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June 2, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Edrie Fields v. Pennsylvania-American Water Company
Docket No. C-2025-3055094

Dear Secretary Homsher:

Enclosed for filing on behalf of Pennsylvania-American Water Company are the Preliminary Objections to the above-referenced Complaint. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE



Nicholas A. Stobbe

Enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Edrie Fields,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3055094
	:	
Pennsylvania-American Water Company,	:	
Respondent	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS 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.

Respectfully submitted,

STEVENS & LEE



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DATE: June 2, 2025

Counsel For Pennsylvania-American Water Company

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**PRELIMINARY OBJECTIONS OF PENNSYLVANIA-AMERICAN WATER
COMPANY TO THE COMPLAINT OF EDRIE FIELDS**

AND NOW, comes Pennsylvania-American Water Company (“PAWC” or the “Company” and hereby files these Preliminary Objections pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Formal Complaint filed by Edrie Fields (“Complainant”) be summarily dismissed because: (1) the Commission lacks jurisdiction over claims arising from the Uniform Commercial Code (“UCC”); and (2) the Complaint is legally insufficient as it does not state a claim upon which relief can be granted.

In support thereof, the Company states as follows:

I. BACKGROUND

1. The Company is a “public utility” as the term is defined under the Public Utility Code, 66 Pa. C.S. § 102, subject to the regulatory jurisdiction of the Commission.

2. By Secretarial Letter dated May 12, 2025, the Company was served with the above-captioned Complaint. In the Complaint, the Complainant alleges, among other things, that the

Company is failing to recognize or accept “Bills of Exchange” as valid payment. (Complaint ¶ 4, attachment). As relief, the Complainant requests that PAWC “recognize [their] lawful right to discharge or set off public debts using Bills of Exchange, as provided under the [UCC]...” (Complaint ¶ 5).

3. The Company herein files these Preliminary Objections to the Complaint. For the reasons explained below, the Company respectfully requests that the Complaint be dismissed in its entirety because: (1) the thrust of the Complaint and its requested relief is premised on the UCC which the Commission lacks jurisdiction to interpret or construe; and (2) it is legally insufficient because, as required by Section 701 of the Public Utility Code,¹ the Complainant fails to allege that the Company has taken any action or failed to take an action in violation of any law, regulation, or order that it is required to follow.

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.

¹ 66 Pa. C.S. § 701.

(7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

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 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.

6. 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 OBJECTIONS

A. PRELIMINARY OBJECTION NO. 1 – THE COMMISSION DOES NOT HAVE JURISDICTION TO INTERPRET THE UCC

7. The Company incorporates by reference Paragraphs 1 through 6, *supra*, as though fully set forth herein.

8. The Commission lacks jurisdiction to evaluate the UCC’s application to the allegations in the Complaint.

9. “The [Commission’s] jurisdiction spans the breadth of the Public Utility Code, 66 Pa. C.S. §§ 101-3316.” *Mid-Atlantic Power Supply Ass’n v. Pa. PUC*, 755 A.2d 723, 726 (Pa. Cmwlth. 2000).

10. “As an administrative agency created by statute, the PUC has only those powers expressly conferred on it by statute or those powers which are necessarily implied from its express powers.” *Norfolk Southern Railway Co. v. Pa. PUC*, 875 A.2d 1243 (Pa. Cmwlth. 2005) *citing* *Peoples Natural Gas Co. v. Pa. PUC*, 664 A.2d 664 (Pa. Cmwlth. 1995).

11. However, the Commission has held that its “jurisdiction does not extend to matters regarding the [UCC].” *Bell v. Philadelphia Gas Works*, Docket No. C-20043326 (Order entered Aug. 30, 2005); *See also Pendleton v. PPL Electric Utilities Corp.*, Docket No. C-20044164 (Order entered Jan. 17, 2006).

12. The entirety of the Complaint hinges on whether the Complainant can “discharge or set off public debts using Bills of Exchange, as provided under the Uniform Commercial Code...” (Complaint ¶ 5).

13. Therefore, PAWC submits that the Complaint should be dismissed in its entirety because the Commission does not have jurisdiction over claims arising from the UCC, pursuant to 52 Pa. Code § 5.101(a)(1).

B. PRELIMINARY OBJECTION NO. 2 – THE COMPLAINT IS LEGALLY INSUFFICIENT AS A MATTER OF LAW

14. PAWC incorporates Paragraphs 1-13, *supra*, as though fully set forth herein.

15. PAWC submits that the Complaint is legally insufficient because it does not allege any conduct, action, or inaction on the part of PAWC for any law, regulation, or order which the Commission has jurisdiction to administer.

16. In order to be legally sufficient, a complaint must set forth “an act or thing done or omitted to be done or about to be done or omitted to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission.” 52 Pa. Code §5.22(a)(4). Here, the Complainant does not allege that PAWC has violated any statute, regulation or order which the Commission has jurisdiction to administer. *See Hall v. Columbia Gas of Pa., Inc.*, Docket No. C-2013-2343573 (Initial Decision dismissing Complaint issued Feb. 20, 2013) *adopted without further Commission action* (Final Order entered Mar. 29, 2013).

17. Indeed, the sole allegations in the Complaint pertain to whether the Complainant’s “Bills of Exchange” are legitimate forms of payment under the UCC that must be recognized by PAWC.

18. As explained in Section III(A), *supra*, the Commission lacks jurisdiction to consider claims arising from the UCC.

19. The Complaint does not allege that PAWC has violated the Public Utility Code, a Commission regulation, a Commission Order, or its Commission approved tariff.

20. Thus, PAWC submits that the Complaint is legally insufficient as it does not allege any conduct, action, or inaction on the part of the Company that could be reasonably read to state a claim for which the Commission can grant relief.

21. Therefore, the Complaint should be dismissed in its entirety pursuant to 52 Pa. Code § 5.101(a)(4).

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Pennsylvania-American Water Company respectfully requests that the Complaint filed by Edrie Fields be dismissed in its entirety because the Commission has no jurisdiction over claims arising from the Uniform Commercial Code, and because the Complaint is legally insufficient.

Respectfully submitted,

STEVENS & LEE



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*Counsel For Pennsylvania-
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VERIFICATION

I, Tawana Dean, Regulatory Compliance Manager with Pennsylvania-American Water Company, verify that the factual allegations contained in the foregoing Preliminary Objections are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

June 2, 2025
Date



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Preliminary Objections upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA First Class U.S. Mail and Electronic Mail

Edrie Fields
320 Commons Drive
Parkesburg, PA 19365
edriedf@gmail.com



June 2, 2025

Nicholas A. Stobbe, Esq.