONS, PPL ELECTRIC UTILITIES CORPORATION NUMBERS 22 THROUGH 30, 36 THROUGH 41; WALKER NUMBERS 40 THROUGH 49; HANSON NUMBERS 40 THROUGH 46, 50 THROUGH 52; HUJSA NUMBERS 40 THROUGH 46, 50 THROUGH 52; KERNOSCHAK NUMBERS 40 THROUGH 46, 50 THROUGH 52; ROSATO NUMBERS 6 THROUGH 38; ROBERTS 6 THROUGH 38; MARIE NUMBERS 1 THROUGH 52; AND SHUMLAS 1 THROUGH 22.

1. Abad Depositions, PPL Electric Utilities Corporation numbers 22 through 30, 36 through 41 request the following:

22. Invoice #91130032-3, claim # 2023-00453-3, claim 2023-00661, what was the date and atimes these bills were created and date(s) were these bills completed on? Please list the dates and times billing details were entered for each incident and why the entry was made at a different date from the incident.
23. What date and time was ninvoice #91130032-3, claim #2023-00453 and 91130033-3, claim 2023-00661 sent to Nieves Abad? Please include all dates, addresses they were sent to.
24. What is PPL Electric Utilities Corporation company policy for filling out information for form #3781 (2/2028). Please list and explain.
25. Does form #3781 (2/2008) have to be filled out in full with every question answered? Please state any exceptions.
26. Is there any reason why PPL Electric filled out form #3781 (2/2008), inform 12951338 incompletely? Please list the reasons for each section not filled out completely. Please list the section and the reason.
27. What is the purpose of form #3781 (2/2008)? Please answer and state your policies for this form?
28. When marking the section “NO” in the section that states “pole replacement” on form # 3781 (2/208) what does that indicate to PPL Electric Corporation?
29. When marking the section “NO” in the section that states “service interruption” on form # 3781 (2/208) what does that indicate to PPL Electric Corporation?
30. When marking the section “NO” in the section that states “billable event” on form # 3781 (2/208) what does that indicate to PPL Electric Corporation?

* * *

36. Documents provided to Nieves Abad from Metropolitan Reporting Bureau to PPL Electric Utilities stated that an auto accident occurred on 04/13/2023, in the same area as to

where claim number 91130032-3, claim 2023-00452 was reported. Damage report states that the pole was hit by a vehicle. What was the damage done and to what pole number? Please answer and explain.

37. Do you have any information from the Metropolitan Reporting Bureau or any other source of this auto accident reported by the Metropolitan Reporting Bureau? Please list pole numbers involved in this auto accident, along with dates and times, what type of vehicle was involved, what damage was done and any other information about this Auto Accident.
38. Did insurance pay for any of the damage by this vehicle to PPL Electric Utilities Corporation or was there any payment made to PPL Electric by any other insurance company or any other third party? Please list and explain.
39. Do you have a criminal record? If so please list and explain each.
40. Did you have any complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? If so please explain in detail.
41. Is there nay other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/2023 to present time that pertains to this complaint? Please list and explain and provide documentation for each.

2. Abad Depositions Walker numbers 40 through 49 request the following:

40. Do you have any information about invoice number 91130032-3, claim # 2023-00453? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.
41. Do you have any information about invoice number 91130033-3, claim 2023-00661? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.
42. Did these bills stop the relocation of any of the utility poles in this complaint? Please name the person(s) who made this decision? Explain why the decision was made.

43. What date and time was this decision made? Please state what the decision was.
44. How was this decision made known to Nieves Abad? Please submit dates, times, and documentation that was sent to Nieves Abad.
45. What was your involvement in making this decision?
46. Did you agree or disagree with any part of this decision?
47. Do you have a criminal record? If so, list and explain each.
48. Did you have complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? Please list and explain, and provide any documentation for each.
49. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this Complaint?

3. Abad Depositions Hanson, Hujsa, Kernoschak numbers 40 through 46, 50 through 52 request the following:

40. Do you have any information about invoice number 91130032-3, claim # 2023-00453? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.
41. Do you have any information about invoice number 91130033-3, claim 2023-00661? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.
42. Did these bills stop the relocation of any of the utility poles in this complaint? Please name the person(s) who made this decision? Explain why the decision was made.
43. What date and time was this decision made? Please state what the decision was.

44. How was this decision made known to Nieves Abad? Please submit dates, times, and documentation that was sent to Nieves Abad.

45. What was your involvement in making this decision?

46. Did you agree or disagree with any part of this decision?

* * *

50. Do you have a criminal record? If so, list and explain each.

51. Did you have complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? Please list and explain, and provide any documentation for each.

52. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this Complaint?

4. Abad Depositions Rosato, Roberts numbers 6 through 38 request the following:

6. What date(s) were you called to an incident regarding damage to PPL Electric Equipment at 837 Rear Capouse Ave, Scranton Pa 18509 in 2023?

7. Did you witness nay person doing damage to PPL Electric's equipment on the day of the incident at 837 Rear Capouse Ave, Scranton Pa 18509?

8. Did you make any notes, including reports, documents, emails, letters, pictures, video, any other electronic or audio communications regarding this matter in this complaint? In conjunction with this please submit any documentation not already submitted into discovery.

9. Did you report this incident to any management or supervisors? On what dates and times? Please submit the rports made on each date.

10. What instructions were given to you by any supervisor on how to proceed with this matter and by whom? List dates and times and any information you recall on this matter.

11. What are the names of employees of PPL Electric on site with you during this incident at 837 Rear Capouse Scranton Pa 18509? Please list all names and business addresses.

12. Did you discuss this matter with any other person other than a PPL Electric employee? If so, please provide dates, times, and who you spoke too and what were your discussions?
14. When filling out PPL form number 3781(2/2008), why is there information left blank? Please list all information in your incident report you left blank and an explanation as to why it is blank.
15. Is it your duty to find out all the answers and complete the information to form # 3781 (2/2008).
16. Does PPL Electric protocol for filling form # 3781(2/2008) requires this form them to be filled out in full? Please submit answer and PPL Protocol for PPL incident reports?
17. Have you ever had to complete form #3781 (2/2008) out before or after this incident? Please answer and list how many of these forms you completed in 2023.
18. Did you complete form #3781 (2/2008) in full for this incident at 837 Rear Capouse Ave, Scranton Pa 18509? Please answer and explain why it was or was not completed in full.
19. Out of all the form numbers #3781 (2/2008) how many did you fill out completely and how many did you not fill out completely in 2023?
20. What does the section “Billable Event” mean on form #3781 (2/2008)? And why did you check NO on the incident report. Please explain in detail.
21. Is the replacement of damaged utility poles in this incident considered a billable event? Please answer and explain why.
22. What id the difference between a billable event and non-billable event Please explain in detail and give an example.
23. Were you involved in any billing for this incident form # 378` (2/2008)? Please explain what parts of the bill and what dates and timed did you work on preparing billing?
25. Under section, “Overhead”, on form #3781 (2/2008) Why was the answer “ pole replaced in location” marked NO? Please explain why.

26. Under section "Service Interrupted" , on form #3781 (2/2008) why is the answer marked NO? Please explain why.
27. Did any other PPL Employee help with or were involved with compiling data for this bill?. Please include the employee(s) names that helped you or were involved with making this bill. Please include dates and time of each occurrence and an explanation of what the conversation was as you recall it
28. Did the property owner give your permission to do any repair or alterations to his property during pole installation on the property located at 837 Rear Capouse Ave, Scranton Pa 18509 on the day you reported the incident? Please explain your answer.
29. In the process of this new installation of PPL Electric Utility Poles at 837 Rear Capouse Ave, Scranton Pa 18509, was any of the Complainants property altered such as trees, shrubs or bushes? Please list all items altered.
30. Were any of the Complainants trees, shrubs, or bushes removed from 837 Rear Capouse Ave, Scranton Pa 18509? Please list each item that was removed by PPL Electric employees the day of the incident.
31. What company was responsible for tree removal when this incident occurred? List names of company(s), owners, and any other information relevant to tree removal for invoice number 91130032-3, claim # 2023-00453 and 91130033-3, claim 2023-00661.
32. Did you make a states to the Scranton police department? Please include the statement.
33. What were the names of the other PPL Electric Employees present during this incident when you were on the scene?
34. What time did you arrive and depart the day of the incident at 837 Rear Capouse Scranton Pa 18509? Please include dates and times.
36. Do you have a criminal record? If so list and explain each.
37. Did you have any complaint or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? If so please list, explain and provide documentation for each.

38. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this complaint? If so please explain in detail.

5. Pursuant to Section 5.321(c) of the Commission’s regulations, a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

6. However, Section 5.361(a) of the Commission’s regulations prohibits discovery which would “cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party” or “would require the making of an unreasonable investigation by the deponent, a party or witness.” *Id.* § 5.361(a)(2), (4).

7. PPL Electric objects to Abad Depositions on the grounds that they are not relevant, are vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

8. In the Order Clarifying Scope of Proceedings and Granting in Part, and Denying in Part, Complainant’s Motion to Compel dated August 13, 2024, Administrative Law Judge Alphonso Arnold III, clarified the scope of this proceeding¹. The Order stated the Commission does not have jurisdiction to address claims for damages, and if the Complainant wishes to raise a claim for monetary damages against PPL Electric or wishes to challenge the invoices issued to him by PPL Electric, he must do so in a different forum. The Order further clarifies that “discoverable matter” in this proceeding refers to matters that are relevant to this subject proceeding, i.e., whether “Respondent is providing safe and reasonable service and facilities.”² The Order states that

¹ Order Clarifying Scope of Proceedings and Granting in Part, and Denying in Part, Complainant’s Motion to Compel, *Nieves Abad v. PPL Electric Utilities Corporation*, Docket No. C-2024-3047163 (Order entered August 13, 2024)

² *Id.* at 5.

information pertaining to the allegations in the Complaint that PPL Electric has invoiced the Complainant for damage caused to PPL Electric's poles is not relevant to this proceeding.³

9. Abad Depositions, PPL Electric numbers 22 through 30, 36 through 41; Walker numbers 40 through 49; Hanson numbers 40 through 46, 50 through 52; Hujisa numbers 40 through 46, 50 through 52; Kernoschak numbers 40 through 46, 50 through 52; Rosato numbers 6 through 38; and Roberts 6 through 38 are not relevant to this proceeding because they seek information related to incidents of damage to PPL Electric's facilities. As described in the August 13, 2024 Order, this information is not relevant to the instant proceeding and is thus not likely to lead to the discovery of admissible evidence.

10. PPL Electric objects to Abad Depositions of Marie and Shumlas because the requests relate to employees who are no longer employed by PPL Electric, and therefore are not a party to this proceeding. Furthermore, the requests made in those Depositions are duplicative with requests made to others in Abad Depositions and can be answered by those parties.

11. PPL Electric objects to requests for criminal record or other disciplinary records of PPL Electric employees included in Abad Depositions Hujisa, Hanson, and Kernoschak number 50, 51; Walker numbers 47, 48; and Rosato and Roberts numbers 36, 37 because the information sought is not relevant to the pending proceeding or a proper use of discovery.

12. PPL Electric objects to the request in Abad Depositions Hujisa, Hanson, and Kernoschak number 52; Walker numbers 49; and Rosato and Roberts number 38 because the request for any "information relevant" is a "catch-all" request and not a proper use of discovery under the Commission's regulations.

³ *Id.*

B. OBJECTIONS TO ABAD DEPOSITIONS, PPL ELECTRIC UTILITIES CORPORATION NUMBERS 19 THROUGH 21; HANSON NUMBERS 7, 11 THROUGH 21, 30 THROUGH 33; WALKER NUMBERS 7, 11 THROUGH 21, 30 THROUGH 33; HUJSA NUMBERS 7, 11 THROUGH 21, 30 THROUGH 33; KERNOSCHAK NUMBERS 7, 11 THROUGH 21, 30 THROUGH 33.

13. Abad Depositions, PPL Electric Utilities Corporation numbers 19 through 21 request the following:

19. What is your PPL Electric Right of Way policy for Utility Poles on private property? Please list any PPL Electric Utilities Policies on Right of Way.

20. What is PPL Electric policy for relocating or removing utility pole(s) on private property, where there is no right of way agreement? Please answer and explain.

21. Were PPL Electric policies followed at 837 Rear Capouse Ave, Scranton Pa for pole #s 57334 N42685, 57339 N46273, 57327 N46297, 57320 N46302, 571316 N46296, where there was no right of way agreement and asked to be removed by the property owner? Please explain what policies were or were not followed, for each pole.

14. Abad Depositions, Hanson, Walker, Hujsa, Kernoschak numbers 7, 11 through 21 and 30 through 33 request the following:

7. Have you ever testified as a witness in a court proceeding, either in person or by deposition? If yes please list dates and cases.

* * *

11. Do you have any voicemails, text, messages, emails, or other phone records regarding this matter? Please submit all communication records.

12. While discussing these electrical needs of the new structure, Nieves Abad had plans to build, at 837 Rear Capouse Ave Scranton Pa 18509. What were the plans that needed to be done in order to get the amount of service to the new building on this property 837 Rear Capouse Ave, Scranton Pa 18509?

13. Would there be any upgrades to the neighboring PPL Equipment to supply 837 Rear Capouse Ave Scranton Pa 18509 with electricity for the new structure(s)? Please list any information regarding nay upgrades needed?
14. Would there be any charges to Nieves Abad to supply electric service at 837 Rear Capouse Ave Scranton Pa 18509? If so please list all charges and explain.
15. As a PPL Electric Utility employee was it your duty to make the decision to charge Nieves Abad for any upgrades PPL Electric needed to get electrical service at 837 Rear Capouse Ave Scranton Pa 18509?
16. Who is the employee or employees that made the decision to charge Nieves Abad for the new services requested at 837 Rear Capouse Ave Scranton Pa 18509?
17. What is PPL Electric's policy for a new customer who will be receiving new service on a new building that was previously a vacant lot?
18. What are the plans that were made to get the service Nieves Abad needed for this project at 837 Rear Capouse Ave Scranton Pa 18509? Please explain the plan.
19. Who did you discuss the electrical plans with to get the service Nieves Abad requested? Please list dates and times decisions were made and what decisions were made.
20. Did you make any notes, statements, work records, documents, data, or any other form of written, electronic, or voice transcripts of any events concerning the property at 837 Rear Capouse Ave Scranton Pa 18509. In conjunction with these questions, please attach a copy of any of the above information with dates and times?
21. Did you discuss the matters in this complaint, at 837 Rear Capouse Ave Scranton Pa 18509 with any other person including PPL Employees, Personal acquaintances, or anyone else? Please list dates and times? In your own words, discuss what you recall from each conversation.

* * *

30. Have you had any other problem with any other locations

during your cause of work as an PPL employee, where there was a pole located on a property without a right of way. If so please list each date and information of the incident.

31. Do you have any notes, documents, phone records, written or electronic communication or any other information about pole numbers 57334 N42685, 57339 N 46273, 57327 N46297, 57320 N46302, 571316 N46296 with any PPL Employee, acquaintance, or anyone else? In Conjunction with these questions, please attach a copy of any of the above requested information.
32. When was tree removal discussed with you regarding the property at 837 Rear Capouse Ave, Scranton Pa 18509. Please state date and times. Please explain what was discussed each time tree removal was discussed with you?
33. Do you have any information about tree removal at pole #s 57334 N42685, 57339 N 46273, 57327 N46297, 57320 N46302, 571316 N46296 from 3/1/23 to 7/1/23 that has not been submitted into discovery.

15. Pursuant to Section 5.321(c) of the Commission's regulations, a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

16. However, Section 5.361(a) of the Commission's regulations prohibits discovery which would "cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party" or "would require the making of an unreasonable investigation by the deponent, a party or witness." Id. § 5.361(a)(2), (4).

17. PPL Electric objects to Abad Depositions on the grounds that they are not relevant, are vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

18. Specifically, PPL Electric objects to Abad Depositions to PPL Electric Utilities Corporation Numbers 19 through 21 because it is vague and unclear as to who "you" or "policy"

is referring to in the question. In addition, the question is repetitive, overly broad, and duplicative with other requests made through discovery previously in Abad RFPD Set I and Abad Interrogatories Set I.

19. PPL Electric objects to Abad Depositions included in Hanson, Walker, Hujsa, and Kernoschak Number 7 on the grounds the question is an improper use of discovery and not relevant. It is not relevant to this proceeding whether any of the witnesses have testified in other cases previously.

20. PPL Electric objects to Abad Depositions included in Hanson, Walker, Hujsa, and Kernoschak Numbers 11 through 21 and 30 through 33 on the grounds the questions are overly broad and not relevant to this proceeding. The questions ask about “decision to charge Nieves Abad for any upgrades PPL Electric needed to get electrical service at” the service address and PPL Electric’s policy generally when connecting new service. As discussed in the August 13, 2024 order, the scope of this proceeding revolves around allegations of unreasonable service related to a request to relocate the Company’s facilities. Therefore, Numbers 11 through 21 are not relevant in addition to being duplicative with each other.

21. In addition, Abad Depositions Numbers 30 through 33 are overly broad duplicative with other requests made in discovery and asks for “any notes, documents, phone records, written or electronic communication or any other information about pole numbers . . .” All discoverable information related to the poles in question has been provided in previous answers to discovery in Abad RFPDs Set I. It would be overly burdensome on PPL Electric to provide information twice. Furthermore, information related to “tree trimming” or activities related to damages to PPL Electric’s facilities are not relevant to the instant proceeding.

II. CONCLUSION

WHEREFORE, PPL Electric objects to Abad Depositions on the grounds that they are vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery. PPL Electric is willing and able to answer the Complainant's discovery requests for specific and new information not already provided in previous discovery requests through requests for interrogatories and/or requests for production of documents. Moreover, PPL Electric Utilities Corporation reserves the right to object to future written deposition requests interrogatories, requests for admissions, and requests for production of documents, including any instructions and definitions contained therein.

Respectfully submitted,

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
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Dated: September 3, 2024

Attorneys for PPL Electric Utilities Corporation

Appendix G

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nieves Abad,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3047163
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION TO THE
REQUEST FOR WRITTEN DEPOSITIONS OF NIEVES ABAD (SET II)**

Pursuant to 52 Pa. Code § 5.345(c), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), by and through its attorneys, hereby serves these objections to the request of written depositions of Nieves Abad (“Complainant”) served on September 16, 2024, via email (“Abad Depositions Set II”).

As explained below, PPL Electric objects to Abad Depositions Set II on the grounds that they are not relevant, vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

In support, PPL Electric states as follows:

SPECIFIC OBJECTIONS

A. OBJECTIONS TO ABAD DEPOSITIONS SET II, FARBER NUMBERS 7, 11 THROUGH 21, 30 THROUGH 33, AND 39 THROUGH 48.

1. Abad Depositions Set II, Farber numbers 7, 11 through 21, 30 through 33, and 39 through 48 request the following:

7. Have you ever testified as a witness in a court proceeding, either in person or by deposition? If yes please list dates and cases.

* * *

11. Do you have any voicemails, text, messages, emails, or other phone records regarding this matter? Please submit all communication records.
12. While discussing these electrical needs of the new structure, Nieves Abad had plant to build, at 837 Rear Capouse Ave Scranton Pa 18509. What were the plans that needed to be done in order to get the amount of service to the new building on this property 837 Rear Capouse Ave, Scranton Pa 18509?
13. Would there be any upgrades to the neighboring PPL Equipment to supply 837 Rear Capouse Ave Scranton Pa 18509 with electricity for the new structure(s)? Please list any information regarding any upgrades needed?
14. Would there be any charges to Nieves Abad to supply electric service at 837 Rear Capouse Ave Scranton Pa 18509? If so please list all charges and explain.
15. As a PPL Electric Utility employee was it your duty to make the decision to charge Nieves Abad for any upgrades PPL Electric needed to get electrical service at 837 Rear Capouse Ave Scranton Pa 18509?
16. Who is the employee or employees that made the decision to charge Nieves Abad for the new services requested at 837 Rear Capouse Ave Scranton Pa 18509?
17. What is PPL Electric's policy for a new customer who will be receiving new service on a new building that was previously a vacant lot?
18. What are the plans that were made to get the service Nieves Abad needed for this project at 837 Rear Capouse Ave Scranton Pa 18509? Please explain the plan.
19. Who did you discuss the electrical plans with to get the service Nieves Abad requested? Please list dates and times decisions were made and what decisions were made.
20. Did you make any notes, statements, work records, documents, data, or any other form of written, electronic, or voice transcripts of any events concerning the property at 837 Rear Capouse Ave Scranton Pa 18509. In conjunction

with these questions, please attach a copy of any of the above information with dates and times?

21. Did you discuss the matters in this complaint, at 837 Rear Capouse Ave Scranton Pa 18509 with any other person including PPL Employees, Personal acquaintances, or anyone else? Please list dates and times? In your own words, discuss what you recall from each conversation.

* * *

30. Have you had any other problem with any other locations during your cause of work as an PPL employee, where there was a pole located on a property without a right of way. If so please list each date and information of the incident.

31. Do you have any notes, documents, phone records, written or electronic communication or any other information about pole numbers 57334 N42685, 57339 N 46273, 57327 N46297, 57320 N46302, 571316 N46296 with any PPL Employee, acquaintance, or anyone else? In Conjunction with these questions, please attach a copy of any of the above requested information.

32. When was tree removal discussed with you regarding the property at 837 Rear Capouse Ave, Scranton Pa 18509. Please state date and times. Please explain what was discussed each time tree removal was discussed with you?

33. Do you have any information about tree removal at pole #s 57334 N42685, 57339 N 46273, 57327 N46297, 57320 N46302, 571316 N46296 from 3/1/23 to 7/1/23 that has not been submitted into discovery.

* * *

39. Do you have any information about invoice number 91130032-3, claim # 2023-00453? Please state all information that is factual and include documentation, recordings, photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.

40. Do you have any information about invoice number 91130033-3, claim 2023-00661? Please state all information that is factual and include documentation, recordings,

photos, emails, phone calls, or any other discoverable evidence that was not already entered into discovery.

41. Did these bills stop the relocation of any of the utility poles in this complaint? Please name the person(s) who made this decision? Explain why the decision was made.
42. What date and time was this decision made? Please state what the decision was.
43. How was this decision made known to Nieves Abad? Please submit dates, times, and documentation that was sent to Nieves Abad.
44. What was your involvement in making this decision?
45. Did you agree or disagree with any part of this decision?
46. Do you have a criminal record? If so, list and explain each.
47. Did you have complaints or disciplinary actions taken against you during your course of employment at PPL Electric Utility Corporation? Please list and explain, and provide any documentation for each.
48. Is there any other information relevant to Nieves Abad or 837 Rear Capouse Ave, Scranton Pa 18509 from 3/1/23 to present time that pertains to this Complaint?

3. Pursuant to Section 5.321(c) of the Commission's regulations, a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

4. However, Section 5.361(a) of the Commission's regulations prohibits discovery which would "cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party" or "would require the making of an unreasonable investigation by the deponent, a party or witness." *Id.* § 5.361(a)(2), (4).

5. PPL Electric objects to Abad Depositions Set II Farber on the grounds that they are not relevant, are vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence.

6. Specifically, PPL Electric objects to Abad Depositions Set II Farber Number 7 on the grounds the question is an improper use of discovery and not relevant. It is not relevant to this proceeding whether any of the witnesses have testified in other cases previously.

7. In the Order Clarifying Scope of Proceedings and Granting in Part, and Denying in Part, Complainant's Motion to Compel dated August 13, 2024, Administrative Law Judge Alphonso Arnold III, clarified the scope of this proceeding¹. The Order stated the Commission does not have jurisdiction to address claims for damages, and if the Complainant wishes to raise a claim for monetary damages against PPL Electric or wishes to challenge the invoices issued to him by PPL Electric, he must do so in a different forum. The Order further clarifies that "discoverable matter" in this proceeding refers to matters that are relevant to this subject proceeding, i.e., whether "Respondent is providing safe and reasonable service and facilities."² The Order states that information pertaining to the allegations in the Complaint that PPL Electric has invoiced the Complainant for damage caused to PPL Electric's poles is not relevant to this proceeding.³

8. PPL Electric objects to Abad Depositions Set II Farber Numbers 11 through 21 and 30 through 33 on the grounds the questions are overly broad and not relevant to this proceeding. The questions ask about "decision to charge Nieves Abad for any upgrades PPL Electric needed to get electrical service at" the service address and PPL Electric's policy generally when connecting new service. As discussed in the August 13, 2024 order, the scope of this proceeding revolves around allegations of unreasonable service related to a request to relocate the Company's facilities. Therefore, Numbers 11 through 21 are not relevant in addition to being duplicative with

¹ Order Clarifying Scope of Proceedings and Granting in Part, and Denying in Part, Complainant's Motion to Compel, *Nieves Abad v. PPL Electric Utilities Corporation*, Docket No. C-2024-3047163 (Order entered August 13, 2024)

² *Id.* at 5.

³ *Id.*

each other.

9. In addition, Abad Depositions Numbers 30 through 33 are overly broad and duplicative with other requests made in discovery and asks for “any notes, documents, phone records, written or electronic communication or any other information about pole numbers . . .” All discoverable information related to the poles in question has been provided in previous answers to discovery in Abad RFPDs Set I. It would be overly burdensome on PPL Electric to provide information twice. Furthermore, information related to “tree trimming” or activities related to damages to PPL Electric’s facilities is not relevant to the instant proceeding.

10. Abad Depositions Set II Farber numbers 39 through 45 are not relevant to this proceeding because they seek information related to incidents of damage to PPL Electric’s facilities. As described in the August 13, 2024 Order, this information is not relevant to the instant proceeding and is thus not likely to lead to the discovery of admissible evidence.

11. PPL Electric objects to requests for criminal record or other disciplinary records of PPL Electric employees included in Abad Depositions Set II Farber numbers 46 and 47 because the information sought is not relevant to the pending proceeding or a proper use of discovery.

12. PPL Electric objects to the request in Abad Depositions Set II Farber number 48 because the request for any “information relevant” is a “catch-all” request and not a proper use of discovery.

B. OBJECTIONS TO ABAD DEPOSITIONS SET II, WALKER NUMBERS 13 THROUGH 26.

13. Abad Depositions Set II Walker Numbers 13 through 26:

13. Who is your supervisor? Please list name and office address.

14. Was your supervisor aware of the 21 year “proscribed” Right of Way, for pole number 57334N42685 that you said PPL Electric has asserted? If so, please provide any documentation, communication you had with your

supervisor and explain any conversations you had with your supervisor.

15. Was your supervisor aware of the 21 year “proscribed” Right of Way, for pole number 57339N46273 that you said PPL Electric has asserted? If so, please provide any documentation, communication you had with your supervisor and explain any conversations you had with your supervisor.
16. Was your supervisor aware of the 21 year “proscribed” Right of Way, for pole number 57327N46297 that you said PPL Electric has asserted? If so, please provide any documentation, communication you had with your supervisor and explain any conversations you had with your supervisor.
17. Was your supervisor aware of the 21 year “proscribed” Right of Way, for pole number 57320N46302 that you said PPL Electric has asserted? If so, please provide any documentation, communication you had with your supervisor and explain any conversations you had with your supervisor.
18. Was your supervisor aware of the 21 year “proscribed” Right of Way, for pole number 57316N46296 that you said PPL Electric has asserted? If so, please provide any documentation, communication you had with your supervisor and explain any conversations you had with your supervisor.
19. What did you discuss with your supervisor regarding any decision making for pole number 57334N42685? Please include any documentation, text messages, phone records regarding this pole and explain any conversations that took place with your supervisor.
20. What did you discuss with your supervisor regarding any decision making for pole number 57339N46273? Please include any documentation, text messages, phone records regarding this pole and explain any conversations that took place with your supervisor.
21. What did you discuss with your supervisor regarding any decision making for pole number 57327N46297? Please include any documentation, text messages, phone records

regarding this pole and explain any conversations that took place with your supervisor.

22. What did you discuss with your supervisor regarding any decision making for pole number 57320N46302? Please include any documentation, text messages, phone records regarding this pole and explain any conversations that took place with your supervisor.
23. What did you discuss with your supervisor regarding any decision making for pole number 57316N46296? Please include any documentation, text messages, phone records regarding this pole and explain any conversations that took place with your supervisor.
24. Is pole number 57320N46302 located in a public right of way? If so, please provide documentation and proof of this pole being located in a public right of way?
25. Is pole number 57320N46302 located on the property of Nieves Abad? If not, please provide documentation and proof of this pole not being located on the property at 837 Rear Capouse Ave, Scranton PA 18509.
26. In your response to question number 35, of Deposition Set I, You stated you handled a similar situation in the same manner. Please list the last 3 similar situations. Include dates, times, locations, property address, property owner, and any other details about each case. Please submit any documentation regarding these cases.

14. Pursuant to Section 5.321(c) of the Commission's regulations, a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

15. However, Section 5.361(a) of the Commission's regulations prohibits discovery which would "cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party" or "would require the making of an unreasonable investigation by the deponent, a party or witness." Id. § 5.361(a)(2), (4).

16. PPL Electric objects to Abad Depositions Set II Walker numbers 13 through 24 on the grounds that they are not relevant, are vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence. The requests are vague in that they ask for “any conversations” and “any documentation” discussed with another employee of PPL Electric. Furthermore, a list of PPL employees with knowledge of potentially discoverable matter was provided in previous interrogatories. If the Complainant has questions for those identified, PPL Electric will review the requests. Indeed, the party being deposed cannot accurately answer questions about another’s knowledge of a fact, as is requested in requests 14 through 18. Finally, it is irrelevant whether any conversations took place with a supervisor.

17. PPL Electric objects to Abad Depositions Set II Walker numbers 24 and 25 because it is duplicative with previous requests and indeed has been answered previously in Abad Depositions Set I.

18. PPL Electric objects to Abad Depositions Set II Walker number 26 on the grounds the question is an improper use of discovery, not relevant, and calls for confidential information of individuals who are not parties to this Complaint. Previous details about similar situations are not relevant to the handling of this current dispute.

II. CONCLUSION

WHEREFORE, PPL Electric objects to Abad Depositions Set II, Farber numbers 7, 11 through 21, 30 through 33, and 39 through 48; Abad Depositions Set II, Walker numbers 13 through 26 on the grounds that they are vague, overly broad, unduly burdensome, duplicative, an improper use of discovery, and/or not reasonably calculated to lead to the discovery of admissible evidence. Moreover, PPL Electric Utilities Corporation reserves the right to object to future written deposition requests interrogatories, requests for admissions, and requests for production of documents, including any instructions and definitions contained therein.

Respectfully submitted,

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