

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael and Sharon Hartman	:	
	:	
v.	:	C-2024-3050485
	:	
PPL Electric Utilities Corporation	:	

**INTERIM ORDER
DENYING IN PART AND HOLDING IN ABEYANCE IN
PART COMPLAINANTS’ MOTION TO LIFT STAY; GRANTING IN PART AND
HOLDING IN ABEYANCE IN PART PPL’S MOTION TO HOLD
AMENDED PRELIMINARY OBJECTION IN ABEYANCE**

On July 31, 2024, Michael and Sharon Hartman filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission), against PPL Electric Utilities Corporation (PPL, Company, or Respondent) regarding service at their residence at 1650 Primrose Lane, Dauphin, PA (service location). Complainants checked the “other” box on the Formal Complaint Form, writing,

PPL has knowingly and recklessly submitted misleading and False testimony and documents during a Formal Hearing, case number C-2019-3008272. PPL’s unethical, unreasonable, and discriminatory actions have subjected us and our property to post-hearing destruction and danger, and defrauded PPL ratepayers, including ourselves, to quality service and fair rates. Since July 2023, PPL’s discriminatory vegetation management practices have negatively impacted biodiversity on our property.

See Complaint at ¶ 4.

As relief, Complaints request: (1) “the Commission or appropriate Commonwealth Agency investigate PPL’s submission of misleading and false testimony in case number C-2019-3002782”; (2) the Commission schedule a status conference to “establish discovery guidelines and issue subpoenas to PPL [various] contractors”; (3) the Commission

schedule an in-person hearing; (4) the Commission, if appropriate, fine and censure PPL counsel; (5) the Commission preclude PPL from passing on legal fees associated with this matter to ratepayers, (6) the Commission prevent PPL from exercising discriminatory vegetation management standards and procedures; (7) the Commission direct PPL to “return our topsoil and restore our vegetation that was destroyed due to careless, unreasonable, and discriminatory application methods, and the continued deterioration and threat to our property since the record for case number C-2019-3002782 was closed”; and the Commission to direct PPL to “remediate access roads and construction pads to prevent continued accelerated soil erosion and stormwater runoff.” Complaint at 3. Complainants also noted the Commission’s authority to make a determination that a utility engaged in fraud or misrepresentation pursuant to 52 Pa. Code § 69.1201(c)(1), and requested it make such a finding in this case, arguing that the Initial Decision (ID) in C-2019-3002782 failed to “address the alleged willful, reckless, misleading, and knowingly false representations and testimony presented by PPL, PPL counsel, and PPL contractors.” Complaint at 9.

Complainants attached multiple attachments to the instant Complaint, including a memorandum that “addresses the false testimony by PPL employee witness William Salisbury;” a memorandum that “addresses the disclosure of evidence of unreasonable and discriminatory vegetation management activity after the original Formal Complaint C-2019-300872, was closed;” a copy of PPL Exhibit MS-5 entered into the record at C-2019-300872 and used as the basis for a Finding of Fact in ALJ Haas’ ID which Complainants claim was altered and “fraudulently presented” by PPL; and a copy of Hartman Exhibit 34 entered into the record at C-2019-300872, which Complainants claim shows PPL Exhibit MS-5 was “fraudulently altered and redacted.” Complainant at 9.

Finally, Complainants argue that they were not afforded an opportunity to testify and rebut PPL’s false and misleading rebuttal testimony, cross examination testimony, and exhibits during the September 2022 telephone hearing at Docket Number C-2019-300872.

On August 21, 2024, PPL filed an Answer and New Matter, as well as a Preliminary Objection. In its Answer, PPL explains that the instant Formal Complaint is the

second Formal Complaint filed by the Complainants concerning the Company's construction and vegetation management activities in the existing transmission line right-of-way traversing their property as part of the Halifax-Dauphin 69 kilovolt (kV) Transmission Rebuild Project (Project). PPL notes that Complainants' first complaint, filed at Docket No. C-2019-3008272 (First Complaint) remains pending before the Commission. PPL explains that, on October 3, 2023, Administrative Law Judge (ALJ) Steven K. Haas issued an ID dismissing in part, and sustaining in part, the First Complaint; on October 19, 2023, Complainants filed Exceptions to the ID; on October 23, 2023, the Company filed Exceptions to the ID; and on November 13, 2023, both the Company and Complainants filed Replies to their respective Exceptions. PPL explains that, as of the date of its Answer and New Matter, the First Complaint remains pending before the Commission awaiting a Final Opinion and Order on PPL Electric's and the Complainants' Exceptions and Replies thereto. PPL's Answer at 1-2.

PPL further denies the material averments in the Complaint and maintains that its actions within the transmission line right-of-way (ROW) traversing Complainants' property have met all applicable requirements, including the Company's duty to provide safe and reasonable service.

In its Preliminary Objection, PPL notes that Complainant's First Complaint at Docket No. C-2019-3008272 is still pending with the Commission on exceptions, and argues the instant Complaint at Docket No. C-2024-3050485 (Second Complaint) should be dismissed due to the pendency of prior proceedings and for abuse of administrative process because the public interest is prejudiced by the wasteful use of the agency's and the respondent's time and resources in addressing an "inappropriately-filed second complaint, the subject of which is pending before the Commission on exceptions already."

On September 4, 2024, Complainants filed a response to the Preliminary Objection. Complainants allege that the Second Complaint contains two arguments that were not addressed in the First Complaint, specifically¹:

¹ This section of Complainants' response is quoted verbatim and retains the original numbering of Complainant's filing for ease of reference.

- (1) PPL counsel, through PPL employee witnesses, either knowingly, recklessly or both, submitted misleading and false testimony to the PUC during the August and September 2022 Hearing.
- (2) PPL postponed scheduled 2021 and 2022 vegetation management activity on neighboring public and private lands until 2023 and 2024 to conceal the fact that the 2021 vegetation management activity on the complainants' property was both unreasonable and discriminatory. PPL's 2023 and 2024 vegetation management activity demonstrated that the 2022 testimony of PPL's Forester, Matthew Stutzman, was false. During 2023 and 2024, PPL selectively controlled incompatible vegetation and spared compatible vegetation on neighboring public and private lands in a manner that Stutzman falsely testified was not feasible. During 2023 and 2024, PPL failed to control incompatible vegetation and invasive noxious weeds on the complainants' property. Incompatible and invasive vegetation that were unleashed on the complainants' property after the 2021 herbicide application destroyed all compatible and erosion deterrent vegetation on the complainants' property.
- (3) Accordingly, the complainants' property, on and off the right of way, has been subjected to and will continue to be subjected to accelerated and unmitigated erosion and storm water runoff.

Complainants' Response to Preliminary Objection at 1-2.

On September 19, 2024, PPL filed a Motion to Stay Discovery Pending the Ruling on its Preliminary Objections (Motion to Stay). This Motion included a Notice to Plead, directing the Complainant to file a response within 20 days.

Complainants did not file a response to the Motion to Stay.

On October 18, 2024, the Commission issued a Motion Judge Assignment Notice, assigning me to rule upon the Preliminary Objection and Motion to Stay filed in the Second Complaint.

On October 21, 2024, I issued an Interim Order holding the Preliminary Objection in abeyance and granting the Motion to Stay, directing the parties to file a status report, and any appropriate motion, within 20 days of the entry of the Commission's Final Order in Docket Number C-2019-3008272.

On February 28, 2025, the Commission entered its Opinion and Order in the First Formal Complaint proceeding at Docket No. C-2019-3008272 granting in part and denying in part the exceptions of Complainants, denying the exceptions of PPL Electric, and adopting the Initial Decision of Administrative Law Judge Steven K. Haas (ALJ Haas) as modified.

On March 17, 2025, PPL filed a Motion for Stay or Supersedeas Pending Judicial Review regarding the Commission's Final Order in the First Formal Complaint, averring that PPL intended to file a Petition for Review with the Commonwealth Court of Pennsylvania.

On March 20, 2025, PPL filed a status report in the instant matter as directed by October 21, 2024, Interim Order. PPL reported that the parties were engaging in settlement discussions to see if they could resolve the matter at Docket No. C-2024-3050485. PPL requested the parties submit a further status report by April 21, 2025. This request was granted by email to the parties.

On March 27, 2025, the Commission issued an Order denying PPL's Motion to Stay its Final Order in C-2019-3008272.

On March 31, 2025, PPL filed a Petition for Review with the Commonwealth Court at 408 CD 2025, challenging certain determinations of the Commission in the February 28, 2025, Order regarding Docket No. C-2019-3008272.

On April 21, 2025, PPL filed its second status report in the instant matter. PPL reported the parties were continuing their efforts to settle this matter and requested they file an updated status report by May 1, 2025. This request was granted by email to the parties.

On May 1, 2025, PPL filed its third status report in the instant matter. PPL reported the parties were continuing their efforts to settle this matter and requested I set a deadline of May 21, 2025, for PPL to file amended responsive pleadings and set a deadline of May 31, 2025, for the parties to file motions regarding the stay of this proceeding.

On May 7, 2025, I issued an Interim Order continuing to hold Respondent's preliminary objection in abeyance and setting deadlines for the filing of amended responsive pleadings and motions. I directed the PPL file amended responsive pleadings, if any, by May 21, 2025, and the parties file any motions regarding the stay of this matter by May 31, 2025.

On May 21, 2025, PPL filed an Answer and New Matter to the Complaint, as well as an Amended Preliminary Objection.

On May 30, 2025, PPL filed a Motion to Hold the Amended Preliminary Objection in Abeyance.

On June 3, 2025, Complainants filed a Motion to Resume Second Formal Complaint (Motion to Lift Stay).

On June 23, 2025, PPL filed an Answer to the Motion to Lift Stay.

On July 1, 2025, Complainants filed an "Objection and Answer to PPL's Answer to Complainants' Motion to Lift Stay."

DISCUSSION

In the instant Complaint, Complainants allege multiple errors with the First Formal Complaint proceeding, including, *inter alia*, PPL introducing "false and misleading testimony" from witness Stutzman, ALJ Haas basing a finding of fact on improperly altered and redacted evidence (PPL Exhibit MS-5), and their inability to "testify and rebut PPL's false and

misleading rebuttal testimony, cross examination testimony, and exhibits during the September 2022 telephone hearing.”

In their exceptions to ALJ Haas’ Initial Decision, Complainants also alleged errors during the First Formal Complaint proceeding, including claims that ALJ Haas relied upon improperly altered and redacted PPL Exhibit MS-5, improperly relied upon witness Stutzman’s testimony, and improperly denied Complainants an opportunity to present rebuttal or surrebuttal testimony after PPL had presented its case. *See* Complainants’ Exceptions, ¶¶ 18-23.

The claims in the instant Formal Complaint related to alleged substantive or procedural errors in the First Formal Complaint are preserved in Complainant’s exceptions to ALJ Haas’ Initial Decision. It is not appropriate for me to consider these claims at this time as part of the instant proceeding, since the First Formal Complaint, Judge Haas’ Initial Decision, and the Commission’s February 28, 2025, Order are now before the Commonwealth Court. Therefore, the claims in the instant Complaint related to substantive or procedural errors of fact or law in the First Formal Complaint Case shall remain stayed pending a final order from the Commonwealth Court in 408 CD 2025. *See* 52 Pa. Code § 5.101(a)(6).

In the instant Complaint, Complainants allege PPL’s vegetation management program is discriminatory. Complainants also made this argument in its First Formal Complaint. The Commission considered this argument in its Final Order in the First Formal Complaint proceeding, and these arguments are now before the Commonwealth Court. Therefore, these claims in the instant Complaint shall remain stayed pending a final order from the Commonwealth Court in 408 CD 2025. *See* 52 Pa. Code § 5.101(a)(6).

However, it is unclear whether Complainants’ claims not related to the First Formal Complaint proceeding, specifically those related to ongoing deterioration and erosion *since the Commission’s February 28, 2025, Final Order* in the First Formal Complaint proceeding, are appropriate to move forward at this time.

The Commission's February 28, 2025, Final Order directed PPL to take remedial action at the Complainants' property. It is unclear whether this remedial action has been taken or whether it has fully addressed Complainants' concerns regarding ongoing erosion and deterioration. While PPL filed a Petition to Stay the Commission's Final Order, the Commission denied this request. Presumably, PPL has since taken some corrective or remedial action as directed by the Commission's February 28, 2025, Final Order.

Therefore, it is appropriate to deny in part and hold in abeyance in part Complainants' Motion to Lift Stay and grant in part and hold in abeyance in part PPL's Motion to Hold Amended Preliminary Objections in Abeyance. Complainants' Motion is denied and PPL's Motion is granted such that all claims raised in the instant Formal Complaint related to (1) claims made in the First Formal Complaint proceeding, and (2) any alleged substantive or procedural error of fact or law made in the First Formal Complaint proceeding, are stayed pending a final decision by the Commonwealth Court in 408 CD 2025. Complainant's Motion and PPL's Motion are otherwise held in abeyance pending a status conference.

THEREFORE,

IT IS ORDERED:

1. That all claims made in the Formal Complaint at Docket No. C-2024-3050485 that relate to: (a) substantive or procedural errors of law or fact made in the proceeding at C-2019-3008272, or (b) claims also raised in the Formal Complaint filed at C-2019-3008272, are stayed pending a final order from the Commonwealth Court at in 408 CD 2025.

2. That the parties shall file a status report with the Commission at Docket No. C-2024-3050485 within 30 days of a final order of the Commonwealth Court in the matter at 408 CD 2025, attaching a copy of the Commonwealth Court's Opinion and Order.

C-2024-3050485 - MICHAEL AND SHARON HARTMAN v. PPL ELECTRIC UTILITIES CORPORATION

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