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File #: 213080

June 10, 2025

***VIA ELECTRONIC FILING***

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Bill Fox v. PPL Electric Utilities Corporation**  
**Docket No. C-2025-3055331**

Dear Secretary Homsher:

Attached for filing is the Preliminary Objection of PPL Electric Utilities Corporation to the Complaint of Bill Fox in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc  
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**

Bill Fox  
224 Steely Rd  
Sinking Spring, PA 19608  
[BILL.FOX@STRYKER.COM](mailto:BILL.FOX@STRYKER.COM)

Dated: June 10, 2025



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Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bill Fox,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2025-3055331
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

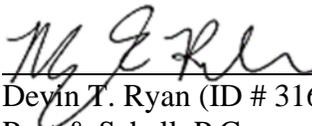
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**NOTICE TO PLEAD**

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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: June 10, 2025

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bill Fox,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2025-3055331
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF  
PPL ELECTRIC UTILITIES CORPORATION TO THE  
COMPLAINT OF BILL FOX**

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AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or “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 Complaint filed by Bill Fox (“Complainant”) be summarily dismissed as against PPL Electric. In support thereof, PPL Electric states as follows:

**I. BACKGROUND**

1. 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 May 21, 2025, PPL Electric was served with the above-captioned Complaint. In the Complaint, the Complainant alleges that he was enrolled with the

electric generation supplier (“EGS”) SFE Energy Pennsylvania Inc. (“SFE”) and that his supply charges did not reflect his contracted rate with SFE. (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 summarily dismissed in its entirety and with prejudice as against PPL Electric pursuant to Section 5.101(a)(5) of the Commission’s regulations, 52 Pa. Code §.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. Cmwltth.*, 910 A.2d 775, 781 (Pa. Cmwltth. 2006) (citing *Dep’t of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwltth. 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.

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). 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).

**III. PRELIMINARY OBJECTION NO. 1 - THE COMPLAINANT HAS FAILED TO JOIN A NECESSARY PARTY**

7. PPL Electric incorporates by reference Paragraphs 1 through 6 as if fully set forth herein.

8. The Complaint should be dismissed because the Complainant has failed to join a necessary party.

9. The Complainant was enrolled with electric generation supplier (“EGS”) SFE Energy Pennsylvania Inc. (“SFE”) between September 25, 2024, and May 19, 2025.

10. SFE 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 SFE Energy Pennsylvania, Inc. d/b/a SFE or SFE Energy for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2013-2353576 (Order entered August 15, 2013).

11. 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.)

12. 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 EGS SFE. (*See* Complaint ¶¶ 4-5.)

13. The Complainant alleges that while enrolled with SFE, he was not charged the contracted rate for supply. (Complaint ¶¶ 4-5.)

14. The Complainant’s allegations are unrelated to electric distribution or default generation supply service provided by PPL Electric to the Complainant. (Complaint ¶¶ 4-5.)

15. Specifically, in his request for relief, the Complainant requests to be charged “6.29/KW HR,” the supply rate he claims he was entitled to under his contract with SFE. (Complaint ¶ 5.)

16. Here, SFE is a necessary party to this proceeding, given that the Complainant’s allegations and requested relief pertain directly to SFE and the Commission’s determination in this case could affect SFE.

17. As such, without SFE, the Commission cannot resolve the dispute or award relief concerning the material allegations in the Complaint against SFE.

18. Based on the foregoing, the Complainant has failed to join a necessary party, *i.e.*, SFE, in this proceeding. Therefore, the Complaint should be summarily dismissed as against PPL Electric, pursuant 52 Pa. Code § 5.101(a)(5).

19. To the extent that the allegations in the Complaint regarding SFE are not summarily dismissed, PPL Electric respectfully requests that an Order be issued joining SFE to the instant proceeding as an indispensable party.

**IV. CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint be summarily dismissed with prejudice as against PPL Electric pursuant to 52 Pa. Code § 5.101(a)(5).

Respectfully submitted,

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Date: June 10, 2025

Attorneys for PPL Electric Company

## VERIFICATION

I, BETH A. FRONHEISER being the Credit & Collections Manager 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.

June 10, 2025

  
Beth A. Fronheiser