

DATE OF DEPOSIT

JAN 6 2025

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

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

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

To Whom This May Concern,

Attached is this Motion To Amend which is being filed Upon Respondent by Nieves Abad in the Above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.



Nieves Abad
747 Delaware St
Forest City, PA 18421
Martjua3@aol.com
631-575-2348
Dated January 6, 2025

Cc:
Alphonso Arnold III
Administrative Law Judge
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg PA 17120
Phone 717.787.3868
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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad
(Pro-Se)

Complainant

VS

PPL Electric Utilities Corporation

Respondent

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

C-2024-3047163

Notice To Plead

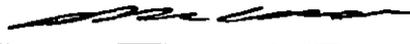
YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 Pa. CODE 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED MOTION TO AMEND WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF. MUST BE FILED WITH THE SECRETARY ON PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED NIEVES ABAD (PRO-SE).

CC:

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NOTICE OF MOTION

VS

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C-2024-3047163

Respondent

NOTICE OF MOTION

PLEASE TAKE NOTICE that the Motion To Amend will be presented to the Administrative Law Judge Alphonso Arnold III on a date to be identified by the court pursuant to the Commissions motions practice.

Certificate Of Service

I certify that the within Motion was served upon Respondent, indicated above on this 6th Day Of January by certified mail.



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Nieves Abad

(Pro-Se)

Complainant

Motion To Amend

VS

PPL Electric Utilities Corporation,

C-2024-3047163

Respondent

NOTICE TO AMEND

1. Complainant, Nieves Abad, (hereon in Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (hereon in PUC) on February 15, 2024 following an unsuccessful attempt to solve this matter with PPL Electric Utilities Corporation (hereron in PPL) and an informal complaint through the PUC dated January 8, 2024. During the discovery phase and through investigation, Complainant found PPL to be in violation of dozens of codes under the Pennsylvania statute that is under the jurisdiction of the PUC. There is 5 Utility poles in the original complaint pole numbers 57334N42685, 57339N46273, 57327N46297, 57320N46302, 57316N46296. In addition to these utility poles complainant adds pole numbers 57323N46307, 57328N46314, 57335N46309, 57344N46304, 57355N46297, 57365N46292, 57342N46312, 57341N46321, 57335N46325, Unknown pole located on the corner of Green St and Sanderson

ave in Scranton pa 18509. These poles are on the block used to access the complainants property. These blocks are traveled or occupied by the public, local residents, and the complainant. The utilities in this complaint cause a substantial safety hazard. Before an evidentiary hearing is held, the complainant ask to amend this complaint to add the following;

ARGUMENT 1 VEGETATION MANAGEMENT

2. PPL in is violation of several safety codes as follows;

Title 66 Chapter 15 Subchapter A Section 1501 Character of Service and Facility,

Title 66 Chapter 28 Section 2804 (1),(1)(I) & (1)(II) Standards for restructuring of the electric industry, Title 66 Chapter 28 Section 2807 (A),(B) Duties of an electrical distribution company,

Title 52 Chapter 57 Section 57.194 (A),(E),(F),&(G) Distribution system liability.

3. Since March of 2023 the complainant has been in contact with PPL about several safety infractions on PPL owned utilities located at 837 Rear Capouse Ave Scranton Pa 18509 (hereon in complainants property). The complaint was for vegetation growth around utility poles and utility wires owned by PPL. Complaint spoke with several call center representatives who opened work orders and documents. One of these contacts led to the forestry department of PPL being dispatched to the complainants property. During the visit the representative determined PPL would not pay to remove the trees in PPL's alleged right of way. The forestry department representative stated the wires could be dropped and de-energized so that tree cutting can safely be done. Complainant made several attempts to the call centers to have these utility wires and poles removed so compliant could have trees removed safely. All attempts to drop and de-energize utility wires and or have utility wires and poles removed were denied. Tom Kernoschak, the local engineer, was one of the employees that made this decision. From march of 2023 till June of 2023, PPL jeopardized the safety of the public, local residents, complainant and complainants employees. PPL passed on its duties as an electrical distribution

company (hereon in EDC) in the state of Pennsylvania to the complainant by failing to remove vegetation from an alleged right of way for pole numbers and the utility wires attached to these poles in this complaint. De energizing and dropping is a PPL safeguard to ensure safety. This safeguard was not used and denied to the complainant as resulted in the following;

4. On April 13 2023, In a alleged right of way of PPL used to run PPL owned utilities through the complainants property, damage was done to several utility poles, live 3 spans of utility wires and several electric services to residential houses located at 18 Amity Court, 19 Amity Court, 20 Amity Court and 837 Capouse Ave Scranton PA 18509. Weather heads, service meters, service boxes, and service wires were ripped off of some of the houses. Live PPL owned electrical utilities were damaged and scattered over one acre of property. This lasted until crews arrived and de-energized power. It took crews hours into the night to restore most of the residents' property. Residents at 18 and 20 Amity Court were without power for almost one full week. This incident occurred when a tree that PPL did not remove in PPL's alleged right of way and was entangled with PPL owned utility wires and the tree was cut.

5. On May 25, 2023, In an alleged right of way of PPL used to run PPL owned utilities through the complainants property, damage was done to at least two spans of live utility wires. This caused live utility wires to fall on the property of complainants. This incident lasted several hours until PPL crews were able to replace utility wires. This caused outages in the area of complainants property. In addition this was the second accident where the complainant called PPL and asked for utilities to be dropped and de-energized or removed several times. All attempts prior to this incident to de-energize and remove utility wires Went unanswered or denied.

6. On June 6, 2023, In an alleged right of way of PPL used to run PPL owned utilities through the complainants property, the complainant hired a professional tree company to

remove the rest of the trees. Again before tree cutting was performed by this company PPL was contacted and requested utility poles and wires be dropped and de-energized and/or utility poles and wires be removed. On this day trees that were entangled with PPL Utility wires brought down at least two spans of live utility wires. This time when PPL crews arrived they agreed to leave the wires down and de-energized so that the remaining tree removal can be completed. After a few hours PPL replaced the utility wires that were damaged and tree cutting was complete.

7. PPL's actions during this time put the complainant and the public at risk. These actions did not comply with PPL owned biennial inspection, maintenance, repair and replacement plan(hereon in biennial plan), PPL distribution line vegetation management plan. PPL comprehensive line clearing programs,and PPL own tree clearing safety rules.(See PUC Docket # M-2009-2094773 pertaining to PPL biennial plans and letters to the puc.) They were not in compliance with the national safety codes, industry safety standards and practices, Pennsylvania state laws governing an electrical distribution company or federal state laws governing an electrical distribution company. During this time PPL failed to uphold its duties as a EDC for all three incidents and events that led up to these incidents. PPL Failed to separate PPL's responsibilities as an EDC and the customer responsibilities. PPL passed its vegetation management/ tree cutting responsibilities in an alleged PPL right of way through the complainant property to the complainant. PPL's distribution utilities running through the property of the complainant were not properly inspected, maintained, or cleared of vegetation. This was not in compliance with Title 52 Chapter 57 Section 57.28 (A),(A)(1) & (B). This led to customer outages, damage to the property of the complainant, damage to other residential structures and property and major public safety hazards and violation of title 66 chapter 15 section 1501.

ARGUMENT 2 PPL INSPECTION AND MAINTENANCE STANDARDS

8. Every two years since 2010 PPL has been required to submit a biennial plan for the inspection, maintenance, repair, replacement and vegetation management for its distribution system. (See Title 52 Chapter 57 Section 57.198 inspection and maintenance standards) These requirements include poles, overhead conductors, and cables that must be free from vegetation. PPL has failed in its requirements as an EDC, in its maintenance and safety standards for the utilities in this complaint. PPL has intentionally neglected in its duties as an EDC to reduce hazard to the complainant and the public for all the utility poles and wires in this complaint. PPL is not in compliance with Title 52 Chapter 57 Section 57.28 electrical safety standards (A),(A)(1), & (B) as required as an EDC. These safety standard keeps the public safe. PPL has submitted a biennial plan and several letters to the PUC under docket # M-2009-2094773 since 2010. PPL is not in compliance with the policies set forth with this biennial plan submitted to the PUC to meet performance benchmarks and standards for an EDC for the utilities in this complaint. PPL is in violation of Title 52 Chapter 57 Section 57.198(A), (A)(1), (A)(2), (B), (C), (D), (F), (M), (M)(1), (M)(2), (N), (N)(1), (N)(2), (N)(2)(I), (N)(2)(II), (N)(2)(III), (N)(2)(IV), (N)(2)(V), (N)(2)(VI), (N)(4), (N)(4), (N)(4)(I), (N)(4)(I), (N)(4)(II) and (N)(4)(III) on the Complainants property, PPL owned utilities in this complaint, and possible other utilities in the community. PPL's failure to comply with standards of customer service reliability and safety of the public and the complainant. This is in violation of Title 66 Chapter 15 Section 1501. These standards were put in place for customer service reliability and for the safety of the public. This biennial plan was to make sure EDC including PPL, was doing their part to ensure customer reliability and public safety. Furthermore prior to 2010 PPL, as an EDC, has been required by Pennsylvania State Law, Federal Electrical Safety Guidelines, National Electric Safety Code (hereon in NESC) and other industry safety standards to maintain PPL electrical distribution system. This includes utility wires and utility poles to be inspected, maintenance and clear of vegetation for over 50 years. (See NBS handbook 110-1 from 1972 for rules governing installation and maintenance of electrical supply equipment). PPL failed to ensure continuation of safe and reliable electric

service to the complainant in the commonwealth under Title 66 Chapter 28 Section 2804 (1), (1)(1), and (1)(2). Added December 3, 1996 effective January 1 1997.

ARGUMENT 3 Preservation of Records

9. Title 52 Chapter 57 Section 57.41 classification of an electric public utilities classified PPL as a class A public utility company Section 57.45 describes PPL's duties of the preservation of records as a class A EDC. This record keeping must follow the most recent publication of the National Association of Regulatory Utility Commissioners, entitled " Regulations to Govern the Preservation of Records of Electric Gas and Water Utilities. These standards set by federal and state regulatory commissions are put in place to ensure public safety (See Title 52 Chapter 57 Section 57.28(D) electrical safety standards). This section is required to preserve records regarding documents that pertain to this complaint. PPL has violated preservation of records by not maintaining records. They failed to maintain records by keeping incomplete, missing, inaccurate records. This included work orders, incident reports, call center data, utility pole data, utility wire data and PPL inspection maintenance vegetation management and storm damage data for the PPL owned facilities in this complaint. These missing records put the public and the complaint in danger and is a systematic failure on the part of PPL. PPL employees are not enforced to or trained by the company in the proper record keeping techniques.(see Title 52 Chapter 57 Section 57.45) PPL's intentional neglect of missing data is a safety hazard to the public and the complainant. This data is a safeguard that can be used in studies to prevent potential accidents from happening or happening again. The data can prevent outages, the missing data is a way to ensure PPL and other EDC's doing their part to prevent harm to the public. The preservation of records for all information regarding all utility poles, utility wires or any other issue regarding this complaint shall be preserved because this case has been in litigation with the PUC since January 8, 2023 when an informal complaint was filed. Furthermore the complainant has contacted PPL call center employees and PPL

claims specialist and informed PPL through them that upcoming litigation for these issues would be forthcoming before January of 2023. PPL, as a result of damage replaced pole # 57327N46297 and 57334N42685 on the property of the complainant on 4/13/2023. This change of utility poles was documented by PPL employees. These new poles share the same pole identification numbers as the prior poles. If a pole has been replaced it should have a new identification number accurately describing the date and all records going forward for the new pole. Instead PPL reused the pole number. This is not in compliance with Title 52 Chapter 57 Section 57.45 Preservation of records. This leads to inaccurate reports on the length of service life for the utility pole. Reusing pole numbers affects legal right of way rights and causes other legal inaccuracy. This inaccuracy affects accounting information and data. Key factors of reporting pole material, installer, date of installation and other missing or other inaccurate information is now recorded for this new pole number using information from a prior pole. This is not in accordance with guidelines and standards set for the preservation of records.

ARGUMENT #4 TARIFF

10. PPL was asked by Complainant to remove utility poles and utility wires from his property under Title 52 Chapter 57 Section 57.27(A) Pole removal and relocation charges. PPL's intentional and negligent conduct did not allow PPL to charge the complainant a tariff. PPL did not fulfill its duties as a EDC under its vegetation management and utility pole and utility wire maintenance , inspection or replacement plan for the distribution system on the complainants property. PPL has this obligation when running PPL owned facilities through an alleged right of way through private property . PPL is in violation of Title 52 Chapter 57 Section 57.27 (B),(C) and (supplement NO.59 Electric PA PUC NO.201 rule (4) (I) (2), by charging the complainant the total amount of \$4861.45. This is the cost of two invoices PPL charged for "tree removal damages", as stated by PPL, in PPL answers to the complaint of Nieves Abad. PPL has omitted

these charges are for two bills regarding tree removal. PPL under the rules of the tariff that PPL is required to follow can only charge the complainant for the cost for direct material, direct labor cost and/or contractor cost. These specific costs relate to the relocation of PPL owned facilities. PPL has stated they are charging for the cost of damage caused by tree removal on 4/13/23 and 5/25/23. This is not in compliance with state guidelines for tariff to charge the customer. The PPL utilities located on the complainants property were in violation of several state laws before and during tree removal. These utilities should have been immediately serviced or put on a list to be serviced as they posed a threat to the safety of the public and complainant. PPL instead passed their responsibilities as an EDC to the complaint. PPL's non compliance to vegetation management, repair and replacement of faulty PPL utilities led to three area outages and cost an imminent threat to public safety and the safety of the public. Tariff was incorrectly charged to the complainant instead of a work order instructing PPL employees to safely remove PPL utilities and vegetation in its alleged right of way.

Argument #5 New poles

11. After initial discovery and investigation it has been brought to the attention of the complainant that there are several other utility poles that are also in violation of sections Title 66 Chapter 15 Subchapter A Section 1501 Character of Service and Facility .Title 66 Chapter 28 Section 2804 (1),(1)(I) & (1)(II) Standards for restructuring of the electric industry,Title 66 Chapter 28 Section 2807 (A),(B) Duties of an electrical distribution company.Title 52 Chapter 57 Section 57.194 (A),(E),(F),&(G) Distribution system liability. Complainant adds pole numbers 57323N46307, 57328N46314, 57335N46309, 57344N46304, 57355N46297, 57365N46292, 57342N46312, 57341N46321, 57335N46325, and an Unknown utility pole located on the corner of Green St and Sanderson Ave in Scranton Pa 18509 and utility wires attached to these poles are now apart of this complaint. These PPL owned facilities are located on the roads that access the property of the complainant. PPL has profited by allowing several utility companies access

to utility poles. Allowing these companies access to poles caused a strain on the already aging poles. In the summer of 2024 several additional utility wires were added to this system by verizon. The combination of PPL utility wires and other utility companies wires cause a safety threat to the public and the complainant. This flawed design of utility poles and utility wires that run along residential properties and down these narrow streets cause a trap that blocks many residents from being rescued by first responders from their bedrooms. This design significantly reduces the efforts of first responders to extinguish a potential fire. It would cause first responders to not have access, have limited access, or slow down response times that would jeopardize the safety of the complainant, the residents and public who may be in the area. Wires from these utility companies have stopped/reduced the ability of residents from using their second story windows as a way of egress and are attached to PPL owned poles. PPL is responsible to ensure proper load weight with all utility wires on PPL owned poles. Each utility company is required to have a load weight test of their utility wires placed on these poles to ensure the utility poles are capable of withstanding the new load. PPL is responsible for overseeing the proper load weights on its utility poles. PPL is in violation of NESC, Industry safety standards, and plans set forth in PPL's biennial plan Docket # M-2009-2094773. Utility poles in this complaint have stress cracks and/or bent or leaning because of the utility load weight at which they hold. These utility poles, (many over 45 years) old have less than $\frac{2}{3}$ of its original structure remaining. If a minor auto accident would occur with one of these poles. Instead of the utility pole being able to withstand a minor accident the utility pole would break as it did during tree removal on the complainants property. With more than $\frac{1}{3}$ of the poles original structure deteriorated, when inclement weather occurs or debris such as a tree limb hits the utility poles or wires, the entire utility pole can break and live PPL owned utilities will fall to the ground. This puts the public at risk and danger of being electrocuted. PPL has the duty to ensure the public's safety of all residents. PPL allowing several other utility companies to attach to its utility poles have blocked the means of egress for dozens of families on Amity Court,

Green Place and Spellman court in Scranton PA 18509. These are not full size roads, they are smaller one car roads. The current utility pole and wire design as a whole causes a safety hazard for the complainant, surrounding neighbors, and the public. The utility poles in this complaint have been repaired, braced and are in current need or replacement. This pole design for this neighborhood needs a current design that complies with current industry safety standards.

REQUESTED RELIEF

12. A complete review of the design of utility companies pole and utility wire design for the utilities in this complaint. A PUC investigator appointed to this matter to review issues in this complaint. Utility wire and pole design impact study for residents and first responders for the utilities in this complaint. Poles and wires that violate industry safety standards to be removed and replaced. Removal of all utility poles and wires from the complainants property and to be relocated at the cost of PPL. Actions taken by the PUC against PPL for each of the three incidents created by PPL that led to PPL live utilities falling on the complainants property and causing power outages and an unsafe environment. Actions taken by the PUC against PPL for PPL's failure to remove vegetation from an alleged right of way from the complainants property. PPL biennial plan to be enforced in the complainants coverage area and jurisdictions of the PUC.

Wherefore, the Complainant, Nieves Abad, Respectfully requests that the Commission grant this motion to amend this complaint to include all new information, violations and other utility companies and/or grant to The Complainant such other relief as is just and reasonable under the circumstances. .

CC:

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AFFIDAVIT

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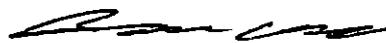
I, Nieves Abad, verify that I am the Complainant in the Complaint, and that the facts contained in the foregoing Motion To Amend are true and correct to the best of my knowledge, information and belief, and that this verification is subject to the penalties of 18 Pa. C.S A 4904 relative to unsworn falsification to authorities.

CC:

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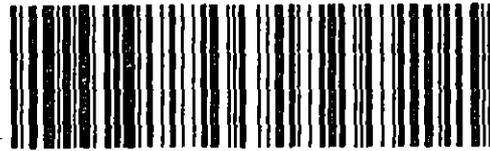
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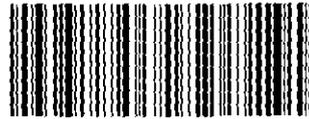
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