

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

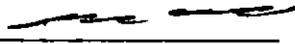
To Whom This May Concern,

Attached for answer is Subpoena served Upon Respondent by Nieves Abad in the  
Above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Alphonso Arnold III  
Administrative Law Judge  
400 North St  
Harrisburg, PA 17120  
Pennsylvania Public Utility Commission  
Email-[Alphoarno@pa.gov](mailto:Alphoarno@pa.gov)

Rosemary Chiavetta  
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  
Philadelphia, PA 19103

  
Nieves Abad  
747 Delaware St  
Forest City , PA 18421  
Email- [Matjua3@aol.com](mailto:Matjua3@aol.com)  
Phone - 631-575-2348  
Dated- February 13, 2025

**DATE OF DEPOSIT**

**FEB 13 2025**

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

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad  
(Pro-Se)

Complainant

NOTICE TO PLEAD

VS

PPL Electric Utilities Corporation

C-2024-3047163

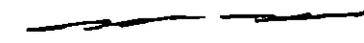
Respondent

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**Notice To Plead**

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 Pa. CODE 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED SUBPOENA WITHIN (10) TEN DAYS OF THE DATE OF SERVICE HEREOF YOUR ANSWER TO SUBPOENA MUST BE FILED WITH THE SECRETARY ON PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED NIEVES ABAD (PRO-SE).

Alphonso Arnold III  
Administrative Law Judge  
400 North St  
Harrisburg, PA 17120  
Pennsylvania Public Utility Commission  
Email-[Alphoarno@pa.gov](mailto:Alphoarno@pa.gov)

  
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FEB 13 2025

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad  
(Pro-Se)

Complainant

vs.

PPL Electric Utilities Corporation  
Respondent

**AFFIDAVIT**

**Docket No. C-2024-3047163**

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**AFFIDAVIT**

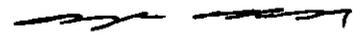
I, Nieves Abad, verify that I am the Complainant in the Complaint, and that the facts contained in the foregoing Subpoena are true and correct to the best of my knowledge, information and belief, and that this verification is subject to the penalties of 18 Pa. C.S.A. 4904 relative to unsworn falsification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

CC:

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  
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Phone - 631-575-2348  
Dated- February 13, 2025

**DATE OF DEPOSIT**

**FEB 13 2025**

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

---

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nieves Abad  
(Pro-Se)

Complainant

APPLICATION FOR  
SUBPOENA

DATE OF DEPOSIT

VS

FEB 13 2025

PPL Electric Utilities Corporation

C-2024-3047163

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Respondent

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**APPLICATION FOR SUBPOENA**

Nieves Abad, (hereon in Complainant), submit this Subpoena against PPL Electric Utility Corporation, (hereon in PPL), pursuant to PA Title 52 Chapter 5 Section 5.421. To the Public Utility Commission, (hereon in PUC), for Honorable Judge Alphonso Arnold III, Complainant hereby states the following:

PPL claims to have disclosed all information in prior discoveries, depositions, and/or interrogatories. This is false, PPL has not disclosed all information. PPL has submitted parts of information, documents and data on this matter. Information provided by PPL has been in favor of PPL or irrelevant information not needed. Documents that are necessary to prove the Complainant's cases have not been provided. PPL has sole access to these records.

1. W/O # 327197674 made on or about 03/29/23. W/O # 58719381 made on or about 04/03/23, W/O # 58720380 made on or about 04/26/23, and W/O # 58730565 made on or about 07/18/23 have not been disclosed by PPL. PPL has submitted answers to Interrogatories and Requests for production of documents set 1. PPL has repeated its claims that all work orders have been disclosed. The above work orders have not been submitted during discovery and are still outstanding. Complainant has reached out to PPL Attorneys at Post & Schell through email

and phone. These work orders have still not been provided. On 02/06/24, Complainant spoke to PPL employee Lindsay Smigel, this call was documented by PPL's call center. (see appendix 1 call history ) Both employee and complainant went over work orders, PPL employee documented the work orders during this conversation. On 01/08/2024, an informal hearing was started, this call was made after this hearing began. Preservation of documents under Pennsylvania State Law requires these work orders to be preserved because of ongoing litigation. PPL has failed to provide these work orders. The actions of PPL and Post & Schell have caused Complainant resources, it has extended discovery times, and has put Complainant at an unfair disadvantage. PPL and Post & Schell have discriminated against the Complainant by violating his due process right to discovery.

2. PPL is equipped with work and asset management software (hereon in WAM) or similar software. This software is designed to keep track of data compiled from record keeping of PPL inspection and maintenance records. This includes records from its distribution system. Including the distribution system on the property of the Complainant. PPL has declined to submit any data from its employees or subcontractors involving matters in this Complaint that are stored in this system. PPL has not disclosed the existence of any software that was used to store data related to this matter to the Complainant. PPL has not submitted any data from its field personnel. This includes communications with the Complainant and other PPL employees about matters in this complaint. PPL has not submitted field documentations from several visits to the Complainants properties from PPL employees.

3. PPL has all vehicles outfitted with laptop computers and software for Mobile Work Management. This software is Called Mobile Operations Management. ( hereon in MOM or a similar software) PPL has declined to submit any data from its employees or subcontractors involving matters in this Complaint that are stored in this system. PPL has not disclosed the existence of any software that was used to store data related to this matter to the Complainant. PPL has not submitted any data from its field personnel. This includes communications with the

Complainant and other PPL employees about matters in this complaint. PPL has not submitted field documentations from several visits to the Complainants properties from PPL employees.

### **ARGUMENT #1**

PPL is equipped with wam, mom, or similar software that PPL employees and sub contractors use to take notes, information, documents and direct subject matters in this complaint. This stored data includes information about the utility pole and wires, ppl ROW on the complainants property, and the accidents that took place on the complainants property. The information that will be found is on vegetation management, pole inspection, pole maintenance, pole reinforcement, pole replacement, recordkeeping, and other information stored about the ppl owned utility poles and wires on complainants property. This is direct subject matter to this complaint being PPL is in violation of PA Title 66 Chapter 15 Section 1501. The value of the information that would come from this withheld information would outweigh the cost. It is crucial to the Complainant that this data is disclosed. This data would prove the negligence of PPL for PPL owned utilities in an alleged PPL right of way on the Complainants property. Without this data this Complaint may not survive the defense of a billion dollar corporation with unlimited resources and a law firm with multiple attorneys, paralegals, and PPL employees from several departments.

4. PPL has not disclosed information on NorthEast Forestry, Environmental Contractors Inc. (hereon in ECI) PPL Forestry Department, or PPL Vegetation Management Dept that oversees the property of the Complainant. On 04/26/23, Complainant met with a sub contractor from ECI on the Complainants property. Complainant has asked for this information through email and phone calls with PPL Attorneys Post & Schell. PPL has submitted Answers to Interrogatories Set I answered on 06/17/2024. All subcontractor's, PPL employees, and all documents relating to this matter have not been disclosed. The actions of PPL and Post & Schell have caused Complainant resources, it has extended discovery times, and has put

Complainant at an unfair disadvantage. PPL and Post & Schell have discriminated against the Complainant by violating his due process right to discovery.

5. PPL has withheld evidence from subcontractor OSMOSE. This company was involved with doing utility pole inspection, repair and maintenance for the utility poles in this complaint. OSMOSE has done at least two inspections on each of the utility poles on the complainants property. This information is important to the Complaint, because it directly involves matters of safety. This information involves the safety conditions of utility poles and PPL's right of way during the time numerous safety infractions have occurred on the property of Nieves Abad. Complainant has asked for this information through email and phone calls with PPL Attorneys Post & Schell. PPL has submitted Answers to Interrogatories Set I answered on 06/17/2024. All subcontractor's, PPL employees, and all documents relating to this matter have not been disclosed. The actions of PPL and Post & Schell have caused Complainant resources, it has extended discovery times, and has put Complainant at an unfair disadvantage. PPL and Post & Schell have discriminated against the Complainant by violating his due process right to discovery.

#### **ARGUMENT #2**

PPL has used contractors for its utility poles and wires and its alleged right of way on Complainants property. These contractors are required by law to maintain records about the PPL utilities they work on. These records have to be readily available at PPL's request to the contractors. PPL explains in their biennial report how these records are recorded and maintained by their subcontractors. Pennsylvania state law allows PPL to maintain these records through these subcontractors as long as it is in accordance with the latest version of regulations to govern the preservation of records of electric, gas, and water utilities and readily available to PPL. PPL should disclose all subcontractors who have involvement with matters in this complaint. These documents are public information. This information is data that is necessary to prove utility pole safety on the Complainants property. PPL has sole access to

data needed. There is no other access to this data. The Complainant does not have permission to do testing on these poles and therefore is relying on PPL's information. The evidence these contractors hold are ;

**OSMOSE:**

1. This company has done at least two or three utility pole inspections on all of the poles in this Complaint.
2. They have reinforced or repaired all 5 poles in this Complaint with C-TRUSS and/or plates.
3. They have maintained all 5 poles in this Complaint
4. They have done testing on all 5 poles in this Complaint.
5. They have done vegetation management in or around the alleged right of way in this Complaint.
6. They have made recommendations about all 5 poles in this Complaint.
7. They are in possession of pictures, documents, data, and other information about this Complaint.

OSMOSE records will show PPL's compliance as a group 1 class A electrical distribution company (hereon in EDC) operating in the State Of Pennsylvania, for its vegetation management and recordkeeping standards. Complainant has been a victim of three accidents that involved PPL owned live utility wires falling on the Complainants property. This happened because of PPL's vegetation management practices. This vegetation did not just appear overnight, this vegetation was in place for over a decades time period.

**§ 57.198. Inspection and maintenance standards.**

(a) *Filing date and plan components.* Every 2 years, by October 1, an EDC shall prepare and file with the Commission a biennial plan for the periodic inspection, maintenance, repair and replacement of its facilities that is designed to meet its performance benchmarks and standards

under this subchapter. EDCs in Compliance Group 1, as determined by the Commission, shall file their initial plans on October 1, 2009. EDCs in Compliance Group 2, as determined by the Commission, shall file their initial plans on October 1, 2010. Each EDC's biennial plan must cover the 2 calendar years beginning 15 months after filing, be implemented 15 months after filing, and must remain in effect for 2 calendar years thereafter. In preparing this plan, the following facilities are critical to maintaining system reliability:

- (1) Poles.
- (2) Overhead conductors and cables.
- (3) Transformers.
- (4) Switching devices.
- (5) Protective devices.
- (6) Regulators.
- (7) Capacitors.
- (8) Substations.

(b) *Plan consistency.* The plan must be consistent with the National Electrical Safety Code, Codes and Practices of the Institute of Electrical and Electronic Engineers, Federal Energy Regulatory Commission Regulations and the provisions of the American National Standards Institute, Inc.

(c) *Time frames.* The plan must comply with the inspection and maintenance standards in subsection (n). A justification for the inspection and maintenance time frames selected shall be provided, even if the time frame falls within the intervals prescribed in subsection (n). However, an EDC may propose a plan that, for a given standard, uses intervals outside the Commission standard, provided that the deviation can be justified by the EDC's unique circumstances or a cost/benefit analysis to support an alternative approach that will still support the level of reliability required by law.

(d) *Routine inspection and maintenance.* The plan must specify for the standards in subsection (n) the routine inspection and maintenance requirements, and emergency maintenance plans and procedures.

(e) *Reduction of risk of outages.* The plan shall be designed to reduce the risk of outages by accounting for age, condition, technology, design and performance of system components and by inspecting, maintaining, repairing, replacing and upgrading the system.

(f) *Clearance of vegetation.* The plan must include a program for the maintenance of clearances of vegetation from the EDC's overhead distribution facilities.

(g) *Consistency with reliability reports.* The plan must form the basis of, and be consistent with, the EDC's inspection and maintenance goals and objectives included in subsequent annual and quarterly reliability reports filed with the Commission under § § 57.193(c) and 57.195 (relating to transmission system reliability; and reporting requirements).

(h) *Review procedure.* Within 90 days of receipt of the plan, the Commission or the Director of the Bureau of Conservation, Economics and Energy Planning (CEEP) will accept or reject the plan in writing.

(i) *Deemed acceptance.* Absent action by the Commission or the Director of CEEP to reject the plan within 90 days of the plan's submission to the Commission, the plan will be deemed accepted.

(j) *Plan deficiencies.* If the plan is rejected, in whole or in part, by the Commission or the Director of CEEP, the EDC will be notified of the plan's deficiencies and directed to submit one of the following:

(i) A revised plan, or pertinent parts of the plan, addressing the identified deficiencies.

(ii) An explanation why the EDC believes its plan is not deficient. The revised plan is deemed accepted absent any action by the Commission within 90 days of the filing.

(k) *Appeal procedure.* An EDC may appeal the Commission staff's determination under subsection (h) by filing an appeal under § 5.44 (relating to petitions for appeal from actions of the staff) within 20 days after service of notice of the action. A final Commission determination is appealable to the Commonwealth Court. Absent having a granted stay, the EDC is obligated to comply with the Commission's directives regarding its inspection, maintenance, repair and replacement plans.

(l) *EDC updates.* An EDC may request approval from the Commission for revising its approved plan. An EDC shall submit to the Commission, as an addendum to its quarterly reliability report under § § 57.193(c) and 57.195, prospective and past revisions to its plan and a discussion of the reasons for the revisions. Within 60 days, the Commission or the Director of CEEP will accept or reject the revisions to the plan. The appeal procedure in subsection (k) applies to the appeal of a rejection of revisions to the plan.

(m) *Recordkeeping.* An EDC shall maintain records of its inspection and maintenance activities sufficient to demonstrate compliance with its distribution facilities inspection, maintenance, repair and replacement programs as required by subsection (n). The records shall be made

available to the Commission upon request within 30 days. Examples of sufficient records include:

(1) Date-stamped records signed by EDC staff who performed the tasks related to inspection.

(2) Maintenance, repair and replacement receipts from independent contractors showing when and what type of inspection, maintenance, repair or replacement work was done.

(n) *Inspection and maintenance intervals.* An EDC shall maintain the following inspection and maintenance plan intervals:

(1) *Vegetation management.* The Statewide minimum inspection and treatment cycle for vegetation management is between 4-8 years for distribution facilities. An EDC shall submit a condition-based plan for vegetation management for its distribution system facilities explaining its treatment cycle.

(2) *Pole inspections.* Distribution poles shall be inspected at least as often as every 10—12 years except for the new southern yellow pine creosoted utility poles which shall be initially inspected within 25 years, then within 12 years annually after the initial inspection. Pole inspections must include:

(i) Drill tests at and below ground level.

(ii) A shell test.

(iii) Visual inspection for holes or evidence of insect infestation.

(iv) Visual inspection for evidence of unauthorized backfilling or excavation near the pole.

(v) Visual inspection for signs of lightening strikes.

(vi) A load calculation.

(3) *Pole inspection failure.* If a pole fails the groundline inspection and shows dangerous conditions that are an immediate risk to public or employee safety or conditions affecting the integrity of the circuit, the pole shall be replaced within 30 days of the date of inspection.

(4) *Distribution overhead line inspections.* Distribution lines shall be inspected by ground patrol a minimum of once every 1-2 years. A visual inspection must include checking for:

(i) Broken insulators.

(ii) Conditions that may adversely affect operation of the overhead transformer.

(iii) Other conditions that may adversely affect operation of the overhead distribution line.

(5) *Inspection failure.* If critical maintenance problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery.

**Environmental Contractors Inc (ECI) :**

This contractor met the Complainants on his property on 04/26/23. This person was driving a white toyota tacoma company truck #605-0510 on the pickup truck. This gentleman took pictures and notes of PPL right of way and the vegetation in and around the right of way. He made decisions for PPL to not cut any trees in or around PPL right of way because PPL would not pay for it. He told the Complaints to call PPL to drop and de-energise the wires when Complainant was ready to cut down the trees. All the information from this contact between this contractor and the Complainant is vital information for this Complaint. This will prove that the Complainant tried to have the right of way cleared by PPL. This will prove the conditions of the right of way on that day.

PPL's forestry department, Northeast Forestry, and/or other subcontractors that have discovery material should disclose it. This data is hearing preparation material and will lead to discoverable evidence. This evidence will show the negligence of PPL's maintenance, inspection and vegetation management practices of its utility poles and wires in an alleged right of way on the Complainants property caused three accidents to occur. The value of the information that would come from this withheld information would outweigh the cost. It is crucial to the Complainant that this data is disclosed. This data would prove the negligence of PPL for PPL owned utilities in an alleged PPL right of way on the Complainants property. Without this data this Complaint may not survive the defense of a billion dollar corporation with unlimited resources and a law firm with multiple attorneys, paralegals, and PPL employees from several departments.

6. On 4/13/23, 05/25/23, and 06/06/23, PPL owned utilities poles and wires were damaged on the Complainants property. Several PPL employees responded to each incident. All employees who responded to this incident were not disclosed by PPL. No documentation or information from these employees were disclosed. PPL only disclosed two employees, John Rosato and Tim Roberts from two different incidents. The actions of PPL and Post & Schell have caused Complainant resources, it has extended discovery times, and has put Complainant at an unfair disadvantage. PPL and Post & Schell have discriminated against the Complainant by violating his due process right to discovery.

7. On 06/06/2023 a third incident involving damage to PPL utilities in the alleged right of way on the complainants property caused power outages and live electrical wires to fall on the complainants property. No information regarding this matter has been submitted to the Complainant. Complainant has submitted Interrogatories Set I answered by PPL on 06/17/2024. The actions of PPL and Post & Schell have caused Complainant resources, it has extended discovery times, and has put Complainant at an unfair disadvantage. PPL and Post & Schell have discriminated against the Complainant by violating his due process right to discovery.

### **ARGUMENT # 3**

These three accidents involving PPL owned utility poles and wires, in an alleged right of way on the Complainants property and involved the Complainant. These accidents occurred on 04/13/23, 05/25/24 & 06/06/23. Knowing the names of the PPL employees and contractors involved along with their contact information, such as work emails, cell phone numbers and work addresses who may be called as witnesses is vital. These employees and/or subcontractors involved made repairs to PPL owned utility poles and wires in the PPL right of way. They have first hand knowledge of the right of way conditions on these days. These employees have not submitted any notes, documents, reports or any other information that is direct subject matter to this claim. PPL has not let any of these employees or subcontractors in

these incidents answer any questions regarding what happened the day of these incidents. PPL has only provided only two accident reports into discovery, one for 04/13/23 and 05/25/23. Complainant has the right to ask questions to these employees about this information PPL has submitted into discovery. This material is hearing pretrial material. PPL must submit all vegetation management, pole inspection, pole maintenance, pole repair or replacement information, and its records for PPL owned utilities on the Complainants property. Complainant is accusing PPL of public safety violations under PA Title 66 Chapter 15 Section 1501, as is entitled to review these documents which will lead to discoverable material in this case. There are pictures and accident reports which contain details of the condition of PPL utilities in its alleged right of way on the day of these accidents. Additional investigation into PPL's records will reveal more discoverable material. PPL has sole access to this information, This information is public information. PPL is a billion dollar company with a large law firm Post & Schell representing them. PPL has several attorneys, paralegals and employees from multiple departments working against this complaint, and is withholding evidence. Complainant has to make a case were PPL holds all the evidence. Not receiving this evidence will discriminate against the Complainants case. If the PUC wants to know the truth about this matter it is in these records in which PPL is withholding from the Complainant.

8. Tom Kernoschak is an engineering specialist who met the Complainant at the Complainants property on several occasions. Complainants exchanged phone calls, voicemails, text messages and emails about PPL utilities, PPL ROW, how to get service on the Complainants property, and other matters relating to ppl utilities on the complainants property. Tom Kernoschak made several pole design drawings for PPL utilities running through the property of the Complainant. Tom Kernoschak was involved in decision making for matters in this complaint. Tom Kernoschak has not submitted notes, documentation or any information put into software such as MOM or WAM during his visits to the Complainant's property or about

issues in this Complaint. Nor has he submitted any work phone calls, work text messages, or work email data in regards to matters in this complaint.

9. Daniel Walker is the ROW specialist who met the Complainant at the Complainants property on several occasions. Complainant exchanged phone calls, voicemails, text messages and emails about PPL utilities and PPL ROW on the Complainants property. Daniel Walker made several ROW decisions for PPL utilities running through the property of the Complainant. Daniel Walker was involved in decision making for matters in this complaint. Daniel Walker has not submitted notes, documentation or any information put into software such as MOM or WAM during his visits to the Complainant's property or about issues in this Complaint. Nor has he submitted any work phone calls, work text messages, or work email data in regards to matters in this complaint.

10. PPLs practices have allowed individual employees to use work devices to communicate with the Complainant. These devices include PPL provided work cell phones and PPL provided email addresses. These communication practices of PPL employees were also used to communicate with other employees about matters in this complaint. Emails and phone use such as text messages have been used to record data about matters in this complaint and are extensions of work orders. Since PPL has allowed this practice to continue and important records and documentations are being sent through these channels, Complainant is entitled to disclosure of this important information sent through work devices that are not privileged. This information is public record. This information has been sent during work hours about matters involving this Complaint, on PPL work devices. This data is required to be recorded and maintained for recordkeeping and this legal matter.

#### **ARGUMENT # 4**

Tom Kernoschak and Daniel Walker are two of the main employees involved in this Complaint. Their actions and their inactions have caused three accidents on the Complainants property. These employees have evaluated the Complainants property before the accidents, in

between accidents, and after accidents. None of the field information from these employees have been disclosed. This information is crucial to this Complaint. Without this information all Complainant has is the employees testimony as to the version of events that took place. Complainant cant compare this testimony with past notes. Record Keeping is required by PPL employees to log each contact for a work order. This has not been provided. These PPL employees communicated using work cell phones and work emails as part of their work practices. Without data from these employees including work emails, text messages, voicemails, and or call logs about matters in this Complaint, more discoverable evidence will be lost.

### **CONCLUSION**

PPL, being in violation of vegetation management standards set forth by the state of Pennsylvania has led to three accidents occurring on the Complainants property. These accidents involved PPL utility poles and wires in and alleged right of way on the Complainants property. These three incidents have put the Complainant and the publics safety at risk. It has caused property damage, and outages, some outages lasting over one week period. In order to obtain the information needed to prove PPL is in violation of these laws. Specific information is needed. PPL has not even disclosed that certain information even existed to the Complainant. This evidence does exist, and PPL is in sole possession of the information. In order to hold PPL accountable for its actions, this information must be disclosed. PPL is responsible for each of these three accidents by their negligence in vegetation management, inspection and maintenance practices. This is what led up to these accidents happening, and for these 3 accidents to occur. This is in violation of Pa Title 66 Chapter 15 Section 1501.

#### **PA Title 66 Chapter 15 Section 1501 - Character of service and facilities**

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions,

and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service. Any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits shall be subject to regulation and control by the commission as to service and extensions, with the same force and in like manner as if such service were rendered by a public utility. The commission shall have sole and exclusive jurisdiction to promulgate rules and regulations for the allocation of natural or artificial gas supply by a public utility

PPL and PPL employees have "opened the door" for the questions in depositions. Complainant is questioning the answers given during depositions and documentation given during interrogatories. PPL and PPL employees have answered prior depositions and interrogatories to similar questions and have provided documentation. PPL has not objected to previous questions asked on the same or similar subject matter. PPL employee Daniel Walker made this statement in response to a question :

"Q. What dates and times did you speak to Nieves Abad about the property at 837 Rear Capouse Ave, Scranton pa 18509."

"A. I cannot recollect any specific dates but the first was likely in April of 2023 shortly after originally receiving the work assignment, I believe Mr. Abad would have been the first person to whom I would have spoken, as a matter of course. I recall having two or three conversations subsequently wherein we discussed the poles locations and PPL's lack of ROW for said situate

on his property; in these conversations I endeavored to explain to him that PPL had owned and maintained the poles at issues for a period well in excess of 21 years and PPL, therefore, asserted "proscribed" rights for them. I believe I also pointed out that the poles were present and clearly visible when he acquired the property in April of 2023. "

Daniel Walker clearly states PPL has owned and maintained these utility poles for at least 21 years. This prompted the complainant to ask the following question;

"Q. As per your answer to questions number 9, Deposition Set I, you described PPL owned and maintained pole #57327N46297. Please provide maintenance records for this pole for 21 consecutive years before Nieves Abad asked you to move these poles.

Please list records including replacement, repair, movement, inspections or any other information or any other records on this pole. "

"A. Respondent has no such records nor any access thereto."

Daniel Walker clearly states that PPL has maintained these utility poles. His answer to these questions has given the Complainant a reason to respond with questions regarding pole maintenance.

The State Of Pennsylvania does not ask PPL to keep records of its distribution system, it requires PPL as a group 1 class A EDC operating in the State of Pennsylvania to compile data and maintain this data. PPL gathers this information all year and then releases this information on a quarterly and a yearly basis through several different outlets. A Quarterly Reliability Report, Annual Reliability Report, Annual Optimization Plan, The long term Infrastructure Improvement Plan and the Biennial Plan. This data is then disclosed to the public via The Public Utility Commission (hereon in PUC), and the PUC website. (See Document # M-2009-2094773 PPL Biennial Plan) (See above plans and reports available at the PUC website for PPL) ( PUC Right

to Know Policy). This is public information readily available from PPL. Since PPL has already compiled this data and released it to the public through the above plans and reports. Charts and diagrams on these reports and plans are proof of the data PPL has already compiled.

Complainant who is a member of the public and has a right to this data. Furthermore the Complainant has been a victim of several accidents involving PPL Utilities located in a PPL right of way (hereon in ROW) on the Complainants property for PPL's distribution system. PPL does not dispute these accidents ( see PPL answers to the complaint of Nieves Abad).

Documents required under Title 52 Chapter 57 Section 57.28(D) , Title 52 Chapter 57 Section 57.47, and Title 52 Chapter 57 Section 57.198(M) are public information. This data collected by PPL must be made available to The Commission and its staff. The PUC is a public entity. The information that the PUC can obtain is of public record. The preservation of records requires that the data compiled for these records be kept and preserved by PPL as a Group 1 Class A EDC operating in the State Of Pennsylvania. (See Docket L-00030160 Rule Making) These records are readily available to PPL since this data has been compiled and submitted to the PUC.

The complainant is well within the scope of discovery governing an evidentiary hearing in front of the PUC. All the evidence requested falls in the category of hearing preparation material and is the complainants due process right to obtain from ppl. This evidence is not vague, overly broad, unduly burdensome, duplicative, or an improper bad faith use of discovery other than its forcing ppl to disclose the truth. Ppl by law are required to compile and store this data. This data is readily available to PPL. PPL should want the truth to come out to show it is in compliance with Pennsylvania state and its utilities are safe for the public. PPL is under the continuing duty to supplement answers to questions during discovery.

**Pa Title 52 Chapter 5 Section 5.321(C) scope**

(c) *Scope.* Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it

relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

**PA Title 52 Chapter 5 § 5.323. Hearing preparation material.**

(a) *Generally.* Subject to this subchapter and consistent with Pa. R.C.P. 4003.3 (relating to scope of discovery trial preparation material generally), a party may obtain discovery of any matter discoverable under § 5.321(b) (relating to scope) even though prepared in anticipation of litigation or hearing by or for another party or by or for that other party's representative, including his attorney, consultant, surety, indemnitor, insurer or agent. The discovery may not include disclosure of the mental impressions of a party's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories. With respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his mental impressions, conclusions or opinions respecting the value or merit of a claim or defense or respecting strategy, tactics or preliminary or draft versions of written testimony or exhibits, whether or not final versions of the testimony or exhibits are offered into evidence.

**Pa Title 52 Chapter 15 Section 5.342(1)**

A party or an expert witness who has responded to a request for discovery with a response that was complete when made is under a duty to supplement a response to include information thereafter acquired, as follows:

(1) A party is under a continuing duty to supplement responses with respect to a question directly addressed to the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called as an expert witness at hearing, the subject matter on which the expert is expected to testify and the substance of the testimony as provided in § 5.324(a)(1) (relating to discovery of expert testimony)

Wherefore, Complainant asks the court to grant this application for Subpoena for information and documentation based on information provided above, ordering PPL to submit all information and documentary evidence requested in this matter, and/or any other relief the court may deem proper in this situation.

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Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
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Phone - 631-575-2348  
Dated- February 13, 2025

DATE OF DEPOSIT

FEB 13 2025

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Table Of Contents**  
Subpoena

Statement of Facts	P 1
1.Work order Subpoena	P 1-2
2.Work & Asset Management Software Subpoena	P 2
3.Mobile work management software Subpoena	P 2-3
Argument 1	P 3
4.Subcontractor Subpoena	P 3-4
5.OSMOSE Subcontractor Subpoena	P 4
Argument 2	P 4-9
6.Accident information Subpoena	P 10
7.Accident information Subpoena	P 10
Argument 3	P 10-11
8.Tom Kernoschak Subpoena	P 11-12
9.Daniel Walker Subpoena	P 12
10.Electronic Subpoena	P 12
Argument 4	P 12-13
Conclusion	P 13-18
Table of Contents	P 19
Appendix 1	P 20

DATE OF DEPOSIT

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**Account Contact History**  
**Account: [REDACTED] Customer Name: NIEVES ABAD**  
**From 10/9/2020 to 10/9/2024**

Contact Date	Contact Type	Remarks	User
2024-10-07	IVR Customer Initiated Payment	Scheduled date 10 7 2024 Amount 258.07 User IVR Owner YES. Confirmation Number 24100751	IVR
2024-09-24	IVR Customer Initiated Payment	Scheduled date 6 24 2024 Amount 104.84 User IVR Owner YES. Confirmation Number 24052408	IVR
2024-03-07	SC - PUC Formal Complaint	The customer filed Formal Complaint Docket No. C-2024-3047163- WATT ID 4183359	ED2623
2024-03-04	Special Situation	PAYMENTUS IVR paid 1000.00	SELF SERVICE USER
2024-03-04	Special Situation	PAYMENTUS IVR paid 1000.00	SELF SERVICE USER
2024-03-04	Billing	Caller Back Office Ratepayer, dead air onset of call, read dead air script	MICHAEL CRAWFORD
2024-03-01	Correspondence - Deposits	Deposit Warning Letter - Commercial	
2024-02-03	WAM	Caller NIEVES ABAD Ratepayer, reviewed work orders 59720555 59720900 58716668 58716871 53719820 58718231 and provided OGC number for tree claim inquiries.	LINDSY SMIGEL
		Caller Back Office Ratepayer, BCS 3980948 DEC CLOSED02 05 2024-THE CUSTOMER STATED THAT REMOVING THE POLES FROM HIS PROPERTY HAS BEEN AN ONGOING ISSUE.THE CUSTOMER SAID HE CONTACTED PPL NUMEROUS TIMES TO ADDRESS THE TREES INTERFERING WITH THE POLES LINES.CUSTOMER WAS NOT SATISFIED AND WILL FILE A FORMAL COMPLAINT.	
2024-02-06	PUC/Informal		ASHLEY KIERNAN-JOHNSON
2024-01-02	Special Situation	PAYMENTUS IVR paid 436.74	SELF SERVICE USER
2023-11-20	Miscellaneous	WATT Billing - MultiPrimary - Needs Rebilling Work Item 4080053 Completed	KATHLEEN A KRAYER
2023-11-20	Miscellaneous	WATT ID 4080053 entered 11 10 reading	KATHLEEN A KRAYER
2023-11-17	Miscellaneous	WATT No Bill - No Bill Commercial Work Item 4086620 Created	CSS
2023-11-17	Cancel/Only Service	canc multi primary to rebill monthly	KATHLEEN A KRAYER
2023-11-17	Pull Bill	Rejected	DBL VBIL
2023-11-15	Miscellaneous	WATT No Bill - Never Billed Non Residential Work Item 4081824 Completed	ED63929
2023-11-13	Miscellaneous	WATT Billing - MultiPrimary - Release Pull Bill Work Item 4080083 Created	JO-ANN GOEPPERT
2023-11-11	Data Repair	Temporary Pull Bill due to Multi Primary	CSSDR044
2023-11-09	Miscellaneous	WATT No Bill - Never Billed Non Residential Work Item 4081824 Created	CSS
2023-10-20	Choice Inquiry	New Connect Privacy Release Default - OK to Release All	SYSTEM SYSTEM
2023-10-20	Connect Completed	ACCT-6941302009 WAM CSS INTERFACE - WAM JOB 00012852782	CUBSOQ20
		TYPE OF CONNECT REQUEST RATEPAYER OWNS THE PROPERTY RATEPAYER WILL OCCUPY THE PROPERTY NON-RESIDENTIAL USE ASSOCIATED WITH THE PROPERTY TYPE OF PROPERTY RESIDENTIAL ELECTRIC HEAT RESIDENTIAL USE ASSOCIATED WITH THE PROPERTY RESIDENTIAL USE WILL BE FOR THE RATEPAYERS SOLE BENEFIT	
2023-10-20	Connect Questions		CUBSOQ20
2023-10-20	Connect Issued	Electric WAM CSS INTERFACE - WAM JOB 00012852782	CUBSOQ20

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Business Use

Appendix 1

NILES Abood  
747 Delaware St  
Forest City PA 18421



9589 0710 5270 1735 5924 92



17105

U.S. POSTAGE  
FCM LG ENV  
SCRANTON, PA 18503  
FEB 13, 2025

\$7.16

S232AN508794-08

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FEB 18 2025

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Secretary of the Commission  
Commonwealth Keystone Building  
400 North St, 2nd FL North  
P.O. BOX 3265  
Harrisburg, PA 17105

Retail



CMPC

717-705-1952

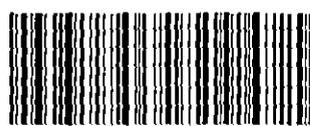
To: PUC SECRETARY BUREAU

Agency: PUC

Floor:

External Carrier:

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