

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kristine Cardaci	:	
	:	
v.	:	C-2025-3056935
	:	
PPL Electric Utilities Corporation	:	

**INTERIM ORDER
ON RENEWED MOTION IN LIMINE**

This Order denies the Respondent’s renewed motion in limine.

A fuller procedural history was provided in the Interim Order on Motions and Scheduling an Evidentiary Hearing issued on February 5, 2026 (February Order).

On December 9, 2025, PPL filed a motion in limine to prohibit the Complainant from presenting any testimony and exhibits related to her high billing claims. PPL averred the Complainant has refused to provide the Company with access to its meter for testing. PPL contended that, without access to the meter for testing, the Company cannot fully prepare for the hearing and respond to the Complainant’s high billing claims. Further, the Company claimed that it would be unfairly prejudiced if the Complainant was permitted to present testimony and evidence related to her high billing claims while preventing the Company from presenting its own relevant evidence in response.

In the February Order, I denied the motion in limine without prejudice. I found that PPL’s requested remedy was overly broad.

On February 25, 2026, PPL filed a renewed motion in limine, which was accompanied by a notice to plead within twenty (20) days. The Complainant did not file an answer.

In the renewed motion, PPL modifies its requested relief. The Company asks for the Complainant to be prohibited from presenting any testimony and exhibits related to the accuracy or condition of the meter installed at the Complainant's service address, on the basis that Ms. Cardaci refuses to provide PPL access to its meter for testing. PPL contends that, without access to the meter for testing, the Company will be unfairly prejudiced because it will be unable to fully investigate the Complainant's allegations that the meter is inaccurate and present fundamental evidence, i.e. the results of a meter test, in rebuttal.

Again, in the instant case, I find that PPL's requested remedy is overly broad. As discussed in my ruling on the initial motion in limine, the Commission has found that a customer can support a high bill complaint even where a meter test result showed the meter was accurate, by proving her case with relevant, circumstantial evidence that would support a finding that the disputed bill is unreasonably high. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (citing *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982)) (*Milkie*); *Thomas v. PECO Energy Co.*, Docket No. C-2010- 2187197 (Opinion and Order entered Nov. 15, 2011). The Commonwealth Court explained that "the rule operates as a device by which the complainant is protected from dismissal because of his inability to marshal *direct* proof that his meter had malfunctioned." *Milkie* (emphasis in original).

In *Milkie*, the complaint was that current bills were lower than usage in the past, which meant that the utility could not do a field survey of energy use in the home or check the meter for the relevant period. *Milkie* at 1218, 1221 n.9. Effectively, that is the situation here. As in *Milkie*, the parties may present other evidence bearing on the overbilling claim. At least indirectly, that evidence may go toward "the accuracy or condition of the meter." While this category is narrower than what PPL proposed in its initial motion in limine, it remains broad enough that it could include evidence that would not unduly prejudice PPL. If the Company has an objection to specific testimony or evidence offered by the Complainant at the evidentiary hearing, it will be considered and timely ruled on.

Accordingly, the renewed motion in limine will be denied without prejudice.

THEREFORE,

IT IS ORDERED:

1. That the Respondent's renewed motion in limine is denied, without prejudice.

Date: April 23, 2026

/s/

Erin L. Gannon
Administrative Law Judge

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KRISTINE CARDACI



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