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Alice A. Wade

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File #: 212286

April 28, 2025

***VIA ELECTRONIC FILING***

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

**Re: Roxane Leaveck v. PPL Electric Utilities Corporation**  
**Docket No: C-2025-3054458**

Dear Secretary Homsher:

Attached for filing, please find the Preliminary Objection on behalf of PPL Electric Utilities Corporation in response to the Complaint of Roxane Leaveck 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 FIRST CLASS MAIL ONLY**

Roxane Leaveck  
C/o 25 North Tenth Street  
Kulpmont, Penn 17834

Dated: April 28, 2025



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Alice A. Wade

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roxane Leaveck,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3054458
	:	
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 28, 2025

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roxane Leaveck,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3054458
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF  
PPL ELECTRIC UTILITIES CORPORATION  
TO THE COMPLAINT OF ROXANE LEAVECK**

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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 portions of the Formal Complaint of Roxane Leaveck (“Complainant”) alleging violations of the federal law be dismissed because the Pennsylvania Public Utility Commission (“Commission”) lacks subject matter jurisdiction over those claims.

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 April 8, 2024, PPL Electric was served with the above-captioned Complaint. The issue(s) raised in the Complaint related to claims that PPL Electric is in violations of certain portions of federal law, referencing the United States Code, Fair Debt Collection Practices Act, and Title 12 of the Federal Code of Regulations. (Complaint ¶¶ 4-5.)

3. Though the Complainant avers generally that there are incorrect charges on her bill, the Complainant does not claim that the Company billed her in violation of the Public Utility Code, the Commission’s regulations or orders, or the Company’s Commission-approved tariff. (Complaint ¶¶ 4-5.)

4. As relief, the Complainant requests that the Company should “[i]mmediately [c]ease and [d]esist from ever contacting [her] again.” (Complaint ¶ 5.)

5. PPL Electric herein files this Preliminary Objection to the Complaint. For the reasons explained below, PPL Electric respectfully requests that the portions of the Complaint alleging violations of federal law be dismissed pursuant to Section 5.101(a)(1) of the Commission’s regulations because the Commission lacks subject matter jurisdiction over those federal claims. 52 Pa. Code § 5.101(a)(1).

## **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 a 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 reasonable deducible therefrom. *Stilp v. Commonwealth*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (“*Stilp*”) (citing *Dep’t of Gen. Servs. v. Bd. Of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)), *affirmed*, 974 A.2d 491 (Pa. 2009). 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. 2008), *affirmed*, 963 A.2d 670 (Pa. 2009). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp* at 781.

8. 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. Cmwlth. 1987) (citation omitted). 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) (quoting *Santiago v. Pa. Nat. Mut. Cas. Ins. Co.*, 613 A.2d 1235, 1238 (Pa. Super. 1992)).

**III. PRELIMINARY OBJECTION NO. 1 – PORTIONS OF THE COMPLAINT SHOULD BE DISMISSED BECAUSE THE COMMISSION LACKS SUBJECT MATTER JURISDICTION OVER THE CLAIMS RAISED THEREIN**

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

10. The issues raised in the Complaint relate to claims that PPL Electric is in violations of certain portions of federal law, referencing the United States Code, Fair Debt Collection Practices Act, and Title 12 of the Federal Code of Regulations. (Complaint ¶¶ 4-5.)

11. The Complainant does not allege that the Company billed her in violation of the Public Utility Code, the Commission’s regulations or orders, or the Company’s Commission-approved tariff. Neither does the Complainant specifically dispute the balance on her account with PPL Electric, or any specific bill rendered by PPL Electric.

12. As a creature of statute, the Commission “has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication.” *Feingold v. Bell*, 383 A.2d 791, 794 (Pa. 1977) (citations omitted).

13. The Commission must act within its jurisdiction and may only hear complaints regarding the Public Utility Code, Commission regulations, or Commission orders. *See Alkhatib v. PECO Energy Co.*, Docket No. C-2011-2242125, 2012 Pa. PUC LEXIS, at \*13-14 (Jan. 12, 2012) *citing* 66 Pa. C.S. § 701.

14. Here, the Complaint raises alleged violations of portions of the United States Code, Title 12 of the Code of Federal Regulations, and the Fair Debt Collection Practices Act. (Complaint ¶ 4-5.)

15. Application and interpretation of federal law are outside of the Commission's express jurisdiction of Pennsylvania Code, Commission regulations, or Commission orders. *See* 66 Pa. C.S. § 701; *Alkhatib v. PECO* at \*13-14.

16. Therefore, the Commission lacks jurisdiction over the Complainant's allegations that are rooted in alleged violations of federal law.

17. Thus, the Commission should dismiss the portions of the Complaint alleging violations of federal law including the United States Code, Title 12 of the Code of Federal Regulations, and the Fair Debt Collection Practices Act pursuant to Section 5.101(a)(1) of the Commission's regulations because the Commission lacks subject matter jurisdiction over those claims. 52 Pa. Code § 5.101(a)(1).

**CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission grant this Preliminary Objection.

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Date: April 28, 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 28, 2025

*Donna E Webster*