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File #: 203093

February 3, 2025

**VIA EMAIL**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: **Antonio Geatti v. PPL Electric Utilities Corporation**  
**Docket No: C-2023-3043427**

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Dear Secretary Chiavetta:

Attached for filing are the Replies of PPL Electric Utilities Corporation to the Exceptions of Antonio Geatti in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc  
Attachment

cc: The Honorable Alphonso Arnold III (*via email; w/attachment*)  
Office of Special Assistants (*via email; w/attachment*)  
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

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Date: February 3, 2025

  
\_\_\_\_\_  
Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                                     |   |                           |
|-------------------------------------|---|---------------------------|
| Antonio Geatti,                     | : |                           |
|                                     | : |                           |
| Complainant,                        | : |                           |
|                                     | : |                           |
| v.                                  | : | Docket No. C-2023-3043427 |
|                                     | : |                           |
| PPL Electric Utilities Corporation, | : |                           |
|                                     | : |                           |
| Respondent.                         | : |                           |

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**REPLIES OF PPL ELECTRIC UTILITIES CORPORATION TO THE  
EXCEPTIONS OF ANTONIO GEATTI**

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## **I. INTRODUCTION**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files its Replies to the Exceptions of Antonio Geatti (“Complainant”). The Complainant filed Exceptions to the January 2, 2025 Initial Decision (“ID”) rendered by Administrative Law Judge Alphonso Arnold III (the “ALJ”) on January 21, 2025. The Complaint seeks the restoration of service at the Complainant’s service address, which PPL Electric disconnected due to safety concerns brought to its attention by Scott Township, Columbia County, Pennsylvania (the “Township”). (ID at 5-6.) Pursuant to an active Demolition Order for the service address, the Township demolished the Complainant’s residence at the service address on August 5, 2024. (ID at 6-7.) The ID found PPL Electric’s disconnection of service address due to safety issues at the service address was “reasonable pursuant to PPL’s duty to furnish and maintain adequate, efficient, safe, and reasonable service and facilities” and that “the Commission cannot grant the relief that Mr. Geatti requests in his Complaint, i.e., an order directing PPL to restore electric service to his residence because his residence has been demolished.” (ID at 8-9.) As such, the ID granted the Motion for Summary Judgment filed by PPL Electric, finding that there were no material facts in dispute in this proceeding and that PPL Electric is entitled to judgment as a matter of law, and dismissed the Complaint with prejudice. (ID at 12-13.) In his Exceptions, the Complainant disputes the ALJ’s finding in the Initial Decision that the Company is entitled to judgment as a matter of law, arguing instead that factual disputes remain related to the condition of the residence at his service address at the time of demolition. (Complainant Exceptions, pp. 8-9.) The Complainant also devotes the majority of his Exceptions raising legal challenges related to the demolition of his home. (*See generally* Complainant Exceptions 2-8.)

As a threshold matter, the Complainant's Exceptions do not conform with the Pennsylvania Public Utility Commission's ("Commission") regulations because they are unnumbered<sup>1</sup> and improperly rely on certain extra-record evidence.<sup>2</sup> That being said, to aid in the Commission's review of the Complainant's Exceptions, PPL Electric has grouped and numbered the arguments made in the Complainant's Exceptions and will respond in kind here.

For the reasons set forth herein, PPL Electric respectfully submits that the Complainant's Exceptions should be denied, that the ID should be adopted without modification, and that the Complaint should be dismissed in its entirety.

## **II. REPLIES TO EXCEPTIONS**

### **A. REPLY TO EXCEPTION NO. 1: THE ALJ PROPERLY FOUND THAT PPL ELECTRIC IS ENTITLED TO JUDGMENT AS A MATTER OF LAW**

The Complainant disputes the ALJ's conclusion that there are no genuine issues of material fact and that the Commission cannot grant the relief requested in the Complaint. (Complainant Exceptions, pp. 8-9.) The Complainant also argues that a hearing should be held to hear his claims. (*See, e.g.*, Complainant Exceptions, pp. 1, 6, 7, 8, 9.)<sup>3</sup> In support of these contentions, the Complainant claims certain facts remain in dispute, including the condition of his residence at the service address at the time of its demolition, the authenticity of the Demolition Order admitted into

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<sup>1</sup> Section 5.533(b) of the Commission's regulations provides that "[e]ach exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. Supporting reasons for the exceptions shall follow each specific exception." 52 Pa. Code § 5.533(b).

<sup>2</sup> It is well-established that parties cannot introduce evidence for the first time at the briefing or exceptions stage. *See, e.g., Application of Apollo Gas Co.*, 1994 Pa. PUC LEXIS 45, at \*8-9 (Order entered Feb. 10, 1994) (denying party's attempt to introduce extra-record evidence in its exceptions). "The Commission, as an administrative body, is bound by the due process provisions of constitutional law and by the principles of common fairness." *Hess v. Pa. PUC*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014) (citations omitted). "Among the requirements of due process are notice and an opportunity to be heard on the issues, to be apprised of the evidence submitted, to cross-examine witnesses, to inspect documents, and to offer evidence in explanation or rebuttal." *Id.* (citations omitted). Therefore, any extra-record evidence that the Complainant introduces or relies on in his Exceptions should be disregarded.

<sup>3</sup> The Complainant also requests a jury trial, a procedural request that is not available in Commission proceedings.

the record as PPL Electric Exhibit No. 4 at an initial evidentiary hearing,<sup>4</sup> and the authority of the Township and its representatives to demolish his residence. (*See, e.g.*, Complainant Exceptions pp. 4-7.) However, simply because the Complainant raises these issues in his Exceptions does not mean that *material* facts remain in dispute in this proceeding, particularly considering the issues raised are largely outside the Commission’s jurisdiction. (*see* Section II.B, *infra*).<sup>5</sup>

As explained by the ALJ, “[s]ummary judgment should be granted only when the right to relief is clear and free from doubt. In determining the absence of a genuine issue of material fact, the Commission must view the record in the light most favorable to the non-moving party and resolve any doubts against the entry of the judgment.” (ID at 8) (citing *Day v. Volkswagenwerk Aktiengesellschaft*, 464 A.2d 1313, 1316 (Pa. Super. 1983).) The ALJ also described that “[t]he provision at 52 Pa. Code § 5.102 serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. (ID at 8) (citing *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm’n*, 563 A.2d 557 (Pa. Cmwlt. 1989).) Finally, the ALJ observed that “[t]he Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.” (ID at 8) (citing 66 Pa.C.S. § 703(c).)

Here, the ALJ properly found that there remain no genuine questions of material fact and that the Company’s Motion for Summary Judgment should be granted. (ID at 8-10.) The Complainant’s sole relief sought in the Complaint is to “[r]econnect the electric power to my

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<sup>4</sup> On March 26, 2024, an initial evidentiary hearing was held, which was limited to two threshold issues: (1) to discuss PPL Electric’s pending Motion to Stay the proceeding while the Demolition Order was in effect for the service address; and (2) to receive testimony from Scott Township officials related to the status of the Demolition Order. At the initial evidentiary hearing, testimony was provided by the Complainant, representatives from Scott Township, and PPL Electric related to the pending Demolition Order and status of the service address. In addition, PPL Electric Exhibits 4 and 8 were entered into the record for this proceeding, which are the Township’s Demolition Order dated November 30, 2023, and the Township’s Ordinance No. 11-16-22C, respectively.

<sup>5</sup> As explained in Section II.B, *infra*, these claims are outside the Commission’s subject matter jurisdiction and so, even if they were in dispute, could not be heard by the Commission.

residence at 20 Shawnee Road Bloomsburg, PA 17815 which they disconnected.” (Complaint ¶ 6.) However, PPL Electric has no facilities at the service address at which to connect service because the residence at the Complainant’s service address was demolished by the Township on August 5, 2024. (ID at 7.) Importantly, the Complainant conceded during the further prehearing conference held September 23, 2024, that the residence at the Property was demolished and that there are no existing electric facilities at the Property to which PPL Electric can restore service. *See, e.g.*, Tr. 128, lines 16-17 (“Yes, there is still property, meaning not the home that was demolished . . .”); Tr. 129, line 11 (“Now, the house not being there now . . .”); Tr. 129, lines 5-6, Tr. 130, lines 10-11 (conceding that there are not currently electric facilities at the Property capable of being energized). In his Exceptions the Complainant also acknowledges that the residence has been demolished and that the only electric facilities currently at the address are utility poles.<sup>6</sup> (Complainant Exceptions, pp. 3, 6.) Thus, considering the relief requested by the Complainant and the status of his property, the ALJ correctly determined that no genuine issue of material fact exists as to whether the Commission can grant the Complainant’s request for relief and order PPL Electric to restore electric service to Complainant’s property, because the residence at the property has been demolished. (ID at 9-10.) Holding a hearing on this matter would not be in the public interest as the demolition of the residence has rendered the proceeding moot.

As such, the ALJ properly found that the instant Complaint could be resolved without the need for further evidentiary hearings, granted the Company’s Motion for Summary Judgment, and dismissed the Complaint.

For these reasons, the Complainant’s Exception No. 1 should be rejected.

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<sup>6</sup> PPL Electric notes that throughout this proceeding, it has maintained that it would restore electric service to the property if the Demolition Order was lifted and the Complainant provided reliable evidence that the Complainant’s property passed an electrical inspection. (*See, e.g.*, PPL Electric’s Answer to the Complaint ¶ 5, PPL Electric’s Motion to Stay ¶ 17, Tr. 98, 100.)

**B. REPLY TO EXCEPTION NO. 2: THE COMMISSION SHOULD REJECT THE COMPLAINANT’S REAL PROPERTY CLAIMS BECAUSE THEY ARE OUTSIDE THE SCOPE OF THIS PROCEEDING AND THE COMMISSION’S SUBJECT MATTER JURISDICTION**

**1. The Complainant’s Real Property Claims are Outside the Scope of this Proceeding and the Commission’s Subject Matter Jurisdiction**

The Complainant devotes the majority of his Exceptions to challenging the legality of Scott Township’s demolition of his home, including claims that the Township did not have the authority to demolish his home (*see, e.g.*, Complainant Exceptions, pp. 6-7), baseless assertions that PPL Electric and the Township conspired to illegally demolish his home (*see, e.g.*, Complainant Exceptions, p. 2), and allegations that the residence at the property was not unsafe and so did not warrant demolition (*see, e.g.*, Complainant Exceptions, pp. 5-6). The Complainant’s Exception No. 2 should be denied because it raises matters outside the scope of this proceeding and the Commission lacks subject matter jurisdiction over these real property claims.

The Complainant raised similar arguments challenging the legality of the Township’s demolition in his Answer to the Company’s Motion for Summary Judgment and his recent “Motion to keep record open and to continue hearings on C-2023-3043427 Geatti V. PPL Electric Utilities” (“Motion to Keep Record Open”). However, the Complainant did not raise these claims in his original Complaint or an Amended Complaint filed with the Commission. Therefore, the ALJ properly rejected the Complainant’s arguments related to the validity of the demolition because “[t]hese matters were not raised in Mr. Geatti’s Complaint, or an Amended Complaint,” and so could not be considered. (ID at 10.) For this reason alone, the Complainant’s Exception No. 2 should be denied.

Even assuming, *arguendo*, that the Complainant’s allegations related to the legality of the demolition are within the scope of this proceeding, the Commission lacks subject matter jurisdiction over these real property claims. As a creature of statute, the Commission “has only

those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication.” *Feingold v. Bell*, 383 A.2d 791, 794 (Pa. 1977) (citations omitted). It is well-established that the Commission lacks authority to adjudicate real property rights, as such disputes are within the exclusive jurisdiction of the courts of common pleas. *See, e.g., Stefanoski v. Pa. Am. Water Co.*, Docket No. C-20078219 (Order entered Sept. 22, 2008); *Perrige v. Metro. Edison Co.*, Docket No. C-00004110 (Order entered July 11, 2003); *Lou Amati/Amati Serv. Station v. West Penn Power Co.*, Docket No. C-00945842 (Order entered Oct. 25, 1995); *Shedlosky v. Pa. Elec. Co.*, Docket No. C-20066937 (Order entered May 28, 2008).

Here, the ALJ rightly found that the Complainant’s claims regarding the legality of the demolition of his residence are “not within the Commission’s jurisdiction to address.” (ID at 10.) The Commission has no authority over the demolition carried out by Scott Township and cannot offer the Complainant relief related to the demolition of his property.<sup>7</sup> As such, the Commission cannot hear the Complainant’s claims related to the validity of the demolition. To the extent that the Complainant seeks relief regarding the demolition of the residence, he must raise those claims in a court of competent jurisdiction. Continuing this proceeding as the Complainant requests to admit evidence into the record related to his real property claims would be a fruitless exercise because those claims are outside the Commission’s subject matter jurisdiction.

For these reasons, the ALJ properly found that the Complainant’s real property claims are outside both the scope of the instant proceeding and the Commission’s subject matter jurisdiction.

As such, the Complainant’s Exception No. 2 should be denied.

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<sup>7</sup> The Complainant’s claims that the demolition of his house was carried out illegally are also contrary to the record established in this case. Officials from Scott Township provided testimony during an initial hearing held March 26, 2024, through which they established the validity of the Demolition Order and the unsafe condition of the residence, and reiterated the reasonable steps that the Complainant could take to avoid the demolition of his residence. *See* Tr. 48-67, 70-86.

## 2. The Commission Should Reject the Complainant's Attempts to Introduce and Rely on Extra-Record Evidence in His Exceptions

In his Exceptions, the Complainant improperly attempts to introduce and rely upon evidence that is not a part of the record in this proceeding. Specifically, the Complainant presents the following alleged facts, which are **not** in the record:

- Claims that there are “two power sources 200 fee[t] apart on my property regardless of any destruction of the house.” (Exceptions, p. 3.)
- Claims that the residence “had a new 100 year metal roof, concrete slab floor in the garage, with double reinforced walls. The rest of the house was sitting on a concrete foundation and steel I-BEEMS, nothing was sagging, leaning or rotten and the home was a 100 percent brick home” (Exceptions, p. 5).
- Claims that “[t]here was a brand new metal roof installed on the home. The Livingroom, the family room, and the kitchen had brand new Legacy brand Flooring with a lifetime warranty.” (Exceptions, p. 5)
- Claims that PPL Electric “[i]gnored the Call or calls made to PPL Electric Customer Service on the month of Aprill [sic] 2023.” (Exceptions, p. 7.)
- Claims that the residence “had a current and valid construction permit” that was “valid until the end of April 2024.” (Exceptions, pp. 3, 6.)
- Claims that PPL Electric fabricated, edited, or modified the Demolition Order. (Exceptions, p. 6.)
- Claims that Scott Township “acknowledge[d] receipt of [a permit] stating that the home was structurally in perfect condition.” (Exceptions, p. 5.)

The Commission should completely disregard the Complainant's extra-record evidence and his arguments based on that extra-record evidence. It is well-established that parties cannot introduce new evidence and arguments for the first time at the exceptions stage.<sup>8</sup> “The Commission, as an administrative body, is bound by the due process provisions of constitutional

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<sup>8</sup> See, e.g., *Application of Apollo Gas Co.*, 1994 Pa. PUC LEXIS 45, at \*8-9 (Order entered Feb. 10, 1994) (denying party's attempt to introduce extra-record evidence in its exceptions); *Arthurs v. Pa. Elec. Co.*, 2019 Pa. PUC LEXIS 197, at \*14 (Order entered May 23, 2019) (“This Commission can consider only the evidence in the record before us, and we cannot consider extra record evidence or new arguments presented for the first time in the Exceptions stage of the proceeding.”).

law and by the principles of common fairness.” *Hess v. Pa. PUC*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014) (citations omitted). “Among the requirements of due process are notice and an opportunity to be heard on the issues, to be apprised of the evidence submitted, to cross-examine witnesses, to inspect documents, and to offer evidence in explanation or rebuttal.” *Id.* (citations omitted). Indeed, Section 332(c) of the Public Utility Code entitles every party to, among other things, “submit rebuttal evidence” and “conduct such cross-examination as may be required for a full and true disclosure of the facts.” 66 Pa. C.S. § 332(c); *see Pa. PUC v. Nat’l Fuel Gas Distrib. Corp.*, 1993 Pa. PUC LEXIS 95, at \*10 (Order entered July 30, 1993) (“[S]uch material was outside the record and could be detrimental to the rights of other parties to confront such evidence.”).

Here, the Complainant’s extra-record evidence and arguments based thereon were presented for the first time in the Complainant’s Exceptions. By waiting until his Exceptions to present this purported evidence and these arguments, the Complainant denied PPL Electric an opportunity to review and inspect that evidence and to present evidence and arguments in rebuttal. Therefore, it would violate PPL Electric’s due process rights for any of the Commission’s findings to be based upon or influenced by the Complainant’s extra-record evidence and new arguments.

In addition, Section 5.431 of the Commission’s regulations prescribes that “[t]he record will be closed at the conclusion of the hearing unless otherwise directed by the presiding officer or the Commission.” 52 Pa. Code § 5.431(a). Particularly relevant here, “[a]fter the record is closed, additional matter may not be relied upon or accepted into the record unless allowed for good cause shown by the presiding officer or the Commission upon motion.” *Id.* § 5.431(b). Petitions to reopen the record can be granted “if there is reason to believe that conditions of fact or law have so changed as to requires, or that the public interest requires, the reopening of the record.” 52 Pa. Code § 5.571.

Here, the record closed on December 3, 2024. (ID at 5.) On December 16, 2024, the Complainant filed a Motion to Keep Record Open. (ID at 5.) The Complainant’s Motion to Keep Record Open was denied by the ALJ on January 2, 2025, in the Initial Decision. (ID at 10, 12.) The ALJ correctly found that the Complainant failed to show changes in fact or law or that the public interest requiring the reopening of the record. (ID at 10.) Instead, the ALJ found that the Complainant “simply repeats the arguments in his Motion that he previously has made in this proceeding, regarding his belief that PPL and the Township conspired together to demolish the residence at his service address.” (ID at 10.) In his Exceptions, the Complainant attempts again to introduce new evidence related to the purported condition of his residence and alleged contacts with PPL Electric and Scott Township. However, the Complainant did not introduce this evidence before the record closed and he fails now to demonstrate good cause for introducing this extra-record evidence, or any changes in fact or law that would warrant the reopening of the record to admit such evidence. As a result, the Complainant’s extra-record evidence cannot be admitted into the record.

Thus, the Commission should not rely on the Complainant’s extra-record evidence, as well as his new arguments based on such extra-record evidence, to make any findings in this proceeding. *See, e.g., Petition of Pa. Power Co. for Approval of Interim POLR Supply Plan, 2006 Pa. PUC LEXIS 56, at \*3 (Order entered Apr. 28, 2006) (observing that “ALJ Gesoff ignored Reliant’s Reply Brief, due to the extra-record evidence contained within”).*

For these reasons, the Complainant’s Exception No. 2 should be denied.

**III. CONCLUSION**

WHEREFORE, for the foregoing reasons, and those set forth in the Initial Decision, the Exceptions of Antonio Geatti should be denied.

Respectfully submitted,

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