

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gomattie Harilal	:	
	:	
v.	:	C-2024-3050671
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision grants PPL Electric Utilities Corporation’s motion for summary judgment and dismisses the Formal Complaint of Gomattie Harilal against PPL Electric Utilities Corporation upon finding that Gomattie Harilal failed to prove that the Complainant: (1) had complied with the Commission’s Order in a previous case; and (2) was no longer barred from filing any informal or formal complaints against the Respondent.

HISTORY OF THE PROCEEDING

On August 12, 2024, Gomattie Harilal (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL, Company, or Respondent) alleging that the

utility is threatening to shut off service or has already shut off service at Complainant's residence, and that there are incorrect charges on Complainant's bills from PPL. More specifically, the Complainant avers that the Company and the Commission are forcing the Complainant to pay other people's debt. Gomattie Harilal further avers that PPL stole the Complainant's identity and used it without permission. As relief, the Complainant requests that the Commission resolve "the issue of whose debt it is." Complaint ¶ 5.

On September 3, 2024, PPL filed an Answer denying the material allegations of the Complaint. Along with the Answer, PPL filed a New Matter in which the Company argued that the present Complaint is barred by Section 316 of the Public Utility Code, 66 Pa.C.S. § 316, and the Commission's Orders entered in *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2019-3009714 (Final Order entered Dec. 4, 2019) (*Harilal I*) and *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573 (Final Order entered Dec. 22, 2021) (*Harilal II*), which barred the Complainant from initiating any further Commission complaints against PPL regarding the arrearages on the Complainant's account until all of the arrearages were paid in full.

PPL further averred that the account at issue in the present Complaint is the same account at issue in *Harilal I* and *Harilal II*. New Matter ¶ 13. At the time of the Final Order in *Harilal II*, Complainant had a total bill of \$10,867.92. Since then, Complainant has paid \$4,289.47 to PPL but has not retired the entire balance at issue in *Harilal II*. New Matter ¶ 14.

Also on September 3, 2024, PPL filed a Preliminary Objection seeking to dismiss the present Complaint as a legally insufficient pleading in light of the two previous Commission Orders which barred Gomattie Harilal from filing any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages for electric service rendered by PPL Electric

Utilities Corporation, until such time as the entire outstanding account balance has been paid in full.

Both the New Matter and the Preliminary Objection contained a Notice to Plead which advised the Complainant that she had 20 days to file a response to the New Matter, and ten days to file a response to the Preliminary Objection. 52 Pa. Code §§ 5.63, 5.101(b). The Complainant did not file a response to the New Matter or the Preliminary Objection.

By Motion Judge Assignment Notice dated September 18, 2024, PPL's Preliminary Objection was assigned to me for disposition.

By Order dated October 22, 2024, I granted, in part, and denied, in part, Respondent's Preliminary Objection. The October 22, 2024 Order instructed the parties that the matter would be set for a telephonic hearing to determine whether the present Complaint concerns the same account as the one at issue in *Harilal II* or, in the alternative, whether the Complainant has complied with the Commission's Final Order in *Harilal II*. Additionally, the October 22, 2024 Order directed that, only after Gomattie Harilal had successfully proven that the present Complaint concerns a different PPL account than the one at issue in *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573 or, in the alternative, had shown full compliance with the Commission's Final Order in *Harilal II*, would Gomattie Harilal be permitted to prosecute the issues raised in the present Complaint.¹

By Hearing Notice dated October 24, 2024, a telephonic hearing was scheduled for December 13, 2024, and the matter was assigned to me.

¹ For the full analysis of PPL's Preliminary Objections and claims see Order dated October 22, 2024, in the present Complaint docket.

On November 16, 2024, I issued a Prehearing Order reminding the parties of the time and date of the hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

The hearing was convened as scheduled on December 13, 2024. An individual who identified himself as Gomattie Harilal appeared *pro se* and provided testimony in accordance with the instructions of the October 22, 2024 Order. Alice Wade, Esq. appeared representing the Respondent and presented the testimony of Holly Hankerson, who is a Senior Customer Service Representative for PPL. Ms. Wade requested that I take judicial notice of the Commission's Final Order in *Harilal II*, Docket No. C-2021-3027573. I granted PPL's request over Complainant's objections that the hearing in *Harilal II* never took place. Tr. 25-26.

Following Complainant's testimony, counsel for PPL moved for summary judgment in favor of the Respondent and dismissal of the Complaint. Tr. 18. The motion was held in abeyance. Respondent also sponsored one exhibit. Complainant stated that he had not received nor reviewed PPL's proposed exhibit. I instructed PPL to re-serve the proposed exhibit on Gomattie Harilal and provided the Complainant with 18 days, or until December 31, 2024, to file written objections to the admission of the exhibit into the record. Tr. 38-39.

By email dated December 31, 2024, Gomattie Harilal submitted numerous objections; however, none of them specifically addressed PPL's proposed Exhibit 1.

By letter dated January 14, 2025, PPL requested that Gomattie Harilal's objections be denied.

The record in this matter closed on January 15, 2025, upon receipt of my copy of the transcript.

FINDINGS OF FACT

1. The Complainant is Gomattie Harilal, who resides at 106 Waterway Lane, Stroudsburg, PA 18360 (Service Address). Tr. 6.
2. The Respondent is PPL Electric Utilities Corporation.
3. On December 22, 2021, the Commission issued a Final Order in *Harilal II* informing the parties that, in accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa.C.S. § 332(h), the decision of Administrative Law Judge John M. Coogan dated November 18, 2021, had become final without further Commission action. *Harilal II*.
4. In the Final Order of December 22, 2021, the Commission ordered as follows:
 - 1) That the motion of PPL Electric Utilities Corporation to dismiss the formal complaint of Gomattie Harilal at docket number C-2021-3027573 for failure to prosecute and because the Commission's December 4, 2019 Order^[2] precludes further contest of the charges is granted.
 - 2) That the formal complaint filed by Gomattie Harilal against PPL Electric Utilities Corporation at docket number C-2021-3027573 is hereby dismissed.
 - 3) That **Gomattie Harilal, and her husband Kumar Harilal, are precluded from filing any further complaints with the Pennsylvania Public Utility**

² This refers to the Commission's Final Order in *Harilal I* entered on December 4, 2019.

Commission, whether of an informal or formal nature, regarding the arrearages on Account No. []-89058 for electric service rendered by PPL Electric Utilities Corporation, **until such time as the entire outstanding account balance has been paid in full.**

4) That the filing of any complaint pertaining to the arrearages which are the subject of this proceeding shall be dismissed without further proceedings.

5) That PPL Electric Utilities Corporation shall file a notice with the Commission, with a copy to all parties to this proceeding, at Docket No. C-2021-3027573, within seven (7) days of the date that outstanding balance for Account No. []-89058 has been paid in full.

6) That, until the notice described in ordering paragraph five has been filed, Commission staff, including the Commission's Bureau of Consumer Services and the Secretary's Bureau, shall reject any formal or informal complaint **that Gomattie Harilal or her husband Kumar Harilal**, or any person acting on their behalf, may attempt to file with the Commission, pertaining to Account No. []-89058, until the entire outstanding account balance has been paid in full.

7) That the failure to pay the outstanding account balance for Account No. []-89058 shall be deemed grounds for termination of service in accordance with Chapters 56 and 64 of the Commission's rules of administrative practice and procedure.

8) That a copy of this decision shall be served to the Commission's Bureau of Consumer Services and the Secretary's Bureau.

9) That the filing of any other pleadings in this case concerning the same subject matter shall not be deemed a stay on the implementation of this order.

10) That the Secretary's Bureau shall mark docket number C-2021-3027573 as closed.

Harilal II, Ordering Paragraphs 1-10 (Emphasis added).

5. On August 12, 2024, Gomattie Harilal filed a Formal Complaint with the Commission against PPL.

6. As of December 22, 2021, the Complainant's outstanding balance on the account with PPL was \$10,867.92. Tr. 24-25.

7. Since December 22, 2021, Complainant has made payments totaling \$5,158.17 towards the Complainant's balance with PPL. Tr. 25.

8. The Complainant has not paid off the balance at issue in *Harilal II*. Tr. 10.

9. The Complainant has held the same Account Number with PPL since the day service was initiated at the Service Address on April 20, 2015. Tr. 27.

10. As of December 13, 2024 hearing, the total balance in Complainant's account with PPL is \$11,588.07. Tr. 24.

DISCUSSION

As a preliminary matter, I will address Complainant's written objections filed on December 31, 2024. During the December 13, 2024 hearing, the Respondent sponsored one exhibit, PPL Exhibit 1 – Complainant's Account History from November 2020 to December 13, 2024. Gomattie Harilal stated that he had not received nor reviewed PPL's proposed exhibit. Tr. 37-38. I instructed PPL to re-serve the proposed

exhibit on Gomattie Harilal and provided the Complainant with 18 days, or until December 31, 2024, to file written objections to the admission of the exhibit into the record. Tr. 38-39. By email dated December 31, 2024, Gomattie Harilal submitted numerous objections. By letter dated January 14, 2025, PPL requested that Complainant's objections be denied.

Upon careful review, I find that the objections raised by the Complainant in the December 31, 2024 email take issue with the past and present proceedings on Gomattie Harilal's Complaints against PPL, in general.³ However, none of these objections specifically addresses the admissibility of PPL's proposed Exhibit 1. Consequently, I shall deny Gomattie Harilal's objections to PPL Exhibit 1. PPL Exhibit 1 is admitted into the record in the ordering paragraphs below.

As the proponent of a rule or order, the Complainant in this proceeding has the burden of proving the Complaint allegations by producing evidence which established material facts by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

On December 22, 2021, the Commission issued a Final Order in *Harilal II* in which it barred "Gomattie Harilal, and her husband Kumar Harilal, ... from filing any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages on Account No. []-89058 for electric service rendered by PPL Electric Utilities Corporation, until such time as the entire outstanding account balance has been paid in full." *Harilal II*, Ordering ¶ 3. On August 12, 2024, Gomattie Harilal filed a Formal Complaint with the Commission against PPL alleging that the utility is threatening to shut off service or has already shut off service at

³ Most of the issues raised in these objections were addressed and ruled upon during the December 13, 2024 hearing. *See e.g.*, Tr. 9-10, 30-37.

Complainant's residence, and that there are incorrect charges on Complainant's bills from PPL. More specifically, the Complainant averred that the Company and the Commission are forcing the Complainant to pay other people's debt. Gomattie Harilal further averred that PPL stole Complainant's identity and used it without permission. As relief, Complainant requests that the Commission resolve "the issue of whose debt it is." Complaint ¶ 5.

On September 3, 2024, PPL filed an Answer denying the material allegations of the Complaint. Along with the Answer, PPL filed a New Matter in which the Company argued that the present Complaint is barred by Section 316 of the Public Utility Code, 66 Pa.C.S. § 316 and the Commission's Orders entered in *Harilal I* and *Harilal II* barring the Complainant from initiating any further Commission complaints against PPL regarding the arrearages on the Complainant's account until all of the arrearages are paid in full. PPL further averred that the account at issue in the present Complaint is the same account at issue in *Harilal I* and *Harilal II*. New Matter ¶ 13.

Also on September 3, 2024, PPL filed a Preliminary Objection seeking to dismiss the present Complaint as a legally insufficient pleading in light of the two previous Commission Orders which barred Gomattie Harilal from filing any further informal or formal complaints with the Commission regarding the arrearages for electric service rendered by PPL, until such time as the entire outstanding account balance has been paid in full.

The Complainant did not file a response to the New Matter or the Preliminary Objection.

By Interim Order dated October 22, 2024, I granted, in part, and denied, in part, Respondent's Preliminary Objection. The Interim Order instructed the parties that the matter would be set for a telephonic hearing to determine whether the present

Complaint concerns the same account as the one at issue in *Harilal II* or, in the alternative, whether the Complainant has complied with the Commission's Final Order in *Harilal II*. Interim Order, Ordering ¶ 2. Additionally, the Interim Order directed that, only after Gomattie Harilal had successfully proven that the present Complaint concerns a different PPL account than the one at issue in *Harilal II* or, in the alternative had shown full compliance with the Commission's Final Order in *Harilal II*, would the Complainant be permitted to prosecute the issues raised in the present Complaint.⁴ Interim Order, Ordering ¶ 3.

At the hearing, the Complainant admitted that the balance at issue in *Harilal II* has not been paid off. Tr. 10. PPL's witness, Holly Hankerson testified that Complainant has held the same Account Number with PPL since the day service was initiated at the Service Address on April 20, 2015. Tr. 27. Ms. Hankerson testified that as of December 22, 2021, the Complainant's outstanding balance on the account with PPL was \$10,867.92. Tr. 24-25. Since December 22, 2021, Gomattie Harilal has made payments totaling \$5,158.17 towards the Complainant's balance with PPL. Tr. 25. As of the date of the hearing the total balance in Complainant's account with PPL is \$11,588.07. Tr. 24.

Counsel for PPL moved for summary judgment in favor of the Respondent and dismissal of the Complaint. Tr. 18. Summary judgment should be granted only where the moving party demonstrates that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law. Pa.R.C.P. No. 1035(b); *The Peoples Nat. Gas Co. v. Pa. Publ. Util. Comm'n*, 554 A.2d 585 (Pa. Cmwlth. 1985). The Commission's regulations at 52 Pa. Code § 5.102(c) and (d)(1) adopt this approach:

⁴ For the full analysis of PPL's Preliminary Objections and claims see Order dated October 22, 2024, in the present Complaint.

(c) *Motion for summary judgment.* A motion for summary judgment must be based on the pleadings and depositions, answers to interrogatories, admissions and supporting affidavits. Documents not already filed with the Commission shall be filed with the motion.

(d) *Decisions on motions.*

(1) *Standard for grant or denial on all counts.* The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

52 Pa. Code § 5.102(c), (d).

Following the Complainant's and Ms. Hankerson's testimonies, it is undisputed that: 1) the Final Order in *Harilal II* entered on December 22, 2021, precluded Gomattie Harilal and Kumar Harilal from filing any further informal or formal complaints with the Commission regarding the arrearages for electric service rendered by PPL, until such time as the entire outstanding account balance was paid in full; 2) the Complainant has held the same Account Number with PPL since the day service was initiated at the Service Address on April 20, 2015; and 3) the Complainant has not made sufficient payments to retire the entire outstanding balance that had accrued in Complainant's account with PPL as of the date of the Final Order in *Harilal II*. In view of the above, I find that the Complainant has failed to carry the burden of proving by a preponderance of the evidence that Complainant has complied with the Commission's Final Order in *Harilal II* and is no longer barred from filing formal or informal complaints against PPL. Therefore, there is no genuine issue as to any material fact that Gamattie Harilal can raise in the present Complaint, and PPL is entitled to judgement as a

matter of law. Pa.R.C.P. No. 1035(b); *The Peoples Nat. Gas Co. v. Pa. Publ. Util. Comm'n*, 554 A.2d 585 (Pa. Cmwlth. 1985).

The Commission has the discretion to “dismiss any complaint without hearing if, in its opinion, a hearing is not necessary in the public interest.” 66 Pa.C.S. § 703(b). A hearing is necessary only to resolve disputed questions of fact, and when the question presented is solely one of law, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa. 1989); *See also Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. 1993). A further hearing in this matter is not necessary or appropriate and is not in the public interest. Accordingly, the Complaint will be dismissed.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The Complainant seeking affirmative relief from the Commission has the burden of proving the Complaint allegations by producing evidence which established material facts by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).
3. Complainant has failed to carry the burden of proving by a preponderance of the evidence that Complainant has complied with the Commission’s Final Order in *Harilal II* and is no longer barred from filing formal or informal complaints against PPL. 66 Pa.C.S. § 332(a); *Harilal v. PPL Elec. Utils. Corp.*, Docket No. C-2021-3027573 (Final Order entered Dec. 22, 2021).

4. Summary judgment should be granted only where the moving party demonstrates that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law. Pa.R.C.P. No. 1035(b); *The Peoples Nat. Gas Co. v. Pa. Publ. Util. Comm'n*, 554 A.2d 585 (Pa. Cmwlth. 1985).

5. A motion for summary judgment must be based on the pleadings and depositions, answers to interrogatories, admissions and supporting affidavits. Documents not already filed with the Commission shall be filed with the motion. 52 Pa. Code § 5.102(c).

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

7. There is no genuine issue as to any material fact that Gamattie Harilal can raise in the present Complaint, and PPL is entitled to judgement as a matter of law. Pa.R.C.P. No. 1035(b); *The Peoples Nat. Gas Co. v. Pa. Publ. Util. Comm'n*, 554 A.2d 585 (Pa. Cmwlth. 1985).

8. The Commission has the discretion to “dismiss any complaint without hearing if, in its opinion, a hearing is not necessary in the public interest.” 66 Pa.C.S. § 703(b).

ORDER

THEREFORE,

IT IS ORDERED:

1. That PPL Exhibit 1 is admitted into the record in this matter.
2. That PPL Electric Utilities Corporation's motion for summary judgment is granted.
3. That the Formal Complaint filed by Gomattie Harilal against PPL Electric Utilities Corporation at Docket No. C-2024-3050671 is dismissed in its entirety.
4. That Gomattie Harilal and Kumar Harilal continue to be precluded from filing any further complaints with the Pennsylvania Public Utility Commission, whether of an informal or formal nature, regarding the arrearages on Account No. ending in 89058 for electric service rendered by PPL Electric Utilities Corporation, until such time as the entire outstanding account balance at issue in *Harilal v. PPL Electric Utilities Corp.*, Docket No. C-2021-3027573 (Final Order entered Dec. 22, 2021), has been paid in full.
5. That within 10 days of payment in full of Account No. ending in 89058, PPL Electric Utilities shall file proof of said payment at this Docket No. C-2024-3050671.

6. That the Secretary mark this matter closed.

Date: April 15, 2025

_____/s/
Eranda Vero
Administrative Law Judge