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May 14, 2025

VIA E-FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RE: Marsha Firman v. PECO Energy Company
Docket No. C-2025-3054740

Dear Mr. Homsher:

Enclosed for filing with the Commission is the *Preliminary Objections of Respondent, PECO Energy Company*.

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Khadijah Scott".

Khadijah Scott, Esquire
Assistant General Counsel, PECO Energy Company

Encl.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARSHA FIRMAN	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2025-3054740
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection within 10 days from service of this notice, a ruling may be entered against you. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Khadijah Scott, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Khadijah Scott
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated: May 14, 2025



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Fax: 215.568.3389
Khadijah.Scott@exeloncorp.com

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**PRELIMINARY OBJECTION OF RESPONDENT,
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code §§5.101(a)(4) and (a)(7) respectfully petitions this Honorable Commission to dismiss the instant Complaint as the Complaint is legally insufficient and the Complainant has a lack of Standing to participate in the proceeding.

1. On April 24, 2025, PECO Energy was served with a formal complaint filed by Marsha Firman (hereafter “Complainant”).

2. In her formal complaint, the Complainant alleges that her monthly bills are too high. Specifically, the Complainant states that she lives in an apartment complex with sixty (60) apartment units and is billed directly by her apartment complex, which has its own utility service company read and bill each utility meter. She asserts that her billing has increased from an average of \$150.00 per month to \$500.00 per month. See, Formal Complaint.

3. PECO Energy simultaneously filed an Answer and the instant Preliminary Objection.

4. Pursuant to 52 Pa. Code §5.101, preliminary objections may be filed against a complaint and dismissed for legally insufficiency and lack of Standing to participate in the proceeding. 52 Pa. Code §§5.101(a)(4) and (a)(7).

5. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure. Equitable Small Transportation Intervenors. v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

6. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible. Roc v. Flaherty, 527 A.2d 211 (Pa. Cmwlth 1985).

7. A complaint must be able to recover under the law to survive a preliminary objection. Milliner v. Enck, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) (“preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover”).

8. All of the non-moving party’s averments must be taken as true for the sake of deciding the preliminary objection. County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985).

9. The court does not, however, need to accept, “unwarranted inferences from facts, argumentative allegations, or expressions of opinions.” Feingold v. McNulty, 2009 Phila. Ct. Com. Pl LEXIS 167, *3.

10. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest.

11. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa.Pub. Util. Comm'n, 817 A.2nd 593 (Pa.Comm. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

12. The Complainant alleges that her bills are too high. She is requesting that PECO conduct an inspection and account for the monthly billing.

13. The Complainant, Marsha Firman is not PECO's customer of record at 600 Valley Rd., Warrington, PA. See, Respondent's Answer.

14. The Complainant's Complaint is legally insufficient as she is not PECO's customer of record at 600 Valley Rd., Warrington, PA. See, Respondent's Answer.

15. PECO has not sent the Complainant a bill for service at 600 Valley Rd., Warrington, PA.

16. The Complainant does not have an account in her name with PECO.

17. PECO's customer of record at 600 Valley Rd., Warrington, PA, is The Park At Westminster T A Lindy Property Mgt.

18. Our Supreme Court has explained that the hallmark of standing is that "a person who is not adversely affected in any way by the matter he seeks to challenge is not 'aggrieved' thereby." William Penn Parking Garage, Inc. v. City of Pittsburgh, 346 A.2d 269, 280 (Pa. 1975). An individual is aggrieved if he has a "substantial, direct and immediate interest in the outcome of the litigation." Fumo v. City of Philadelphia, 972 A.2d 487, 496 (Pa. 2009).

19. For standing to exist, the underlying controversy must be real and concrete, such that the party initiating the legal action has, in fact, been “aggrieved.” Pittsburgh Palisades Park, LLC v. Commonwealth. 888 A.2d 655, 659 ([Pa.] 2005).

20. In this matter, PECO’s customer of record is The Park At Westminster T A Lindy Property Mgt.

21. PECO has only billed its customer of record, The Park At Westminster T A Lindy Property Mgt..

22. PECO has not sent any billing to the Complainant, Marsha Firman.

23. PECO Has Not Requested Payment From Complainant, MARSHA FIRMAN, for billing at 600 Valley Rd., Warrington, PA.

24. The Complainant has neither asserted nor provided evidence that she is an authorized agent of PECO’s customer of record, The Park At Westminster T A Lindy Property Mgt.

25. Thus, the Complainant has not in any way “in fact, been aggrieved,” as she is neither PECO’s customer of record nor being billed for the property located at 600 Valley Rd., Warrington, PA.

26. The Complainant’s Complaint is legally insufficient because she is not PECO’s customer or record and has not been sent any bills from PECO.

27. The Complainant, has not been billed improperly by PECO.

28. The Complainant lacks standing to participate in the formal complaint proceedings on behalf of The Park At Westminster T A Lindy Property Mgt.

29. Accordingly, the Complainant's formal complaint should be denied pursuant to 52 Pa. Code §§5.101(a)(4) and (a)(7).

REQUEST FOR RELIEF

WHEREFORE, for all of the reasons stated herein, PECO respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice.

Respectfully submitted,

Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(267) 533-1830
Fax: 215.568.3389
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VERIFICATION

I, Khadijah Scott, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.



Date: May 14, 2025

Khadijah Scott

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PECO ENERGY COMPANY	:	
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CERTIFICATE OF SERVICE

I, KHADIJAH SCOTT, hereby certify that I have this day served a copy of PECO Energy Company's Preliminary Objections in the above matter upon all interested parties by E-mailing a copy to:

MARSHA FIRMAN
600 VALLEY ROAD
APT. C64
WARRINGTON, PA 18976
Via email: marshafirman4@gmail.com

Dated: May 14, 2025



Khadijah Scott
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