
Nicholas A. Stobbe

nstobbe@postschell.com
717-612-6033 Direct
717-731-1985 Direct Fax
File # 205250

January 27, 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 Amend Complaint of Nieves Abad in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Nicholas A. Stobbe

NAS/dmc
Attachments

cc: The Honorable Alphonso Arnold III (*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 27, 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 TO AMEND COMPLAINT OF NIEVES ABAD**

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”) January 7, 2025 Motion to Amend Complaint (“Motion”). As explained herein, PPL Electric respectfully submits that Administrative Law Judge Alphonso Arnold III (the “ALJ”) should deny the Complainant’s latest Motion. The reasons for this are several.

First, through the Motion, the Complainant seeks to greatly expand the scope of this complaint proceeding, which has already been narrowed by the ALJ via Order Clarifying Scope of Proceedings and Granting in Part, and Denying in Part, Complainant’s Motion to Compel, issued on August 13, 2024 (“*August 2024 Order*”). Indeed, PPL Electric submits that much of the Motion: (1) is already the subject of the ongoing litigation in the above-referenced proceeding; (2) has already been considered and rejected by the ALJ through the *August 2024 Order*; (3) raises claims that the Complainant lacks standing to pursue; or (4) raises claims that are barred by Section 3314 of the Public Utility Code. 66 Pa. C.S. § 3314.

Second, the Commission’s regulations dictate the process to amend formal complaints. Section 5.91 of the Commission’s regulations governs the process for which to amend complaints. *See* 52 Pa. Code § 5.91. However, due to the Complainant seeking to amend his Complaint via Motion, the Company is effectively denied the opportunity to fulsomely answer the Complaint (as potentially amended), plead New Matter, and/or file Preliminary Objections.

Third, the scope of which the Motion seeks to expand the Complaint is well-beyond the original complaint, served upon PPL Electric on March 7, 2024. Indeed, through the Motion, the Complainant seeks to litigate the presence of ten (10) additional alleged PPL Electric owned utility poles not located on the Complainant’s property at 837 Rear Capouse Avenue, PA 18421 (“Service Address”). This proceeding has been ongoing for more than nine (9) months, and there is no indication as to why the Complainant did not raise these issues in his original Complaint, or at some point prior to the date of the Motion. Moreover, the Motion seeks to include various vegetation management and ancillary issues not originally pled in the Complaint. To the extent that the Complainant seeks to litigate these issues, the Complainant can file an amended Complaint to which PPL Electric can fully respond to through an Answer, potential New Matter, and/or Preliminary Objection(s). To the extent that the Complainant is permitted to file an Amended Complaint, PPL Electric will respond to the same, consistent with the Commission’s regulations. Additionally, the Complainant’s Motion appears to be largely testimonial. The Complainant is already at liberty to discuss issues related to the Complaint, as narrowed by the *August 2024 Order*, through testimony, at the appropriate time and in the appropriate format.

Fourth, the content and conduct of PPL Electric of the Motion for which the Complainant seeks to expand this Complaint proceeding with was all available to the Complainant at the time the Complaint was filed more than nine (9) months ago. Indeed, most of the alleged conduct of

PPL Electric referenced in the Motion centers around activities performed or not performed by either PPL Electric or the Complainant between April, 2023, and May, 2023. Moreover, the Complainant also appears to seek to litigate PPL Electric's vegetation management, inspection, maintenance, repair, and replacement practices. (Motion ¶¶ 7-9.) The Motion also seeks to expand this litigation to include PPL Electric's conduct since 2010. (Motion ¶ 8.) These claims are barred by the by Section 3314 of the Public Utility Code, 66 Pa. C.S. § 3314. Section 3314(a) of the Code states that "[n]o action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefor arose, except as otherwise provided in this part." *Id.* § 3314(a). Pursuant to Section 3314(a) of the Public Utility Code, any claims based on alleged violations occurring before March 7, 2021 (i.e., three years before the Complaint was served on March 7, 2024), are barred by Section 3314(a) of the Public Utility Code and should be summarily dismissed. See 66 Pa. C.S. § 3314(a).

Furthermore, throughout this proceeding, the Complainant has engaged in bad faith discovery conduct. Indeed, the Complainant has propounded many individual discovery requests upon the Company through a series of written depositions, requests for production of documents, and written interrogatories. Many of these requests were properly objected to and the Complainant's subsequent Motions to Compel the same have been denied, in part. The Complainant's continued abuse of the administrative process through efforts to expand the scope of the Complaint and to propound excessive, irrelevant, and duplicative discovery requests upon the Company in an effort to unreasonably annoy, burden, and create expense for PPL Electric should be considered when evaluating the Complainant's Motion. See 52 Pa. Code § 5.361.

The Complainant's Complaint, as well as the Motion, are appended hereto as **Appendices A and B**, respectively.¹ The Company's Answer to the Complaint is appended hereto as **Appendix C**.

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

I. COMPLAINANT'S MOTION TO AMEND THE COMPLAINT SHOULD BE DENIED

(A) The Complainant Lacks Standing To Pursue Many Of The Claims Contained In The Motion.

1. Throughout the Motion, the Complainant seeks to greatly expand the scope of the Complaint. Importantly, the five PPL Electric-owned poles that are at or near the Complainant's Service Address were raised in the Complaint (Complaint ¶ 4.)

2. However, the Complainant now seeks to litigate the presence of an additional ten (10) poles not located at the Service Address, including pole Nos. 7323N46307, 57328N46314, 57335N46309, 57344N46304, 57355N46297, 57365N46292, 57342N46312, 57341N46321, 57335N46325, and an "unknown pole located on the corner of Green Street and Sanderson Avenue" in Scranton, Pennsylvania. (Motion ¶¶ 1, 11.)

3. These additional poles are not located at the Service Address and should not be subject to this ongoing proceeding.

4. Moreover, the Complainant lacks standing to pursue these claims. Standing requires that a party have an interest in the matter that is substantial, direct and immediate. *William Penn Parking Garage, Inc. et al. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975). These criteria are defined as follows:

A 'substantial' interest is an interest in the outcome of the litigation which surpasses the common interest of all citizens in procuring

¹ Any personally identifiable information, such as account and meter numbers, have been redacted from the Complaint and Motion.

obedience to the law. A 'direct' interest requires a showing that the matter complained of caused harm to the party's interest. An 'immediate' interest involves the nature of the causal connection between the action complained of and the injury to the party challenging it and is shown where the interest the party seeks to protect is within the zone of interests sought to be protected by the statute or the constitutional guarantee in question.²

5. Here, the Complainant lacks substantial interest to litigate the presence of poles that are not located on or near the Service Address because the presence of those same poles has not caused any harm to the Complainant's interest in his property, and because the Complainant, himself, avers that these poles are in areas "traveled or occupied by the public, local residents, and the Complainant."

6. Such a general interest in the presence of utility facilities in the Commonwealth is not sufficient for the Complainant to be considered to have a "substantial interest."

7. Similarly, the Complainant has no direct interest in the presence of these poles; indeed, he does not allege that their presence has caused him any harm, nor does he allege that the poles raised in the Motion are located at the Service Address. Conveying standing to the Complainant to litigate the presence of utility facilities not located at the Service Address would, effectively, greenlight the Complainant to dispute the presence of all of PPL Electric's facilities across its certificated service territory.

8. Because of the form in which the Complainant seeks to amend his Complaint, the Company is effectively prohibited from raising an affirmative defense or legal objection – *i.e.*, disputing the Complainant's standing to raise these claims.

² *George v. Pa. PUC*, 735 A.2d 1282, 1286 (Pa. Cmwlth. 1999). See also *Pa. Bankers Ass'n v. Dept. of Banking & Trumark Fin. Credit Union*, 893 A.2d 864 (Pa. Cmwlth. 2006); *South Whitehall Township Police Service v. South Whitehall Township*, 555 A.2d 793, 795 (Pa. 1989) (citations omitted); *Bergdoll, et al. v. Kane, et al.*, 731 A.2d 1261, 1268 (Pa. 1999).

9. While the Complainant argues that PPL Electric may be in violation of the Public Utility Code and the Commission’s regulations for “possible other utilities in the community,”³ the Complainant does not specify where these additional facilities are, what violation of law is occurring, nor his interest in these other “facilities.” (Motion ¶¶ 8.)

10. In turn, there is no substantial interest sufficient to confer standing to the Complainant regarding these claims.

11. As such, PPL Electric submits that the Motion should be denied on this basis alone.

2. Many Of The Issues Raised In The Motion Are Barred By Section 3314 Of The Public Utility Code.

12. As explained in the Motion, the Complainant now seeks to litigate PPL Electric’s inspection, maintenance, repair, replacement, and vegetation management for its distribution system since at least 2010. (Motion ¶ 8.)

13. Claims arising prior to March 7, 2021, are barred by Section 3314 of the Public Utility Code. 66 Pa. C.S. § 3314. Indeed, Section 3314(a) of the Code states that “[n]o action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefor arose, except as otherwise provided in this part.” *Id.* § 3314(a) (emphasis added).

14. Pursuant to Section 3314(a) of the Public Utility Code, any claims based on alleged violations occurring before March 7, 2021 (*i.e.*, three years before the Complaint was served upon PPL Electric on March 7, 2024), are barred by Section 3314(a) of the Public Utility Code and should not be considered here. *See* 66 Pa. C.S. § 3314(a).

³ PPL Electric interprets the Complainant’s reference to “other utilities in the community” to refer to other of PPL Electric’s facilities in the Commonwealth.

15. Therefore, to the extent that the Complainant is permitted to amend the Complaint, claims arising before March 7, 2021, are barred by Section 3314 of the Public Utility Code.

3. The Motion's Averments Are Testimonial In Nature And Should Not Be Given Any Weight At This Stage Of The Proceeding.

16. Within the Motion, the Complainant alleges that the Company has violated the Public Utility Code, the Commission's regulations, and the Company's Commission-approved tariff regarding a wide variety of issues.

17. These concerns are testimonial in nature and are improper to raise through the Motion. Indeed, the Complainant is at liberty to present testimony in this proceeding on issues within the scope of the Complaint at the appropriate time and in the appropriate form, subject to objection by PPL Electric. *See* 52 Pa. Code §§ 5.411 - 5.412. To do so through the Motion is merely an attempt to sidestep the Commission's procedures with respect to the submission of testimony; these efforts should be rejected.

4. Many Of The Complainant's Alleged Tariff Violations Have Been Evaluated And Are Outside The Scope Of This Proceeding.

18. Throughout the Motion, the Complainant continues to raise concerns related to two invoices rendered by PPL Electric for the damage the Complainant caused to PPL Electric's facilities at or near the Service Address. (Motion ¶ 10.) These concerns are outside of the scope of this proceeding.

19. Indeed, as the *August 2024 Order* held:

All other issues raised in the Complaint are not issues that can be addressed by the Commission in this proceeding and, therefore, are not relevant to this proceeding. As discussed in my Order Granting in Part, and Denying in Part, the Preliminary Objections, and as discussed at the July 18, 2024, prehearing conference, the Commission does not have jurisdiction to address claims for damages. *See, Poorbaugh v. Pa. PUC*, 666 A.2d 744 (Pa. Cmwlth. 1995). Therefore, if Complainant wishes to raise a claim for monetary damages against Respondent he must do so in a different

forum. If Complainant wishes to challenge the invoices issued to him by Respondent for damage Complainant allegedly caused to Respondent's facilities, then he must do so in a different forum. Further, any property dispute between Complainant and Respondent must also be resolved in a different forum. *See, Fairview Water Co. v. Pa. PUC*, 502 A.2d 162 (Pa. 1985).⁴

20. It would be wholly inappropriate to allow the Complainant to get “another bite at the apple” on issues already decided to be non-jurisdictional before the Commission, as the Complainant seeks through the Motion.

21. On this basis, PPL Electric submits that the Motion should be denied.

5. The Motion's Inappropriate Attempts To Involve Unnamed And Unidentified “Utilities” Should Be Rejected.

22. In the Motion, the Complainant makes vague references to “utilities” and, in his requested relief, asks that the Commission order a “complete review of the design of utility companies [sic] pole and utility wire design for the utilities in this complaint.” (Motion ¶ 10.)

23. PPL Electric understands this to mean that the Complainant is requesting that other regulated Pennsylvania public utilities be joined as co-respondents in this litigation.

24. Beyond the clear standing problems with such a request, addressed in Section I(1), *supra*, the Complainant does not list any other regulated utilities in which he seeks to join in this litigation.

25. Moreover, the Certificate of Service accompanying the Motion does not indicate that any of the unnamed and unidentified entities that the Complainant seeks to obtain relief from were served with the Motion, other than PPL Electric.

⁴ *See August 2024 Order*, p. 3.

26. Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. PUC*, 479 A.2d 10 (Pa. Cmwlth. 1984).

27. This due process requirement is satisfied when the parties are afforded notice and the opportunity to be heard. *Id.*

28. Without the Complainant identifying the entities in which he seeks to join in this litigation, those entities will not be afforded due process, nor an opportunity to be heard.

29. Therefore, this additional attempt to expand this litigation – even beyond the issues specifically targeted at PPL Electric – should be denied.

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 Amend the Complaint for the reasons set forth above.

Respectfully submitted,



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
645 Hamilton Street, Suite 700
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

Nicholas A. Stobbe (ID #329583)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Email: nstobbe@postschell.com

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
One Oxford Centre
310 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
E-mail: dryan@postschell.com

Peter J. Kramer (ID # 331797)
Post & Schell, P.C.
Three Logan Square
1717 Arch Street
24th Floor
Philadelphia, PA 19103
Phone: 215-587-1075
Email: pkramer@postschell.com

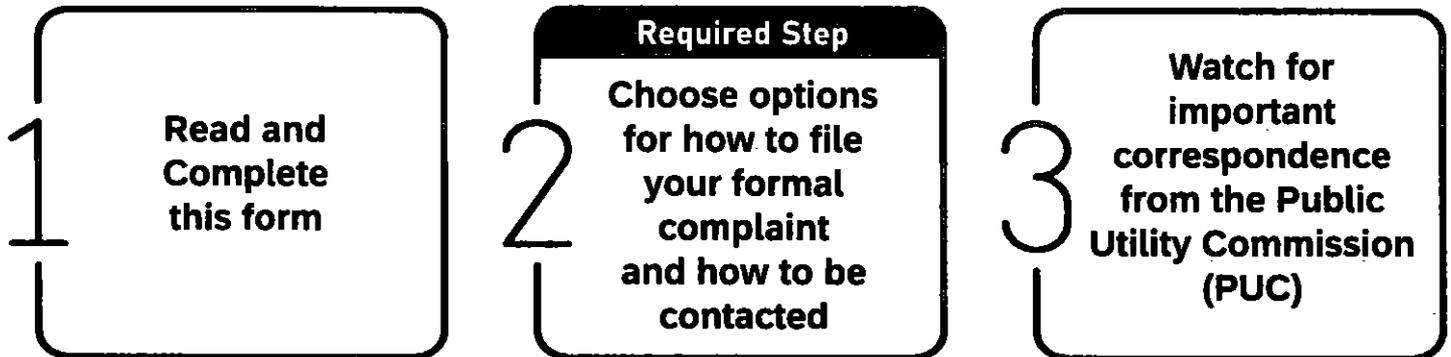
Dated: January 27, 2025

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

FORMAL COMPLAINT - FILLABLE FORM

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.



Please complete this fillable form.

1. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Name Nieves Abad

Street/P.O. Box 747 Delaware St Apt#

City Forest City State PA Zip 18421

County Susquehanna

Telephone Number(s) Where We Can Contact You During the Day:

Home: [REDACTED] Mobile: [REDACTED]

Email Address martjua3@aol.com

Utility Account Number (from your bill)

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name Nieves Abad

Street/P.O. Box 837 rear capouse ave Apt#

City scranton State pa Zip 18509

2. NAME OF UTILITY OR COMPANY (RESPONDENT)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PPL Electric Utilities Corp

3. TYPE OF UTILITY SERVICE

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | | | |
|---------------------------------------|------------------|--------------------------|---|
| <input checked="" type="checkbox"/> 4 | Electric | <input type="checkbox"/> | Storm Water |
| <input type="checkbox"/> | Gas | <input type="checkbox"/> | Steam Heat |
| <input type="checkbox"/> | Water | <input type="checkbox"/> | Motor Carrier (taxi, moving company, limo) |
| <input type="checkbox"/> | Wastewater/Sewer | <input type="checkbox"/> | Telephone/Telecommunications (local, long distance) |

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

4. REASON FOR COMPLAINT

What kind of problem are you having with the utility or company?

Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- 4 Other (explain). If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

1. Pole #s 57334 N42685, 57339 N46273, 57327 N46297, 57320 N46302, 571316 N46296 are located on the property at 837 rear capouse ave scranton pa 18509 without a legal right of way signed with the owner of the property.
2. Two of these poles are located in the middle of my driveway and future building space.
3. PPL refused to move these two poles and they have no legal right of way to have poles on property.

5. REQUESTED RELIEF

How do you want your complaint to be resolved?

Explain what you want the PUC to order the utility or company to do. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.

1. compensation in the amount of \$100 per pole , per week since May 1, 2023 the poles have been on the property without legal right of way with the new owner obtaining deed of property at 837 rear capouse ave scranton pa 18509.
2. Pole numbers 57334 N42685, 57339 N46273, 57327 N46297, 57320 N46302, 571316 N46296 be removed from the property immediately.
3. would like to come to a resolution in regards to a fair right of way with PP&L
4. would like all future upgrades needed to build ; including upgrades to poles, transformers, running of new wires be full responsibility of PP& L and not the owner of 837 rear capouse ave, scranton pa 18509.
5. Claim numbers 2023-00453 and 2023-00661 for the damages to the utility poles and any other claims to date to be dismissed . Utility poles were illegally on the property at the time of the incident with no right of way or legal right to have utility poles on said property. I contacted PPL multiple times and opened multiple work orders before construction began asking them move the poles , or remove the wires so no damages would occur. I also contacted PPI forestry department that were close to the trees so that no damage would occur to the poles before construction.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. PROTECTION FROM ABUSE (PFA)/DOMESTIC VIOLENCE

Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Has a court granted a PFA order or any other order for your personal safety or welfare?

Yes If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*

No

Note: You **MUST** answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

7. PRIOR UTILITY CONTACT

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

Yes

* Informal complaint dismissed on 2/5/2024 - anc
2/21/24

No

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

Yes

(anc)

No

Note: You **MUST** contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water or wastewater utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

Contacted PPL legal department, right of way dept, forestry department, PPL supervisors, PPL call center, written correspondence with PPL, spoke to scranton city hall and scranton zoning department and scranton code enforcement. We opened informal case # 3960946 with PA PUC and informed to file formal complaint.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

OPTION 1

Electronically by eFile

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. This is the quickest and easiest way to receive, file and submit documents.

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

OPTION 2

Mail

Mail the completed form with your original signature and any attachments to this address and retain the tracking information as proof of submission:

**Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120**

If you select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

9. THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE

It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:

OPTION 1

eFILING: This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

OPTION 2

FIRST CLASS MAIL: You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here NA if you are selecting **FIRST CLASS MAIL** service.

OPTION 3

EMAIL: You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here _____ if you are selecting **EMAIL** service.

Please Note: It is important to select **ONE** of the three options above.

IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.

10. LEGAL REPRESENTATION

If you are filing a Formal Complaint as an individual on your own behalf, you are NOT required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's contact information, which is required. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____
Street/P.O. Box _____ Apt# _____
City _____ State _____ Zip _____
Area Code/Phone Number _____
Email Address _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

11. VERIFICATION AND SIGNATURE

You must sign and date your complaint. If you eFile your complaint, you must print or type your name in the box provided below. Date the form. The PUC's eFiling system will accept an electronic signature. The eFiling system will not accept a complaint form without a signature and date.

Verification:

I Nieves Abad, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Nieves Abad
(Signature of Complainant)

2/14/2024
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

APPEALING A BCS DECISION?

If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC Secretary's Bureau with the formal complaint form. ONLY formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. All other formal complaints MUST be eFiled or mailed.

QUESTIONS?

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

REMINDERS

- **Save and keep a copy of your Formal Complaint for your records.**
- **You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.**
- **To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.**
- **Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.**
(<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>)
- **Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.**

ADDITIONAL SPACE (IF NEEDED)

answering question #4.

4. PPL wants to charge \$4,128 for the removal of poles Bill # 81036584-3

5. PP&L is trying to hold me liable to damage of the poles and wiring that was done during construction, while these poles were illegally located on the property. Claim # 2023-00453, Claim # 2023-00661.

6. PPL refuses to pay any fees associated with keeping the poles on property and obtain a legal right of way with land owner.

Nieves Abad
747 Delaware St
Forest City PA 18421



RECEIV

FEB 20 202

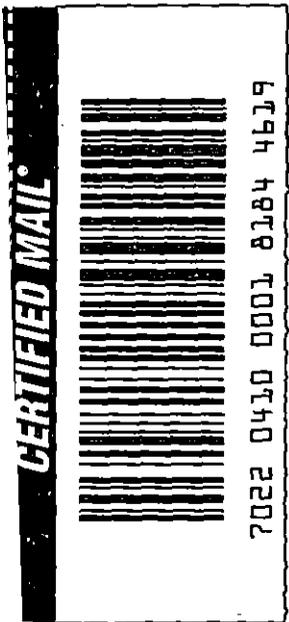
PA PUBLIC UTILITY CO
SECRETARY'S BL

Secretary

Pennsylvania Public Utility Commi

400 North Street

Harrisburg, Pennsylvania 1712



APPENDIX B

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 complainant 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 thie 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. PPI'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)(I), 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 complainant 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:

Alphonso Arnold III
Administrative Law Judge
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Email- alphonarno@pa.gov

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

Peter J Kramer Esquire
Post & Schell
Three Logan Square
1717 Arch Street

Nieves Abad
747 Delaware St
Forest City , PA 18421
Email- Martjua3@aol.com
Phone - 631-575-2348
Dated- January 6, 2024

APPENDIX C

**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 COMPLAINT OF NIEVES ABAD**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) files this Answer to the Complaint of Nieves Abad (“Complainant”) pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.61, and responds to each of the separately-numbered paragraphs as follows:

ANSWER

1. Admitted.
2. Denied as stated. The Company’s full name is PPL Electric Utilities Corporation.
3. Admitted.
4. Admitted in part and denied in part. It is admitted that the Company’s records indicate five utility poles are on or near the Complainant’s property at 837 Rear Capouse Avenue, Scranton, Pennsylvania 18509. The utility poles are Pole 57327N46297, Pole 57320N46302, Pole 57317N46297, Pole 57334N42685, and Pole 57339N46273. Under information and belief, Pole

57320N46302 is in the public Right-of-Way. It is admitted the other four poles are located on the Complainant's property. It is further admitted the other three poles are on the Complainant's property without a signed Right-of-Way Agreement. PPL Electric is without sufficient knowledge as to the "future building space" that the Complainant references, and, therefore, denies the same. It is denied that PPL Electric has "refused to move these two poles." It is further denied that PPL Electric "wants to charge \$4,128 for the removal of the poles." It is also denied that PPL Electric is required "to pay any fees associated with keeping the poles on property." It is further denied that PPL Electric refused to "obtain a legal right of way with land owner."

By way of further response, the Complainant contacted the Company on April 21, 2023, to request Pole 7334N42685 and Pole 57339N46273 be relocated. The Company assigned that request work order # 12952883. While the Company was evaluating the Complainant's request, the Company became aware that the Complainant was performing tree removal on his property. On April 13, 2023, the Complainant's tree removal actions resulted in disruptions to the Company's electric service and damage to its facilities, requiring the Company to respond to the area to restore power. Shortly thereafter, a PPL Electric Design Technician spoke to the Complainant to advise him to conduct any tree removal carefully to avoid damage to the Company's equipment and facilities. On May 25, 2023, the Complainant's further tree removal actions resulted in disruptions to the Company's electric service and damage to its facilities, requiring the Company to respond to the area to restore power. On August 15, 2023, the Company sent the Complainant two invoices totaling \$4,861.45 for the damage caused by the Complainant's tree removal actions.

By way of further response, in April 2023 the Company's right-of-way agent spoke to the Complainant and advised the Complainant that if he wanted the poles in question moved, he

would have to pay for the relocation. On April 28, 2023, the Complainant met with the Company, and the Company stated it would be willing to move the poles at the Complainant's expense. On August 25, 2023, the Company sent the Complainant a Grant of Right-of-Way for signature for the redesign and relocation of the two poles to a different portion of the Complainant's property. The Company is willing and able to proceed with the pole relocation project when it receives payment for the \$4,861.45 invoices sent to the Complainant on August 15, 2023. Lastly, PPL Electric notes that Pole 57317N46297 is the subject of a Right-of-Way Agreement, dated June 28, 1979, between PPL Electric and Real Estate Technology Corporation.

In further response, PPL Electric incorporates Paragraph 5, *infra*, as though fully set forth herein.

5. Admitted in part and denied in part. The averments contained in Paragraph 5 of the Complaint are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, PPL Electric denies that the Complainant is entitled to the relief requested. It is denied the Company is required to pay "compensation in the amount of \$100 per pole, per week since May 1, 2023." Indeed, the Commission is without jurisdiction to award damages. It is denied that Pole 57327N46297, Pole 57320N46302, Pole 57317N46297, Pole 57334N42685, and Pole 57339N46273 should "be removed from the property immediately." It is admitted that the Complainant seeks "resolution in regards to a fair right of way with [PPL Electric]". It is denied that "all future upgrades needed to build . . . new wires be full responsibility of [PPL Electric]." It is denied that the invoice rendered by PPL Electric to the Complainant due to the damage to the Company's facilities caused by the Complainant's tree removal actions between April 13, 2023 and May 25, 2023 should "be dismissed." It is admitted the Complainant contacted the Company to discuss moving the poles, and it is admitted the Company created

associated work orders for the proposed relocation. The Company is without sufficient knowledge to admit whether the Complainant contacted the Company's forestry department. It is denied that "no damage" occurred to the poles or to the Company's equipment or facilities as a result of the Complainant's tree removal activity.

In further response, PPL Electric incorporates Paragraph 4, *supra*, as though fully set forth herein.

6. Paragraph 6 of the Complaint relates to Protection from Abuse orders, to which no responsive pleading is required.

7. Admitted in part and denied in part. Specifically, it is denied that the Complaint is a timely appeal of a decision by the Commission's Bureau of Consumer Services ("BCS"). It is admitted the Complainant has spoken to the Company about the subject of his Complaint. PPL Electric has attempted to be responsive to all contacts and communications from the Complainant in order to find a mutually acceptable resolution of the subject of the Complaint. PPL Electric lacks sufficient knowledge or information as to the Complainant's contacts with other government entities and, therefore, denies the same.

By way of further response, on January 8, 2024, the Complainant filed an informal complaint with the Commission's BCS at BCS Case No. 3960946 about the same subject of this Formal Complaint. The Commission's BCS dismissed the informal complaint on February 5, 2024.

In further response, PPL Electric incorporates Paragraphs 4 and 5, *supra*, as though fully set forth herein.

8. Paragraph 8 relates to methods for filing the Complaint, to which no responsive pleading is required.

9. Paragraph 9 relates to the Complainant's preferred methods of service, to which no responsive pleading is required.

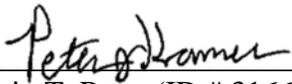
10. Paragraph 10 pertains to the Complainant's legal representation, to which no responsive pleading is required.

11. Paragraph 11 sets forth the verification and signature, to which no responsive pleading is required.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Nieves Abad be denied in its entirety and with prejudice as against PPL Electric Utilities Corporation.

Respectfully submitted,

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com


Devin T. Ryan (ID # 316602)
Peter J. Kramer (ID # 331797)
Nicholas A. Stobbe (ID # 329583)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dryan@postschell.com
pkramer@postschell.com
nstobbe@postschell.com

Date: March 27, 2024

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, COURTNEY ASTEAK, being a Reliability Supervisor at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

March 27, 2024

X 

Courtney Asteak