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File #: 209033

November 12, 2024

VIA ELECTRONIC FILING

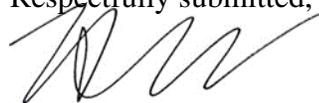
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: **Mary-Ruth & Raymond-Thomas Oechsle v. PPL Electric Utilities Corporation**
Docket No: F-2024-3051701

Dear Secretary Chiavetta:

Attached for filing, please find the Preliminary Objection on behalf of PPL Electric Utilities Corporation in response to the Complaint of Mary-Ruth & Raymond-Thomas Oechsle in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Alice A. Wade
Associate

AAW/sa
Attachment

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 E-MAIL AND FIRST CLASS MAIL

Mary-Ruth & Raymond-Thomas Oechsle
827 Green Street
Perkasie, PA 18944-2807
raymondthomasoechsle27@gmail.com

Dated: November 12, 2024



Alice A. Wade

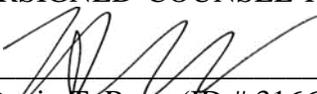
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mary-Ruth Oechsle & Raymond-Thomas :
Oechsle, :
 :
Complainants, :
 : Docket No. F-2024-3051701
v. :
 :
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 FOR PPL ELECTRIC UTILITIES CORPORATION.

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Attorneys for PPL Electric Utilities Corporation

Dated: November 12, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mary-Ruth Oechsle & Raymond-	:	
Thomas Oechsle,	:	
	:	
Complainants,	:	
	:	Docket No. F-2024-3051701
v.	:	
	:	
PPL Electric Utilities Corporation,	:	
	:	

**PRELIMINARY OBJECTION OF PPL ELECTRIC UTILITIES
CORPORATION TO THE COMPLAINT OF MARY-RUTH OECHSLE
& RAYMOND-THOMAS OECHSLE**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) 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 Commission dismiss the above-captioned Formal Complaint (“Third Complaint”) filed by Mary-Ruth Oechsle and Raymond-Thomas Oechsle (“Complainants”) in its entirety and with prejudice as against PPL Electric because the Commission lacks jurisdiction.

Here, the Complainants’ requested relief concerns whether or not PPL Electric must honor an international bill of exchange as payment for the balance on the account. This question requires interpretation of the Uniform Commercial Code (“UCC”), which the Commission has held in the past it lacks the jurisdiction to interpret.

In support thereof, PPL Electric states as follows:

I. BACKGROUND

1. PPL Electric furnishes electric distribution, transmission, and default supply services to approximately 1.5 million customers throughout its certificated service territory, which includes all or portions of 29 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. On October 21, 2024, PPL Electric was served with the above-captioned Complaint, in which the Complainant contends that PPL Electric must honor the bill of exchange it submitted as part of its payment.

3. Specifically, the Complainant requests as relief, that the Commission should reconsider its decision in the Bureau of Consumer Services case in light of the fact that PPL did receive “tender of payment”(the bill of exchange), that PPL Electric should be compelled to process the bill of exchange, that PPL Electric must provide an explanation for how it handles “non-standard payment methods” and how they will prevent “misclassifications” in the future, and that the Complainants’ balance be adjusted to reflect the sum on the bill of exchange.

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. Cmwth.*, 910 A.2d 775, 781 (Pa. Cmwth. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwth. 2005)). 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. Cmwth. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

6. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTION

A. THE COMMISSION LACKS SUBJECT MATTER JURISDICTION OVER MATTERS ARISING UNDER THE UCC

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

8. The Complaint should be dismissed because the Commission lacks subject matter jurisdiction to decide matters arising under the UCC.

9. On May 1, 2024, PPL Electric received a letter from the Complainant explaining that she had enclosed what she referred to as an International Money Order, also known as an International Bill of Exchange, purportedly for the amount of \$8,465.03. Enclosed with the letter was a copy of the Complainants' bill dated April 15, 2024, and what she described as the bill of exchange. This was referred to the Company's cash operations department for review and ultimately rejected as an invalid form of payment.

10. The Bill of Exchange is not reasonable payment as contemplated by 52 Pa. Code § 56.94. A bill of exchange is not payment, it is a promise.

11. For the Commission to decide whether PPL Electric should have accepted an International Bill of Exchange as payment for the balance on the Complainants' account, it will have to determine the reasonableness of the instrument. To determine the reasonableness of the instrument as a form of payment, it will have to determine the negotiability of the instrument.

12. The Commission has held in the past that it lacks subject matter jurisdiction to rule on questions of law arising under the UCC. *See Haleema B. Alkhatib v. PECO Energy Company*, Docket No. C-2011-2242125 (Opinion and Order entered January 12, 2012); *James Coppedge v. PECO Energy Company*, Docket No. F-2009-2135893 (Opinion and order entered August 3, 2010) (Finding that , “in order to determine the reasonableness of [the Complainant’s] instrument, the Commission would be required to determine the instruments negotiability, which is a question of law governed by application of the UCC. 13 Pa. C.S. § 3104. Because the Commission lacks subject matter jurisdiction to determine an instrument's negotiability, the ALJ concluded that the Commission lacks the subject matter jurisdiction to entertain [the Complainant’s] Complaint.”)

13. Each part of the Complainant's requested relief requires – as a prerequisite step – the Commission to analyze the instrument under the UCC.

14. If the Commission compels PPL Electric to process the Bill of Exchange or credits the Complainants' account, it will have to carry out the same analysis under the UCC. that PPL Electric must provide an explanation for how it handles "non-standard payment methods" and how they will prevent "misclassifications" in the future, and that the Complainants' balance be adjusted to reflect the sum on the bill of exchange.

15. For the Commission to determine whether the BCS should reconsider its decision or whether PPL Electric ought to explain or amend its policies around, "non-standard" payments, it will have to determine whether the Company should have accepted the Bill of Exchange, which requires the UCC analysis.

16. Thus, the Commission has no jurisdiction over this matter and should dismiss the Complaint.

17. The Commission lacks jurisdiction over the matter and the Complaint and should be summarily dismissed with prejudice pursuant to 52 Pa. Code § 5.101(a)(1).

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the above-captioned Complaint filed by Mary-Ruth Oechsle and Raymond-Thomas Oechsle at Docket No. F-2024-3051701 be dismissed in its entirety and with prejudice pursuant 52 Pa. Code § 5.101(a)(1).

Respectfully submitted,



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Dated: November 12, 2024

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, BETH A. FRONHEISER being the Credit & Collections Manager 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.

November 12, 2024


Beth A. Fronheiser