

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michelle Albert	:	
	:	
v.	:	F-2025-3055055
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Emily A. Farren
Administrative Law Judge

INTRODUCTION

This decision sustains the Preliminary Objection of PPL Electric Utilities Corporation, as the Commission lacks subject matter jurisdiction to issue a payment arrangement due to Complainant’s active Chapter 13 bankruptcy proceeding.

HISTORY OF THE PROCEEDING

On May 6, 2025, Michelle Albert (Complainant or Ms. Albert) filed a Formal Complaint¹ against PPL Electric Utilities Corporation (PPL) with the Pennsylvania Public Utility Commission (Commission). Ms. Albert averred that PPL

¹ The Complaint is a timely appeal from the determination of the Commission’s Bureau of Consumer Services (BCS), at BCS No. 4048854. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

threatened to shut off her electric service, and she requested a payment arrangement. Complaint ¶ 4.

On May 29, 2025, PPL filed an Answer with New Matter to the Complaint. In its Answer, PPL admitted or denied the allegations of the Complaint. Specifically, PPL denied that the Commission has jurisdiction to order a payment arrangement, due to Complainant's active Chapter 13 bankruptcy proceeding. PPL concluded its Answer with New Matter by requesting dismissal of the Complaint.

The Answer with New Matter contained a Notice to Plead for Ms. Albert to file a Response to PPL's New Matter within 20 days of service. Ms. Albert did not file a Response to PPL's New Matter.

Also on May 29, 2025, PPL filed a Preliminary Objection, along with a Notice to Plead for Ms. Albert to file an Answer to PPL's Preliminary Objection within 10 days of service. Ms. Albert did not file an Answer to PPL's Preliminary Objection. In its Preliminary Objection, PPL further elaborated on its position that the Commission lacks subject matter jurisdiction over this Complaint. PPL averred that Ms. Albert and Michael Z. Albert filed a petition for Chapter 13 bankruptcy with the U.S. Bankruptcy Court for the Eastern District of Pennsylvania on April 7, 2022. PPL further averred that the Chapter 13 bankruptcy proceeding remains active, as of the filing date of the Preliminary Objection, May 29, 2025.

On July 1, 2025, the Commission issued a Motion Judge Assignment Notice, assigning this matter to me.

Respondent's Preliminary Objection is ready to be ruled upon. For the reasons set forth below, the Preliminary Objection will be sustained, and the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainant Michelle Albert resides at 4219 Bayard Street, Easton, Pennsylvania (service address).
2. Respondent PPL Electric Utilities Corporation is a jurisdictional public utility providing electric service to the service address.
3. Ms. Albert resides at the service address with her husband and her adult son. Complaint ¶ 5.
4. In April 2022, Ms. Albert and her husband filed a Chapter 13 bankruptcy petition in the U.S. Bankruptcy Court for the Eastern District of Pennsylvania at Docket No. 22-10918-pmm.
5. On May 6, 2025, Ms. Albert filed a Formal Complaint with the Commission seeking a payment arrangement for her past due electric bill. Complaint ¶ 4.
6. On May 29, 2025, PPL filed an Answer and New Matter denying that the Commission has subject-matter jurisdiction over the Complaint, due to Ms. Albert's pending bankruptcy proceeding.
7. Ms. Albert did not file a response to PPL's Answer and New Matter.
8. On May 29, 2025, PPL filed a Preliminary Objection, raising the Commission's lack of subject-matter jurisdiction over the Complaint, due to Ms. Albert's pending bankruptcy proceeding.
9. Ms. Albert did not file an answer to PPL's Preliminary Objection.

10. Complainant's Chapter 13 bankruptcy proceeding remains active as of the date of this Initial Decision. Docket No. 22-10918-pmm.

DISCUSSION

The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections and provides:

§ 5.101. Preliminary objections.

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

- (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).

The Commission cannot act unless it has jurisdiction over both the parties to a dispute and the subject matter of a dispute. It is fundamental that the Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa. Super. 1945). Lack of subject matter jurisdiction is an issue that cannot be waived, that may be raised at any stage of a case, and that may be raised by the Commission *sua sponte*. *Commonwealth v. Little*, 314 A.2d 270 (Pa. 1974). Here, the Commission clearly lacks subject matter jurisdiction to grant the requested Commission payment arrangement, as the Complainant indicates, “we are also in a bankruptcy which we are paying \$925.00 a month for.” Complaint ¶ 5.

The Complainant has an active Chapter 13 Bankruptcy proceeding before the United States Bankruptcy Court for the Eastern District of Pennsylvania at Docket No. 22-10918-pmm. It is well established that the Commission lacks jurisdiction to order a payment arrangement for a debtor with an active Chapter 13 bankruptcy proceeding, even where the balance is a post-bankruptcy filing arrearage. *See Danjou v. West Penn Power Co.*, F-2018-3006430 (Opinion and Order entered July 22, 2019); *see also, Lekawa v. West Penn Power Co.*, Docket No. F-2017-2629733 (Initial Decision issued Nov. 7, 2018; Final Order entered Jan. 17, 2019) (*citing Perez v. PECO Energy Co.*, Docket No. C-2016-2551605 (Final Order entered May 18, 2017); *Chavous v. PECO Energy Co.*, Docket No. F-2010-2215689 (Final Order entered Dec. 20, 2011); *Kossmann v. PECO Energy Co.*, Docket No. C-2017-2583425 (Final Order entered Aug. 31, 2017)). Therefore, the Commission cannot order disbursement of the Complainant’s assets and does not have jurisdiction to establish a payment arrangement for the Complainant’s electric service.

Federal district courts and their United States Bankruptcy Courts have jurisdiction over all civil proceedings arising under Title 11, including a Chapter 13 petition for bankruptcy. 28 U.S.C. § 1334. Section 1334 further establishes that the bankruptcy court has exclusive jurisdiction of all property of the debtor. *See* 28 U.S.C. §

1334(a) and (e) (pertaining to jurisdiction of the federal district courts and their bankruptcy courts).

A Chapter 13 bankruptcy is an on-going repayment plan in which all of a debtor's assets (including property, income and debts acquired pre-petition and post-petition) are included in the debtor's estate under the exclusive control of the bankruptcy trustee, and the bankruptcy court retains jurisdiction over both pre-petition and post-petition income and debts. *See Begley v. Phila. Elec. Co.*, 760 F.2d 46, 50 (3d Cir. Pa. 1985) (discussing a Commission proceeding, *Anyanwu v. Phila. Elec. Co.*, 55 Pa.P.U.C. 221 (1981), “[f]urther, *Anyanwu* involved a Chapter 13 reorganization, under which the bankruptcy court retains jurisdiction over both pre-petition and post-petition income and obligations . . .”).

Thus, the Commission lacks jurisdiction to issue an order that affects the disposition of the income or assets of a debtor with an active Chapter 13 bankruptcy proceeding, even where the subject of the payment arrangement is a post-petition arrearage. Accordingly, the Commission lacks jurisdiction to address the Complainant's request for a Commission payment arrangement.

CONCLUSIONS OF LAW

1. The Commission lacks subject matter jurisdiction of this proceeding. 66 Pa.C.S. § 701.

2. Lack of subject matter jurisdiction is an issue that cannot be waived, that may be raised at any stage of a case, and that may be raised by the Commission *sua sponte*. *Commonwealth v. Little*, 314 A.2d 270 (Pa. 1974).

3. The bankruptcy court retains jurisdiction over both pre-petition and post-petition income and debts. *Begley v. Phila. Elec. Co.*, 760 F.2d 46, 50 (3d Cir. 1985).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by PPL Electric Utilities Corporation is sustained.
2. That the Formal Complaint filed by Michelle Albert in *Michelle Albert v. PPL Electric Utilities Corporation*, Docket No. F-2025-3055055, is dismissed.
3. That the matter at Docket No. F-2025-3055055 be marked as closed.

Date: July 17, 2025

_____/s/
Emily A. Farren
Administrative Law Judge