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File #: 140074

June 23, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Michael and Sharon Hartman v. PPL Electric Utilities Corporation
Docket No. C-2024-3050485

Dear Secretary Homsher:

Enclosed for filing is PPL Electric Utilities Corporation's Answer to the Motion of Michael and Sharon Hartman to Lift the Stay in the above-referenced proceeding.

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

Respectfully submitted,



Devin Ryan

DR/sa
Enclosures

cc: Certificate of Service
Honorable Emily DeVoe (*via Email edevoe@pa.gov*)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this filing 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

Michael and Sharon Hartman
1650 Primrose Lane
Dauphin, PA 17018
Email: angelgah@comcast.net

Date: June 23, 2025



Devin Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael and Sharon Hartman,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2024-3050485
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**ANSWER OF
PPL ELECTRIC UTILITIES CORPORATION TO THE
MOTION OF MICHAEL AND SHARON HARTMAN TO LIFT THE STAY**

TO ADMINISTRATIVE LAW JUDGE EMILY DEVOE:

Pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s regulations, 52 Pa. Code § 5.61, PPL Electric Utilities Corporation (“PPL Electric” or “Company”) respectfully files this Answer to the Motion of Michael and Sharon Hartman (“Complainants”) to Lift the Stay in this proceeding. As set forth in PPL Electric’s Motion to Hold the Amended Preliminary Objections in Abeyance and Continue to Stay the Proceeding that was filed on May 30, 2025, Administrative Law Judge Emily DeVoe (“ALJ”) should hold the Amended Preliminary Objections in abeyance and continue to stay the proceeding, in light of the Company’s pending appeal of the Commission’s February 28, 2025 Order in the First Complaint proceeding at Docket No. C-2019-3008272. As explained in the Company’s Amended Preliminary Objections and in the May 30, 2025 Motion, if the Company prevails on its appeal, the aspects of the Commission’s February 28, 2025 sustaining the Complaint in part against PPL Electric will be reversed, which will directly affect the merits of the claims and relief requested in this Second Complaint

proceeding. Therefore, in the interest of administrative and judicial efficiency, and to avoid conflicting rulings in this Second Complaint proceeding and PPL Electric’s appeal of the February 28, 2025 Order pending in the Commonwealth Court, the Company’s Amended Preliminary Objections should be held in abeyance, and the Second Complaint proceeding should continue to be stayed pending PPL Electric’s appeal of the February 28, 2025 Order.

In support thereof, PPL Electric responds to the Complainants’ Motion as follows:

I. ANSWER TO COMPLAINANTS’ MOTION

1. The Complainants’ Motion to Lift the Stay should be denied.

2. The Complainants base their Motion on the premise that their “second Formal Complaint consists of two prongs, neither of which were [sic] addressed within the Honorable Judge Haas’ Initial Decision or the Commissioners’ February 28, 2025 Opinion and Order”: (a) alleged “misleading and false testimony” submitted in the First Complaint proceeding; and (b) alleged evidence of the Company’s “2023 and 2024 vegetation management activity,” which, according to the Complainants, “demonstrated that the 2022 testimony of PPL’s Forester, Matthew Stutzman, was false” and shows that the Company’s vegetation management was “unreasonable and discriminatory.” (Complainants’ Motion, pp. 2-5.)

3. The Complainants also contend that “the Honorable Judge Haas refus[ed] to hear and accept the Complainants’ Surrebuttal testimony and exhibits.” (Complainants’ Motion, p. 5.)

4. PPL Electric continues to strongly dispute the Complainants’ allegations, as set forth in the Company’s Amended Answer and New Matter. (*See* PPL Electric’s Amended Answer and New Matter ¶ 4.)

5. Moreover, as explained in Paragraph 4 of the Company’s Amended Answer and New Matter:

- a. To the extent that the Complainants wished to dispute the efficacy or accuracy of PPL Electric’s testimony and exhibits in the First Complaint proceeding, the Complainants could have done so, and did at length, during the First Complaint proceeding.
- b. Many of the allegations in the Second Complaint, if not all, are an inappropriate attempt to relitigate issues that were adjudicated by the Commission in the First Complaint proceeding and are currently pending on appeal before the Commonwealth Court. Therefore, the Second Complaint is merely an attempt to relitigate issues ruled on by the Commission in the First Complaint proceeding and should not be considered in this Second Complaint. In fact, the failure to dismiss this Second Complaint could result in the Commission or Commonwealth Court issuing two separate orders that involve the same or similar subject matter and that could conflict with one another.
- c. If the Complainants wanted to reopen the record in the First Complaint proceeding to introduce new evidence that was not available at the time the record closed, the Complainants should have filed a Petition to Reopen the Record before the Commission issued its final decision in the First Complaint proceeding. *See* 52 Pa. Code § 5.571. Given that the Second Complaint was filed on July 31, 2024, several months before the Commission’s entered its Opinion and Order on remand on February 28, 2025, the Complainants had a full and fair opportunity to seek such relief in the First Complaint proceeding.

6. In addition, the Complainants erroneously assert that Administrative Law Judge Steven K. Haas (“ALJ Haas”) denied them the opportunity to submit surrebuttal testimony and exhibits.

7. As the Commission noted in its February 28, 2025 Order in the First Complaint proceeding, “By e-mail dated July 13, 2022, the Hartmans indicated that they did not intend to serve surrebuttal testimony.” *Hartman v. PPL Elec. Utils. Corp.*, Docket No. C-2019-3008272 (Order entered Feb. 28, 2025).

8. It is indisputable that the Complainants had the opportunity to present surrebuttal testimony and exhibits in that proceeding but elected not to do so.

9. Thus, the Complainants cannot and should not fault ALJ Haas for their failure to present surrebuttal testimony and exhibits.

10. Finally, as explained in PPL Electric's May 30, 2025 Motion, the presiding ALJ should hold the Amended Preliminary Objections in abeyance and continue to stay the proceeding, in light of the Company's pending appeal of the Commission's February 28, 2025 Order in the First Complaint proceeding at Docket No. C-2019-3008272.

11. Both the First and Second Complaints relate entirely to the Company's construction and vegetation management activities with respect to the Project on or near the Complainants' Service Address, along with the veracity of the Company's testimony and exhibits submitted in the First Complaint proceeding. (PPL Electric's May 30, 2025 Motion ¶ 25.)

12. In its ongoing appeal, PPL Electric has challenged whether the Commission lacked subject matter jurisdiction over the Complainants' erosion, sediment control, and stormwater runoff issues, and even if the Commission did have subject matter jurisdiction, whether the Commission erred in determining that the Company violated Section 1501 of the Public Utility Code with respect to those issues. (See PPL Electric's May 30, 2025 Motion, Appendix A, pp. 21-22.)

13. As set forth in PPL Electric's Amended New Matter, the Complainants previously raised these claims about the Company's testimony and exhibits in the First Complaint proceeding. (See PPL Electric's Amended New Matter ¶¶ 1, 48-80, 96, 99.)

14. Accordingly, PPL Electric's pending appeal of the February 28, 2025 Order could directly affect the issues in this proceeding. (PPL Electric's May 30, 2025 Motion ¶ 30.)

15. If the instant proceeding were to move forward, it could be a waste of administrative and judicial resources and could result in conflicting rulings by the Commission and the Commonwealth Court. (PPL Electric's May 30, 2025 Motion ¶ 31.)

16. For example, if PPL Electric prevails on its argument that the Commission lacks subject matter jurisdiction over erosion, sediment control, and stormwater runoff issues, then the Complainants' arguments and requests for relief in this proceeding that are predicated on the Commission having such jurisdiction would be rendered moot. (PPL Electric's May 30, 2025 Motion ¶ 32.)

17. For these reasons, PPL Electric submits that it would be unnecessary and a waste of the parties' and the Commission's time and resources for the parties to litigate the Second Complaint while the Company's appeal of the February 28, 2025 Order remains pending. (PPL Electric's May 30, 2025 Motion ¶ 33.)

II. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Motion of Michael and Sharon Hartman to Lift the Stay be denied.

Respectfully submitted,



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