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File #: 140074

August 15, 2013

***VIA ELECTRONIC FILING***

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

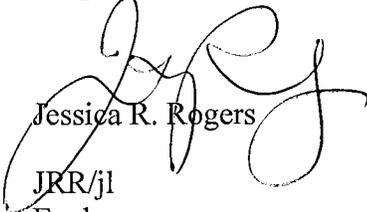
**Re: Carol Lighthiser v. PPL Electric Utilities Corporation**  
**Docket No. C-2013-2375669**

Dear Secretary Chiavetta:

Enclosed for filing is the Preliminary Objections of PPL Electric Utilities Corporation in the above-referenced proceeding.

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

Respectfully submitted,

  
Jessica R. Rogers

JRR/jl

Enclosures

cc: Certificate of Service

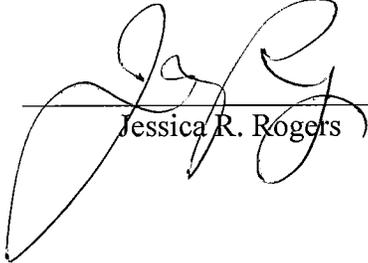
**CERTIFICATE OF SERVICE**

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 FIRST CLASS MAIL**

Carol A. Lighthiser  
233 Cemetery Road  
Sunbury, PA 17801

Date: August 15, 2013

  
\_\_\_\_\_  
Jessica R. Rogers

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Carol Lighthiser,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2013-2375669
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

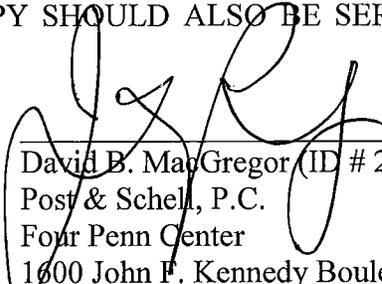
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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE §§ 5.102(b) AND 5.103(c), YOU MAY ANSWER THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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jrogers@postschell.com

Date: August 15, 2013

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Carol Lighthiser,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2013-2375669
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION**

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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), by and through its attorneys, hereby files this Preliminary Objection, pursuant to the Regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Commission dismiss the portion of the above-captioned Complaint that requests monetary damages.

In support thereof, PPL Electric states as follows:

**I. INTRODUCTION AND BACKGROUND**

1. PPL Electric furnishes electric service to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania. PPL Electric is a “public utility” and an “electric distribution company” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. PPL Electric owns approximately 5,000 miles of transmission lines operating at 69 kV (kilovolts) or higher, approximately 375 substations with a capacity of 10 MVA (megavolt amperes) or more, and approximately 43,000 miles of distribution lines operating at less than 69 kV.

3. Pursuant to Chapters 15 and 28 of the Public Utility Code, PPL Electric has a statutory obligation to provide safe, efficient, and reasonably reliable service and facilities and to make all repairs or improvements in or to such service or facilities as are reasonably necessary for the accommodation, convenience, and safety of its customers.

4. Complainant Carol Lighthiser (“Complainant”) is a PPL Electric customer with a service address of 233 Cemetery Road, Sunbury, Northumberland County, Pennsylvania 17801.

5. On July 26, 2013, Complainant filed a Formal Complaint with the Commission.

6. In Paragraph 5 of the Complaint, Complainant requested that her computer be repaired or replaced at PPL Electric’s expense. *See* Complaint p. 6.

7. Contemporaneously with the filing of these Preliminary Objections, PPL Electric is filing an Answer to the Complaint.

8. For the reasons set forth below, regardless of the factual correctness of the Complaint, the Commission lacks authority to grant the relief requested in the Complaint.

## **II. PRELIMINARY OBJECTIONS**

9. Complainant’s request for relief is not within the jurisdiction of the Commission. Therefore, the portion of the Complaint requesting monetary compensation must be dismissed, and no other relief has been requested.

## **III. STANDARD OF REVIEW**

10. Pursuant to the Commission’s regulations, preliminary objections in response to a Complaint may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.

52 Pa. Code § 52.101(a).

11. In ruling on preliminary objections, all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom must be accepted. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (“*Stilp*”), (citing *Dep’t of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005); accord *Complaint of Nat’l Fuel Gas Distrib. Corp. and Petition for an Order to Show Cause Why New Mountain Vantage GP, LLC And Others Acting in Concert with It Should Not Be Required to Apply for a Certificate of Public Convenience Approving the Acquisition of Control of Nat’l Fuel Gas Dist. Corp.*, Docket No. P-00072343 (Dec. 26, 2007). Conclusions of law, unwarranted factual inferences, argumentative allegations and expressions of opinion, however, need not be accepted as true. *Stanton-Negley Drug Co. v. Dep’t of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). Preliminary objections should be sustained unless it appears with certainty that the law would permit the relief requested under the facts asserted. *Stilp*, at 781.

#### **IV. ARGUMENT**

12. PPL Electric incorporates by reference Paragraphs 1 through 11 as if fully set forth herein.

13. The Commission only has those duties, powers, and responsibilities as expressly, or by necessary implication, given to it by the General Assembly. *Jennifer Tomb v.*

*Pennsylvania Electric Co.*, Docket No. C-2008-2036378, 2008 Pa. PUC LEXIS 994 (Dec. 8, 2008) (citing *Rogoff v. The Buncher Co.*, 395 Pa. 477, 151 A.2d 83 (1959)). The Commission must act within, and cannot exceed, its jurisdiction.

14. The specific relief requested in the Complaint is outside the Commission's jurisdiction. The Commission does not have the authority to order a public utility to pay monetary compensation to a customer complainant. See *Diane M. Hamilton and Eva J. Hamilton v. Verizon Pa., Inc.*, Docket No. C-2009-2135715, 2010 Pa. PUC LEXIS 234 at \*8 (July 28, 2010) (Finalized Initial Decision) (citing *DeFrancesco v. Western Pennsylvania Water Co.*, 499 Pa. 374, 453 A.2d 595 (1982); *Elkin v. Bell of Pa.*, 491 Pa. 123, 420 A.2d 371 (1980); *Minisi, on behalf of Woodgate Homeowners Association, Inc. v. Verizon Pennsylvania Inc.*, Docket No. C-2008-2043302 (Sept. 3, 2008); *Feingold v. Bell of Pa.*, 477 Pa. 1, 383 A.2d 791 (1977)). Therefore, the portion of the Complaint requesting that Complainant's electronic equipment should be repaired or replaced by PPL Electric at its own expense should be dismissed.

## V. CONCLUSION

15. PPL Electric incorporates by reference Paragraphs 1 through 14, *supra*, as though set forth fully herein.

16. The scope of the Commission's jurisdiction over the relief requested in the Complaint is well-settled. The Commission does not have the authority to award monetary damages.

17. Accordingly, the Commission should enter an order, pursuant to 52 Pa. Code § 5.101, dismissing the portion of the above-captioned Complaint relating to monetary damages.

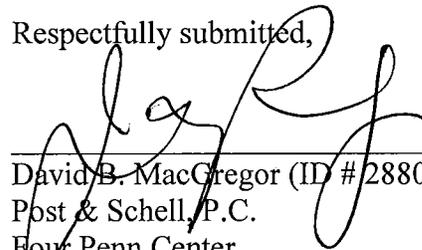
WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the portion of the above-captioned Complaint of Carol Lighthiser relating to monetary damages be dismissed.

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Of Counsel:  
Post & Schell, P.C.

Date: August 15, 2013

Respectfully submitted,



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