
Nicholas A. Stobbe

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File # 205250

February 12, 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 PPL Electric's Motion for Leave to File Answer to the Motion for Sanctions Nunc Pro Tunc 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: February 12, 2025



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nieves Abad,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3047163
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), ANSWERS TO MOTIONS ARE DUE WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWERS SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



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Dated: February 12, 2025

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nieves Abad,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3047163
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**PPL ELECTRIC’S MOTION FOR LEAVE TO FILE ANSWER TO COMPLAINANT’S
MOTION FOR SANCTIONS NUNC PRO TUNC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric” or “Company”) hereby files this Motion for Leave to File an Answer to the Motion for Sanctions (“Sanctions Motion”) filed by Nieves Abad (“Complainant”) *nunc pro tunc* pursuant to Sections 1.2 and 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code §§ 1.2 and 5.103, and respectfully petitions Administrative Law Judge Alphonso Arnold III (the “ALJ”) and the Commission to accept the Answer to the Complainant’s Sanctions Motion *nunc pro tunc*. PPL Electric is filing an Answer *nunc pro tunc* to the Sanctions Motion for concurrently with the instant Motion.

In support of the instant Motion, PPL Electric avers as follows:

1. On January 30, 2025, PPL Electric was served with the Sanctions Motion.
2. Pursuant to 52 Pa. Code § 5.371(b), PPL Electric’s Answer to the Sanctions Motion due for filing on or before January 4, 2025.

3. Due to an administrative error on the part of PPL Electric and its Counsel, PPL Electric is filing the Answer *nunc pro tunc* eight (8) days beyond the regulatory deadline for filing of a responsive pleading.

4. PPL Electric respectfully requests that the Commission accept the filing of PPL Electric's Answer *nunc pro tunc*.

5. 52 Pa. Code § 1.1 *et seq.* governs the rules of administrative practice and procedure before the Commission.

6. 52 Pa. Code § 1.2(a) states that the Commission's procedural rules in Title 52 shall be "liberally construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable." Further, the Commission's regulations state that the "Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedures which does not affect the substantive rights of the parties." *Id.*

7. Additionally, 52 Pa. Code § 1.2(c) states that the "Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party."¹

8. Here, the Complainant's substantive rights have not been affected in this proceeding as a result of PPL Electric not complying with 52 Pa. Code § 5.371(b).²

9. As of the date of this Motion and concurrent Answer *nunc pro tunc*, this case remains ongoing before the Commission, without a litigation schedule set, nor any formal testimony proffered by either PPL Electric or the Complainant.

¹ See *Info. Connections v. Pa. Pub. Util. Comm'n*, 630 A.2d 498, 501 (Pa. Cmwlth. 1993).

² The Commission has recognized and accepted a utility's Answer *nunc pro tunc* where it did not affect the substantive rights of the Complainant, as is the case here. See *Roberts v. PECO Energy Co.*, 2020 PA. PUC LEXIS 361, Docket No. F-2018-3001072 (Order Entered Jan. 16, 2020); See also *Cobaugh v. Columbia Gas of Pa., Inc.* 2011 Pa. PUC LEXIS 282, Docket No. C-2009-2146579 (Initial Decision issued Oct. 21, 2011) *adopted without further Commission action* (Final Order entered Dec. 12, 2011).

10. Indeed, this Complaint proceeding has not been scheduled for an Evidentiary Hearing as of the date of this Motion and the concurrent Answer *nunc pro tunc*, thus, the Commission's acceptance of the Company's Answer *nunc pro tunc* would not unnecessarily delay the resolution of the Formal Complaint.

11. Accordingly, PPL Electric respectfully requests its Answer to the Sanctions Motion be accepted for filing *nunc pro tunc* to allow for this proceeding to be decided on the merits and for ongoing discovery disputes to be ruled on by the ALJ through the appropriate procedural vehicle.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that PPL Electric's Answer to the Motion for Sanctions of Nieves Abad be accepted for filing *nunc pro tunc*.

Respectfully submitted,



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