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Nicholas A. Stobbe

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File #: 210669

February 10, 2025

***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: Robert Glozzer v. PPL Electric Utilities Corporation**  
**Docket No. C-2025-3053002**

Dear Secretary Chiavetta:

Attached for filing is the Preliminary Objection of PPL Electric Utilities Corporation to the Complaint of Robert Glozzer 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**

Robert Glozzer  
1045 Showers Road  
Muncy, PA 17756  
[bobglozzer@yahoo.com](mailto:bobglozzer@yahoo.com)

Nikki Cox  
Windstream Communications, LLC.  
4001 N. Rodney Parham Road  
Little Rock, Arkansas 72212  
[Nikki.Cox@Windstream.com](mailto:Nikki.Cox@Windstream.com)

**VIA FIRST-CLASS MAIL ONLY**

Paula Anderson  
Windstream Communications Incorporated  
4001 North Rodney Parham  
Mailstop 1170-b1F03-531A  
Little Rock, AR 72212

Date: February 10, 2025



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Nicholas A. Stobbe

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Glozzer,

Complainant,

v.

PPL Electric Utilities Corporation,

Respondent

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Docket No. C-2025-3053002

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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.

Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
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645 Hamilton Street, Suite 700  
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Date: February 10, 2025

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Glozzer,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3053002
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

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**PRELIMINARY OBJECTION OF  
PPL ELECTRIC UTILITIES CORPORATION TO THE  
COMPLAINT OF ROBERT GLOZZER**

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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 Commission join Windstream Communications Incorporated (“Windstream”) as co-respondent to the Complaint filed by Robert Glozzer (“Complainant”). 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 21, 2025, PPL Electric was served with the above-captioned Complaint. Many of the issues raised in the Complaint pertain to the ownership of certain utility poles on or near the Complainant's property at 1045 Showers Road, Muncy, PA 17756 ("Service Address"). (Complaint ¶¶ 4-5, 7.)

3. Further, many of the issues raised in the Complaint relate to the responsibility of PPL Electric and/or Windstream in performing vegetation management at or near the Service Address. (Complaint ¶¶ 4-5, 7.)

4. The Complainant names Windstream as a Respondent in response to Paragraph 2 of the Complaint, however, under information and belief, it does not appear that Windstream was formally served with the Complaint.

5. 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.*, Windstream. In the alternative, PPL Electric requests that Windstream be joined to this proceeding as a co-respondent.

## **II. STANDARD OF REVIEW**

6. 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).

7. 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**

#### **A. THE COMPLAINT FAILS TO JOIN A NECESSARY PARTY OR THE COMPLAINT WAS NOT SERVED ON A NECESSARY PARTY**

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

9. According to the Complaint, the Complainant sought to join Windstream as a co-respondent in this proceeding. (Complaint ¶¶ 2, 4.)

10. However, upon review of the Commission's website, it appears that PPL Electric is the only utility that was served with the Complaint.

11. Windstream is a privately held telecommunications company which provides phone, internet, television, and other services to customers across their service territory.

12. After reasonable investigation, PPL Electric believes that it is Windstream, not PPL Electric, that owns the poles located at the Service Address.

13. The Complaint recognizes as much, noting that “PPL [Electric] and Windstream can’t settle on pole ownership.” (Complaint ¶ 4, attachment.)

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, Windstream is a necessary party to this proceeding, given the Complainant’s allegations and requested relief.

16. Therefore, the Commission’s determination in this case could affect Windstream because it owns the facilities that are subject to the Complaint, and was named as a co-respondent in the Complaint.

17. Based on the foregoing, the Complainant has failed to join a necessary party *i.e.*, Windstream, in this proceeding, or a necessary party has not been properly served. Therefore, Windstream should be joined to this proceeding as a co-respondent.

**IV. CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Windstream Communications Incorporated be joined to this proceeding as a co-respondent.

Respectfully submitted,



Kimberly A. Klock (ID # 89716)  
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[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

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Date: February 10, 2025

Attorneys for PPL Electric Utilities Corporation

**VERIFICATION**

I, Kyle Young, being the Engineer 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.

Date: 02/10/2025

Kyle J. Young  
Kyle J. Young (Feb 10, 2025 14:09 EST)  
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Gregory Olsen