

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

ORDER
GRANTING MOTION TO AMEND

This matter was initiated on February 12, 2024, through a Formal Complaint filed by Nieves Abad (“Mr. Abad”) against PPL Electric Utilities Corporation (“PPL”), wherein he complained of PPL utility poles located on his property.

On January 6, 2025, Mr. Abad filed a Motion to Amend (“Motion”). In his Motion, Mr. Abad seeks to amend his Complaint and raises several new allegations against PPL.

On January 27, 2025, PPL filed an Answer to the Motion, wherein it requests that the Motion be denied.

As noted by PPL in its Answer to the Motion, the Commission’s regulations dictate the process by which a party can amend a pleading. In this regard, the Commission’s regulations state the following:

Generally. A modification of or supplement to an application, complaint, petition or other pleading shall be deemed as an amendment to the pleading, and must comply with the requirements of this subchapter relating to the pleading amended.

52 Pa. Code § 5.91(a).

The Commission's regulations proceed to place the following limitations on a party's ability to amend a pleading:

Limitation. Except as otherwise provided in this subchapter, no amendment to a pleading may be filed within 5 days preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon.

52 Pa. Code § 5.91(c).

Mr. Abad did not need to seek my permission through his Motion to amend his Complaint. If Mr. Abad wishes to amend his Complaint, he may simply do so, as long as his Amended Complaint complies with the Commission's regulations, cited above. Mr. Abad's Motion will be granted in the Ordering paragraphs below, to the extent that the Motion requests permission to amend the Formal Complaint. Any allegations that Mr. Abad wishes to raise against PPL that were not raised in the Formal Complaint must be raised in the Amended Complaint when filed.

If Mr. Abad files an Amended Complaint in this proceeding, PPL will have the opportunity to file an Answer in response:

Except as provided under § 5.101 (referring to preliminary objections), an answer to an amendment, modification or supplement to an application, complaint, petition or other pleading set forth under § 5.91 (referring to amendments of pleadings generally) shall be filed with the Commission within 20 days after the date of service of the amendment, modification or supplement, unless for cause the Commission or presiding officer with or without motion prescribes a different time.

52 Pa. Code § 5.65(a).

Preliminary objections are also available to PPL and may be filed in response to an Amended Complaint filed by Mr. Abad:

Grounds. Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

52 Pa. Code § 5.101(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Nieves Abad's Motion to Amend, filed on January 6, 2025, in the matter of Nieves Abad v. PPL Electric Utilities Corporation, Docket No. C-2024-3047163, is granted, to the extent that Mr. Abad requests permission to file an Amended Complaint.

2. That Nieves Abad may file an Amended Complaint in compliance with the Commission's regulations at 52 Pa. Code § 5.91.

Date: January 29, 2025

/s/
Alphonso Arnold III
Administrative Law Judge

C-2024-3047163 NIEVES ABAD V PPL ELECTRIC UTILITIES CORPORATION

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