
Nicholas A. Stobbe

nstobbe@postschell.com
717-612-6033 Direct
717-731-1985 Direct Fax
File #: 205637

April 24, 2024

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: Lacey Bundschuh v. PPL Electric Utilities Corporation
Docket No. F-2024-3048153

Dear Secretary Chiavetta:

Attached for filing is the Preliminary Objection of PPL Electric Utilities Corporation to the Complaint of Lacey Bundschuh in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully,



Nicholas A. Stobbe

NAS/dmc
Attachments

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 EMAIL AND FIRST-CLASS MAIL

Lacey Bundschuh
36 Sherman Ave
Seaside Heights, NJ 08751
bundschuhlacey@yahoo.com

VIA EMAIL

Yena Lee
Colleen Kartychak
Constellation NewEnergy, Inc.
1310 Point Street, 8th Floor
Baltimore, MD 21231
Yena.lee@constellation.com
choicecompliance@constellation.com

Deanne M. O'Dell, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 255-3744 (phone)
(717) 237-6019 (fax)
dodell@eckertseamans.com
Inspire Energy Holdings, LLC

Patrick Maloney
CEO, DWP Energy Holdings, LLC
777 Figueroa Street, Suite 3200
Los Angeles, CA 90017-5830
pmaloney@dwpenergy.com
Inspire Energy Holdings, LLC

Keenia Joseph
April Luck
Respond Power, LLC d/b/a Major Energy
12140 Wickchester Ln., Ste. 100
Houston, TX 77079
regulatorymatters@sparkenergy.com
customerconcerns@sparkenergy.com

Date: April 24, 2024



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lacey Bundschuh,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3048153
	:	
PPL Electric Utilities Corporation	:	
	:	
Respondent.	:	
	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION 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.

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com



Nicholas A. Stobbe (ID # 329583)
Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: nstobbe@postschell.com
mrulli@postschell.com

Date: April 24, 2024

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lacey Bundschuh,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3048153
	:	
PPL Electric Utilities Corporation	:	
	:	
Respondent.	:	
	:	

**PRELIMINARY OBJECTION OF
PPL ELECTRIC UTILITIES CORPORATION TO THE
COMPLAINT OF LACEY BUNDSCHUH**

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric”) and 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 Complaint filed by Lacey Bundschuh (“Complainant”) be dismissed in its entirety 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 April 4, 2024, PPL Electric was served with the above-captioned Complaint. Many of the issues raised in the Complaint pertain to the switching practices and rates charged for the competitive electric generation supply provided by three of the Complainant's former electric generation suppliers ("EGSs") and a claim that the Complainant did not agree to transfer electric generation supply service to those EGSs. (Complaint ¶¶ 4-5.)

3. PPL Electric herein files this Preliminary Objection to the Complaint. For the reasons explained below, PPL Electric respectfully requests that the Complaint be dismissed in its entirety pursuant to Section 5.101(a)(5) of the Commission's regulations, 52 Pa. Code § 5.101(a)(5), due to the nonjoinder of necessary parties, *i.e.*, the EGSs at issue.

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) (emphasis added).

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. Cmwlt., 910 A.2d 775, 781 (Pa. Cmwlt. 2006) (citing *Dep't of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlt. 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. Cmwlt. 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

A. THE COMPLAINT FAILS TO JOIN NECESSARY PARTIES

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

7. According to the Complaint and following further investigation by PPL Electric, the Complainant was a shopping customer who received competitive electric generation supply service from three individual EGSs during the time period in question. (Complaint ¶ 5.)

8. Specifically, the Complainant received competitive electric generation supply service from: (1) Constellation NewEnergy, Inc. (“Constellation”);¹ (2) Inspire Energy Holdings LLC (“Inspire”);² and (3) Respond Power LLC d/b/a Major Energy (“Major”).³

¹ Constellation 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. *Electric Generation Supplier Services License*, Docket No. A-110036 (Order entered Jan. 14, 1999).

² Inspire 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 Verde Energy USA, Inc. for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2010-2151038 (Order entered March 25, 2010).

³ Major 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 Respond Power LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2010-2163898 (Order entered Aug. 18, 2010).

9. The Complainant requests that “PPL [] stop changing ‘supply’ company [without] prior authorization.” (Complaint ¶ 5.)

10. Since the beginning of 2023, the Complainant received electric generation supply service from three separate EGSs.

11. Specifically, the Complainant received electric generation supply service from: (1) Constellation from January 6, 2023, to February 22, 2023; (2) Inspire from March 22, 2023, to March 18, 2023; and (3) Major from March 18, 2023 to March 21, 2023.

12. Many of the issues raised in the Complaint appear to pertain to the rates charged for the competitive electric generation supply service provided by the aforementioned three EGSs, as well as the switching practices of those EGSs. (Complaint ¶¶ 4-5.)

13. However, the Complainant failed to name Constellation, Inspire, or Major as respondents in the Complaint. (*See* Complaint ¶ 2.)

14. Under Pennsylvania law, “a necessary party is one whose presence, while not indispensable, is essential if the court is to resolve completely a controversy and to render complete relief.” *Pa. Human Relations Comm’n v. Phila. Sch. Dist.*, 651 A.2d 177 (Pa. Cmwlth. 1993) (citation omitted.)

15. Here, Constellation, Inspire, and Major are necessary parties to this proceeding, given the Complainant’s allegations and requested relief.

16. Indeed, it appears that the Complainant alleges that she did not elect to switch electric generation supply service from any of the aforementioned EGSs during 2023. (Complaint ¶ 4-.)

17. Therefore, the Commission's determination in this case could affect Constellation, Inspire, and Major because they provided electric generation supply service to the Complainant during the period relevant to the Complaint.

18. As such, without Constellation, Inspire, and Major, the Commission cannot resolve the dispute or award relief concerning: (1) the Complainant's switches from PPL Electric's default service to various of the aforementioned EGSs; and (2) the difference between the aforementioned EGSs charges for competitive electric generation supply service and PPL Electric's default supply service.

19. Based on the foregoing, the Complainant has failed to join necessary parties, *i.e.*, Constellation, Inspire, and Major, in this proceeding. Therefore, the Complaint should be dismissed pursuant 52 Pa. Code § 5.101(a)(5).

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Lacey Bundschuh be dismissed in its entirety.

Respectfully submitted,



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

Nicholas A. Stobbe (ID # 329583)
Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: nstobbe@postschell.com
mrulli@postschell.com

Date: April 24, 2024

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, DONNA E. WEBSTER, being a Lead CS Operations Specialist at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

April 24, 2024

Donna E Webster
