

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nieves Abad	:	
	:	
v.	:	C-2024-3047163
	:	
PPL Electric Utilities Corporation	:	

ORDER
GRANTING IN PART AND DENYING IN PART
COMPLAINANT’S MOTION TO COMPEL DISCOVERY SET II

Nieves Abad (“Complainant”) filed a document titled “Motion to Compel Discovery Set II” (“Motion”), dated December 16, 2024. In his Motion, Complainant seeks answers to Complainant’s written deposition questions directed to five individuals: Tim R. Roberts, John Rosato, Bill Farber, April Marie, and Barbara Shumlas.

On December 23, 2024, PPL Electric Utilities Corporation (“Respondent”) filed a Petition for Extension of Time to file an Answer to the Motion (“Petition”).

On December 24, 2024, the Commission issued my Order Granting the Petition. My Order gave Respondent until January 2, 2024, to file an Answer to the Motion.

On January 2, 2024, PPL filed an Answer to the Motion (“Answer”).

For the reasons discussed below, Complainant’s Motion will be granted in part and denied in part.

DISCUSSION

Tim R. Roberts

Complainant served 38 written deposition questions directed to Tim R. Roberts. Respondent objected to questions 6 through 38. In his Motion, Complainant seeks to compel answers to his 38 questions, including questions 1 through 5 which were not objected to but not yet answered by Respondent.

In its Answer, Respondent argued that Complainant's Motion is untimely, stating that it served objections to questions 6 through 38 on September 3, 2024. Pursuant to 52 Pa. Code § 5.342(g), Respondent argued that any motion to compel answers to the objected to questions was due September 13, 2024. Alternatively, Respondent argued that its objections to the questions should be sustained. Regarding questions 1 through 5, Respondent indicated that it is currently working to prepare answers and will serve them upon the Complainant when available.

Respondent will not be compelled to answer the questions it has objected to. Respondent is correct in that Complainant's Motion is untimely, for the reasons it stated in its Answer. Furthermore, I agree with Respondent's objections, where it alleged that Complainant's questions were 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. As Respondent did not object to questions 1 through 5, it will be ordered to answer these questions in the Ordering paragraphs below.

John Rosato

Complainant served 38 written deposition questions directed to John Rosato. Respondent objected to questions 6 through 38. In his Motion, Complainant seeks to compel

responses to his 38 questions, including questions 1 through 5 which were not objected to but not yet answered by Respondent.

In its Answer, Respondent argued that Complainant's Motion is untimely, stating that it served objections to questions 6 through 38 on September 3, 2024. Pursuant to 52 Pa. Code § 5.342(g), Respondent argued that any motion to compel responses to the objected to questions was due September 13, 2024. Alternatively, Respondent argued that its objections to the questions should be sustained. Regarding questions 1 through 5, Respondent indicated that it is currently working to prepare answers and will serve them upon the Complainant when available.

Respondent will not be compelled to answer the questions it has objected to. Respondent is correct in that Complainant's Motion is untimely, for the reasons it stated in its Answer. Furthermore, I agree with Respondent's objections, wherein it alleged that the questions were 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. As Respondent did not object to questions 1 through 5, it will be ordered to answer these questions in the Ordering paragraphs below.

Bill Farber

Complainant served 48 written deposition questions directed to Bill Farber. Respondent objected to questions 7, 11 through 21, 30 through 33, and 39 through 48. In his Motion, Complainant seeks to compel responses to his 48 questions, including the questions which were not objected to but not yet answered by Respondent.

In its Answer, Respondent argued that Complainant's Motion is untimely, stating that it served objections to questions 7, 11 through 21, 30 through 33, and 39 through 48 on September 26, 2024. Pursuant to 52 Pa. Code § 5.342(g), Respondent argued that any motion to compel responses to the objected to questions was due October 7, 2024. Alternatively,

Respondent argued that its objections to the questions should be sustained. Regarding the questions not objected to, Respondent indicated that it is currently working to prepare answers and will serve them upon the Complainant when available.

Respondent will not be compelled to answer the questions it has objected to. Respondent is correct in that Complainant's Motion is untimely, for the reasons it stated in its Answer. Furthermore, I agree with Respondent's objections, wherein it alleged that the questions were overly broad, irrelevant, and duplicative. Respondent will be ordered to answer the questions it did not object to in the Ordering paragraphs below.

April Marie

Complainant served 52 written deposition questions directed to April Marie. Respondent objected to all 52 questions. In his Motion, Complainant seeks to compel responses to his 52 questions.

In its Answer, Respondent argued that Complainant's Motion is untimely, stating that it served objections to the 52 questions on September 3, 2024. Pursuant to 52 Pa. Code § 5.342(g), Respondent argued that any motion to compel responses to the objected to questions was due September 13, 2024. Alternatively, Respondent argued that its objections to the questions should be sustained.

Respondent will not be compelled to answer the questions it has objected to. Respondent is correct in that Complainant's Motion is untimely, for the reasons it stated in its Answer. Furthermore, I agree with Respondent's objections to these questions. Respondent objected to these questions on the basis that April Marie is no longer an employee of Respondent.

Barbara Shumlas

Complainant served 22 written deposition questions directed to Barbara Shumlas. Respondent objected to all 22 questions. In his Motion, Complainant seeks to compel responses to his 22 questions.

In its Answer, Respondent argued that Complainant's Motion is untimely, stating that it served objections to the 22 questions on September 3, 2024. Pursuant to 52 Pa. Code § 5.342(g), Respondent argued that any motion to compel responses to the objected to questions was due September 13, 2024. Alternatively, Respondent argued that its objections to the questions should be sustained.

Respondent will not be compelled to answer the questions it has objected to. Respondent is correct in that Complainant's Motion is untimely, for the reasons it stated in its Answer. Furthermore, I agree with Respondent's objections to these questions. Respondent objected to these questions on the basis that Barbara Shumlas is no longer an employee of Respondent.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion to Compel Discovery Set II, filed by Nieves Abad on December 16, 2024, in the matter of Nieves Abad v. PPL Electric Utilities Corporation, Docket No. C-2024-3047163, is granted in part and denied in part.

2. That PPL Electric Utilities Corporation shall serve full and complete responses to “Written Deposition of Tim R. Roberts Upon Respondent by Nieves Abad” questions 1-5, by **January 16, 2025**.

3. That PPL Electric Utilities Corporation shall serve full and complete responses to “Written Deposition of John Rosato Upon Respondent by Nieves Abad” questions 1-5, by **January 16, 2025**.

4. That PPL Electric Utilities Corporation shall serve full and complete responses to “Written Deposition of Bill Farber Upon Respondent by Nieves Abad” questions 1-6, 8-10, 22-29, 34-38, by **January 16, 2025**.

5. That Nieves Abad’s Motion to Compel Discovery Set II is denied in all other aspects.

Date: January 8, 2025

/s/
Alphonso Arnold III
Administrative Law Judge

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