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File #: 2507/140074

March 26, 2014

***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: Lincoln A. Warrell v. PPL Electric Utilities Corporation**  
**Docket No. C-2014-2409361**

Dear Secretary Chiavetta:

Enclosed please find the Preliminary Objections of PPL Electric Utilities Corporation to the Complaint of Lincoln A. Warrell in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Concurrently with these Preliminary Objections, PPL Electric is filing a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24(b)(2) as Complainant has advised that he does not wish to pursue this Complaint against PPL Electric. PPL Electric herein files these Preliminary Objections solely to preserve its rights should the Complainant file an objection to the Certificate of Satisfaction within the ten (10) day waiting period required by 52 Pa. Code § 5.24(c).

Respectfully submitted,



Christopher T. Wright

CTW/skr  
Enclosure

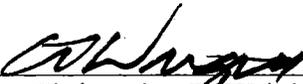
**CERTIFICATE OF SERVICE**

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**

Lincoln A. Warrell  
366 Belvedere Street  
Carlisle, PA 17013

Date: March 26, 2014

  
\_\_\_\_\_  
Christopher F. Wright

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lincoln A. Warrell,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2014-2409361
	:	
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 § 5.101, YOU MAY ANSWER THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS MUST 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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dryan@postschell.com

Date: March 26, 2014

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lincoln A. Warrell,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2014-2409361
	:	
PPL Electric Utilities Corporation	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTIONS OF  
PPL ELECTRIC UTILITIES COMPANY  
TO THE COMPLAINT OF LINCOLN A. WARRELL**

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AND NOW, comes PPL Electric Utilities Company (“PPL Electric”) and hereby files Preliminary Objections, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Complaint filed by Lincoln A. Warrell (“Complainant”) be dismissed as against PPL Electric. Concurrently with these Preliminary Objections, PPL Electric is filing a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24(b)(2) as Complainant has advised that he does not wish to pursue this Complaint against PPL Electric. PPL Electric herein files these Preliminary Objections solely to preserve its rights should the Complainant file an objection to the Certificate of Satisfaction within the ten (10) day waiting period required by 52 Pa. Code § 5.24(c). In support of these Preliminary Objections, PPL Electric states as follows:

## **I. BACKGROUND**

1. PPL Electric furnishes electric distribution, transmission, and default supply services 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,” an “electric distribution company,” and a “default service provider” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. By Secretarial Letter dated March 10, 2014, PPL Electric was served with the above-captioned Complaint. The sole issue raised in the Complaint pertains to the rates charged for the competitive electric generation supply provided by UGI Energy Services, LLC d/b/a EnergyLink (“UGI EnergyLink”). (Complaint ¶ 4.)

3. Concurrently with this Answer and New Matter, PPL Electric is filing a Certificate of Satisfaction requesting that the Complaint be dismissed and marked closed as against PPL Electric pursuant to 52 Pa. Code § 5.24(b)(2).

4. PPL Electric herein files these Preliminary Objections to the Complaint as a protective matter should the Complainant file objections to the Certificate of Satisfaction. For the reasons explained below, PPL Electric respectfully requests that the Complaint be dismissed in its entirety as against PPL Electric for legal insufficiency pursuant to Section 5.101(a)(4) of the Commission’s regulations, 52 Pa. Code § 5.101(a).

## **II. STANDARD OF REVIEW**

5. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading 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 § 5.101(a).

6. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (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*, Docket No. P-00072343 (December 26, 2007). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

### **III. PRELIMINARY OBJECTIONS**

7. PPL Electric incorporates by reference Paragraphs 1 through 6 as if fully set forth herein.

8. The Complaint avers that the Complainant was a shopping customer that received competitive electric generation supply from UGI EnergyLink during the time period in question. (Complaint ¶¶ 2-4.)

UGI EnergyLink is a licensed electric generation supplier (“EGS”) that is authorized to offer, render, furnish or supply electricity or electric generation services in the Commonwealth of Pennsylvania, including within PPL Electric’s service territory. *See Granting of Permanent Licenses to Electric Generation Suppliers*, Docket Nos. A-110005, et al. (Order Entered Jan. 26, 1999); *Petition to Transfer Electric Generation Supplier License from UGI Energy Services, Inc. to UGI Newco LLC, Electric Generation Supplier License Application of UGI Newco LLC and Abandonment of the Electric Generation Supplier License of UGI Energy Services, Inc.*, Docket Nos. A-110076, A-2013-2369288 (Order Entered Sept. 12, 2013).

9. The Complaint alleges that the rates charged by UGI EnergyLink for electric generation supply increased during the billing period in question. (Complaint ¶ 4.)

10. The sole issue presented in the Complaint pertains to the rates charged for the competitive electric generation supply provided by UGI EnergyLink. The Complainant’s cause of action is against UGI EnergyLink, not PPL Electric.

11. The allegations in the Complaint are entirely unrelated to electric distribution, electric transmission, default generation supply service, or any other services provided by PPL Electric. PPL Electric has no authority over the terms and conditions of the contract between the Complainant and UGI EnergyLink, including the rates charged by UGI EnergyLink.

12. Further, in the prayer for relief, the Complaint requests relief from UGI EnergyLink. The requested relief is entirely unrelated to PPL Electric.

13. The Complainant has advised PPL Electric that does not wish to pursue this Complaint against PPL Electric.

14. Concurrently with this Answer and New Matter, PPL Electric is filing a Certificate of Satisfaction requesting that the Complaint be dismissed and marked closed as against PPL Electric pursuant to 52 Pa. Code § 5.24(b)(2).

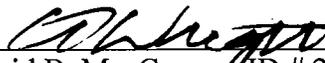
15. Accordingly, the Complaint has failed to state a cause of action upon against PPL Electric which relief may be granted. Therefore, the Complaint should be dismissed as against PPL Electric pursuant 52 Pa. Code § 5.101(a)(4).

**IV. CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint be dismissed in its entirety and with prejudice as against PPL Electric Utilities Corporation.

Respectfully submitted,

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Date: March 26, 2014

Attorneys for PPL Electric Utilities Corporation

