

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nieves Abad	:	
	:	
v.	:	C-2024-3047163
	:	
PPL Electric Utilities Corporation	:	

ORDER
GRANTING MOTION FOR PROTECTIVE ORDER

Relevant procedural history

On February 15, 2024, Nieves Abad (“Mr. Abad”) filed a Formal Complaint against PPL Electric Utilities Corporation (“PPL”) with the Pennsylvania Public Utility Commission (“Commission”).

On February 11, 2025, Complainant filed an Amended Complaint.

On February 18, 2025, PPL filed a Motion for Protective Order (“Motion”).

On February 20, 2025, PPL filed an Answer with New Matter to the Amended Complaint. Also on February 20, 2025, Respondent filed Preliminary Objections to the Amended Complaint.

On March 17, 2025, Complainant filed Objections to the Motion (“Objections”).

On June 27, 2025, I issued an Order Granting in Part, and Denying in Part, the Preliminary Objections of PPL to the Amended Complaint (“Order”).

Discussion

In my Order portions of the Amended Complaint were stricken, and I highlighted the three issues to be addressed at a future evidentiary hearing in this matter. Those issues are the following:

- Whether Respondent has complied with the Commission's regulations and its tariff regarding the relocation of poles located on Complainant's property (as raised in the Formal Complaint and Amended Complaint Argument #4).
- Whether Respondent's tree removal activities (vegetation management practices) on Complainant's property were reasonable and adequate pursuant to the Code and applicable Commission regulations (as raised in Amended Complaint Argument #1 and Argument #2).
- Whether Respondent is responsible or accountable for the April 13, May 25, and June 6, 2023, incidents where utility wires fell onto Complainant's property, causing power outages (as raised in Amended Complaint Argument #1).

In PPL's Motion, PPL seeks a Protective Order prohibiting Mr. Abad from serving any additional discovery upon PPL. PPL notes that since the beginning of this proceeding, Mr. Abad has levied five sets of interrogatories, one requests for production of documents, and 21 requests for written depositions containing a sum total of more than 1,250 discrete questions – many with multiple subparts – upon PPL. PPL submits that Mr. Abad's conduct in discovery has been in an effort to unreasonably annoy, burden, and expense PPL and moreover, that Mr. Abad's discovery tactics are an abuse of administrative process, thereby warranting a complete and total cessation of discovery propounded by the Complainant.

For his part, Mr. Abad in his Objections argues that the discovery that he has sought has not been in bad faith, nor is vague or burdensome.

After reviewing the Motion, the Objections, and the 1,000 plus discovery requests propounded by Mr. Abad upon PPL, I will grant the Motion and issue a Protective Order in this matter.

Although Mr. Abad is entitled to the discovery of any matter, not privileged, which is relevant to the subject matter involved in the pending action (52 Pa. Code § 5.321(c)), this must be weighed against PPL's right to be protected from discovery which is sought in bad faith, would cause unreasonable annoyance, embarrassment, oppression, burden or expense, relates to matter which is privileged, or would require the making of an unreasonable investigation. 52 Pa. Code § 5.361(a). Here, I find that Mr. Abad's conduct regarding discovery has resulted in unreasonable annoyance, burden, and expense towards PPL, given the sheer number of the discovery requests issued and the fact that a substantial portion of the requests have been irrelevant to the issues present in this proceeding. Further, Mr. Abad frequently serves discovery requests that are duplicative of previous requests that have already been responded to by PPL or that have already been addressed by me in addressing Motion to Compels filed by Mr. Abad. Given the responses previously provided by PPL to Mr. Abad in response to his discovery requests and in response to my Orders addressing Mr. Abad's Motions to Compel, and the responses that will be provided to Mr. Abad by PPL as directed by my Order Granting in Part and Denying in Part Complainant's Motion to Compel Discovery Set III issued July 23, 2025, Mr. Abad will be able to utilize the information he has to prosecute his case at a future evidentiary hearing.¹

¹ I note that the discovery requests that PPL has been compelled to answer in my Order Granting in Part and Denying in Part Complainant's Motion to Compel Discovery Set III issued July 23, 2025, cover requests relevant to the three issues to be addressed at a future evidentiary hearing in this matter. Therefore, even though the issues in this proceeding were expanded through Mr. Abad's Amended Complaint, as highlighted in my June 27, 2025, Order Granting in Part, and Denying in Part, the Preliminary Objections of PPL to the Amended Complaint, I find that Mr. Abad has the information necessary to prosecute his case at a future evidentiary hearing.

C-2024-3047163 NIEVES ABAD V. PPL ELECTRIC UTILITIES CORPORATION

Revised 6/27/2025

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