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File #: 2507/140074

February 12, 2015

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: Debbie Gruelle in Care of Toll Diversified Properties, Inc. v. PPL Electric Utilities Corporation and Blue Pilot Energy LLC
Docket No. C-2015-2463573

Dear Secretary Chiavetta:

Enclosed please find the Preliminary Objections of PPL Electric Utilities Corporation to the Complaint of Debbie Gruelle in Care of Toll Diversified Properties, Inc. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Lindsay A. Berkstresser

LAB/skr
Enclosure

cc: Certificate of Service

CERTIFICATE OF SERVICE

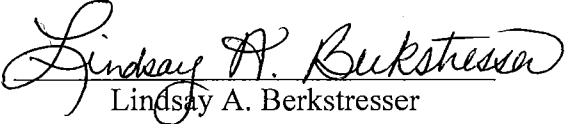
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Debbie Gruelle
c/o Toll Diversified Properties, Inc.
20 Estates Drive
Doylestown, PA 18902

Nazario J. Jureidini, Esquire
Blue Pilot Energy LLC
250 Pilot Road
Suite 300
Las Vegas, NV 89119

Date: February 12, 2015


Lindsay A. Berkstresser

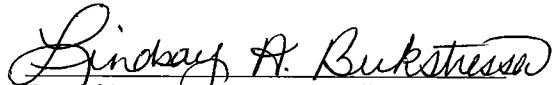
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Gruelle in Care of Toll	:	
Diversified Properties, Inc.,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2015-2463573
	:	
PPL Electric Utilities Corporation, and	:	
Blue Pilot Energy LLC	:	
	:	
Respondents.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO 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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Of Counsel:

Post & Schell, P.C.

Date: February 12, 2015

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Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Gruelle in Care of Toll	:	
Diversified Properties, Inc.,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2015-2463573
	:	
PPL Electric Utilities Corporation, and	:	
Blue Pilot Energy LLC	:	
	:	
Respondents.	:	

**PRELIMINARY OBJECTIONS OF
PPL ELECTRIC UTILITIES CORPORATION
TO THE COMPLAINT OF DEBBIE GRUELLE,
IN CARE OF TOLL DIVERSIFIED PROPERTIES, INC.**

AND NOW, comes PPL Electric Utilities Corporation (“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 Debbie Gruelle, in Care of Toll Diversified Properties, Inc. (“Complainant”) be dismissed as against PPL Electric. In support thereof, 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 January 23, 2015, PPL Electric was served with the above-captioned Complaint. The issues raised in the Complaint pertain solely to the rates charged for the competitive electric generation supply provided by the Complainant’s electric generation supplier (“EGS”), Blue Pilot Energy LLC (“Blue Pilot”). (Complaint ¶ 4.) Further, the relief requested by the Complainant is entirely unrelated to PPL Electric. (Complaint ¶ 5.)

3. PPL Electric herein files these Preliminary Objections to the Complaint. 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)(4).

II. STANDARD OF REVIEW

4. 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.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

5. 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 OBJECTION: The Complaint Fails to State a Cause of Action Against PPL Electric

6. PPL Electric incorporates by reference Paragraphs 1 through 5 as if fully set forth herein.

7. The Complaint avers that the Complainant was a shopping customer who received ~~competitive electric generation supply from Blue Pilot during the time period in question.~~
(Complaint ¶ 4.)

8. Blue Pilot is a licensed 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 License Application of Blue Pilot Energy LLC for approval to offer, render, furnish or supply electricity or electric generation services as a*

generator and supplier of electric power, Docket No. A-2011-2223888 (Order Entered June 10, 2011).

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

10. The Complainant's cause of action related to the rates charged for the competitive electric generation supply provided by Blue Pilot is against Blue Pilot, not PPL Electric.

11. The allegations in the Complaint regarding the rates charged for the competitive electric generation supply provided by Blue Pilot are entirely unrelated to electric distribution, electric transmission, default generation supply service, or any other services provided by PPL Electric.

12. PPL Electric has no authority over the terms and conditions of the contract between the Complainant and Blue Pilot, including the rates charged by Blue Pilot.

13. There simply are no allegations in the Complaint that PPL Electric has violated any provision of the Public Utility Code, Commission's regulations, Commission order, or PPL Electric's tariff.

14. Further, in the prayer for relief, the Complaint requests that the rates charged by Blue Pilot during the time in question be reduced, and that the bills issued for the time period in question be adjusted to reflect the requested reduction. (Complaint ¶ 5.)

15. The Complainant seeks relief solely from Blue Pilot. Therefore, the relief requested by the Complaint is entirely unrelated to PPL Electric.

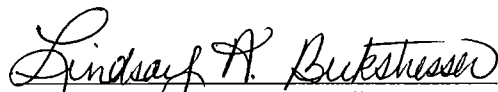
16. Based on the foregoing, the Complaint has failed to state a cause of action against or seek relief from PPL Electric regarding the competitive electric generation supply provided by

Blue Pilot. 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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Of Counsel:

Post & Schell, P.C.

Date: February 12, 2015

Attorneys for PPL Electric Utilities Corporation