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Nicholas A. Stobbe

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File No.: 209901

December 20, 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: Hilary Steinberg v. PPL Electric Utilities Corporation,  
Docket No. C-2024-3052360**

Dear Secretary Chiavetta:

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

Respectfully submitted,



Nicholas A. Stobbe

NAS/cdy  
Attachments

**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**

Hilary Steinberg  
318 Davis Street  
Clarks Summit, PA 18411  
[hilary@jayayogastudio.com](mailto:hilary@jayayogastudio.com)

Tony Cusati  
Director of Regulatory Affairs  
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1379 Butter Churn Drive  
Herndon, VA 20170-2051  
[TCusati@IGSEnergy.com](mailto:TCusati@IGSEnergy.com)

Date: December 20, 2024



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Nicholas A. Stobbe

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Hilary Steinberg,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052360
	:	
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 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.



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Date: December 20, 2024

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Hilary Steinberg,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052360
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF  
PPL ELECTRIC UTILITIES CORPORATION TO THE  
COMPLAINT OF HILARY STEINBERG**

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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 Hilary Steinberg (“Complainant”), on behalf of Jaya Yoga, be dismissed in its entirety as against PPL Electric or, in the alternative, join Interstate Gas Supply, LLC (“IGS”) to the instant proceeding as a co-respondent. 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 December 3, 2024, PPL Electric was served with the above-captioned Complaint. Many of the issues raised in the Complaint pertain to the switching practices for competitive electric generation supply provided by Complainant's electric generation supplier ("EGS"), IGS. (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 as against PPL Electric pursuant to Section 5.101(a)(5) of the Commission's regulations, 52 Pa. Code § 5.101(a)(5), due to the nonjoinder of a necessary party, *i.e.*, IGS. In the alternative, PPL Electric requests that IGS energy be joined to this proceeding as a co-respondent.

## **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. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwth. 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. Cmwth. 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 A NECESSARY PARTY**

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 sought to receive competitive electric supply service via the Company’s Standard Offer Program (“SOP”) and, in turn, sought to enroll for competitive supply service with IGS in June of 2024. (Complaint ¶¶ 4-5.)

8. Specifically, the Complainant sought to enroll with IGS, via the Company’s SOP, on June 3, 2024.

9. The Complainant avers that “my new provider would be IGS Energy at the Standard Offer rate of [...]. [PPL] went through a verbal script and asked if I agreed to this rate, and I said I did.” (Complaint ¶ 4.)

10. On June 3, 2024, the Complainant requested to be enrolled in competitive electric supply service, via the Company’s SOP, with IGS.

11. On June 3, 2024, the Company made a referral to IGS to enroll the Complainant in competitive electric generation supply service.

12. Thereafter, approximately 2-months after the initial referral, PPL Electric received the enrollment from IGS, with an effective enrollment date of July 31, 2024.

13. Many of the issues raised in the Complaint appear to pertain to the delay in enrollment with IGS, and the rates charged in the interim period between PPL Electric's initial referral, and the Complainant's enrollment with IGS through the SOP. Complaint ¶¶ 4-5.)

14. However, the Complainant failed to name IGS as a respondent in the Complaint. (*See* Complaint ¶ 2.)

15. 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.)

16. Here, IGS is a necessary party to this proceeding, given the Complainant's allegations and requested relief.

17. Indeed, it appears that the Complainant challenges the time in which it took between her requested enrollment in IGS and her ultimate enrollment with IGS. (Complaint ¶ 4-5.)

18. Therefore, the Commission's determination in this case could affect IGS because it was the EGS selected by the Complainant via the SOP on June 3, 2024.

19. As such, without IGS the Commission cannot resolve the dispute or award relief concerning: (1) the Complainant's intended switch, via the Company's SOP, to competitive supply service from IGS; and (2) the difference between the Complainant's prior EGS and IGS's charges

for competitive electric generation supply service during the interim period between the Complainant's requested enrollment on June 3, 2024, and the Complainant's ultimate enrollment effective July 31, 2024.

20. Based on the foregoing, the Complainant has failed to join a necessary part *i.e.*, IGS, in this proceeding. Therefore, the Complaint should be dismissed pursuant 52 Pa. Code § 5.101(a)(5). In the alternative, IGS should be joined to this proceeding as a co-respondent.

**IV. CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Hilary Steinberg be dismissed in its entirety or, in the alternative, Interstate Gas Supply, LLC be joined to this proceeding as a co-respondent.

Respectfully submitted,



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Date: December 20, 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.

December 20, 2024

  
Beth A. Fronheiser