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File #: 205250

February 24, 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 on behalf of PPL Electric Utilities Corporation are the Objections to the Application for Subpoena filed by Nieves Abad in the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Nicholas A. Stobbe
Associate

NAS/sa
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
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Forest City, PA 18421
Martjua3@aol.com

Date: February 24, 2025



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION TO THE
FEBRUARY 13, 2025 APPLICATION FOR SUBPOENA 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 Objection to Nieves Abad’s (“Complainant”) February 13, 2025 Application for Subpoena (“Application”). As explained herein, Administrative Law Judge Alphonso Arnold III (the “ALJ”) should deny the Complainant’s Application because the Application: (1) is another attempt by the Complainant to use the administrative process to cause PPL Electric unreasonable annoyance, burden, and expense; and (2) does not meet the applicable requirements for applications for issuance of subpoenas under the Pennsylvania Public Utility Commission’s (“Commission”) regulations. *See* 52 Pa. Code §§ 5.36, 5.421.

In support of its Objections, PPL Electric states as follows:

I. INTRODUCTION

1. On February 12, 2024, the Complainant filed a Formal Complaint against PPL Electric with the Commission. In the Complaint, the Complainant argued that five (5) PPL Electric owned poles are located on his property without a legal right-of-way (“ROW”).

2. As relief, the Complainant requested that the Commission: (1) order the Complainant to be compensated in the amount of \$100 per pole, per week since May 1, 2023; (2) order PPL Electric to remove the five utility poles from his property; (3) come to a resolution in regards to a fair right of way with PPL Electric; (4) order that all future upgrades to poles, transformers, and the running of new wires be the full responsibility of PPL Electric; and (5) dismiss two invoices rendered by the Company to the Complainant for damage that the Complainant allegedly caused to utility poles.

3. On March 7, 2024, the Company was served with the Formal Complaint.

4. On March 27, 2024, the Company filed an Answer to the Formal Complaint.

5. Also on March 27, 2024, the Company filed Preliminary Objections to the Complaint.

6. On April 4, 2024, the Complainant filed an Answer to the Company's Preliminary Objections.

7. On April 24, 2024, the Commission assigned the ALJ to rule on the Company's Preliminary Objections.

8. On May 17, 2024, the ALJ issued an Order Granting in Part and Denying in Part the Company's Preliminary Objections. The May 17, 2024 Order granted PPL Electric's request to dismiss the Complainant's request for damages.

9. Also on May 17, 2024, the Commission issued an Initial Call-In Telephone Hearing Notice.

10. On May 28, 2024, the Complainant served upon PPL Electric a "Request for Production of Documents and Things Directed to the Respondent" ("RFPDs Set I").

11. Also on May 28, 2024, the Complainant served upon PPL Electric Interrogatories (“Interrogatories Set I”).

12. On June 7, 2024, PPL Electric served objections to certain of the Complainant’s RFPDs Set I.

13. Also on June 7, 2024, PPL Electric served objections to certain of the Complainant’s Interrogatories Set I.

14. On June 18, 2024, Complainant filed a Motion to Compel.

15. On June 26, 2024, the Complaint served “Complainant’s Admission of Evidence Exhibits 1-41.”

16. On June 28, 2024, the Commission issued a Hearing Type Change Notice, converting the July 18, 2024 Evidentiary Hearing into a Prehearing Conference.

17. On July 16, 2024, the ALJ issued a Prehearing Conference Order.

18. On July 18, 2024, a prehearing conference was held.

19. On August 13, 2024, the Commission issued the ALJ’s Order Clarifying Scope of Proceedings and Granting in Part and Denying in Part Complainant’s Motion to Compel.¹

20. On August 23, 2024, the Complainant served upon PPL Electric requests for written depositions directed at various PPL Electric employees and former PPL Electric employees (“Depositions Set I”).

21. On August 29, 2024, the Complainant served upon PPL Electric additional interrogatories (“Interrogatories Set II”).

¹ Order Clarifying Scope of Proceedings and Granting in Part, and Denying in Part, Complainant’s Motion to Compel, Docket No. C-2024-3047163 (Order issued August 13, 2024) (“August 13, 2024 Order”).

22. On September 3, 2024, Complainant filed a Motion for Summary Judgment (“Motion #1”).

23. Also on September 3, 2024, PPL Electric served its objections to certain of the requests contained in the Complainant’s Depositions Set I,

24. On September 8, 2024, PPL Electric served its objections to certain of the Complainant’s Interrogatories Set II.

25. On September 16, 2024, the Complainant served additional requests for written depositions upon PPL Electric (“Depositions Set II”).

26. On September 18, 2024, a further prehearing conference was held with both parties participating.

27. On September 23, 2024, the Complainant served additional interrogatories upon the Company (“Interrogatories Set III”).

28. On September 24, 2024, the ALJ issued an Order Denying Complainant’s Motion for Summary Judgment, which denied Motion #1.

29. Also on September 24, 2024, the ALJ issued an Order Directing the Filing of a Status Report.

30. On September 26, 2024, the Company filed objections to the Complainant’s Depositions Set II.

31. On October 7, 2024, Complainant filed a Motion for Order to Show Cause (“Motion #2”). The content of Motion #2 did not materially differ from Motion #1. Further, the attachments included to Motion #2 were the same attachments included to Motion #1.

32. Also on October 7, 2024, the Company served answers to certain of the Complainant’s Interrogatories Set II on the Complainant.

33. On October 15, 2024, the Company served answers to certain of the Complainant's Discovery Set III on the Complainant.

34. On October 17, 2024, the Complainant served additional requests for written depositions upon the Company ("Depositions Set III").

35. On October 25, 2024, the Complainant served additional interrogatories upon the Company ("Interrogatories Set IV").

36. On October 29, 2024, the ALJ issued an Order denying the Motion for Order to Show Cause filed by the Complainant on October 7, 2024.

37. On November 4, 2024, the Company served its objections to the Complainant's Interrogatories Set IV.

38. On November 6, 2024, the Company served Answers to certain of the Complainant's Discovery Set III.

39. On November 14, 2024, the Company served additional answers to certain of the Complainant's Interrogatories Set IV.

40. On November 25, 2024, the Commission issued an Evidentiary Hearings Notice, scheduling an Evidentiary Hearing for February 10, 2024, before the ALJ.

41. On November 26, 2024, the Complainant served additional interrogatories upon the Company ("Interrogatories Set V").

42. On December 2, 2024, the ALJ issued a Prehearing Order for Telephonic Hearing.

43. On December 2, 2024, the Complainant served an additional request for written deposition upon the Company ("Depositions Set IV").

44. On December 3, 2024, the Complainant served an additional request for written deposition upon the Company ("Depositions Set V").

45. On December 17, 2024, the Complainant filed a Motion to Compel Discovery.
46. On December 23, 2024, the Company filed a Petition for Extension of time to Answer the Complainant's December 17, 2024 Motion to Compel Discovery.
47. On December 24, 2024, the ALJ issued an Order Granting PPL Electric's Petition for Extension of Time.
48. On January 2, 2025, the Company filed its Answer to the Complainant's December 17, 2024 Motion to Compel.
49. On January 7, 2025, the Complainant filed a Motion to Amend the Complaint.
50. On January 8, 2025, the ALJ issued an order Granting in Part and Denying in Part the Complainant's Motion to Compel Discovery Set II.
51. On January 11, 2025, the Complaint served "Complainant's Admission of Evidence Exhibits 42-62."
52. On January 16, 2025, the Company served responses to certain of the written depositions, consistent with the ALJ's January 8, 2025 Order.
53. On January 21, 2025, the Complainant served additional requests for written depositions upon the Company ("Depositions Set VI").
54. On January 27, 2025, the Company filed an Answer to the Complainant's Motion to Amend the Complaint.
55. On January 28, 2025, the Complainant served an additional request for written deposition upon the Company ("Deposition Set VII").
56. On January 29, 2025, the ALJ granted the Complainant's Motion to Amend his Complaint.
57. On January 30, 2025, the Complainant filed a Motion for Sanctions.

58. On January 31, 2025, the Complainant filed an amended complaint.

59. Also on January 31, 2025, the Company served objections to the entirety of the Complainant's January 21, 2025 Depositions Set VI.

60. On February 7, 2025, the Company served objections to the entirety of the Complainant's Deposition Set VII.

61. Also on February 7, 2025, the Complainant filed a Motion to Compel Depositions Sets VI and VII.

62. On February 8, 2025, the Complainant served "Objections" upon the Company.

63. On February 12, 2025, the Company filed a Motion for Leave to File an Answer *Nunc Pro Tunc* to the Complainant's Motion for Sanctions, as well as an Answer *nunc pro tunc*.

64. Also on February 12, 2025, the Company served its Answer to the Complainant's February 7, 2025, Motion to Compel.

65. On February 13, 2025, the Complainant advised counsel for the Company via email that he had lodged complaints against various of the Company's attorneys with the Pennsylvania Supreme Court's Disciplinary Board.

66. Also on February 13, 2025, the Complainant filed the Application.

67. On February 18, 2025, the Company filed a Motion for Protective Order with the Commission. That Motion remains pending.

68. On February 20, 2025, the Company filed Preliminary Objections and an Answer & New Matter to the Complainant's amended complaint.

II. LEGAL STANDARDS

69. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. *Id.*

70. As noted by the Superior Court of Pennsylvania, “While discovery should be liberally allowed, ‘fishing expeditions’ are not to be countenanced under the guise of discovery.” *Land v. State Farm Mutual Ins. Co.*, 600 A.2d 605, 608 (Pa. Super. 1991) (emphasis added).

71. “[T]he standard for discovery is relevance, not curiosity.” *Pa. PUC v. Pennsylvania-American Water Co.*, Docket Nos. R-2011-2232243, *et al.*, at 22 (July 21, 2011) (Order on Motion to Compel).

72. A subpoena may be issued by the Commission pursuant to 52 Pa. Code § 5.421.

73. An application for subpoena:

(1) Must specify as nearly as possible the general relevance, materiality and scope of the testimony or documentary evidence sought, including, as to documentary evidence, specification as nearly as possible of the documents desired.

(2) Must list the facts to be proved by the documents in sufficient detail to indicate the necessity of the documents.

(3) Must contain a notice that a response or objection to the application shall be filed with the Commission and presiding officer within 10 days of service of the application.

(4) Must include a certificate of service.

(5) May attach the proposed subpoena to the application.

52 Pa. Code § 5.421(b)(1)-(5).

III. OBJECTIONS TO APPLICATION FOR SUBPOENA

1. The Application For Subpoena Is A Meritless Attempt To Re-Litigate What Has Already Been Ruled On By The ALJ In This Proceeding Or, Alternatively, Improperly Expand The Scope Of This Proceeding

74. The ALJ correctly held in the August 13, 2024 Order that this case revolves around presence and relocation of poles on or near the Complainant’s property. *See* August 13, 2024 Order, p. 3.

75. The August 13, 2024 Order further held that “if Complainant wishes to raise a claim for monetary damages against Respondent he must do so in a different forum,” that “[i]f 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,” and that “any property dispute between Complainant and Respondent must also be resolved in a different forum.” *Id.*

76. Through the Application, the Complainant is seeking information well-outside of the bounds of this proceeding, as clarified by the August 13, 2024 Order, including information related to incidents involving the Complainant causing damage to the Company’s facilities.

77. Furthermore, the Company filed an Answer and New Matter and Preliminary Objections to the Amended Complaint on February 20, 2025. Therein, the Company made various legal arguments surrounding the efficacy of the Complainant’s Amended Complaint and whether portions of it should be allowed to proceed before the Commission.

78. Without a ruling on the Company’s Preliminary Objections and, in turn, a better understanding of the subject matter to be litigated in this proceeding, issuing a subpoena as requested by the Complainant would be unnecessary and premature, because the scope of this proceeding is still limited by the August 13, 2024 Order and may be further limited by the ruling on PPL Electric’s pending Preliminary Objections.

79. Therefore, PPL Electric submits that the Application should be denied.

2. The Application For Subpoena Does Not Appear To Have Been Served On The Entities From Whom The Complainant Is Seeking Information

80. The Complainant appears to be seeking information from non-parties to this proceeding, including “OSMOSE, “NorthEast Forestry, Envirovermental [sic] Contractors Inc.” *See* Application, pp. 3-4, 9.

81. None of the aforementioned entities are parties to this proceeding, nor does it appear that the Application was served on OSMOSE, NorthEast Forestry, Environmental Contractors, Inc., or any other alleged contractor, based on the Complainant's Certificate of Service included with the Application.

82. Under 52 Pa. Code § 5.421(c)(1), the Complainant must serve the Application on the "party, person or individual to be subpoenaed."

83. Therefore, PPL Electric submits that the Application is deficient on its face and should be denied.

3. The Requests Made In The Application Are Vague And Irrelevant And Do Not Seek Warrant The Issuance Of A Subpoena

84. Throughout the Application, the Complainant continues to take umbrage with PPL Electric's provision of certain information in the discovery process.

85. PPL Electric submits that this is insufficient reason to issue a subpoena under 52 Pa. Code § 5.421, as PPL Electric has already responded to hundreds of discovery requests levied by the Complainant, objected to hundreds more, and is not in violation of any Order in this proceeding otherwise requiring PPL Electric to provide specific information.

86. Moreover, the information sought by the Complainant in the Application is vague and irrelevant to litigation of this proceeding.

87. The Complainant makes various vague references to "field information"² that has allegedly not been provided by PPL Electric throughout the discovery process. However, the Complainant does not define "field information" or otherwise indicate what "field information" he is seeking from PPL Electric.

² Application, p. 13.

88. Similarly, the Complainant seeks “discovery material” and “pretrial material” that will purportedly lead to discoverable evidence.³

89. Yet, the Complainant does not define “discovery” or “pretrial” materials within the Application itself, nor does he concede that many of the materials sought by the Complainant have already been subject to a Motion to Compel that was already ruled upon by the ALJ.

90. The Complainant also requests “notes,” “information,” and “documentation” throughout the Application from various named and unnamed individuals.⁴

91. In doing so, PPL Electric submits that it is clear that the Complainant is continuing to utilize bad-faith efforts in the discovery process. As noted previously, “‘fishing expeditions’ are **not** to be countenanced under the guise of discovery.” *Land v. State Farm Mutual Ins. Co.*, 600 A.2d 605, 608 (Pa. Super. 1991) (emphasis added).

92. The Complainant’s repeated requests for irrelevant information have cost the Company significant time and resources and should not be entertained moving forward in this proceeding.

93. Therefore, PPL Electric submits that the Application is too vague to be reasonably complied with, seeks information that is wholly irrelevant to this proceeding, and is the latest example of the Complainant’s ongoing abuse of the discovery process to cause PPL Electric unreasonable annoyance, burden, and expense, as explained in the Company’s Motion for Protective Order and in response to the Complainant’s many Motions in this proceeding.

³ Application, p. 9.

⁴ Application, pp. 9-12.

IV. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Alphonso Arnold III deny Nieves Abad's Application for Subpoena for the reasons set forth above.

Respectfully submitted,



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Dated: February 24, 2025

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