

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Myers	:	
	:	
v.	:	C-2024-3045577
	:	
PPL Electric Utilities Corporation	:	

INTERIM ORDER

This order memorializes the procedural matters discussed at the prehearing conference held on January 7, 2025 and establishes a 20-day deadline for PPL Electric Utilities Corporation (Respondent or PPL) to respond to what I deem to be an amended Formal Complaint.

Abbreviated Procedural background

A fuller procedural background is set forth in the Prehearing Conference Order issued on December 4, 2024 in this matter. Relevant to this Interim Order, the Initial Call-In Telephone Hearing Notice served November 21, 2024, Hearing Type Change Notice served December 4, 2024, and Prehearing Conference Order served December 4, 2024 were eServed to Richard N. Myers (Complainant). In his Formal Complaint, Mr. Myers checked the box and initialed his selection of service by email and provided an email address to which the notices and order were sent. There is no indication that the emails were returned as undeliverable. All three documents provided the date, time and call-in information for the Prehearing Conference. Further, the Prehearing Conference Order provided notice that:

Failure of a party to participate in the conference, after being served with notice of the date, time, and location thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and an order or ruling with respect thereto. 52 Pa. Code § 5.222(e).

The Call-In Telephonic Prehearing Conference was convened as scheduled at 10:00 a.m. on Tuesday, January 14, 2025. Mr. Peter J. Kramer, Esquire appeared for PPL. No one participated on behalf of the Complainant.

During the Prehearing Conference, I advised counsel for Respondent that I will deem the statements in Mr. Myers' written objections to the two Certificates of Satisfaction to be an amendment to the Formal Complaint.¹ On their face, those statements appear to expand the scope of the complaint and requested relief beyond the original Formal Complaint. As I noted in the Prehearing Conference Order, Mr. Myers' reply to the April 25, 2024 Certificate of Satisfaction stated:

Correct, I have withdrawn my request to use PPL Electric poles to reconnect service when I relocate my smart meter farther from my house, but I do so under duress. I believe PUC's ruling that smart meter installations are mandatory is an illicit act.

May 6, 2024 Objection at 1.² Mr. Myer's reply to the November 8, 2024 Certificate of Satisfaction stated his disagreement with closing his Formal Complaint because the relocation of the smart meter from his house to his front yard "does not eliminate the risk of harm to me or anyone on my lawn." As relief, Mr. Myers requests:

Please direct PPL and PUC to show me the tests and scientific studies that prove all the thousands of scientific studies, researchers, victims and physicians reporting harms are wrong. Then I will sign a Certificate of Satisfaction to close my Complaint.

November 12, 2024 Objection at 1.

¹ 52 Pa. Code § 5.91(a).

² The stamps on the filings indicate that deposit for delivery by Certified Mail was made on May 6, 2024 and November 12, 2024, respectively. In the Prehearing Conference Order, I referenced May 7 for the first objection, which was the date received by the Pennsylvania Public Utility Commission (Commission) versus the date deposited. Pursuant to the Commission's regulations, when a filing is served by United States mail, the date deposited is considered the date of service.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa. Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa. Code § 5.485(a). The Commission's regulations permit the presiding Administrative Law Judge to disregard an error or defect of procedure if the error does not adversely affect a substantive right of a party.³ In the instant case, the Respondent's substantive rights will not be adversely affected by treating the objections as an amendment to the Formal Complaint. I note that the Respondent has been provided notice and will be afforded twenty (20) days to respond to any new issues raised by the amended pleading. This is the same amount of time as would have been provided for responding to a written amendment filed pursuant to 52 Pa. Code §§ 5.91-5.93.⁴

During the Prehearing Conference, we also discussed preparation for evidentiary hearings. Consistent with that discussion, I will set a deadline of March 14, 2025, for the parties to exchange information about any fact or expert witnesses (other than the Complainant) who they will present at the hearing. Please review Ordering Paragraph 3, below, which lists the specific information that must be provided, in writing, to the other party.

In addition, prior to April 4, 2025, the parties should confer and attempt to agree on two or more proposed dates for a hearing to be held in July of 2025.

By April 11, 2025, the parties, together or separately, should file a status report in this proceeding and serve a copy upon the opposing party and the undersigned Presiding Officer. Please review Ordering Paragraph 5, below, which lists the specific information that must be included in the report.

The parties are expected to conduct discovery in the time before the hearing.⁵ Also, the parties are encouraged to exchange information on an informal basis.⁶

³ 52 Pa. Code § 1.2(a).
⁴ 52 Pa. Code § 5.65(a).
⁵ 52 Pa. Code § 5.331(b)
⁶ 52 Pa. Code § 5.322

THEREFORE,

IT IS ORDERED:

1. That the objections of Richard N. Myers, filed on May 6, 2024 and November 12, 2024, shall be treated as amendments to the Formal Complaint.

2. That PPL Electric Utilities Corporation shall file any answer or other appropriate pleadings responsive to the amended Formal Complaint, within 20 days of entry of this order.

3. That, on or before March 14, 2025, the parties shall exchange, in writing, the following information regarding factual and expert witnesses:

a. Any party wishing to present factual testimony of any person other than the Complainant must provide to the other party in writing, the name and business address of that person and a summary of the expected testimony of that person.

b. If no factual testimony will be presented, the parties shall provide a writing to the opposing party stating this fact.

c. Any party wishing to present expert testimony (including but not limited to medical, technical, etc.) must provide to the other party in writing, the name and business address of that expert and a summary of the expected testimony of that expert.

d. If no expert testimony will be presented, the parties shall provide a writing to the opposing party indicating this fact.

4. That, no later than April 4, 2025, the parties shall confer and attempt to agree on two or more proposed dates for a hearing to be held in July of 2025.

5. That, on or before April 11, 2025, the parties shall file a status report in this proceeding and serve a copy upon the opposing party and the undersigned Presiding Officer. The status report shall identify the two or more dates they agreed to propose for a telephonic hearing. In the event the parties are not able to agree on proposed hearing dates, the parties must identify *all* dates in the month of July of 2025 on which the parties and their witnesses are available for a hearing. Absent receipt of this information, a hearing date will be established by the undersigned Presiding Officer, and the parties and their witnesses will make themselves available at the scheduled date and time.

Date: January 22, 2025

/s/
Erin L. Gannon
Administrative Law Judge

C-2024-3045577 - RICHARD MYERS v. PPL ELECTRIC UTILITIES CORP
Revised 11/21/2024

RICHARD MYERS OWNER/OPERATOR
SELF EMPLOYED
1948 PINE DRIVE
LANCASTER PA 17601
717.393.6813
ftf317@aol.com

Served via email and USPS First-class mail January 22, 2025

PETER J KRAMER ESQUIRE
POST & SCHELL
THREE LOGAN SQUARE
1717 ARCH STREET 24TH FLOOR
PHILADELPHIA PA 19103
215.587.1075
215.587.1444
pkramer@postschell.com

Served via eService January 22, 2025
(Counsel for PPL Electric Utilities)

DEVIN T RYAN ESQUIRE
POST AND SCHELL PC
ONE OXFORD CENTRE
301 GRANT STREET SUITE 3010
PITTSBURGH PA 15219
717.612.6052
717.731.1970
dryan@postschell.com

Served via eService January 22, 2025
(Counsel for PPL Electric Utilities)

NICHOLAS A STOBBE ESQUIRE
POST & SCHELL PC
17 N SECOND ST
12TH FL
HARRISBURG PA 17101-1601
717.612.6033
717.731.1970
nstobbe@postschell.com

(Counsel for PPL Electric Utilities)
Served via eService January 22, 2025

KIMBERLY A KLOCK ESQUIRE
PPL SERVICES CORP
2 NORTH 9TH ST
ALLENTOWN PA 18101
610.774.5696
kklock@pplweb.com
Served via eService January 22, 2025

MICHAEL J SHAFER ESQUIRE
PPL SERVICES CORP
2 N 9TH ST
GENTW3
ALLENTOWN PA 18101
610.774.2599
mjshafer@pplweb.com
Served via eService January 22, 2025

