

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held April 10, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Antonio Geatti

C-2023-3043427

v.

PPL Electric Utilities Corporation

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions of Antonio Geatti (Mr. Geatti or Complainant), filed on January 21, 2025,¹ to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Alphonso Arnold III, issued on January 2, 2025, in the above-captioned proceeding. In the Initial Decision, ALJ Arnold, *inter alia*, granted

¹ The Complainant's Exceptions did not contain a Certificate of Service or any other indication that the parties of record to the case were served. Therefore, on January 21, 2025, the Commission's Secretary's Bureau served a copy of the Exceptions on PPL Electric Utilities Corporation (PPL or Company).

PPL’s Motion for Summary Judgment and dismissed, with prejudice, the Formal Complaint (Complaint) filed by Mr. Geatti on September 25, 2023.² For the reasons stated, *infra*, we shall deny the Complainant’s Exceptions, adopt ALJ Arnold’s Initial Decision, and dismiss the Complaint, consistent with this Opinion and Order.

I. Background and Procedural History

On February 23, 2023, the Scott Township, Columbia County, Pennsylvania (Township) Code Enforcement Officer, Mr. Charles Stalega, executed an Administrative Search Warrant at the Complainant’s Service Address. Tr. at 48. During the search of the residence, Mr. Stalega discovered that the interior of the property was bare down to the studs, that there were numerous holes in the floor, that the roof joists and the wall framing were rotted and covered with microbial growth, that the electrical boxes were rusted, and that the garage was full and presented a hoarding issue. Tr. at 49.

Thereafter, PPL disconnected service at the Service Address residence after being informed by the Township that the residence was unsafe. *See* Tr. at 92.

On September 25, 2023, Mr. Geatti filed the instant Complaint with the Commission, wherein he alleged that PPL was threatening to, or had already, shut off his electric service. Complaint at ¶ 5. As relief, Mr. Geatti requested that PPL “reconnect the electric power to [his] residence...which [PPL] disconnected.” *Id.* at ¶ 6.

On October 26, 2023, in response to the Complaint, PPL filed an Answer, admitting that it terminated the Complainant’s service for safety reasons that were

² On October 6, 2023, the Complaint was served on PPL for an answer due within twenty (20) days.

brought to the Company's attention by Mr. Stalega. PPL indicated that it was willing to restore Mr. Geatti's service if these safety reasons were resolved. Answer at ¶ 5.

On November 2, 2023, the Commission issued an Initial Telephonic Hearing Notice scheduling this matter for an evidentiary hearing on January 16, 2024, and assigning ALJ Charece Z. Collins as the Presiding Officer. On that same date, a Prehearing Conference Order was issued setting forth the procedural rules that would govern the hearing.

On November 30, 2023, the Township issued an Emergency Demolition Order (Demolition Order) concerning the Complainant's Service Address, which indicated that the residence at the Service Address was in imminent danger of collapse and was an extreme danger to the public, occupants of the adjacent buildings, and the surrounding structures. *See* PPL Exh. 4 at 1. The Demolition Order further required the Complainant to make certain structural improvements to his residence and provide the Township with a Structural Integrity Report by February 1, 2024. The Township indicated that should the Complainant fail to follow the directives of the Demolition Order, then the Township would proceed with demolishing the Complainant's residence at the Service Address on or after March 15, 2024. *Id.* at 1-3.

On December 8, 2023, PPL filed a Motion to Stay the Proceeding (Motion to Stay), requesting that this proceeding be stayed pending the disposition of the Demolition Order arguing that the disposition of the Demolition Order would immediately and directly affect the outcome of the instant Complaint.

On January 10, 2024, the Commission issued a Hearing Type Change Notice, converting the January 16, 2024, evidentiary hearing to a Telephonic Prehearing Conference.

On January 16, 2024, the Telephonic Prehearing Conference was held as scheduled, at which the Parties discussed the pending Demolition Order. In addition, ALJ Collins stayed the proceedings until after March 15, 2024, or until the Complainant provided proof that the Township's Demolition Order had been lifted. ALJ Collins also required the Parties to propose dates for a rescheduled hearing after March 18, 2024, in the event that the Complainant's residence was not demolished.

On January 22, 2024, the Commission issued a Hearing Notice scheduling this matter for an evidentiary hearing on March 26, 2024.

On March 18, 2024, PPL filed a Letter wherein it requested that ALJ Collins rule on its outstanding Motion to Stay in advance of the March 26, 2024, hearing.

On March 26, 2024, ALJ Collins convened the telephonic evidentiary hearing, as scheduled, which was limited to two threshold issues: (1) to discuss the pending Motion to Stay; and (2) to receive testimony from Scott Township officials related to the status of the Demolition Order. The Complainant appeared *pro se*, testified on his own behalf, and presented no other witnesses. PPL was represented by counsel who presented the testimony of four witnesses: Mr. Stalega, the Township's Code Enforcement Officer, Ms. Brittany Bacon, the Township's Secretary, Treasurer, as well as the Codes and Zoning Officer, Mr. Michael Wright, a Reliability Engineer at PPL, and Mr. Jachin Spotts, a Reliability Supervisor at PPL. PPL presented two exhibits (PPL Exhibit 4 – Emergency Demolition Order, and PPL Exhibit 8 – Ordinance for Adoption of the International Property Maintenance Code), which were admitted into the record.

On August 27, 2024, the Commission issued a Judge Change Notice informing the Parties that the Presiding ALJ in the above-captioned case had been changed from ALJ Collins to ALJ Arnold.

Also on August 27, 2024, the Commission issued a Telephonic Prehearing Conference Notice which scheduled a further Call-In Telephonic Prehearing Conference for September 23, 2024, before ALJ Arnold.

On September 23, 2024, the Telephonic Prehearing Conference was held as scheduled. During the conference, the Parties discussed whether an active controversy existed in this case, in light of the fact that both Parties acknowledged that the residence at the Service Address had been demolished. *See* Tr. at 120-33.

On September 24, 2024, the Commission issued a Telephonic Hearing Notice, scheduling this matter for an evidentiary hearing on December 10, 2024. A corrected Hearing Notice was issued the same date, correcting errors in the previous Hearing Notice.

On November 6, 2024, PPL filed a Motion for Summary Judgment (Motion), properly endorsed with a Notice to Plead, requesting that the Complaint be dismissed without further proceedings as moot because the demolition of the Complainant's residence made it impossible for the Commission to grant the Complainant's requested relief, *i.e.*, the restoration of electric service to the Service Address. PPL concluded its Motion by requesting dismissal of the Complaint, with prejudice. Attached as Appendix A to the Motion are three pictures, evidencing the demolition of the residence at the Service Address on August 5, 2024.

Via email sent November 18, 2024, the Complainant responded to PPL's Motion through a pleading entitled "Motion in opposition to Summary Judgement

Requested by Magan [*sic*] Rulli Attorney for PPL Electric,” which did not dispute that the residence had been demolished but instead argued that the Demolition Order did not have legal validity, alleging that his property had been wrongfully demolished by Scott Township. Mr. Geatti contended that PPL conspired with Columbia County to destroy his home so that PPL could claim that electricity could not be reconnected. In doing so, Mr. Geatti claimed that PPL “committed a crime in engaging in a conspiracy to commit fraud, destruction of property, harassment among other things and crimes and left [him] homeless, and they also stole [his] personal belongings inside and outside [his] house.” Answer to Motion at 1. Mr. Geatti requested that PPL rebuild his home, restore the electricity at his home, and pay him damages for the hardship he suffered in having his home destroyed. *Id.* at 2. The Complainant’s response to PPL’s Motion was filed at the above-captioned docket on November 27, 2024, at the request of the ALJ.

On December 2, 2024, the Commission issued a Hearing Cancellation Notice, cancelling the December 10, 2024, hearing.

On December 5, 2024, the ALJ issued an Order Closing the Record in this proceeding, stating that an Initial Decision would be prepared and issued.

On December 16, 2024, Mr. Geatti filed a Motion to Keep Record Open and to Continue Hearings, requesting that the record in this proceeding be reopened.

On December 30, 2024, PPL filed an Answer to Complainant’s Motion to Keep Record Open and to Continue Hearings.

On January 2, 2025, the Commission issued the Initial Decision of ALJ Arnold, wherein he denied Mr. Geatti’s Motion to Keep Record Open and to Continue Hearings and granted PPL’s Motion for Summary Judgment, finding that there are no material facts in dispute and PPL is entitled to judgment as a matter of law.

Accordingly, the ALJ dismissed the Complaint, with prejudice, and dismissed PPL's Motion to Stay as moot. *See* R.D. at 1, 5, 12-13.

As noted, *supra*, the Complainant filed Exceptions on January 21, 2025. PPL filed Replies to Exceptions on February 3, 2025.

On February 24, 2025, the Complainant filed a pleading entitled "Motion to Amend the Complaint to Include Additional Charges and Additional Possible Resolutions to PPL's Violations Which Put the Complainant in Harms Way." Additionally, on March 6, 2025, the Complainant filed a response to PPL's Replies to Exceptions.

II. Discussion

A. Legal Standards

1. Burden of Proof, 66 Pa.C.S. § 332(a)

Section 332(a) of the Public Utility Code (Code) provides that a complainant, as the party seeking affirmative relief from the Commission, has the burden of proof. 66 Pa.C.S. § 332(a). The evidentiary burden of proof for actions before the Commission is the "preponderance of the evidence" standard. *Suber v. Pennsylvania Com'n on Crime and Delinquency*, 885 A.2d 678, 682 (Pa. Cmwlth. 2005) (*Suber*); *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 602 A.2d 863 (1992) (*Lansberry*); *see also North American Coal Corporation v. Air Pollution Commission*, 279 A.2d 356 (Pa. Cmwlth. 1971). To establish a fact or claim by a preponderance of the evidence means to offer the greater weight of the evidence, or evidence that outweighs, or is more convincing than, by even the smallest amount, the probative value of the evidence presented by the other party. *See Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 855 (Pa. 1950).

The burden of proof comprises two distinct burdens: the burden of production and the burden of persuasion. *Hurley v. Hurley*, 754 A.2d 1283 (Pa. Super. 2000). The burden of production, also called the burden of going forward with the evidence, determines which party must come forward with evidence to support a particular claim or defense. *Scott and Linda Moore v. National Fuel Gas Distribution*, Docket No. C-2014-2458555 (Final Order entered August 25, 2015) (*Moore*). The burden of production goes to the legal sufficiency of a party's claim or affirmative defense. *Id.* It may shift between the parties during a hearing. If a complainant introduces sufficient evidence to establish the legal sufficiency of the claim, also called a *prima facie* case, the burden of production shifts to the utility to rebut the complainant's evidence. *See Id.* If the utility introduces evidence sufficient to balance the evidence introduced by the complainant, that is, evidence of co-equal value or weight, the complainant's burden of proof has not been satisfied and the burden of going forward with the evidence shifts back to the complainant. The complainant then must provide some additional evidence favorable to the complainant's claim. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (*Milkie*); *Burleson v. Pa. PUC*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983) (*Burleson*).

Having produced sufficient evidence to establish the legal sufficiency of a claim, the party with the burden of proof must also carry the burden of persuasion to be entitled to a favorable ruling. *See Moore*. While the burden of production may shift back and forth during a proceeding, the burden of persuasion never shifts; it always remains on a complainant as the party seeking affirmative relief from the Commission. *See Milkie, Burleson; see also, Riedel v. County of Allegheny*, 633 A.2d 1325, 1328, n.11 (Pa. Cmwlth. 1993). It is entirely possible for a party to carry the burden of production but not be entitled to a favorable ruling because the party did not carry the burden of persuasion. *See Moore*. In determining whether a complainant has met the burden of

persuasion, the ultimate factfinder³ may engage in determinations of credibility, may accept or reject testimony of any witness in whole or in part, and may accept or reject inferences from the evidence. *See Moore* (citing *Suber*).

Finally, adjudications by the Commission must be supported by substantial evidence in the record. 2 Pa.C.S. § 704. “Substantial evidence” is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. *Consolidated Edison Company of New York v. National Labor Relations Board*, 305 U.S. 197, 229, 59 S. Ct. 206, 217 (1983). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Railway Company v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corporation v. Unemployment Compensation Board of Review*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Commonwealth Department of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

2. Judgment on the Pleadings, 52 Pa. Code § 5.102

The ALJ properly outlined the criteria for granting a motion for summary judgment. I.D. at 7-8. As explained by the ALJ, the Commission’s Regulation at 52 Pa. Code § 5.102 governs motions for judgment on the pleadings. The Commission’s Regulation at 52 Pa. Code § 5.102(a) permits any party to move for summary judgment after the pleadings are closed, but within such time as not to delay a hearing. A motion for summary judgment must be based on the pleadings, depositions, answers to interrogatories, admissions and supporting affidavits. 52 Pa. Code § 5.102(c). The

³ In formal complaint proceedings, the Commission, not the ALJ, is the ultimate fact-finder; it weighs the evidence and resolves conflicts in testimony. When reviewing the initial decision of an ALJ, the Commission has all the powers that it would have had in making the initial decision except as to any limits that it may impose by notice or by rule. *Milkie*, 768 A.2d at 1220, n. 7 (citing, *inter alia*, 66 Pa.C.S. § 335(a)).

presiding officer will grant a motion for summary judgment if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law. 52 Pa. Code § 5.102(d)(1).

The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to a judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983); *Mertz v. Lakatos*, 381 A.2d 497 (Pa. Cmwlth. 1978). All doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Thompson Coal Company v. Pike Coal Company*, 412 A.2d 466 (Pa. 1979). Summary judgment will be granted only where the right is clear and free from doubt.

Conversely, the party opposing a motion for summary judgment must allege facts showing that an issue for trial exists. *First Mortgage Co. of Pennsylvania v. McCall, supra*; *Commonwealth v. Diamond Shamrock Chemical Co.*, 391 A.2d 1333 (Pa. Cmwlth. 1978); *Stover v. The United Telephone Co. of Pennsylvania*, Docket No. C-00923833 (Order entered July 21, 1992). The Commission has interpreted 52 Pa. Code § 5.102(c) in conformity with the Pennsylvania Rules of Civil Procedure (Pa. R.C.P.), *South River Power Partners, L.P. v. West Penn Power Company*, Docket No. C-00935287 (Order entered November 6, 1996). In civil practice, a non-moving party may not rely solely upon denials in its pleadings, but must submit some materials to establish that a genuine issue of material fact exists. *Nicastro v. Cuyler*, 467 A.2d 1218 (Pa. Cmwlth. 1983); *Pennsylvania Gas & Water Co. v. Nenna & Frain, Inc.*, 467 A.2d 330 (Pa. Super. 1983); *Geriot v. Council of the Borough of Darby*, 457 A.2d 202 (Pa. Cmwlth. 1983); *see also*, Pa. R.C.P. 1035.3. Summary judgment may be entered against a non-moving party who does not respond. Pa. R.C.P. 1035.3(d).

A ruling for summary judgment, where properly exercised, serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 Pa.C.S. § 703(a); *Lehigh Valley Power Committee v. Pa. PUC*, 563 A.2d 557 (Pa. Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. PUC*, 540 A.2d 1006 (Pa. Cmwlth. 1988); *Walter Painter and Donna Painter v. Aqua Pennsylvania, Inc.*, Docket No. C-2011-2239556 (Order entered May 22, 2014).

3. General Standards

In the Initial Decision, the ALJ made fourteen Findings of Fact and reached six Conclusions of Law. *See* I.D. at 5-7, 11-12. The Findings of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

As we proceed in our review of the various positions of the Parties in this proceeding, we are reminded that the Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). Exceptions that we do not specifically address shall be deemed to have been duly considered and denied without further discussion.

B. ALJ's Initial Decision

The ALJ determined that PPL is entitled to judgement as a matter of law because no genuine issue of material fact exists as to whether the Commission can grant the Complainant's request for relief and order PPL to restore electric service to the

Complainant's property, because the residence at the property has been demolished. I.D. at 8-11.

Most conclusive to the ALJ's determination was Mr. Geatti's concession that the residence at the Service Address was demolished and that there were no existing electric facilities at the property to which PPL can restore service. I.D. at 9. A review of the record indicated that this was a direct result of Mr. Geatti's failure to comply with the terms of the Demolition Order.

Therefore, ALJ Arnold found that PPL's disconnection of service 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." Consequently, as the ALJ found that the instant Complaint could be resolved without the need for further evidentiary hearings, he granted the Company's Motion for Summary Judgment and dismissed the Complaint. I.D. at 9-10.

The ALJ additionally acknowledged Mr. Geatti's accusations of PPL conspiring with the Township to have his residence demolished and the Complainant's request for damages from PPL, including a request that PPL rebuild his residence. In this regard, the ALJ found that the Complainant's claims regarding the legality of the demolition of his residence are "not within the Commission's jurisdiction to address." I.D. at 10.

Lastly, in regard to the Complainant's Motion to Keep Record Open and to Continue Hearings, ALJ Arnold noted that Mr. Geatti simply repeated arguments previously made in this proceeding, regarding his belief that PPL and the Township conspired together to demolish the residence at his Service Address. Accordingly, the

ALJ denied the Complainant's Motion, finding that Mr. Geatti "failed to show that there have been material changes of fact or of law that have occurred since the conclusion of the hearing (or since the close of record, in this instance) or that the public interest requires reopening of the record." I.D. at 10 (citing 52 Pa. Code § 5.571(b), (d)).

C. Exceptions and Replies

The Complainant's Exceptions consist of nine type-written pages in which Mr. Geatti essentially makes two general arguments, continuing to seek restoration of service at his Service Address, which PPL disconnected due to safety concerns brought to its attention by the Township.⁴ First, the Complainant generally expresses his disagreement with ALJ Arnold's findings and, *inter alia*, his decision to dismiss the Complaint subsequent to finding that PPL is entitled to judgment as a matter of law. The Complainant argues that a hearing should be held to hear his claims. *See* Exc. at 1, 6-9.⁵ In support of his contentions, the Complainant argues that 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 the record as PPL Exhibit 4, and the authority of the Township and its representatives to demolish his residence. *See* Exc. at 4-7.

Second, the Complainant devotes the majority of his Exceptions to raising legal challenges related to the demolition of his home. *See generally* Exc. at 2-8. In this

⁴ We note that the format of the Exceptions does not strictly comply with Section 5.533(b) of our Regulations, which requires each exception to be numbered, to identify the finding of fact and conclusion of law to which exception is taken, and to cite to the relevant pages of the Initial Decision. 52 Pa. Code § 5.533(b). Nevertheless, particularly because the Complainant is appearing *pro se*, we will accept the Exceptions as filed pursuant to Section 1.2(a) of our Regulations, 52 Pa. Code § 1.2(a), in order to secure a just, speedy, and economical determination.

⁵ In addition, the Complainant's Exceptions also contain a request for a jury trial, a procedural request that is not available in Commission proceedings. Exc. at 1.

regard, the Complainant's Exceptions maintain the Complainant's allegations, expressed in both his Answer to PPL's Motion and his Motion to Keep Record Open and to Continue Hearings, that PPL and the Township conspired to illegally demolish the Complainant's residence based on a fabricated existence of unsafe conditions; and therefore, the residence did not warrant demolition, giving rise to the Complainant's legal challenges related to the demolition of his home and the associated real property claims. Exc. at 2, 5-6, 8.

In response to Mr. Geatti's Exception that the ALJ erred in granting summary judgement on the basis that, given the Complainant's residence at the Service Address had been demolished, there were no existing electric facilities at the property to which PPL could have restored service, PPL contends that the ALJ correctly found that no factual disputes remain. Responding to the Complainant's contention that material facts remain in dispute, PPL counters that simply because the Complainant raised certain issues in his Exceptions does not mean that material facts remain in dispute in this proceeding, particularly considering that the issues raised are largely outside the Commission's jurisdiction. R. Exc. at 3. PPL points out that the Complainant's Exceptions acknowledge that the residence has been demolished and that the only electric facilities currently at the residence are utility poles, renewing Mr. Geatti's concession that there were no existing electric facilities at the property to which PPL can restore service. R. Exc. at 4 (citing Exc. at 3, 6; Tr. at 128-30). Therefore, PPL asserts that the ALJ properly found that the instant Complaint could be resolved without the need for further evidentiary hearings. R. Exc. at 4.

Regarding the Complainant's claims challenging the legality of the Township's demolition of his residence, PPL maintains that these matters are outside the scope of this proceeding and the Commission lacks subject matter jurisdiction over real property claims; therefore, PPL contends that the Complainant's Exceptions on this matter should be denied. R. Exc. at 5-6.

PPL argues that the Commission has no authority over the demolition carried out by the Township and, thus, cannot offer the Complainant relief related to the demolition of his property. Nevertheless, PPL asserts that the Complainant's claims that the demolition of his house was carried out illegally are contrary to the record established in this case. PPL notes that officials from the Township provided testimony during the evidentiary 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. R. Exc. at 6 (citing Tr. at 48-67, 70-86).

Moreover, in challenging the legality of the Township's demolition of his residence, PPL objects to the Complainant's attempt to introduce and rely on extra-record evidence in his Exceptions. R. Exc. at 7 (citing Exc. at 3,5-7). PPL asserts that it is well-established that parties cannot introduce new evidence and arguments for the first time at the exceptions stage. R. Exc. at 7 (citing *Application of Apollo Gas Company*, 1994 Pa. PUC LEXIS 45, at *8-9 (Order entered February 10, 1994) (denying party's attempt to introduce extra-record evidence in its exceptions); *Arthurs v. Pennsylvania Electric Company*, 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.")). Further, PPL argues that by waiting until the Exceptions stage to present his purported evidence, the Complainant denied PPL an opportunity to review and inspect that evidence and to present evidence and arguments in rebuttal; therefore, PPL argues that its due process rights would be violated should the Complainant's extra-record evidence and new arguments be relied upon. Thus, PPL contends that, having failed to demonstrate good cause for introducing extra-record evidence, or any changes in fact or law that would warrant the reopening of the record to admit such evidence, the Complainant's extra-record evidence and new arguments should be completely disregarded. R. Exc. at 8-9.

D. Disposition

As a preliminary matter, we note that following the issuance of the Initial Decision, as well as the filing of the Complainant's Exceptions and PPL's Replies thereto, Mr. Geatti filed an Amended Complaint, as well as a response to the Company's Replies to Exceptions. We note that our Regulations do not authorize the filing of an Amended Complaint during the review of Exceptions to an Initial Decision granting summary judgment and shall decline to consider the filing. Likewise, we will not consider the response filed by the Complainant in this docket on March 6, 2025, as our Regulations do not permit the filing of responses to Replies to Exceptions. *See* 52 Pa. Code §§ 5.533, 5.535.

Now, we turn our attention to whether, based upon the facts averred so far, there is any doubt that a dispute over a material fact remains that must be resolved in Mr. Geatti's favor. On review, we find there is not.

As indicated, *supra*, the Township issued the Complainant the Demolition Order on November 30, 2023.⁶ As Mr. Geatti did not comply with the directives of the Demolition Order, PPL's witness, Mr. Stalega, testified, during the March 26, 2024 evidentiary hearing, that he "wrote a new Notice of Demolition, which we're gonna give

⁶ Mr. Stalega, testified that immediately after the execution of the Administrative Search Warrant at the Complainant's Service Address on February 23, 2023, the Township issued the first Demolition Order, which was sent via regular and certified mail. Mr. Stalega further testified that he immediately started posting the property on March 1, 2023, and by March 8, 2023, the Notice was removed. Thereafter, Mr. Stalega indicated that he started regularly posting the property. Tr. at 49.

[the Complainant] 60 days to comply with, or we're gonna move forward with demolishing the property and putting liens on it."⁷ Tr. at 52.

PPL's witness, Mr. Spotts, testified that given that the Demolition Order was still in place and that the Complainant's residence was scheduled to be demolished, the electric service would need to remain disconnected in order for the demolition to proceed safely. In the event that the Demolition Order would have been lifted and PPL had received proof that the residence at the Service Address passed an electrical inspection, the Company indicated that it would have been willing to restore service to the Complainant's Service Address. Tr. at 97-98, 100.

PPL's witness, Mr. Wright, as part of his responsibilities as the Company's Reliability Engineer, visited the Complainant's Service Address on June 5, 2023 and again on November 8, 2023. Mr. Wright testified that the purpose of these visits was to assess the condition of the Complainant's residence and the status of PPL's facilities, as a result of which it was determined that the power could not be safely reconnected to the Service Address. Tr. at 88-90.

⁷ PPL's witness, Ms. Bacon, provided the following testimony:

So the Demo Order still stands in place, and at the last Supervisor's Meeting, which was March 20, 2024, the Board voted unanimously to continue to move forward with the Demo Order, to give Mr. Geatti 30 more days to contact Barry Isett & Associates once he has received service, since he is stating he has not received service. And once service is done, he has 30 days to respond. Thirty days from that is when demo will happen if there's been no response. So there's a 60-day umbrella that is still there, but they have also moved forward to advertise or accept bids to demolish the property. So that if there is nothing, it will continue to move ahead.

Tr. at 74.

A public utility has a duty to maintain safe, adequate and reasonable service and facilities and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. *See* 66 Pa.C.S. § 1501. Accordingly, ALJ Arnold found PPL’s disconnection of service 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.” We agree.

Based upon the above facts, we find no merit in the Complainant’s Exceptions. The Complainant fails in his Exceptions to point out any error in fact or law in the Initial Decision that would support the Commission’s reversal or modification of the Initial Decision. As noted by the ALJ, “[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.” I.D. at 8 (citing *Lehigh Valley Power Committee v. Pa. PUC*, 563 A.2d 557 (Pa. Cmwlth. 1989)). Based on our review of the pleadings and the applicable law, we find that the ALJ properly granted PPL’s Motion for Summary Judgment. Viewing the record in the light most favorable to the Complainant, the relief Mr. Geatti is seeking, *i.e.*, a restoration of electric service to his residence at the Service Address, cannot be granted due to its demolition pursuant to the Demolition Order, rendering this proceeding moot. As such, we agree with ALJ Arnold that no genuine issue of material fact exists as to whether PPL can restore electric service to the Service Address. We further note that the Complainant’s Exceptions offer new information which cannot be considered after the

record has been closed.⁸ However, even if we were to consider the new information, it would not alter the conclusion that the Complainant's real property claims are outside both the scope of the instant proceeding and the Commission's subject matter jurisdiction. Accordingly, we shall deny the Complainant's Exceptions.

It has been demonstrated that Mr. Geatti's own inaction, during the approximate fifteen-month period between March 2023 and May 2024, initiated the Township's action in ultimately demolishing his residence on August 5, 2024; however, the cause of the Township's action is not what is at issue in this proceeding, nor is it within the jurisdiction of the Commission. What *is* at issue in this proceeding is whether the Commission can provide the relief requested. Mr. Geatti's sole relief sought, according to paragraph six of his Complaint, states, "Reconnect the electric power to my residence...which they disconnected." The demolition of the residence, and PPL's removal of its facilities at the Service Address in order to safely accommodate the demolition, has made it impossible for the Commission to provide the requested relief.

The essence of the Complainant's remaining allegations is a real property dispute, including requests for an impermissible award of monetary damages. In this regard, the Complainant is not entitled to relief as a matter of law due to our lack of subject matter jurisdiction related thereto. Furthermore, we find it incredulous that PPL would conspire to demolish the homes of its customers to avoid customer complaints, as suggested by the Complainant. Nevertheless, to the extent that the Complainant is

⁸ In regard to the Complainant's Motion to Keep Record Open and to Continue Hearings, the ALJ denied the Complainant's Motion, stating that Mr. Geatti "failed to show that there have been material changes of fact or of law that have occurred since the conclusion of the hearing (or since the close of record, in this instance) or that the public interest requires reopening of the record," I.D. at 10 (citing 52 Pa. Code § 5.571(b), (d)). The Complainant's Exceptions consist of another improper attempt to submit new evidence without providing any basis for admitting new information into the record, such as the occurrence of material changes of fact or law.

seeking civil damages, it is well established that the enforcement powers of the Commission do not include the authority to award such damages. *See Elkin v. Bell Telephone Company of Pennsylvania*, 420 A.2d 371 (Pa. 1980); *see also Feingold v. Bell Telephone Company of Pennsylvania*, 383 A.2d 791 (Pa. 1977). Although we have general jurisdiction over the rates and services of public utilities operating in Pennsylvania, this Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly, as contained in the Code.

In support of his request for relief, the Complainant has relied solely upon his belief that PPL acted, in concert, with the Township to have his residence demolished. In doing so, it is clear that Mr. Geatti is attempting to resolve this matter before the Commission, asserting that many factual issues remain in dispute related to the destruction of the Complainant's residence. As such, the Complainant is attempting to use this Commission as a forum to resolve an underlying dispute that he has with the Township. However, nothing in the Code authorizes the Commission to engage in this activity.

Accordingly, the Complainant's Exceptions are denied.

III. Conclusion

Consistent with the foregoing discussion, we shall deny the Complainant's Exceptions, adopt the Initial Decision of ALJ Arnold, and dismiss the Complaint, consistent with this Opinion and Order. **THEREFORE,**

IT IS ORDERED:

1. That the Exceptions filed by Antonio Geatti on January 21, 2025, to the Initial Decision of Administrative Law Judge Alphonso Arnold III, issued on

January 2, 2025, at Docket No. C-2023-3043427, are denied, consistent with this Opinion and Order

2. That the Initial Decision of Administrative Law Judge Alphonso Arnold III, issued on January 2, 2025, at Docket No. C-2023-3043427, is adopted, consistent with this Opinion and Order.

3. That the Formal Complaint filed by Antonio Geatti on September 25, 2023, in this docket, is dismissed.

4. That the Secretary's Bureau shall mark this proceeding closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: April 10, 2025

ORDER ENTERED: April 10, 2025