
Alice A. Wade

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File #: 208125

December 24, 2025

VIA EMAIL

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

Re: Karen Truax v. PPL Electric Utilities Corporation
Docket No: F-2024-3051023

Dear Secretary Homsher:

Attached for filing are PPL Electric Utilities Corporation's Replies to the Exceptions of Karen Truax in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

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Respectfully submitted,



Alice A. Wade

AAW/bfc
Attachment

cc: The Honorable Mary D. Long (via email *w/attachments*)
Certificate of Service


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing 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 E-MAIL AND FIRST-CLASS MAIL

Karen Truax
168 W Parker St.
Floor 2
Scranton, PA 18508
ktruax@proton.me
maywediscuss@gmail.com

Dated: December 24, 2025



Alice A. Wade

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Karen Truax,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3051023
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**REPLIES OF PPL ELECTRIC UTILITIES CORPORATION TO THE
EXCEPTION OF KAREN TRUAX**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), pursuant to 52 Pa. Code § 5.535, hereby respectfully submits these Replies to the Exceptions of Karen Truax (“Complainant”). In her Exceptions, the Complainant disputes Administrative Law Judge Mary D. Long’s (“ALJ”) Initial Decision (“ID”) dismissing the above-captioned Formal Complaint (“Complaint”). Specifically, the Complainant challenges the ALJ’s grant of the Company’s motion for dismissal of the Complaint. The Complainant’s Exception does not conform to the Commission’s regulations because it does not cite to any specific pages of the ID and is not separately numbered to identify the finding of fact or conclusion of law at issue in the Exceptions.¹

For these reasons and as further explained below, PPL Electric respectfully requests that the Commission deny the Complainant’s Exceptions, adopt the well-reasoned ID without modification, and dismiss the Complaint with prejudice.

¹ Section 5.533(b) of the Pennsylvania Public Utility Commission’s (“Commission”) regulations provides that “[e]ach exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. Supporting reasons for the exceptions shall follow each specific exception.” 52 Pa. Code § 5.533(b).

I. INTRODUCTION

On September 5, 2024, the Complainant filed the Complaint against PPL Electric, claiming that PPL Electric failed to properly manage her OnTrack program enrollment data and that her bills were not correct.

On September 25, 2024, PPL Electric filed an Answer to the Complaint.

On October 2, 2024, Chief Administrative Law Judge Charles E. Rainey, Jr. issued an interim order, directing the parties to attempt to resolve the dispute with the assistance of mediation, which the parties were unable to do.

On February 18, 2025, an Initial Call-In Telephonic Hearing Notice was issued, scheduling a telephonic hearing for April 22, 2025, at 10:00 AM before the ALJ. Also on February 18, 2025, a Prehearing Order was served on the parties that set forth the procedures for the hearing and confirmed the date and time of the hearing.

On April 15, 2025, the Company served its proposed exhibits, as directed by the Prehearing Order.

On April 16, 2025, the Complainant contacted the ALJ's office, stating that she had not received the hearing notice or prehearing conference order. The ALJ directed counsel for PPL Electric to contact the Complainant and agree on a new hearing date if PPL Electric did not object to the continuance. PPL Electric did not object to the continuance and reported that the Complainant agreed to a further hearing for July 15, 2025.

On April 18, 2025, a Cancelled/Rescheduled Initial Telephonic Hearing Notice was issued, rescheduling the telephonic hearing for July 15, 2025, at 10:00 AM before the ALJ.

On April 21, 2025, a second Prehearing Order was served on the parties that set forth the procedures for the hearing and confirmed the date and time of the hearing. Also on April 21, 2025,

the ALJ issued an Interim Order memorializing the Complainant's request for a continuance and granting the continuance.

On July 15, 2025, the hearing convened. The Complainant did not appear. After a brief recess, PPL Electric made a motion to dismiss the Complaint for failure to prosecute. Also on July 15, 2025, the Complainant provided a letter to the ALJ explaining that she did not appear at the hearing because she believed that she was in active settlement discussions with PPL Electric and was expecting a return telephone call from PPL Electric's counsel. She stated that she was surprised to learn that PPL Electric moved to dismiss her complaint. The ALJ provided a copy of this letter to counsel for PPL Electric.

On July 25, 2025, counsel for PPL Electric filed a letter confirming that she had spoken to the Complainant the day before the hearing, when the Complainant returned counsel's call from the previous week. As discussed in PPL Electric's letter, the parties discussed settlement, but were unable to reach a resolution that that time Counsel told the Complainant that she may not be able to respond to the Complainant before the hearing. Counsel noted that she informed the Complainant that the presiding ALJ will often provide the parties with the opportunity to complete their settlement discussions after calling into the hearing, before going on the record. Counsel stated that while PPL Electric did not believe that the Complainant's absence was unavoidable, PPL Electric did not object to scheduling a further hearing. The ALJ denied PPL's motion to dismiss and rescheduled the hearing for a third time.

On July 24, 2025, a Further Call-In Telephone Hearing Notice ("Third Hearing Notice") was issued, scheduling a further telephonic hearing for September 30, 2025, at 10:00 AM before the ALJ. Also on July 24, 2025, a Prehearing Order ("Third Prehearing Order") was served on the parties confirming the date and time of the hearing.

On September 30, 2025, the hearing convened as scheduled. Counsel for PPL Electric appeared on behalf of the Company. The Complainant did not appear or participate. After a short recess, the hearing was reconvened, and the Company moved to dismiss the complaint with prejudice. The ALJ took the motion under advisement.

On October 21, 2025, following the receipt of the transcript, the ALJ issued an order closing the record.

On November 21, 2025, the Commission issued its Initial Decision in the above-referenced matter. At that time, the Commission served the parties with the Initial Decision and a Secretarial Letter explaining the exceptions and reply exceptions process and deadlines. The parties had until December 11, 2025, to file exceptions to the Initial Decision.

On December 9, 2025, the Complainant eFiled three documents and identified those documents as “Answer to Formal Complaint,” Exhibit,” and “Motion.” These documents were not served on the Company and did not include a Certificate of Service in accordance with 52 Pa. Code § 1.54.

On December 16, 2025, the Commission electronically served the documents on the Company and issued a Secretarial Letter on the record of the docket. Further, to ensure due process and correct the failure of the Complainant to serve the Company, the Commission allowed PPL Electric ten days from the date of the Secretarial Letter to file reply exceptions to the Complainant’s filing.

For the reasons explained in more detail below, the Complainant’s Exception is without merit. Accordingly, the Commission should adopt the ALJ’s well-reasoned ID without modification and dismiss the Complaint with prejudice.

II. REPLIES TO EXCEPTIONS

A. REPLY TO EXCEPTION NO. 1: THE COMPLAINANT WAS AFFORDED DUE PROCESS AND THE ALJ PROPERLY DISMISSED THE COMPLAINT WITH PREJUDICE DUE TO THE COMPLAINANT'S FAILURE TO APPEAR AND PROSECUTE HER COMPLAINT

In this matter, the Complainant does not allege that the ALJ made any error of fact or law or abused her discretion in any manner. The Complainant concedes that she was aware that a third hearing was scheduled for September 30, 2025, and that she allegedly attempted to join the hearing. (Exceptions at 1.) The Complainant also concedes that she did not appear for the scheduled hearing and claims that, while she made an effort to join the call, she was “on-hold for approximately twenty-five minutes.” (*Id.*) After being on hold for a period of time, the Complainant allegedly tried to call the ALJ with no success and then attempted to get in contact with the ALJ’s legal assistant. (*Id.*) Well after the hearing concluded, the Complainant emailed the ALJ and the Company’s legal counsel, explaining the reasoning for her absence (*Id.*) The Complainant’s reasons for her absence are considered and acknowledged by the ALJ in her Initial Decision, and were properly deemed by the ALJ to not be credible. (ID at 8.) This was the second hearing in this Complaint at which the Complainant failed to appear. The Complainant’s alleged difficulty in joining the hearing did not render her absence from the September 30, 2025, hearing unavoidable, and her Exception No. 1 should be denied.

The ALJ properly afforded the Complainant due process throughout this proceeding. As explained above, it is undisputed that the Complainant failed to appear for the third hearing after being provided notice. (*Complainant’s Exception at 1.*) Both the Second Hearing Notice and the Second Prehearing Order contained the call-in information for the second hearing and warned that failure to appear could result in the Complaint being dismissed. (ID at 7.) The Complainant does not dispute the ID’s finding that her failure to appear at the second hearing was unavoidable. (Exceptions at 1; ID at 8.)

In determining whether to dismiss the Complaint with prejudice, the ALJ appropriately relied on relevant Commission precedent related to failure to appear, waiver, and the “unavoidable” standard. (ID at 6.) As the ALJ explained, the Complainant received adequate notice of the date and time of the hearing and had notice of the consequences if she did not appear and participate in the hearing. (ID at 6-7.) Regarding the “unavoidable” standard, the ALJ correctly explained that the Commission recently held that to “meet the unavoidable standard, the Commission will require a complainant to show, with supporting information, that the failure to appear was due to exigent circumstances.” (ID at 8.)² As the ALJ further explained, during the twenty minutes that the hearing was in session, the Complainant did not attempt to call in to the conference bridge, did not contact the ALJ’s office to report that she was having a problem being connected, and did not report her claim that she attempted to call in until well after the hearing was concluded. (*Id.*)

Here, the ALJ properly dismissed the Complaint because the Complainant’s failure to appear was not unavoidable, and she did not find the Complainant’s “excuse for failing to appear credible.” (*Id.*) Importantly, the Complainant’s prior participation in the proceeding demonstrates her ability to review the Commission’s orders and use the call-in number and PIN provided to successfully participate in a telephonic hearing. (*Id.*; Exception at 1.) As the ALJ noted, she has previously granted continuances in this proceeding. (ID at 8.) Therefore, the Complainant had experience contacting the ALJ’s office and had received instructions for requesting relief. (*Id.*) The “Complainant is not entitled to never-ending continuances.” (*Id.*)³ As such, the Complainant

² Citing *Panepinto v. First Energy Elec. Co.*, Docket C-2024-3051189 at 7 (Opinion and Order entered Oct. 9, 2025).

³ See *Steadwell v. Unemployment Comp. Bd. of Rev.*, 463 A.2d 1298 (Pa. Cmwlth. 1983).

has failed to demonstrate that her failure to appear for the September 30, 2025, hearing was unavoidable, and the ALJ correctly dismissed her Complaint.

B. REPLY TO EXCEPTION NO. 1: THE COMMISSION SHOULD REJECT THE COMPLAINANT’S ATTEMPTS TO INTRODUCE AND RELY ON EXTRA-RECORD EVIDENCE IN HER EXCEPTION

The Complainant’s Exception attempts to introduce and rely on evidence that is not a part of the record in this proceeding. However, the Complainant cannot introduce evidence when filing exceptions. Here, when the Complainant eFiled her exception, she included a document titled “Exhibit,” which is not in the record, and her arguments refer to the extra-record evidence. Further, it should be noted that the copy submitted as an “exhibit” appears to be only an incomplete copy of an email and is unreliable in this incomplete form.

It is well-established that parties cannot introduce new evidence and arguments for the first time at the exceptions stage.⁴ “The Commission, as an administrative body, is bound by the due process provisions of constitutional law and by the principles of common fairness.” *Hess v. Pa. PUC*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014) (citations omitted). “Among the requirements of due process are notice and an opportunity to be heard on the issues, to be apprised of the evidence submitted, to cross-examine witnesses, to inspect documents, and to offer evidence in explanation or rebuttal.” *Id.* (citations omitted). Indeed, Section 332(c) of the Public Utility Code entitles every party to, among other things, “submit rebuttal evidence” and “conduct such cross-examination as may be required for a full and true disclosure of the facts.” 66 Pa. C.S. § 332(c); *see Pa. PUC v. Nat’l Fuel Gas Distrib. Corp.*, 1993 Pa. PUC LEXIS 95, at *10 (Order entered July 30, 1993)

⁴ *See, e.g., Application of Apollo Gas Co.*, 1994 Pa. PUC LEXIS 45, at *8-9 (Order entered Feb. 10, 1994) (denying party’s attempt to introduce extra-record evidence in its exceptions); *Arthurs v. Pa. Elec. Co.*, 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.”).

("[S]uch material was outside the record and could be detrimental to the rights of other parties to confront such evidence.").

Here, the Complainant's evidence and arguments based thereon were presented for the first time in her Exception. By presenting this evidence and these arguments in Exceptions, the Complainant denied PPL Electric an opportunity to review and inspect that evidence and to present evidence and arguments in rebuttal. Therefore, it would violate PPL Electric's due process rights for any of the Commission's findings to be based upon or influenced by the Complainant's extra-record evidence and arguments. Even if the Commission were to consider this evidence and the Complainant's averments, however, it should still find, as did the ALJ, that under the circumstances the Complainant's failure to appear was not unavoidable and that her excuses for her failure to appear are not credible. (ID at 8.)

For these reasons, the Complainant's Exception should be denied.

III. CONCLUSION

WHEREFORE, for all the foregoing reasons, as well as those more fully explained in the Initial Decision of Administrative Law Mary D. Long, PPL Electric respectfully requests that the Pennsylvania Public Utility Commission deny the Exception of Karen Truax and adopt the Initial Decision without modification.

Respectfully submitted,



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Date: December 24, 2025

Attorneys for PPL Electric Utilities Corporation