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File #: 214047

August 13, 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: Scott W. Erdman v. PPL Electric Utilities Corporation  
Docket No. C-2025-3056487**

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Dear Secretary Homsher:

Attached for filing is the Preliminary Objection of PPL Electric Utilities Corporation to the Complaint of Scott W. Erdman 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

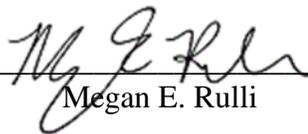
**CERTIFICATE OF SERVICE**

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**

Scott W. Erdman  
4502 Upper Road  
Shamokin, PA 17872  
c-serdman@pa.gov

Date: August 13, 2025

  
\_\_\_\_\_  
Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Scott W. Erdman,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3056487
	:	
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 §§ 5.65 AND 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR ANSWER SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: August 13, 2025

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Scott W. Erdman,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3056487
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF  
PPL ELECTRIC UTILITIES CORPORATION TO  
THE COMPLAINT OF SCOTT W. ERDMAN**

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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 §§ 5.91 and 5.101, and respectfully requests that the Commission dismiss the Formal Complaint of Scott W. Erdman (“Complainant”) in its entirety because the Commission lacks subject matter jurisdiction over the real property claims raised therein. Specifically, the allegations in the Complaint solely concern a real property dispute regarding property boundaries, the location of a utility right-of-way (“ROW”), and the placement of a utility pole within that ROW.

In support thereof, PPL Electric states as follows:

## **I. BACKGROUND**

1. PPL Electric is a “public utility” and an “electric distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2803, subject to the regulatory jurisdiction of the Commission.

2. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.5 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

3. On July 24, 2025, PPL Electric was served with the above-captioned Formal Complaint, which raises real property claims regarding property boundaries, the location of the Company’s existing ROW, and the placement of a utility pole within that ROW. (Complaint ¶¶ 4-5.)

4. PPL Electric herein files this Preliminary Objection to the Complaint. For the reasons explained below, PPL Electric respectfully requests that the Complaint be dismissed pursuant to Section 5.101(a)(1) of the Commission’s regulations because the Commission lacks subject matter jurisdiction over the real property claims raised in the Complaint. 52 Pa. Code § 5.101(a)(1).

## **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 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)(2) (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 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 OBJECTION**

#### **A. PRELIMINARY OBJECTION NO. 1 – THE COMPLAINT SHOULD BE DISMISSED BECAUSE THE COMMISSION HAS LACKS SUBJECT MATTER JURISDICTION OVER THE REAL PROPERTY CLAIMS RAISED THEREIN**

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

8. The Complaint should be dismissed because the Commission lacks subject matter jurisdiction over the real property claims raised therein.

9. 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).

10. It is well-established that the Commission lacks authority to adjudicate real property rights, as such disputes are within the exclusive jurisdiction of the courts of common pleas. *See, e.g., Stefanoski v. Pa. Am. Water Co.*, Docket No. C-20078219 (Order entered Sept. 22, 2008); *Perrige v. Metro. Edison Co.*, Docket No. C-00004110 (Order entered July 11, 2003); *Lou Amati/Amati Serv. Station v. West Penn Power Co.*, Docket No. C-00945842 (Order entered Oct. 25, 1995); *Shedlosky v. Pa. Elec. Co.*, Docket No. C-20066937 (Order entered May 28, 2008).

11. Here, the Complainant claims that PPL Electric’s interpretation of certain property boundaries and the location of its existing right-of-way are incorrect and that PPL Electric improperly placed a utility pole on his property. (Complaint ¶ 4.)

12. As relief, the Complainant asks the Commission to require PPL Electric to move the utility pole at issue. (Complaint ¶ 5.)

13. The allegations in the Complaint solely concern the Complainant's real property rights and the Complainant seeks relief based on the location of the property boundaries at issue. (Complaint ¶¶ 4-5.)

14. However, "[t]he Commission has no jurisdiction to determine what person or entity owns a particular parcel of real property" and "is not the proper forum for resolving property rights controversies." *Semrau v. PECO Energy Co.*, Docket No. C-2012-2306879, 2012 Pa. PUC LEXIS 1097 at \*11, 12 (Initial Decision dated July 3, 2012) *made final without further Commission action by* (Order entered Aug. 16, 2012).

15. Thus, because the Complainant solely raises claims related to real property rights and his requested relief is based on the same, the Complaint should be dismissed pursuant to 52 Pa. Code § 5.101(a)(1).

**IV. CONCLUSION**

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

Respectfully submitted,



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Date: August 13, 2025

Attorneys for PPL Electric Utilities Corporation

**VERIFICATION**

I, Dustin Stockholm, being the Supervisor-Right of Way 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.

08/13/2025

Date: \_\_\_\_\_

*Dustin Stockholm*

\_\_\_\_\_  
Dustin Stockholm