

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Danielle Alley	:	
	:	
v.	:	F-2024-3052347
	:	
PPL Electric Utilities Corporation	:	

**ORDER GRANTING
PRELIMINARY OBJECTION**

Before
Steven K. Haas
Administrative Law Judge

HISTORY OF THE PROCEEDING

On November 25, 2024, Danielle Alley (Complainant), *pro se* filed a formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL) with the Pennsylvania Public Utility Commission (Commission) at Docket No. F-2024-3052347. In her Complaint, Ms. Alley alleges that there was an eight month delay between the date she began service with PPL and the date she received her first bill, despite her having repeatedly contacted the company to request her bills. The issue culminated in her receiving her first bill in July of 2024, in the amount of \$2,290.50. She avers that the irregular billing was irresponsible and caused her stress. By way of relief, Ms. Alley seeks “fair compensation for this hassle and undue stress when we were the responsible customer. . . .”

On December 23, 2024, PPL filed a Preliminary Objection (PO) to Ms. Alley’s Complaint. A Notice to Plead was properly attached to the PO. In its PO, PPL seeks dismissal of the Complaint to the extent it requests that the company be ordered to pay monetary

damages to the Complainant. PPL argues that such a request constitutes impertinent matter because the Commission does not have authority to order the payment of monetary damages. Ms. Alley did not file a response to PPL PO. PPL's PO is ready for a decision.

DISCUSSION

Commission preliminary motion practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

The Commission's regulations provide in pertinent part:

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections

(2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.

52 Pa.Code § 5.101(a)(2).

Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dept. of Environment Resources*, 406 A.2d 1020 (Pa. 1979); *Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa. Super 1991). The Commission follows this standard. *Montague v. Philadelphia Electric Company*, 66 Pa.PUC 24 (1988).

The Commission must view the complaint in the light most favorable to Complainant and should dismiss the complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable Small*

Transportation Intervenors v. Equitable Gas Company, 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (1994).

To the extent that the Complainant is seeking compensatory damages for the hassle and stress allegedly caused by an eight month delay in the issuance of an initial bill to Ms. Alley, this Commission lacks authority to award compensatory damages. *See Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977). 52 Pa. Code §5.101(a)(4). Although this Commission has general jurisdiction over the rates and services of public utilities operating in Pennsylvania, we have only the powers and authority granted to us by the General Assembly in the Public Utility Code which does not grant the Commission authority to award damages. *See In Re: Melograne*, 812 A.2d 1164 (Pa. 2002); *Terminato v. Pa. National Insurance Company*, 645 A. 2d 1287 (Pa. 1994). Therefore, the preliminary objection shall be granted in part. Specifically, the claim for compensatory damages shall be stricken as impertinent matter.

As noted above, Complainant alleges that she did not receive her first bill from PPL until eight months after her service was initiated, despite her calling regularly to request her bills. In reviewing preliminary objections, only the facts in the Complaint may be presumed to be true in order to determine whether recovery is possible. This averment of an unreasonable delay in billing, if proven true, could constitute unreasonable service in violation of the Public Utility Code or Commission regulations. Specifically, 66 Pa. C.S. §1501 provides in pertinent part that public utilities have a duty to furnish and maintain adequate, efficient, safe and reasonable service and facilities, and to make all such repairs, changes alterations, substitutions, extensions and improvements in or to such service and facilities as are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. A violation of Section 1501 could result in a civil penalty against Respondent pursuant to 66 Pa.C.S. §3301.

Complainant is advised that the burden of proving Respondent violated the Public Utility Code or Commission regulation or Order is on the Complainant at a hearing. Complainant will not be awarded compensation even if she proves her case and any civil penalty assessed against Respondent will be added to the Commonwealth's General Fund and will not be

awarded to Complainant pursuant to 33 Pa. C.S. § 3301. Therefore, the Preliminary Objection is granted insofar as it seeks to bar an award of monetary damages. The matter will be scheduled for hearing, however, to give Ms. Alley the opportunity, if she so chooses, to pursue a case of unreasonable service against PPL.

CONCLUSION OF LAW

1. The Commission has no subject matter jurisdiction over whether Complainant is entitled to any compensatory damages from Respondent. 52 Pa.Code §5.101(a).

2. The Commission has jurisdiction over the subject matter of this case regarding a claim of unreasonable service.

3. Commission preliminary objection practice is similar to Pennsylvania civil practice. *Equitable Small Transportation Interveners v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, PUC Docket No. C-000935435 (July 18, 1994).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection of PPL Electric Utilities Corporation is hereby granted to the extent the Complaint seeks an award of monetary damages.

2. That the request for relief in the form of monetary damages as set forth in the complaint of Danielle Alley filed at Docket No. F-2024-3052347 is stricken.

3. That the complaint filed by Danielle Alley v. PPL Electric Utilities Corporation at Docket Number F-2024-3052347 shall be scheduled for a hearing.

Date: February 3, 2025

/s/
Steven K. Haas
Administrative Law Judge

F-2024-3052347 - DANIELLE ALLEY v. PPL ELECTRIC UTILITIES CORPORATION

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