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Alice A. Wade

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File #: 212221

April 24, 2025

***VIA ELECTRONIC FILING***

Mathew Homsher, Secretary  
Commonwealth Keystone Building,  
400 North Street, 2nd Floor,  
P.O. Box 3265, Harrisburg, PA 17105-3265

**Re: Laura Goodz v. PPL Electric Utilities Corporation**  
**Docket No: C-2025-3054426**

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Dear Secretary Homsher:

Attached for filing, please find the Preliminary Objection on behalf of PPL Electric Utilities Corporation in response to the Complaint of Laura Goodz 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 EMAIL AND FIRST CLASS MAIL**

Laura Goodz  
644 Center Rd  
Quarryville, PA 17566  
[sammy037@juno.com](mailto:sammy037@juno.com)

Dated: April 24, 2025



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Alice A. Wade

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Laura Goodz, :  
 :  
 Complainant, :  
 :  
 v. : Docket No. C-2025-3054426  
 :  
 PPL Electric Utilities Corporation, :  
 :  
 Respondent. :  
 :

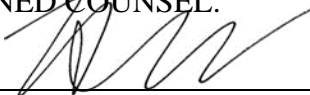
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**NOTICE TO PLEAD**

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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: April 24, 2025

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Laura Goodz,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3054426
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	
	:	

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**PRELIMINARY OBJECTION OF  
PPL ELECTRIC UTILITIES CORPORATION TO THE  
COMPLAINT OF LAURA GOODZ**

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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 Laura Goodz (“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. Most of the issues raised in the Complaint pertain to a claim that the Complainant did not agree to transfer electric generation supply service to an electric generation supplier (“EGS”). (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 a necessary party, *i.e.*, the EGS 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. 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**

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 two individual EGSs during the time period in question. (Complaint ¶¶ 4-5.)

8. The Complainant alleges that her contract with her EGS was not valid after she enrolled with them and requests both the EGS and PPL Electric's default service charges be removed from her bill (Complaint ¶ 5.)

9. During the one-year period prior to the Complaint's filing, the Complainant received electric generation supply service from two separate EGSs.

10. Specifically, the Complainant received electric generation supply service from: (1) Polaris Power Services LLC (“Polaris”) from February 25, 2025 to February 26, 2025<sup>1</sup>; and (2) All American Power and Gas PA, LLC d/b/a/ AAP&G (“American”) from December 17, 2024 to February 25, 2025.<sup>2</sup>

11. Most of the issues raised in the Complaint pertain to a claim that the Complainant did not consent to switch electric generation supply service from American to Polaris. (Complaint ¶¶ 4-5.)

12. As relief, the Complainant requests a refund from PPL Electric to account for the generation supply service rates charged by Polaris and PPL Electric for the period February 25, 2025 to March 7, 2025. (Complaint ¶ 5.)

13. However, the Complainant failed to name Polaris as a respondent 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, Polaris is a necessary party to this proceeding, given the Complainant’s allegations and requested relief.

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<sup>1</sup> Polaris 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 Polaris Power Services LLC. for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2021-304086 (Order entered August 6, 2021).

<sup>2</sup> American 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 Application of All American Power and Gas PA, LLC dba AAP&G for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2019-3012812 (Order entered December 19, 2019).

16. The Complainant alleges that she did not elect to switch electric generation supply service from American to Polaris and that she should receive a refund for the rates charged during the period February 25, 2025 to March 7, 2025. (Complaint ¶¶ 4-5.) She was enrolled with Polaris on February 25, 2025, and February 26, 2025. She received PPL Electric's default supply service from February 26, 2025 through March 7, 2025

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

18. As such, without Polaris, the Commission cannot resolve the dispute or award relief concerning: (1) the Complainant's switch from American to Polaris; and (2) the communications the Complainant had with her EGS.

19. Based on the foregoing, the Complainant has failed to join a necessary party, *i.e.*, Polaris, 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 be dismissed in its entirety.

Respectfully submitted,



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Date: April 24, 2025

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, 2025

*Donna E Webster*

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